The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. Upton].

MESSAGE FROM THE PRESIDENT
A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate disagrees to the amendments of the House to the bill (S. 735) “An act to prevent and punish acts of terrorism, and for other purposes,” agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hatch, Mr. Thurmond, Mr. Simpson, Mr. Biden, and Mr. Kennedy, to be the conferees on the part of the Senate.

MISSISSIPPI STATE UNIVERSITY IS GOING TO THE BIG DANCE
(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, my school, Mississippi State University, is going to the big dance. By beating the University of Cincinnati last night, Mississippi State has earned the right to be one of the final four playing in Meadowlands this weekend. State will play Syracuse; and Kentucky will play the University of Massachusetts. The winners will play each other next Monday night for the title of best college basketball team in the Nation.

Mississippi State has beaten Virginia Commonwealth University, Princeton University of Connecticut, and Cincinnati to make it to the final four. State is truly a Cinderella team. They were not expected to make it this far. In fact, in the history of the NCAA tournaments, no Mississippi university or college team has ever made it to the final eight, much less the final four.

Win or lose at the big dance, the State of Mississippi and its people are very proud of this wonderful group of coaches and athletes who have brought nationwide recognition to Mississippi State University in Starkville, MS, a part of my congressional district.

The SPEAKER pro tempore. The Chair would ask the gentleman from Mississippi if he has a further statement about the Michigan Wolverines making the final four in the hockey playoffs?

Mr. MONTGOMERY. Mr. Speaker, I am sorry. I am not quite familiar with that, but I will be next time.

NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-189)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations, and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1993, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12905 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply by the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempting violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (OFAC) issued the U.N. (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64004) to implement the President's declaration of a national emergency and imposition of sanctions against Angola (UNITA) that there have been no amendments to the Regulations since my report of September 18, 1995. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points of entry. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of regulations, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by FAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 18, 1995, through March 25, 1996, that were directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $226,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs). I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

William J. Clinton
The White House, March 25, 1996.

RECESS
The SPEAKER pro tempore, pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

United States

1530

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Upton) at 3 o'clock and 49 minutes p.m.

CONFERENCE REPORT ON H.R. 2854
Mr. ROBERTS submitted the following conference report and statement on the bill (H.R. 2854), to modify the operation of certain agricultural programs:

CONFERENCE REPORT (H. Rept. 104-494)
The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2854), to modify the operation of certain agricultural programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) SHORT TITLE.—This Act may be cited as the "Federal Agriculture Improvement and Reform Act of 1996." (b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:
Sec. 1. Short title of contents.
T I T L E I — A G R I C U L T U R A L M A R K E T T R A N S I T I O N A C T
Subtitle A—Short Title, Purpose, and Definitions
Sec. 101. Short title and purpose.
Sec. 102. Definitions.
Subtitle B—Production Flexibility Contracts
Sec. 111. Authorization for use of production flexibility contracts.
Sec. 112. Elements of contracts.
Sec. 113. Amounts available for contract payments.
Sec. 114. Determination of contract payments under contracts.
Sec. 115. Payment limitations.
Sec. 116. Violations of contract.
Sec. 117. Transfer or change of interest in lands subject to contract.
Sec. 118. Planting flexibility.
Subtitle C—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments
Sec. 121. Availability of nonrecourse marketing assistance loans.
Sec. 122. Loan rates for marketing assistance loans.
Sec. 123. Term of loans.
Sec. 124. Repayment of loans.
Sec. 125. Loan deficiency payments.
Sec. 126. Special marketing loan provisions for upland cotton.
Sec. 127. Availability of recourse loans for high moisture feed grains and seed cotton.
Subtitle D—Other Commodities
Chapter 1—Dairy
Sec. 141. Milk price support program.
Sec. 142. Recourse loan program for commercial processors of dairy products.
Sec. 143. Consolidation and reform of Federal milk marketing orders.
Sec. 144. Effect on fluid milk standards in State of California.
Sec. 145. Milk manufacturing marketing adjustment.
Sec. 146. Promotion.
Sec. 147. Northeast Interstate Dairy Compact.
Sec. 148. Dairy export incentive program.
Sec. 149. Authority to assist in establishment and maintenance of one or more export trading companies.
Sec. 150. Standby authority to indicate entity best suited to provide international market development and export services.
Sec. 151. Study and report regarding potential impact of Uruguay Round on prices, income, and Government purchases.
Sec. 152. Promotion of United States dairy products in international markets through dairy promotion program.
Chapter 2—Peanuts and Sugar
Sec. 155. Peanut program.
Sec. 156. Sugar program.
Subtitle E—Administration
Sec. 161. Administration.
Sec. 162. Adjustments of loans.
The term "loan commodity" means each contract commodity, extra long staple cotton, and oilseed.

The term "oilseed" means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, or, if designated by the Secretary, other oilseeds.

The term "producer" means an owner or tenant, or sharecropper who shares in the risk of producing a crop and who is entitled to share in the crop available for marketing from the farm, or would have shared if a crop had been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

The term "Secretary" means the Secretary of Agriculture.

The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

The term "United States" means all of the States, when used in a geographical sense, means all of the States.

Subtitle B—Production Flexibility Contracts

SEC. 111. AUTHORIZATION FOR USE OF PRODUCTION FLEXIBILITY CONTRACTS.

(a) OFFER AND TERMS.—The Secretary shall offer to enter into a production flexibility contract with an eligible owner or producer described in paragraph (1) or (2) on a farm containing eligible cropland. Under the terms of a contract, the owner or producer shall agree, in exchange for annual contract payments, to—

(A) agree to applicable conservation requirements under subsection B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) comply with applicable wetland protection requirements under subsection C of title XII of the Act (16 U.S.C. 3821 et seq.);

(C) comply with the planting flexibility requirement of section 118; and

(D) use the land subject to the contract for an agricultural or related activity, but not for a nonagricultural commercial or industrial use, as determined by the Secretary.

(b) ELIGIBLE OWNERS AND PRODUCERS DESCRIBED.—The following producers and owners shall be eligible for a contract:

(1) An owner of eligible cropland who assumes all or a part of the risk of producing a crop.

(2) A producer (other than an owner) on eligible cropland who rents the eligible cropland, under a lease expiring on or after September 30, 2002, in which case the owner is not required to enter into the contract.

(3) A producer (other than an owner) on eligible cropland who rents the eligible cropland under a lease expiring before September 30, 2002. The owner of the eligible cropland may also elect to enter into a contract. If the producer elects to enroll less than 100 percent of the eligible cropland in the contract, the consent of the owner is required.

(4) A producer who is eligible cropland who cash rents the eligible cropland and the lease term expires before September 30, 2002, if the tenant declines to enter into a contract. In the case of an owner covered by this paragraph, contract payments shall not begin under a contract until the lease held by the tenant expires.

(5) An owner or producer described in paragraph (4), regardless of whether the owner or producer purchased catastrophic risk protection for a 1996 crop under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(c) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(d) ELIGIBLE CROPLAND DESCRIBED.—Land shall be considered to be cropland eligible for consideration under this section if, for the crop year for which the contract is entered into or expanded to cover a crop, the land is in the acreage reduction program authorized for—

(A) soybeans;

(B) a cotton crop; or

(C) a crop of long staple cotton.

(e) QUANTITY OF ELIGIBLE CROPLAND COVERED BY CONTRACT.—Subject to subsection (b)(4), an owner or producer may enroll as much cropland as the owner or producer wishes to enroll as eligible cropland in the contract.

(f) EFFECT OF PAYMENT LIMITATION.—The amount of payments made in fiscal year 1996 shall be reduced by an amount equal to the sum of all payments made in the year of enactment of this title.

(g) VOLUNTARY REDUCTION IN CONTRACT ACREAGE.—In the case of acreage that was subject to the commodity purchase obligation under sections 103B, 105B, or 107B of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the commodity, 85 percent of the contract acreage attributable to the land and—

(A) in the case of acreage that was subject to a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in paragraph (2), the amount available under subsection (a) for a fiscal year shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop year, with the exception that—

(i) the amount of payments available for a particular fiscal year shall be reduced by an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under section 116 for the commodity; and

(ii) the amount equal to the sum of all payments to be made in any fiscal year to satisfy payment requirements for the commodity under sections 103B, 105B, or 107B of the Agricultural Act of 1949 for the 1994 and 1995 crop years.

(h) ADDITIONAL RICE ALLOCATION.—In addition to the adjustments required under subsection (a) and (b) of this section, if the Secretary determines that additional payments are necessary due to market condition, the amount of payments made in each fiscal year shall be increased by $3,500,000,000 for each of fiscal years 1997 through 2002.

SEC. 112. ELIGIBILITY FOR CONTRACTS.

(a) TIME FOR CONTRACTING.—

(1) BEGINNING DATE.—By the date the Secretary enters into a contract with an owner or producer who enters into a contract may subsequently reduce the quantity of contract acreage covered by the contract.

(2) TERMINATION DATE.—If the Secretary enters into a contract with an owner or producer, the Secretary shall provide an estimate of the minimum amount of contract acreage attributable to the land and—

(A) in the case of acreage that was subject to a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminates after the date specified in paragraph (2), the amount available under subsection (a) for a fiscal year shall be made at the rate and amount applicable to the annual contract payment level for the applicable crop year, with the exception that—

(i) the amount of payments available for a particular fiscal year shall be reduced by an amount equal to the sum of all refunds of contract payments received during the preceding fiscal year under section 116 for the commodity; and

(ii) the amount equal to the sum of all payments to be made in any fiscal year to satisfy payment requirements for the commodity under sections 103B, 105B, or 107B of the Agricultural Act of 1949 for the 1994 and 1995 crop years.

(b) ALLOCATION.—The amount made available for a fiscal year under subsection (a) shall be allocated as follows:

(1) For wheat, 26.25 percent.

(2) For corn, 46.22 percent.

(3) For grain sorghum, 51.11 percent.

(4) For barley, 21.67 percent.

(5) For oats, 0.15 percent.

(6) For upland cotton, 11.63 percent.

(7) For rice, 8.47 percent.

(c) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under subsection (b) for a particular fiscal year by—

(i) adding an amount equal to the sum of all repayments of deficiency payments required under section 111(a)(2) of the Agricultural Act of 1997 (7 U.S.C. 1445(s)(2)) for the commodity; and

(ii) subtracting an amount equal to the amount, if any, necessary during that fiscal year to satisfy payment requirements for the commodity under sections 1038, 1058, or 1078 of the Food Security Act of 1985 (7 U.S.C. 1308) for the commodity in the year prior to the year of enactment of this title.

SEC. 113. AMOUNTS AVAILABLE FOR CONTRACT PAYMENTS.

(a) FISCAL YEAR AMOUNTS.—The Secretary shall offer to enter into a contract with an owner or producer described in paragraph (1) or (2) of subsection (c) to enter into a contract for the maximum amount determined by the Secretary.

(b) ALLOCATION.—The amount available for a fiscal year under subsection (a) shall be allocated as follows:

(1) For wheat, 26.25 percent.

(2) For corn, 46.22 percent.

(3) For grain sorghum, 51.11 percent.

(4) For barley, 21.67 percent.

(5) For oats, 0.15 percent.

(6) For upland cotton, 11.63 percent.

(7) For rice, 8.47 percent.

(c) ADJUSTMENT.—The Secretary shall adjust the amounts allocated for each contract commodity under subsection (b) for a particular fiscal year by—

(i) adding an amount equal to the sum of all repayments of deficiency payments required under section 111(a)(2) of the Agricultural Act of 1997 (7 U.S.C. 1445(s)(2)) for the commodity; and

(ii) subtracting an amount equal to the amount, if any, necessary during that fiscal year to satisfy payment requirements for the commodity under sections 1038, 1058, or 1078 of the Food Security Act of 1985 (7 U.S.C. 1308) for the commodity in the year prior to the year of enactment of this title.

(d) ESTIMATES OF CONTRACT PAYMENTS.—Any amounts added pursuant to paragraphs (1) and (2) of subsection (c) to the amount available under subsection (a) for a fiscal year and paid to owners and producers under a contract shall not be treated as a contract payment for purposes of section 115(a) of this title or section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 1308). However, the amount of a payment covered by this subsection may not exceed $50,000 per person.

(e) EFFECT OF PAYMENT LIMITATION.—The amount available under subsection (a) for a fiscal year shall be reduced by an amount equal to the total amount of contract payments for the fiscal year that owners and producers forgo as a result of operation of the payment limitation under section 1001(1) of the Food Security Act of 1985 (7 U.S.C. 1308(b)).

SEC. 114. DETERMINATION OF CONTRACT PAYMENTS UNDER CONTRACTS.

(a) INDIVIDUAL PAYMENT QUANTITY OF CONTRACT COMMODITIES.—For each contract, the quantity of a contract commodity for each fiscal year shall be equal to the product of—

(1) 85 percent of the contract acreage; and

SEC. 115. CONSERVATION RESERVE PROGRAM PAYMENTS.
SEC. 117. TRANSFER OR CHANGE OF INTEREST IN CONTRACT.

(a) Limitation on Payments Under Protection Contract.—A person entitled to a contract payment under section 130(k) of the Agricultural Marketing Agreement Act of 1949 (7 U.S.C. 1421 et seq.) shall be entitled to receive a contract payment on a farm in which the person has a beneficial interest or has contracted to apply a contract to. The person shall be required to deposit with the Secretary any amounts paid to the person by the Secretary on the farm in which the person has a beneficial interest or has contracted to apply a contract to. The Secretary shall make available to the person any amounts deposited, subject to the provisions of paragraphs (b) and (c) of subsection (a).

(b) Refund or Adjustment.—If the Secretary determines that a violation of the contract occurred on the farm, the Secretary shall make available to the person any amounts deposited, subject to the provisions of paragraphs (b) and (c) of subsection (a).

(c) Foreclosure.—If the Secretary determines that a violation of the contract occurred on the farm, the Secretary shall make available to the person any amounts deposited, subject to the provisions of paragraphs (b) and (c) of subsection (a).

SEC. 118. PLANTING FLEXIBILITY.

(a) Permitted Crops.—Subsection (b) of section 132 of the Agricultural Act of 1949 (7 U.S.C. 1308±1308a), as amended, shall be repealed.

(b) Eligible Production.—The following provisions of the contract in effect on the date of the enactment of this Act shall be applicable to contracts entered into after the date of the enactment of this Act:

(i) The Secretary shall provide for the sharing of contract payments by the owners and producers subject to the contract on a fair and equitable basis.

SEC. 119. PAYMENT LIMITATIONS.

(a) Applicability of Payment Limitations.—The provisions of section 130(b), as amended, shall be applicable to contract payments made under this subtitle.

(b) Payment Limitations.—The provisions of section 130(b) of the Agricultural Marketing Agreement Act of 1949 (7 U.S.C. 1421 et seq.), as amended, shall be applicable to contract payments made under this subtitle.

(c) Sharing of Contract Payments.—The Secretary shall provide for the sharing of contract payments by the owners and producers subject to the contract on a fair and equitable basis.

SEC. 120. AGRICULTURAL MARKETING AGREEMENT ACT OF 1949.

(a) Amendments.—The Secretary may make any changes in the provisions of the Agricultural Marketing Agreement Act of 1949 (7 U.S.C. 1421 et seq.) necessary to carry out this subtitle.

(b) Application.—The Secretary may make any changes in the provisions of the Agricultural Marketing Agreement Act of 1949 (7 U.S.C. 1421 et seq.) necessary to carry out this subtitle.

SEC. 121. AVAILABILITY OF NONRECURSIVE MARKETING ASSISTANCE LOANS.

(a) Nonrecourse Loans Available.—For each of the years 1996 through 2002, the Secretary shall make available to producers on a nonrecourse marketing assistance loans for contract commodities produced on the farm. The loans shall be made under the terms and conditions that are prescribed by the Secretary and at the loan rate established under section 132 for the loan commodity.

(b) Eligible Production.—The following production shall be eligible for a marketing assistance loan under section (a):

(i) In the case of a marketing assistance loan for a contract commodity, any production by a producer on a farm containing eligible cropland covered by a production flexibility contract;

(ii) In the case of a marketing assistance loan for a contract commodity, any production by a producer on a farm containing eligible cropland covered by a production flexibility contract;

(iii) Production by a producer on a farm containing eligible cropland covered by a production flexibility contract.
eligible cropland covered by a production flexibility contract.

SEC. 132. LOAN RATES FOR MARKETING ASSISTANCE LOANS.

(a) WHEAT.—

(1) LOAN RATE.—Subject to paragraph (2), the loan rate for a marketing assistance loan under section 131 for wheat shall be—

(A) not less than 85 percent of the simple average price received by producers of wheat, as determined by the Secretary, during the market years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period;

(B) not less than $0.087 or more than $0.093 per bushel.

(2) STOCKS TO USE RATIO ADJUSTMENT.—If the Secretary estimates for any marketing year that the ratio of ending stocks of wheat to total use for the corresponding crop by an amount not to exceed 10 percent in any year;

(b) less than 30 percent but not less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(c) less than 15 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(d) equals or greater than 30 percent, the Secretary may reduce the loan rate for wheat for the corresponding crop by an amount not to exceed 10 percent in any year;

(e) $0.5192 per pound.

(b) SPECIAL RULE FOR COTTON.—A marketing assistance loan for extra long staple cotton shall be—

(1) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary; or

(2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for each loan commodity, adjusted to United States quality and location; and

(c) E XTRA LONG STAPLE COTTON.ÐThe loan rate for a marketing assistance loan under section 131 for extra long staple cotton shall be—

(1) not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary; or

(2) a formula to determine the prevailing world market price for each loan commodity, adjusted to United States quality and location established under subsection (d) shall be further adjusted if—

(1) the adjusted prevailing world market price is less than 115 percent of the loan rate for upland cotton established under section 132, as determined by the Secretary; and

(2) the Friday through Thursday average price for cotton export shipments for the lowest-priced United States growth as quoted for Middling (M) 1 3⁄4-inch cotton delivered C.I.F. Northern Europe is greater than the Friday through Thursday average price for the 5 lowest-priced United States cotton, as quoted for Middling (M) 1 3⁄4-inch cotton, delivered C.I.F. Northern Europe (referred to in this section as the “Northern Europe price”).

(2) FURTHER ADJUSTMENT.—Except as provided in paragraph (3), the adjusted prevailing world market price for upland cotton shall be adjusted on the basis of some or all of the following data, as available:

(A) The United States share of world exports.

(B) The current level of cotton export sales and cotton export shipments.

(C) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(3) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under paragraph (2) may not exceed the difference between—

(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling (M) 1 3⁄4-inch cotton delivered C.I.F. Northern Europe; and

(B) the Northern Europe price.

SEC. 133. TERM OF LOANS.

(a) TERM OF LOAN.—In the case of each loan commodity (other than upland cotton or extra long staple cotton), a marketing assistance loan under section 131 shall have a term of 9 months beginning on the first day of the month in which the loan is made.

(b) SPECIAL RULE FOR COTTON.—A marketing assistance loan for upland cotton or extra long staple cotton shall have a term of 10 months beginning on the first day of the month in which the loan is made.

(c) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan under section 131.

SEC. 134. REPAYMENT OF LOANS.

(a) REPAYMENT RATES FOR WHEAT, FEED GRAINS, AND OILSEEDS.—The Secretary shall permit a producer to repay a marketing assistance loan under section 131 for wheat, corn, grain sorghum, barley, oats, and oilseeds at a rate that is the lesser of—

(A) the rate established for the commodity under section 132, plus interest (as determined by the Secretary);

(B) the rate determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period;

(C) the rate determined by the Secretary, during the marketing years for the immediately preceding 5 crops of soybeans, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; but

(D) $0.5192 per pound.

(b) REPAYMENT RATES FOR EXTRA LONG STAPLE COTTON.ÐRepayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132, plus interest (as determined by the Secretary).

(c) E XTRA LONG STAPLE COTTON.ÐRepayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 132, plus interest (as determined by the Secretary).

(d) REPAYMENT RATES FOR OILSEEDS.ÐThe Secretary shall determine repayment rates for oilseeds on the basis of some or all of the following data, as available:

(A) The United States share of world exports.

(B) The current level of cotton export sales and cotton export shipments.

(C) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(2) FURTHER ADJUSTMENT.—Except as provided in paragraph (3), the adjusted prevailing world market price for upland cotton shall be adjusted on the basis of some or all of the following data, as available:

(A) The United States share of world exports.

(B) The current level of cotton export sales and cotton export shipments.

(C) Other data determined by the Secretary to be relevant in establishing an accurate prevailing world market price for upland cotton (adjusted to United States quality and location).

(3) LIMITATION ON FURTHER ADJUSTMENT.—The adjustment under paragraph (2) may not exceed the difference between—

(A) the Friday through Thursday average price for the lowest-priced United States growth as quoted for Middling (M) 1 3⁄4-inch cotton delivered C.I.F. Northern Europe; and

(B) the Northern Europe price.

SEC. 135. LOAN DEFICIENCY PAYMENTS.

(a) AVAILABILITY OF LOAN DEFICIENCY PAYMENTS.—Except as provided in subsection (d),
the Secretary may make loan deficiency payments available to producers who, although eligible to obtain a marketing assistance loan under section 131 with respect to a loan commodity on which the loan for the commodity was made, are not otherwise eligible to obtain the loan in return for payments under this section.

(b) COMPUTATION.—A loan deficiency payment under this section shall be computed by multiplying—

(1) the loan payment rate determined under subsection (c) for the loan commodity; and

(2) the quantity of the loan deficiency that the producers on a farm are eligible to receive, under loan but for which the producers forgo obtaining the loan in return for payments under this section.

(c) LOAN PAYMENT RATE.—For purposes of this section, the loan payment rate shall be the amount by which—

(1) the loan rate established under section 132 for the loan commodity; exceeds

(2) the rate at which a loan for the commodity may be repaid under section 134.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

SEC. 136. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) COTTON USER MARKETING CERTIFICATES.—

(1) ISSUANCE.—Subject to paragraph (4), during the period ending July 31, 2003, the Secretary shall issue marketing certificates or cash payments in lieu of certificates to holders of documented sales of upland cotton for the 1992 through 1996 production years.

(2) VALUE OF CERTIFICATES OR PAYMENTS.—The value of the marketing certificates or cash payments shall be determined by multiplying—

(A) the average price paid for, or the cash equivalent to, the upland cotton during the consecutive 4-week period in which the sale was made; and

(B) a percentage of the value of the upland cotton, determined by the Secretary, that is equivalent to the estimated range of values of the marketing certificates for the upland cotton for the 1992 through 1996 production years.

(b) SPECIAL IMPORT QUOTA.—

(1) ESTABLISHMENT.—The President shall establish procedures for establishing a quota period of 100 days beginning on the date of the announcement of the most recent 3 months for which data are available.

(2) QUOTA ENTRY PERIOD.—When a quota is established under subsection (a), the Secretary shall enter the quota into the quota period.

(i) ENSURING THAT QUOTA PERIODS DO NOT OVERLAP.—The Secretary shall enter a quota period to ensure that no quota period overlaps any existing quota period.

(ii) DETERMINATION OF QUOTA PERIOD START DATE.—The Secretary may enter a quota period beginning on the date the quota is established.

(iii) DETERMINATION OF QUOTA PERIOD END DATE.—Notwithstanding paragraph (1), a quota period may be established to overlap an existing quota period or a special quota period established under subsection (b).

(c) APPLICABILITY OF RECOURSE LOANS AND REPOURSEMENT.

(1) LOAN DEFICIENCY PAYMENTS.—The Secretary may make loan deficiency payments under subsection (a) of this section in addition to any other payments authorized under this title.

(2) MARKETING CERTIFICATES.—The Secretary may issue marketing certificates under section 132 of this title in addition to any other payments authorized under this title.

(3) IMPORT QUOTA.—The Secretary may use the import quota available under section 131 of this title in addition to any other payments authorized under this title.

(d) ADJUSTMENT OF QUOTA PERIOD.—The Secretary may adjust the length of the quota period established by the President to ensure that no quota period overlaps any existing quota period or a special quota period established under subsection (b).

(e) INFORMATION TO USERS.—The Secretary shall provide information to users on the status of the quota period and the status of any existing quota period.

(f) COMPLIANCE WITH DEADLINES.—The Secretary shall ensure that all parties comply with deadlines established by the Secretary.

(g) DEFICIENCY PAYMENTS.—The Secretary may make deficiency payments in addition to any other payments authorized under this title.

(h) MARKETING CERTIFICATES.—The Secretary may issue marketing certificates in addition to any other payments authorized under this title.

(i) IMPORT QUOTA.—The Secretary may use the import quota available under section 131 of this title in addition to any other payments authorized under this title.

(j) ADJUSTMENT OF QUOTA PERIOD.—The Secretary may adjust the length of the quota period established by the President to ensure that no quota period overlaps any existing quota period or a special quota period established under subsection (b).

(k) INFORMATION TO USERS.—The Secretary shall provide information to users on the status of the quota period and the status of any existing quota period.

(l) COMPLIANCE WITH DEADLINES.—The Secretary shall ensure that all parties comply with deadlines established by the Secretary.

SECTION 137. AVAILABILITY OF RECOUSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGHER MOISTURE FEED GRAINS.—For each of the 1996 through 2002 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm covered by a crop insurance policy, or to a facility maintained by the users of corn and grain sorghum in a high moisture state, under loan but for which the producers forgo obtaining the loan in return for payments under this section.

(b) RECOUSE LOANS.—(1) The Secretary shall make available recourse loans under this section to a facility maintained by the users of corn and grain sorghum in a high moisture state, under loan but for which the producers forgo obtaining the loan in return for payments under this section.

(2) The Secretary shall make available recourse loans under this section to a facility maintained by the users of corn and grain sorghum in a high moisture state, under loan but for which the producers forgo obtaining the loan in return for payments under this section.

(c) REFUND.—The Secretary shall refund to the user an amount equal to the amount of the loan deficiency payment under section 132 of this title, as determined by the Secretary.
(b) The lower of the farm program payment yield in a high moisture state harvested on the field from which the corn or grain sorghum was obtained.

(3) HIGH MOISTURE STATE DEFINED.—In this subsection, the term ‘‘high moisture state’’ means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 131.

(4) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—

(a) UPLAND COTTON.—For each of the 1996 through 2002 crops of upland cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, to producers on a farm containing eligible cropland covered by a production flexibility contract.

(b) EXTRA LONG STAPLE COTTON.—For each of the 1996 through 2002 crops of extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) EXCEPTION.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (as determined by the Secretary).

Subtitle D—Other Commodities

CHAPTER 1—DAIRY

SEC. 141. MILK PRICE SUPPORT PROGRAM.

(a) SUPPORT ACTIVITIES.—The Secretary of Agriculture shall establish the price of dairy products produced in the 48 contiguous States through the purchase of cheese, butter, and nondairy dry milk produced from the milk.

(b) RATE.—The price of milk shall be supported at the following rates per hundredweight for milk containing 3.67 percent butterfat:

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<td>1997</td>
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<td>1998</td>
<td>$10.05</td>
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<tr>
<td>1999</td>
<td>$9.90</td>
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(c) COMPLIMENTARY PURCHASES.—The Secretary shall purchase by persons or organizations authorized by the Secretary to purchase milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(d) REFUNDS OF 1995 AND 1996 ASSESSMENTS.—

(1) REFUND REQUIRED.—The Secretary shall provide for a refund of the entire reduction required under section 204(h)(2) of the Agricultural Adjustment Act of 1937, as amended, in effect on the day before the amendment made by this subsection, in the price of milk received by a producer during calendar year 1995 or 1996, if the producer had received the refund for production from the same crop in the order system established pursuant to section 8c of the Agricultural Adjustment Act of 1937, as amended, by the Secretary.

(2) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A producer may merge or sell the product to the Secretary. The producer’s farm; by

(3) AGRICULTURAL PROGRAMS.—The Secretary may make any such adjustments in the purchase prices for nondry milk at the Secretary’s discretion to be necessary not more than twice in each calendar year.

(e) REFRIGERATION LOANS.—

(f) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(g) CONFORMING REPEAL.—Effective on the first day of the first month beginning after the date of enactment of this title, section 204(h) of the Agricultural Act of 1949 for fiscal year 1995 shall not apply.

(h) PERIOD OF EFFECTIVENESS.—This section shall not be considered as applying to a particular calendar year if the producer has already received a refund on production 204(h) of the Agricultural Act of 1949 for the fiscal year before the effective date of this section.

(3) TREATMENT OF REFUND.—A refund under this subsection may be considered as part of type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3111 and 3121).

(5) COMMODOITY CREDIT CORPORATION.—The Secretary shall make any such adjustments in the purchase prices for nondry milk at the Secretary’s discretion to be necessary not more than twice in each calendar year.

(6) COMPLIMENTARY PURCHASES.—The Secretary shall purchase by persons or organizations authorized by the Secretary to purchase milk and butter the Secretary considers to be necessary not more than twice in each calendar year.

(a) UPLAND COTTON.—For each of the 1996 through 2002 crops of upland cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, to producers on a farm containing eligible cropland covered by a production flexibility contract.

(b) EXTRA LONG STAPLE COTTON.—For each of the 1996 through 2002 crops of extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) EXCEPTION.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (as determined by the Secretary).

Subtitle D—Other Commodities

CHAPTER 1—DAIRY

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(2) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A producer may merge or sell the product to the Secretary. The producer’s farm; by

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(h) PERIOD OF EFFECTIVENESS.—This section shall not be considered as applying to a particular calendar year if the producer has already received a refund on production 204(h) of the Agricultural Act of 1949 for the fiscal year before the effective date of this section.

(3) TREATMENT OF REFUND.—A refund under this subsection may be considered as part of type of price support or payment for purposes of sections 1211 and 1221 of the Food Security Act of 1985 (16 U.S.C. 3111 and 3121).

(5) COMMODOITY CREDIT CORPORATION.—The Secretary shall make any such adjustments in the purchase prices for nondry milk at the Secretary’s discretion to be necessary not more than twice in each calendar year.

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(b) EXTRA LONG STAPLE COTTON.—For each of the 1996 through 2002 crops of extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) EXCEPTION.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (as determined by the Secretary).

Subtitle D—Other Commodities

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(2) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A producer may merge or sell the product to the Secretary. The producer’s farm; by

(3) AGRICULTURAL PROGRAMS.—The Secretary may make any such adjustments in the purchase prices for nondry milk at the Secretary’s discretion to be necessary not more than twice in each calendar year.
608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, in light of the reforms required by subsection (a); and
(b) describing the efforts underway and the progress made in implementing the reforms required by subsection (a); and
(c) containing such recommendations as the Secretary considers appropriate for further improvements of the marketing order system to the Federal milk marketing order system.

(2) EFFECT OF OTHER LAWS.—Any limitation imposed by an Act of Congress on the conduct or completion of reports to Congress shall not apply to the report required under this section, unless the limitation specifically refers to this section.

SEC. 144. EFFECT ON FLUID MILK STANDARDS IN STATE OF CALIFORNIA. Nothing in this Act or any other provision of law shall be construed to preempt, prohibit, or otherwise limit the authority of the State of California, directly or indirectly, to establish or continue to effect any law, regulation, or requirement regarding—
(1) the percentage of milk solids or solids not fat in fluid milk products sold at retail or marketed in the State of California; or
(2) the percentage of milk solids or solids not fat in fluid milk products marketed or otherwise limit the authority of the State of California, directly or indirectly, to establish or continue to effect any law, regulation, or requirement regarding—

SEC. 145. MILK MANUFACTURING MARKETING ADJUSTMENT. (a) MAXIMUM ALLOWANCES ESTABLISHED.—No State shall provide for a manufacturing allowance for the processing of milk in excess of—
(1) $1.65 per hundredweight of milk for milk manufactured into butter and nonfat dry milk; and
(2) $1.80 per hundredweight of milk for milk manufactured into cheese.

(b) MANUFACTURING ALLOWANCE DEFINED.—In this section, the term ‘‘manufacturing allowance’’ means—
(1) the amount by which the product price value of butter and nonfat dry milk manufactured from a hundred pounds of milk containing 3.5 pounds of butterfat and 8.7 pounds of milk solids not fat resulting from a State's yield and product price formulas exceeds the class price for the milk used to produce those products; or
(2) the amount by which the product price value of cheese manufactured from a hundred pounds of milk containing 3.5 pounds of butterfat and 8.7 pounds of milk solids not fat resulting from a State's yield and product price formulas exceeds the class price for the milk used to produce cheese.

(c) EFFECT OF VIOLATION.—If the Secretary determines that a State does not exceed the maximum manufacturing allowance set forth in subsection (a), the Secretary shall suspend purchase of butter, cheese, butterfat, and nonfat dry milk produced in that State until such time as the State complies with such subsection.

(d) EFFECTIVE DATE; IMPLEMENTATION.—This section takes effect on the first day of the fiscal year beginning on the date of enactment of this title, except to the extent that the export of milk into the Compact region or for any other purpose, except for purposes of the United States as a member of the World Trade Organization is prohibited or restricted under this subtitle, the purpose of which is to maintain and expand domestic and foreign markets and uses for fluid milk products, but rather to maintain and expand the markets for all fluid milk products, with the goal and purpose of this subtitle being a national governmental goal that authorizes and funds programs that result in government speech promoting government objectives.

(c) RESEARCH.—Section 1999C(6) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(b)) is amended to read as follows:

(6) RESEARCH.—The term ‘‘research’’ means market research to support advertising and promotion efforts, including educational activities, research directed to product characteristics, product development, including new products or improved technology in production, manufacturing or processing of milk and the products of milk.

(d) VOTING.—
(1) INITIATE REFERENDUM.—Section 1999n(b)(2) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6431(b)(2)) is amended by striking ‘‘all processors’’ and inserting ‘‘fluid milk processors voting in the referendum’’.

(2) SUSPENSION OR TERMINATION.—Section 19990(c) of such Act (7 U.S.C. 6414(c)) is amended—
(A) in paragraph (1), by striking ‘‘all processors’’ and inserting ‘‘fluid milk processors voting in the referendum’’; and
(B) in paragraph (2)(B), by striking ‘‘all processors’’ and inserting ‘‘fluid milk processors voting in the referendum’’.

(e) DURATION.—Section 19990(a) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414(a)) is amended by striking ‘‘1996’’ and inserting ‘‘2002’’.

SEC. 147. NORTHEAST INTERSTATE DAIRY COMPACT. Congress hereby consents to the Northeast Interstate Dairy Compact entered into among the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as specified in section 1(b) of the Northeast Interstate Dairy Compact entered into among the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, as specified in section 1(b) of the Northeast Interstate Dairy Compact, as of the date of enactment of this title, the authority to implement the Northeast Interstate Dairy Compact region in excess of the projected national average rate of the increase in milk production, as determined by the Secretary.

(6) MILK MARKETING ORDER ADMINISTRATOR.—At the request of the Northeast Interstate Dairy Compact, as of the date of enactment of this title, the authority to administer the applicable Federal milk marketing order issued under section 8(c)5 of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, shall provide technical assistance to the Compact Commission and be compensated for that assistance.

(7) FURTHER CONDITIONS.—The Northeast Interstate Dairy Compact Commission shall not prohibit or in any way limit the marketing in the Compact region of any milk or milk product produced in any other production area in the United States. The Compact Commission shall respect and abide by the ongoing procedures between Federal milk marketing orders with respect to the sharing of proceeds from sales within the Compact region of bulk milk, packaged milk, or producer milk originating from outside the Compact region.

SEC. 148. DAIRY EXPORT INCENTIVE PROGRAM. (a) DURATION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by inserting ‘‘2003’’ and inserting ‘‘2003’’.

(b) SOLE DISCRETION.—Section 153(b) of the Food Security Act of 1985 (15 U.S.C. 713a–14(b)) is amended by inserting ‘‘sole’’ before ‘‘discretion’’.

(c) ELEMENTS OF PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—
(1) by striking ‘‘and’’ at the end of paragraph (1);
(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and
(3) by adding at the end the following:

(3) the maximum volume of dairy product export eligible for compensatory payments.

(d) LIMITATION ON ELIGIBLE PAYMENTS.—The Northeast Interstate Dairy Compact Commission shall not regulate Class II, Class III, or Class IV milk or any other milk, other than Class I (fluid milk), as defined by a Federal milk marketing order issued under section 8c of the Agricultural Adjustable Act (7 U.S.C. 608c) reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.
SEC. 151. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME, AND GROWTH OPPORTUNITIES.

(a) Study.—The Secretary of Agriculture shall conduct a study, on a variety of cheese classes, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese grants accessed to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) Report.—Not later than June 30, 1997, the Secretary shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives any results of the study conducted under this section.

(c) Rule of Construction.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section, unless the limitation specifically refers to this section.

SEC. 152. PROMOTION OF UNITED STATES DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAMS.


"(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations set forth in section (c)(1) and the volume of allowable dairy product exports.".

SEC. 149. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF ONE OR MORE EXPORT TRADING COMPANIES.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain one or more export trading companies under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 150. STANDBY AUTHORITY TO INDICATE ENTITLED BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) Indication of Entity Best Suited to Assist International Market Development for and Export of United States Dairy Products.—The Secretary of Agriculture shall indicate which entity or entities autonomous of the Government of the United States, seeks such a designation, is best suited to facilitate the international market development for and exportation of United States dairy products, if the Secretary determines that—

(1) the United States dairy industry has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of United States dairy products, or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 by 1.5 billion pounds (milk equivalent, total solids basis).

(b) Funding of Export Activities.—The Secretary shall assist the entity or entities identified under subsection (a) in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) Application of Section.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.

SEC. 151. STUDY AND REPORT REGARDING POTENTIAL IMPACT OF URUGUAY ROUND ON PRICES, INCOME, AND GROWTH OPPORTUNITIES.

(a) Study.—The Secretary of Agriculture shall conduct a study, on a variety of cheese classes, to determine the potential impact on milk prices in the United States, dairy producer income, and Federal dairy program costs, of the allocation of additional cheese grants accessed to the United States as a result of the obligations of the United States as a member of the World Trade Organization.

(b) Report.—Not later than June 30, 1997, the Secretary shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives any results of the study conducted under this section.

(c) Rule of Construction.—Any limitation imposed by Act of Congress on the conduct or completion of studies or reports to Congress shall not apply to the study and report required under this section, unless the limitation specifically refers to this section.

SEC. 152. PROMOTION OF UNITED STATES DAIRY PRODUCTS IN INTERNATIONAL MARKETS THROUGH DAIRY PROMOTION PROGRAMS.

Section 133(e) of the Dairy Production Stabilization Act of 1985 (7 U.S.C. 4504(e)) is amended by adding at the end the following:

"(f) REQUIRED FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and commodities for the program under this section in the maximum amount consistent with the obligations of the United States as a member of the World Trade Organization, minus the amount expended under section 1163 of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1731 note) during that year.

(2) VOLUME LIMITATIONS.—The Commodity Credit Corporation may not exceed the limitations set forth in section (c)(1) and the volume of allowable dairy product exports.".

SEC. 149. AUTHORITY TO ASSIST IN ESTABLISHMENT AND MAINTENANCE OF ONE OR MORE EXPORT TRADING COMPANIES.

The Secretary of Agriculture shall, consistent with the obligations of the United States as a member of the World Trade Organization, provide such advice and assistance to the United States dairy industry as may be necessary to enable that industry to establish and maintain one or more export trading companies under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of dairy products produced in the United States.

SEC. 150. STANDBY AUTHORITY TO INDICATE ENTITLED BEST SUITED TO PROVIDE INTERNATIONAL MARKET DEVELOPMENT AND EXPORT SERVICES.

(a) Indication of Entity Best Suited to Assist International Market Development for and Export of United States Dairy Products.—The Secretary of Agriculture shall indicate which entity or entities autonomous of the Government of the United States, seeks such a designation, is best suited to facilitate the international market development for and exportation of United States dairy products, if the Secretary determines that—

(1) the United States dairy industry has not established an export trading company under the Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) for the purpose of facilitating the international market development for and exportation of United States dairy products, or

(2) the quantity of exports of United States dairy products during the 12-month period preceding July 1, 1997 by 1.5 billion pounds (milk equivalent, total solids basis).

(b) Funding of Export Activities.—The Secretary shall assist the entity or entities identified under subsection (a) in identifying sources of funding for the activities specified in subsection (a) from within the dairy industry and elsewhere.

(c) Application of Section.—This section shall apply only during the period beginning on July 1, 1997 and ending on September 30, 2000.
from a farm with 1 acre or less of peanut poultry shall not apply to profits or gains from peanuts produced in New Mexico) owned or controlled by the Commodity Credit Corporation in that area and sold for domestic edible use, in accordance with regulations issued by the Secretary. This paragraph shall not apply to profits or gains from a farm with 1 acre or less of peanut production.

(4) FIRST USE OF MARKETING ASSESSMENTS.—The Secretary shall use funds collected under subsection (g) (except funds attributable to handlers) to offset further losses in area quota pools. The Secretary shall transfer to the Treasury those funds collected under subsection (g) and available for use under this paragraph that the Secretary determines are not required to cover losses in area quota pools.

(5) CROSS COMPLIANCE.—Further losses in area quota pools, other than losses incurred as a result of transfers from additional loan programs to quota pools, shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

(6) OFFSET GENERALLY.—If losses in an area quota pool have not been entirely offset under the preceding paragraphs, further losses shall be offset by any gains or profits from additional loan programs to quota pools, but only to the extent that the Secretary determines losses in area quota pools, other than losses incurred as a result of transfers from additional loan programs to quota pools, shall be offset by any gains or profits from quota pools in other production areas (other than separate type pools established under subsection (c)(2)(A) for Valencia peanuts produced in New Mexico) in such manner as the Secretary shall by regulation prescribe.

(7) SECOND USE OF MARKETING ASSESSMENTS.—The Secretary shall use funds collected under subsection (g) that are pledged as collateral for a loan made outside of the continental United States.

(8) INCREASED ASSESSMENTS.—If use of the authorities provided in the preceding paragraphs is not sufficient to cover losses in an area quota pool, the Secretary shall increase the marketing assessment for producers established under subparagraph (A) by such amount as the Secretary considers necessary to cover the losses. The increased assessment shall apply only to peanuts in the production area covered by the pool. Amounts collected under subsection (g) as a result of the increased assessment shall be retained by the Secretary to cover losses in that pool.

(9) DISAPPROVAL OF QUOTAS.—Notwithstanding any other provision of law, no loan for quota peanuts may be made available by the Secretary for any crop of peanuts with respect to which any quotas have not been approved by producers, as provided for in section 358-1(d) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(d)).

(10) ENFORCEMENT.—

(A) In general.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories and all other peanuts sold for domestic edible use must be used to have been officially inspected by licensed Department inspectors both as farmer stock and cleaned in-shell peanuts.

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts, to coordinate the activities under the Peanut Administrative Committee established under Market Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(3) MARKETING ASSESSMENT.—

(A) In general.—Except as provided under paragraphs (1) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate;

(ii) in the case of the 1996 crop, .65 percent of the applicable national average loan rate; and

(iii) in the case of the 1997 crop, .75 percent of the applicable national average loan rate.

(B) First Purchasers.—In this subsection, the term "first purchaser" means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(C) Other Private Markets.—In the case of peanuts acquired by a producer directly to a consumer through exhibits (or wholesale outlets) or in the case of a marketing by a producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(D) Loan peanuts.—In the case of peanuts that are pledged as collateral for a loan made under this section, the producer portion of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be the first purchaser of the peanuts.

(E) For 1991 THROUGH 1997 CROPS OF PEANUTS.—and

(F) ENFORCEMENT.—

(A) In general.—With respect to peanuts under loan, the Secretary shall—

(A) promote the crushing of peanuts at a greater risk of deterioration before peanuts of a lesser risk of deterioration;

(B) ensure that all Commodity Credit Corporation inventories and all other peanuts sold for domestic edible use must be used to have been officially inspected by licensed Department inspectors both as farmer stock and cleaned in-shell peanuts.

(C) continue to endeavor to operate the peanut program so as to improve the quality of domestic peanuts, to coordinate the activities under the Peanut Administrative Committee established under Market Marketing Agreement No. 146, regulating the quality of domestically produced peanuts (under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937); and

(D) ensure that any changes made in the peanut program as a result of this subsection requiring additional production or handling at the farm level shall be reflected as an upward adjustment in the Department loan schedule.

(2) EXPORTS AND OTHER PEANUTS.—The Secretary shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146.

(3) MARKETING ASSESSMENT.—

(A) In general.—Except as provided under paragraphs (1) and (4), the first purchaser of peanuts shall—

(i) collect from the producer a marketing assessment equal to the quantity of peanuts acquired multiplied by .55 percent of the applicable national average loan rate;

(ii) in the case of the 1996 crop, .65 percent of the applicable national average loan rate; and

(iii) in the case of the 1997 crop, .75 percent of the applicable national average loan rate.

(B) First Purchasers.—In this subsection, the term "first purchaser" means a person acquiring peanuts from a producer except that in the case of peanuts forfeited by a producer to the Commodity Credit Corporation, the term means the person acquiring the peanuts from the Commodity Credit Corporation.

(C) Other Private Markets.—In the case of peanuts acquired by a producer directly to a consumer through exhibits (or wholesale outlets) or in the case of a marketing by a producer outside of the continental United States, the producer shall be responsible for the full amount of the assessment and shall remit the assessment by such time as is specified by the Secretary.

(D) Loan peanuts.—In the case of peanuts that are pledged as collateral for a loan made under this section, the producer portion of the assessment shall be deducted from the proceeds of the loan. The remainder of the assessment shall be the first purchaser of the peanuts.

(E) For 1991 THROUGH 1997 CROPS OF PEANUTS.—
(ii) by striking subparagraph (B) and inserting the following:

"(B) TEMPORARY QUOTA ALLOCATION. —

(1) ALLOCATION RELATED TO SEED PEANUTS. — Temporary allocation of quota pounds for the marketing year only in which the crop is planted shall be made to producers for each of the 1996 through 2002 marketing years as provided in this subsection.

(2) QUANTITY. — The temporary quota allocation shall be equal to the pounds of seed peanuts planted on the farm, as may be adjusted and determined under regulations prescribed by the Secretary.

(3) ADDITIONAL QUOTA. — The temporary allocation under this subsection shall be in addition to the farm poundage quota otherwise established under this subsection and shall be credited, for the applicable marketing year only, to the producer of peanuts on the farm in a manner prescribed by the Secretary.

(iv) EFFECT OF OTHER REQUIREMENTS. — Nothing in this section alters or changes the requirements regarding the use of quota and additional peanuts established by section 358b(b)."

(4) UNDERMARKETINGS. — Part VI of subtitle B of title I of the Agricultural Adjustment Act of 1938 is amended—

(A) in section 358-1(b) (7 U.S.C. 1358-1(b)), in paragraph (1)(B), by striking "including any increases resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7)."

(ii) by striking subsections (c) and (d) and inserting "including any increase resulting from the allocation of quotas voluntarily released for 1 year under paragraph (7)."

(iii) by striking paragraphs (8) and (9); and

(iv) by striking paragraphs (1)(B), by striking "including any applicable undermarkings"; and

(v) in paragraph (3), by striking "including any applicable undermarkings";

(5) DISASTER TRANSFERS. — Section 358-1(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358-1(b)), as amended by paragraph (4)(A)(iii), is amended by adding at the end the following:

"(B) TRANSFERS FOR DISASTERS. —

(A) IN GENERAL. — Except as provided in subparagraph (B), additional peanuts produced on a farm that have been harvested and marketed during the normal planting season by a cash lessee, the landowner shall not be required to sign the transfer authorization. A fall transfer or a transfer after the normal planting season may be made not later than 72 hours after the peanuts that are the subject of the transfer are inspected and graded.

(B) PERCENTAGE LIMITATIONS ON SPRING TRANSFERS. — Spring transfers under subparagraph (A) by sale or lease of a quota for farms in a county to any owner or operator of a farm outside the county within the same State shall not exceed 15 percent of the total poundage quota in the originating county (as of January 1, 1996) for the crop year in which the transfer is made, plus the total poundage quota transferred from the originating county in the preceding crop year that were not transferred in that year or that were transferred through an expired lease. However, not more than an aggregate of 10 percent of the total poundage quota within a county (as of December 1, 1996) may be transferred outside of the county. Cumulative unexpired transfers within a county may not exceed for a crop year the following:

(1) For the 1996 crop, 15 percent.

(2) For the 1997 crop, 25 percent.

(3) For the 1998 crop, 30 percent.

(4) For the 1999 crop, 35 percent.

(5) For the 2000 and subsequent crops, not more than aggregate of 40 percent of the total poundage quota within the county as of January 1, 1996.

(6) Clarification Regarding Fall Transfers. — The limitation in subparagraph (B) does not apply to 1-year fall transfers, which in all cases may be made to any farm in the same State.

(7) Effect of Transfer. — Any farm poundage quota transferred under this paragraph shall not result in any reduction in the farm poundage quota for the transferring farmer. The transfered quota is producer or considered produced on the receiving farm.

(ii) by adding at the end the following:

"(4) TRANSFERS IN COUNTIES WITH SMALL QUOTAS. —Notwithstanding paragraphs (1) and (2), in the case of any county in a State for which the poundage quota for the county was less than 100,000 pounds for the preceeding year or less than 25 percent of the total farm poundage quota, excluding pounds transferred in the fall, shall be made to processors of domestically grown sugar beets at a rate equal to 22.9 cents per pound for refined beet sugar.

(3) Nonrecourse Loans. — During any fiscal year in which the loan rate for sugar beets is established at, or increased to, a level in excess of 1,500,000 United States dollars per ton, the Secretary shall carry out this section by making available nonrecourse loans. Any recourse loan previously made available by the Secretary under this section may be repaid in the fiscal year in which the loan is made.

(4) Process Assurances. — If the Secretary is required under paragraph (2) to make nonrecourse loans available during a fiscal year or to change recourse loans into nonrecourse loans, the Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan and that the processor will deliver sugar beet and sugar beets to railroads and be taken by the Secretary into a nonrecourse loan.

(f) Marketing Assessment. — Effective for marketing years ending in 2002, the Secretary shall contract with the Commodity Credit Corporation for a market price survey as provided for in section 499a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358a).
transfer or delivery of the sugar to a refinery for further processing or marketing); and
(b) in the case of marketings during each of fiscal years 1997 through 2003, 1.7425 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and
(b) in the case of marketings during each fiscal year through 2003, 1.4742 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) Collection.—(A) Timing.—A marketing assessment required under this section shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or sugar beets that have not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) Manner.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection on a quarterly basis prescribed by the Secretary and shall be nonrefundable.

(4) Penalties.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—
(A) the quantity of cane sugar or beet sugar involved in the violation; by
(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) Enforcement.—The Secretary may enforce this subsection in a court of the United States.

(6) Foreclosure Penalty.—

(1) In General.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan made under this title and for delivery of the sugar to a refinery for further processing or marketing.

(2) Sugar Beets.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—
(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and
(b) in the case of marketings during each fiscal year through 2003, 1.4742 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) Collection.—(A) Timing.—A marketing assessment required under this section shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or sugar beets that have not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) Manner.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection on a quarterly basis prescribed by the Secretary and shall be nonrefundable.

(4) Penalties.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—
(A) the quantity of cane sugar or beet sugar involved in the violation; by
(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) Enforcement.—The Secretary may enforce this subsection in a court of the United States.

(7) Foreclosure Penalty.—

(1) In General.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan made under this title and for delivery of the sugar to a refinery for further processing or marketing.

(2) Sugar Beets.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—
(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and
(b) in the case of marketings during each fiscal year through 2003, 1.4742 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) Collection.—(A) Timing.—A marketing assessment required under this section shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or sugar beets that have not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) Manner.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection on a quarterly basis prescribed by the Secretary and shall be nonrefundable.

(4) Penalties.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—
(A) the quantity of cane sugar or beet sugar involved in the violation; by
(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) Enforcement.—The Secretary may enforce this subsection in a court of the United States.

(8) Foreclosure Penalty.—

(1) In General.—A penalty shall be assessed on the forfeiture of any sugar pledged as collateral for a nonrecourse loan made under this title and for delivery of the sugar to a refinery for further processing or marketing.

(2) Sugar Beets.—Effective for marketings of beet sugar during the 1996 through 2003 fiscal years, the first processor of sugar beets shall remit to the Commodity Credit Corporation a nonrefundable marketing assessment in an amount equal to—
(A) in the case of marketings during fiscal year 1996, 1.1794 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed; and
(b) in the case of marketings during each fiscal year through 2003, 1.4742 percent of the loan rate established under subsection (a) per pound of beet sugar, processed by the processor from domestically produced sugar beets or sugar beet molasses, that has been marketed.

(3) Collection.—(A) Timing.—A marketing assessment required under this section shall be collected on a monthly basis and shall be remitted to the Commodity Credit Corporation not later than 30 days after the end of each month. Any cane sugar or sugar beets that have not been marketed by September 30 of the year shall be subject to assessment on that date. The sugar shall not be subject to a second assessment at the time that it is marketed.

(B) Manner.—Subject to subparagraph (A), marketing assessments shall be collected under this subsection on a quarterly basis prescribed by the Secretary and shall be nonrefundable.

(4) Penalties.—If any person fails to remit the assessment required by this subsection or fails to comply with such requirements for recordkeeping or otherwise as are required by the Secretary to carry out this subsection, the person shall be liable to the Secretary for a civil penalty up to an amount determined by multiplying—
(A) the quantity of cane sugar or beet sugar involved in the violation; by
(B) the loan rate for the applicable crop of sugarcane or sugar beets.

(5) Enforcement.—The Secretary may enforce this subsection in a court of the United States.
(a) sale of export, as determined by the Corporation; and
(b) sale for other than a primary use.

(c) PREDIENTIAL DISASTER AREAS.—

(1) Suspensions.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops of loan commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this title and ending on December 31, 2002:

(A) Section 101 (7 U.S.C. 1441).
(B) Section 103 (7 U.S.C. 1441a).
(C) Section 105 (7 U.S.C. 1444b).
(D) Section 107 (7 U.S.C. 1445a).
(E) Section 110 (7 U.S.C. 1445e).
(F) Section 112 (7 U.S.C. 1445g).
(G) Section 114 (7 U.S.C. 1445j).
(H) Section 201 (7 U.S.C. 1446).
(I) Title I (7 U.S.C. 1447-1449).
(J) Title II (7 U.S.C. 1451).
(K) Title V (7 U.S.C. 1463-1469).
(L) Title VI (7 U.S.C. 1471-1473).

(2) Repeals.—The following provisions of the Agricultural Act of

A. Section 101B (7 U.S.C. 1441-1).
B. Section 103B (7 U.S.C. 1444-2).
C. Section 107B (7 U.S.C. 1445-3a).
D. Section 107C (7 U.S.C. 1445-3).
E. Section 107D (7 U.S.C. 1445-4).
F. Section 112 (7 U.S.C. 1445g).
G. Subsections (b) and (c) of section 114 (7 U.S.C. 1445).
H. Sections 205, 206, and 207 (7 U.S.C. 1446f, 1446g, and 1446h).
I. Sections 406 and 427 (7 U.S.C. 1426 and 1428).

(3) POTENTIAL PRICE SUPPORT FOR RICE.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441), as amended by paragraph (1), is amended by adding after section 101 the following:

(a) Rice for farm prices shall be made available to producers of each crop of rice on a farm price support level at a level not less than 50 percent, or more than 90 percent of the parity price of rice as a result of, or in connection with, a decline not in result in increasing stocks of rice to the Commodity Credit Corporation.

(b) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended, approved May 24, 1941 (7 U.S.C. 1330), shall not be applicable to the crops of wheat planted for harvest in the calendar years 1996 through 2002.

SEC. 171. EFFECT OF AMENDMENTS. (a) EFFECT ON PRIOR CROPS.—Except as otherwise specifically provided in this title and notwithstanding any other provision of law, this title and the amendments made by this title shall not affect the price support or payment adjustment program for any of the 1991 through 1995 crops of agricultural commodities established under a provision of law in effect immediately before the date of enactment of this title.

(b) LIABILITY.—A provision of this title or an amendment made by this title shall not affect the liability of any person under any provision of law as in effect before the date of enactment of this title.

Subtitle F—Permanent Price Support Authority

SEC. 172. SUSPENSION AND REPEAL OF PERMANENT PRICE SUPPORT AUTHORITY. (a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 1996 through 2002 crops of loan commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this title and ending on December 31, 2002:

(B) Subsections (a) through (j) of section 358 (7 U.S.C. 1358).
(C) Subsections (a) through (h) of section 358a (7 U.S.C. 1358a).
(D) Subsections (b), (d), and (e) of section 358b (7 U.S.C. 1359).
(F) In the case of peanuts, part I of subtitle C of title III (7 U.S.C. 1361-1368).
(G) In the case of upland cotton, section 377 (7 U.S.C. 1377).
(H) In the case of tobacco, section 1379 (7 U.S.C. 1379).
(I) Title IV (7 U.S.C. 1401-1407).
(2) REPORTS AND RECORDS.—Effective only for the 1996 through 2002 crops of peanuts, the first sentence of section 373a (7 U.S.C. 1373a) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373a(a)) is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts..."

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops of loan commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this title and ending on December 31, 2002:

(A) Section 101 (7 U.S.C. 1441).
(B) Section 103a (7 U.S.C. 1444a).
(C) Section 105 (7 U.S.C. 1444b).
(D) Section 107 (7 U.S.C. 1445a).
(E) Section 110 (7 U.S.C. 1445e).
(F) Section 112 (7 U.S.C. 1445g).
(G) Section 114 (7 U.S.C. 1445j).
(H) Section 201 (7 U.S.C. 1446).
(I) Title I (7 U.S.C. 1447-1449).
(J) Title II (7 U.S.C. 1451).
(K) Title V (7 U.S.C. 1463-1469).
(L) Title VI (7 U.S.C. 1471-1473).

(2) REPEALS.—The following provisions of the Agricultural Act of

A. Section 101B (7 U.S.C. 1441-2).
B. Section 103B (7 U.S.C. 1444-3a).
C. Section 107B (7 U.S.C. 1445-3).
D. Section 107C (7 U.S.C. 1445-4).
E. Section 107D (7 U.S.C. 1445-4).
F. Section 112 (7 U.S.C. 1445g).
G. Subsections (b) and (c) of section 114 (7 U.S.C. 1445).
H. Sections 205, 206, and 207 (7 U.S.C. 1446f, 1446g, and 1446h).
I. Sections 406 and 427 (7 U.S.C. 1426 and 1428).

(3) POTENTIAL PRICE SUPPORT FOR RICE.—Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441), as amended, is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts..."

(b) AGRICULTURAL ACT OF 1949.—

(1) SUSPENSIONS.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 1996 through 2002 crops of loan commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this title and ending on December 31, 2002:

(A) Section 101 (7 U.S.C. 1441).
(B) Section 103a (7 U.S.C. 1444a).

(2) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—Subsection (c) of section 201 (7 U.S.C. 1446) of the Agricultural Act of 1949, as amended, is amended by inserting before "all brokers and dealers in peanuts" the following: "all producers engaged in the production of peanuts..."
SEC. 183. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) HEARINGS.—The Commission may, for the purposes of this subsection, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission in the performance of its duties under this subtitle. On the request of the chairperson of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY.—The Secretary shall provide to the Commission appropriate personnel and such other assistance as the Commission may require.

SEC. 184. COMMISSION PROCEDURES.

(a) HEARINGS.—The Commission may, for the purposes of this subtitle, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) REPORT ON SUBSEQUENT REVIEW.—Not later than June 1, 1998, the Commission shall submit to the President, the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the subsequent review conducted under section 183(a).

(c) REPORT ON INITIAL REVIEW.—Not later than January 1, 2001, the Commission shall submit to the President and the congressional committees specified in subsection (a) a report containing the results of the subsequent review conducted under section 183(b).

(d) DISTRIBUTION OF POISON PROGRAM.—For each agricultural commodity included in the pilot program, the Secretary may operate the program in those counties, except that not more than 6 of the counties may be located in any 1 State. The pilot program for a commodity shall not be operated in any county for more than 3 of the 1996 through 2002 calendar years.

(e) ELIGIBLE PARTICIPANTS.—In operating the pilot program, the Secretary may enter into contract with a producer who—

(1) is eligible for a production flexibility contract, a marketing assistance loan, or other assistance under section 5376 of title 5, United States Code;

(2) volunteers to participate in the pilot program; and

(3) operates a farm located in a county selected for the pilot program.

(f) TIMING OF DETERMINATIONS.—Not later than 45 days before the sales closing date for the crop and county, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5). Not later than 30 days before the sales closing date for the subsequent crop year, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5) for the subsequent crop year.

(g) TIMING OF PAYMENTS.—For the 1997 crop year with sales closing dates on or before January 1, 1997, the approved insurance providers shall be paid by the Secretary no later than 45 days after the date of enactment of this title. For the subsequent crop years, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5) for the subsequent crop year and shall begin payment of the benefits to the approved insurance providers on or before the sales closing dates applicable to the crop and county.

(h) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall fund and operate the pilot program through the Commodity Credit Corporation. In operating the pilot program, the Commodity Credit Corporation may continue to offer catastrophic risk protection coverage by approved insurance providers, the Secretary may provide catastrophic risk protection coverage to producers.

(i) DELIVERY OF COVERAGE.—The Secretary shall deliver catastrophic risk protection coverage by approved insurance providers to the eligible participants at no cost to the producers.

(j) CURRENT POLICIES.—This clause shall apply to all insurance policies in effect on the date of enactment of this title.

SEC. 185. POWERS.

(a) HEARINGS.—The Commission may, for the purposes of this subtitle, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission in the performance of its duties under this subtitle. On the request of the chairperson of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY.—The Secretary shall provide to the Commission appropriate personnel and such other assistance as the Commission may require.

SEC. 186. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairperson of the Commission, the head of the Department of Agriculture, the head of the department or agency, and the majority of its members).

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 187. PERSONNEL MATTERS.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) APPOINTMENT.—The Commission shall appoint a staff director, who shall be paid at a rate of not less than the maximum rate of basic pay under section 5303 of title 5, United States Code, and such professional and clerical personnel as are necessary to enable the Commission to carry out its duties under this subtitle without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, or any other provision of law, governing the number, classification, and General Schedule rates.

(c) DETAILED PERSONNEL.—On the request of the chairperson of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in the performance of its duties. The detail of any individual may not result in the interruption or loss of civil service status or other privilege of the individual.

SEC. 188. COMMISSION RESPONSIBILITIES.

The Commission shall constitute a quorum for the transaction of business.

SEC. 189. COMMISSION RESPONSIBILITIES.

(a) PILOT PROGRAMS AUTHORIZED.—Until December 31, 2002, the Secretary of Agriculture may conduct a pilot program for 1 or more agricultural commodities. Such program shall be designed to ascertain whether futures and options contracts can be used to provide producers with reasonable protection from the financial risks of fluctuations in prices, yield, and income inherent in the production and marketing of the commodities. The pilot program shall be an alternative to other related programs of the Department of Agriculture, or other Federal programs.

(b) DISTRIBUTION OF PILOT PROGRAM.—For each agricultural commodity included in the pilot program, the Secretary may operate the program in those counties except that not more than 6 of the counties may be located in any 1 State. The pilot program for a commodity shall not be operated in any county for more than 3 of the 1996 through 2002 calendar years.

(c) ELIGIBLE PARTICIPANTS.—In operating the pilot program, the Secretary may enter into contract with a producer who—

(1) is eligible for a production flexibility contract, a marketing assistance loan, or other assistance under section 5376 of title 5, United States Code;

(2) volunteers to participate in the pilot program; and

(3) operates a farm located in a county selected for the pilot program.

(d) TIMING OF DETERMINATIONS.—Not later than 45 days before the sales closing date for the crop and county, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5). Not later than 30 days before the sales closing date for the subsequent crop year, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5) for the subsequent crop year.

(e) TIMING OF PAYMENTS.—For the 1997 crop year with sales closing dates on or before January 1, 1997, the approved insurance providers shall be paid by the Secretary no later than 45 days after the date of enactment of this title. For the subsequent crop years, the Secretary shall make the announcement required by clause (ii) of section 182(b)(5) for the subsequent crop year and shall begin payment of the benefits to the approved insurance providers on or before the sales closing dates applicable to the crop and county.
"(ii) obtain at least the catastrophic level of insurance for each crop of economic significance in which the person has an interest; or

(iii) provide a written waiver to the Secretary that will allow for emergency crop loss assistance in connection with the crop."

3. SPECIAL RULE FOR 1996.—

(A) EFFECTIVE PERIOD.—This paragraph shall apply only by the Secretary for the crop year.

(B) AVAILABILITY.—During a period of not less than 2 weeks, but not more than 4 weeks, beginning on the date of enactment of this title, the Secretary shall provide producers with an opportunity to obtain catastrophic risk protection insurance under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) for a spring-planted crop, and limited additional coverage for maturing barley under the Matting Barley Price and Quality Endorsement. The Federal Crop Insurance Corporation may attach such limitations and restrictions on obtaining insurance during this period as the Corporation considers necessary to maintain the actuarial soundness of the crop insurance program.

(C) ATTACHMENT.—Insurance coverage under any policy obtained under this paragraph during the extended sales period shall not attach until 10 days after the application.

(D) CANCELLATION.—During the extended period, a producer may cancel a catastrophic risk protection policy if:

(i) the policy is a continuation of a policy that was obtained for a previous crop year; and

(ii) the cancellation request is made before the acreage reporting date for the policy for the 1996 crop year.

(2) CROP INSURANCE PILOT PROJECT.—

(A) COVERAGE.—The Secretary of Agriculture shall develop and administer a pilot project for crop insurance that indemnifies crop losses due to natural disaster such as insect infestation or disease.

(B) ACTUALIZABILITY.—A pilot project under this paragraph shall be actuarially sound, as determined by the Secretary and administered at no net cost.

(C) DURATION.—A pilot project under this paragraph shall be of two years' duration.

(D) ADDITION OF NURSERY CROPS.—Not later than 2 years after the date of enactment of this subsection, the Secretary shall conduct a study and limited pilot program on the feasibility of insuring nursery crops.

(E) MARKETING WINDOWS.—Section 508(i) of the Federal Crop Insurance Act (7 U.S.C. 1508(i)) is amended by adding at the end the following:

``(d) FUNDING.—From funds appropriated for the salaries and expenses of the Consolidated Farm Service Agency in the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996 (Public Law 104–208), the Secretary may use such sums as may be necessary for the salaries and expenses of the Office of Risk Management established under this subtitle to carry out its functions in a timely and efficient manner.''

(F) NONINSURED CROP ASSISTANCE.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverage equivalent to the catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)). The Secretary shall carry out this section through the Consolidated Farm Service Agency (in this section referred to as the "Agency").

(2) ELIGIBLE CROPS.—

(A) IN GENERAL.—In this section, the term "eligible crop" means each commercial crop or other agricultural commodity (except livestock—

(i) for which catastrophic risk protection under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)) is not available; and

(ii) that is produced for food or fiber.

(B) CROPS SPECIFICALLY INCLUDED.—The term "eligible crop" shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), and industrial crops.

(C) CAUSE OF LOSS.—To qualify for assistance under this section, the Secretary may determine that a natural disaster shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

(D) APPLICATION FOR NONINSURED CROP DISASTER ASSISTANCE.—

(1) TIMELY APPLICATION.—To be eligible for assistance under this section, a producer shall submit an application for noninsured crop disaster assistance at a local office of the Department. The application shall be in such form, contain such information, and be submitted at such time as the Secretary may require.

(2) RECORDS.—A producer shall provide records, as required by the Secretary, of crop acreage, yields, and production or noninsured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

(3) ACREAGE REPORTS.—A producer shall provide reports on acreage planted or prevented from being planted, as required by the Secretary, by the designated acreage reporting date for the crop and location as established by the Secretary.

(E) LOSS REQUIREMENTS.—

(1) REQUIRED ACREAGE.—A producer of an eligible crop shall not receive noninsured crop disaster assistance unless the average yield for that crop is 85 percent of the expected area yield, as established by the Secretary.

(2) PREVENTED PLANTING.—Subject to paragraph (1), the Secretary shall make a prevented planting noninsured crop disaster assistance payment if the producer is prevented from harvesting a crop because of a natural disaster.
plating more than 35 percent of the acreage intended for the eligible crop because of drought, flood, or other natural disaster, as determined by the Secretary.

(3) ACTUAL PRODUCTION HISTORY.—The Secretary shall determine yield coverage using the actual production history of the producer over a period of not less than the 4 previous consecutive crop years and not more than 10 consecutive crop years. Subject to paragraph (3), the yield amount on which noninsured crop disaster assistance is sought shall be equal to the average of the actual production history of the producer during the period considered.

(4) QUALIFYING GROSS REVENUES.—If a producer does not submit adequate documentation of production history to determine a crop yield under paragraph (2), the Secretary shall assign to the producer a yield equal to not less than 65 percent of the average of the transitional yield of the producer, as determined by the Secretary, factored for the interest of the producer for the crop.

(b) PAYMENT.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment computed by multiplying—

(1) the pro rata portion that is less than 50 percent of the established yield for the crop; by

(2)(A) in the case of each of the 1996 through 1998 crop years, 60 percent of the average market price for the crop (or any comparable coverage determined by the Secretary); or

(B) in the case of each of the 1999 and subsequent crop years, 55 percent of the average market price for any comparable coverage determined by the Secretary; by

(3) a rate for the type of crop (as determined by the Secretary); and

(4) the actual production history of the producer if the total quantity of the eligible crop planted, and yield for the crop, as determined by the Secretary; and

(5) the failure of the producer to follow good farming practices, as determined by the Secretary.

(c) INCOME LIMITATION.—

(i) PAYMENT AND INCOME LIMITATIONS.—

(A) In this subsection—

(i) "Producer" means a "person" issued under section 3 of the Commodity Credit Corporation Charter Act (12 U.S.C. 91a) who has a property interest in the commodity involved.

(B) "Commodity Credit Corporation" means the Commodity Credit Corporation established by the Secretary of Agriculture for the exclusive purpose of providing loan and other credit to carry out the United States agricultural programs of the Government.

(ii) "Person" means—

(A) a "person" issued under section 3 of the Commodity Credit Corporation Charter Act (12 U.S.C. 91a) who has a property interest in the commodity involved; or

(B) a private entity.

(C) "Commodity Credit Corporation" means the Commodity Credit Corporation established by the Secretary of Agriculture for the exclusive purpose of providing loan and other credit to carry out the United States agricultural programs of the Government.

(ii) Qualified gross revenues.—The term "qualified gross revenues" means—

(1) the majority of the gross revenue of the person is received from farming, ranching, and forestry operations; and

(2) the gross revenue from the farming, ranching, and forestry operations of the person is from all sources.

(i) LIMITATION ON MULTIPLE BENEFITS FOR SAME LOSS.—If a producer who is eligible to receive benefits under this section is also eligible to receive assistance for the same loss under any other program administered by the Secretary, the application shall specify whether the producer intends to receive benefits under this section or under the other program, but not both.

(ii) INCOME LIMITATION.—A person who has qualified gross revenues in excess of the amount specified in section 226(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

(d) REGULATIONS.—The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of the provisions of this section and to ensure the equitable application of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308), the general payment limitation regulations of the Secretary, and the limitations established under this subsection.

(e) CONFORMING REPEAL.—Section 519 of the Federal Crop Insurance Act (7 U.S.C. 1519) is repealed.

TITLE II—AGRICULTURAL TRADE

Subtitle A—Amendments to Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 201. FOOD AID TO DEVELOPING COUNTRIES.

(a) IN GENERAL.—Section 3 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691) is amended to read as follows:

"SEC. 3. FOOD AID TO DEVELOPING COUNTRIES.

"(a) POLICY.—In light of the Uruguay Round Agreements on Agriculture and the Ministerial Decision on Measures Concerning the Possible Negative Effects of the Reform Program on Least-Developed and Net-Food Importing Developing Countries, the United States reaffirms the commitment of the United States to providing food aid to developing countries.

"(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should initiate consultations with other donor nations to consider appropriate levels of food aid commitments to meet the legitimate needs of developing countries; and

(2) the United States should increase its contribution of bona fide food assistance to developing countries consistent with the Agreement on Agriculture.''

(b) CONFORMING AMENDMENT.—Section 411 of the Uruguay Round Agreements Act is amended by striking subsection (e) (19 U.S.C. 3611).

SEC. 202. TRADE AND DEVELOPMENT ASSISTANCE.

Section 101 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701) is amended—

(1) by striking "developing countries" each place it appears and inserting "developing countries and private entities"; and

(2) in subsection (b), by inserting "and entities" before the period at the end.

SEC. 203. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1702) is amended to read as follows:

"SEC. 102. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

"(a) PRIORITY.—In selecting agreements to be entered into under this title, the Secretary shall give priority to agreements providing for the export of agricultural commodities to developing countries that—

(1) have the demonstrated potential to become commercial markets for competitively priced United States agricultural commodities; or

(2) are undertaking measures for economic development purposes to improve food security and agricultural development, alleviate poverty, and promote broad-based equitable and sustainable development.

"(b) PRIVATE ENTITIES.—An agreement entered into under this title with a private entity shall be subject to such restrictions and limitations as the Secretary determines necessary, to provide reasonable and adequate assurance of repayment of the financing extended to the private entity.

"(c) AGRICULTURAL MARKET DEVELOPMENT PLAN.—
(1) DEFINITION OF AGRICULTURAL TRADE ORGANIZATION.—In this subsection, the term ‘agricultural trade organization’ means a United States agricultural trade organization that promotes the export and sale of a United States agricultural commodity and that does not stand to profit directly from the specific sale of the commodity.

(2) PLAN.—The Secretary shall consider a developing country for which an agricultural market development plan has been approved under this subsection to have the demonstrated potential to generate a commercial market for competitively priced United States agricultural commodities for the purpose of granting a priority under subsection (a).

(3) REQUIREMENTS.—

(A) IN GENERAL.—To be approved by the Secretary, an agricultural market development plan shall—

(i) be submitted by a developing country or private entity, in conjunction with an agricultural trade organization;

(ii) describe a project or program for the development and expansion of a commercial market for a United States agricultural commodity in a developing country, and the economic development of the country, using funds derived from the sale of agricultural commodities received under an agreement described in section 101;

(iii) provide for any matching funds that are required by the Secretary for the project or program;

(iv) provide for a results-oriented means of measuring the success of the project or program; and

(v) provide for graduation to the use of non-Federal funds to carry out the project or program, consistent with requirements established by the Secretary.

(B) AGRICULTURAL TRADE ORGANIZATION.—The project or program shall be designed and carried out by the agricultural trade organization.

(C) ADDITIONAL REQUIREMENTS.—An agricultural market development plan shall contain such additional requirements as are determined necessary by the Secretary.

(4) ADMINISTRATIVE COSTS.—

(A) IN GENERAL.—The Secretary may make funds available under this title for the reimbursement of administrative expenses incurred by agricultural trade organizations in developing, implementing, and administering agricultural market development plans, subject to such requirements and in such amounts as the Secretary considers appropriate.

(B) DURATION.—The funds may be made available under this paragraph for agricultural trade organizations for the duration of the applicable agricultural market development plan.

(C) TERMINATION.—The Secretary may terminate assistance made available under this subsection if the agricultural trade organization is not carrying out the approved agricultural market development plan.

SEC. 203. TERMINATION CONDITIONS OF SALES.

Section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703) is amended—

(1) in subsection (a), by striking ‘‘recipient country’’ and inserting ‘‘developing country or private entity’’; and

(2) in subsection (c), by striking ‘‘recipient country’’ each place it appears and inserting ‘‘appropriate developing country’’;

(3) in subsection (d), by striking ‘‘recipient countries’’ and inserting ‘‘appropriate developing countries’’.

SEC. 206. VALUE-ADDED FOODS.

Section 105 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1705) is repealed.

SEC. 207. ELIGIBLE ORGANIZATIONS.

(a) IN GENERAL.—Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704) is amended—

(1) by striking subsection (a) and inserting the following:

(2) NONEMERGENCY ASSISTANCE.—

(1) IN GENERAL.—The Administrator may provide agricultural commodities for non-emergency assistance under this title through eligible organizations (as described in subsection (d)) that have entered into an agreement with the Administrator to use the commodities in accordance with this title.

(2) LIMITATION.—The Administrator may not deny a request submitted under this subsection because the program for which the funds are requested—

(A) would be carried out by the eligible organization in a country in which the Agency for International Development does not have a mission, office, or other presence;

(B) is not part of a development plan for the country prepared by the Agency; and

(ii) in subsection (d), by striking paragraph (6) and inserting the following:

(C) ADDITIONAL REQUIREMENTS. — An agricultural trade organization described in subsection (d) shall—

(i) provide for any matching funds that are required by the Secretary for the project or program;

(ii) provide for a results-oriented means of measuring the success of the project or program; and

(iii) provide for a results-oriented means of measuring the success of the project or program, consistent with requirements established by the Secretary.

(5) REPRESENTATIVES FROM AGRICULTURAL PRODUCERS AND COOPERATIVES.—

(A) IN GENERAL.—The Administrator may provide assistance to an organization that works at the local level to represent agricultural producers and cooperatives and in which the organization is located, except that the term ‘nongovernmental organization’ means an organization that—

(i) is primarily an agency or instrumentality of the government of the foreign country; and

(ii) does not include an organization that the Secretary determines does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.

(b) CONFORMING AMENDMENT.—Section 204 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724) is amended—

(1) in subsection (a), by striking ‘‘or in a country in the same region,’’ after ‘‘in the recipient country’’;

(2) in subsection (b), by inserting ‘‘or with in-country in the same region’’ after ‘‘within the recipient country’’.

SEC. 209. GENERAL LEVELS OF ASSISTANCE UNDER PUBLIC LAW 480.

Section 204 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ‘‘7 percent’’ and inserting ‘‘5 percent’’; and

(B) in paragraph (2), by striking ‘‘7 percent’’ and inserting ‘‘5 percent’’;

(2) in subsection (b), by inserting ‘‘or in a country in the same region,’’ after ‘‘in the recipient country’’;

(3) in subsection (c), by inserting ‘‘or in a country in the same region,’’ after ‘‘in the recipient country’’;

(4) in subsection (d)(1), by inserting ‘‘or with in-country in the same region’’ after ‘‘within the recipient country’’.

SEC. 210. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725) is amended—

(1) in subsection (a), by striking ‘‘private voluntary organizations, cooperatives and indigenous non-governmental organizations’’ and inserting ‘‘eligible organizations described in section 202(d)(1)’’;

(2) in subsection (b)—

(A) in paragraph (1), by striking ‘‘for International Affairs and Commodity Programs’’ and inserting ‘‘of Agriculture for Farm and Foreign Agricultural Services’’;

(B) in paragraph (4), by striking ‘‘and’’ at the end;

(C) in paragraph (5), by striking the period at the end and inserting ‘‘; and’’;

(D) by adding at the end the following:

‘‘(6) representatives from agricultural producer groups in the United States.’’;

(3) in the second sentence of subsection (d), by inserting ‘‘but at least twice per year’’ after ‘‘when appropriate’’;

(4) in subsection (f), by striking ‘‘1995’’ and inserting ‘‘2002’’.

SEC. 211. SUPPORT OF NONGOVERNMENTAL ORGANIZATIONS.

(a) IN GENERAL.—Section 306(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1727eb) is amended—

(1) in the subsection heading, by striking ‘‘IN-DIGENOUS NON-GOVERNMENTAL’’ and inserting ‘‘NONGOVERNMENTAL’’;

(2) by striking ‘‘utilization of indigenous’’ and inserting ‘‘utilization of’’.

(b) CONFORMING AMENDMENT.—Section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732) is amended by striking paragraph (6) and inserting the following:

(C) NONGOVERNMENTAL ORGANIZATION.—The term ‘nongovernmental organization’ means an organization that works at the local level to solve development problems in a foreign country and in which the organization is located, except that the term does not include an organization that is primarily an agency or instrumentality of the government of the foreign country.

SEC. 212. COMMODITY DETERMINATIONS.

Section 401 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1731) is amended—
Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) is amended—

(a) in paragraph (1) (A), by striking ``im- 
porter or'' before ``importing country''; and 
(b) in paragraph (2) (A), by inserting ``im- 
porter or'' before ``importing country'';

(2) in subsection (c)—
(A) in paragraph (1)(A), by inserting ``im- 
porter or'' before ``importing country''; and 
(B) in paragraph (2)(A), by inserting ``im- 
porter or'' before ``importing country'';

(3) in subsection (d)—
(A) by striking paragraph (2) and inserting the following:

(1) FREIGHT PROCUREMENT. —Notwithstanding 
the Federal Property and Administrative Services 
Act of 1949 (40 U.S.C. 471 et seq.) or any similar 
provision of law relating to the 
making or performance of Federal Government 
contracts, ocean transportation under titles II and III 
may be procured on the basis of full and
open competitive procedures. Resulting con- 
tracts may contain such terms and conditions as 
the Administrator determines are necessary and 
appropriate.; and

(B) by striking paragraph (4)—

(4) in subsection (g)(2)—
(A) in subparagraph (B), by striking ``and'' at the 
end;

(B) in subparagraph (C), by striking the pe- 
riod at the end inserting ; and' and;

(C) by adding at the end the following:

(1) an assessment of the progress towards 
achieving food security in each country receiv- 
ing food assistance from the United States Gov- 
ernment, with special emphasis on the nutri- 
tional status of the poorest populations in each 
country.; and

(5) by striking subsection (h).

§ 217. EXPIRATION DATE.

Section 408 of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking ``1995'' and inserting 
``2002''.

§ 218. REGULATIONS.

Section 409 of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1736c) is repealed.

§ 219. INDEPENDENT EVALUATION OF PROGRAM.

Section 410 of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1736d) is repealed.

§ 220. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1736e) is amended—

(1) by striking subsections (b) and (c) and in- 
serting the following:

``(b) TRANSFER OF FUNDS.—
(1) IN GENERAL. —Except as provided in para- 
graph (2) and notwithstanding any other provi- 
sion of law, the President may direct that up to 
15 percent of the funds available for any fiscal 
year for carrying out any title of this Act be used to carry out any other title of this Act.

(2) TITLE III FUNDS. —The President may di- 
rect that up to 15 percent of the funds available for 
any fiscal year for carrying out title III be used to carry out title II.; and

(2) by redesignating subsections (a) and (d) as subsections (c) and (d), respectively.

§ 221. COORDINATION OF FOREIGN ASSIST- 
ANCE PROGRAMS.

Section 413 of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1736g) is amended by striking ``this Act'' each place it 
appears and inserting ``title III'';

§ 222. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

Title IV of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1737) is amended by adding at the end the follow- ing:

``SEC. 415. MICRONUTRIENT FORTIFICATION PILOT PROGRAM.

(a) In General. —Subject to the availability of practical technology and to cost effectiveness, not later than September 30, 1997, the Secretary, in consultation with the Administrator, shall es- tablish a micronutrient fortification pilot pro- 
gram under this Act. The purpose of the program shall be to—

(1) assist developing countries in correcting micронutrient dietary deficiencies among seg- 
ments of the populations of the countries; and

(2) encourage the development of techn- 
ologies and the fortification of whole grains and other commodities that are readily transferable to 
developing countries.

(b) SELECTION OF PARTICIPATING COUN- 
TRIES. —Only those countries eligible for assistance under this Act, the Secretary may 
select not more than 5 developing countries to 
participate in the pilot program.

(c) FORTIFICATION. —Under the pilot pro- 
gram, whole grains and other commodities made 
available to a developing country selected to participate in the pilot program may be fortified with 
1 or more of the following (magnesium, iron, 
and, iodine) with respect to which a substantial portion of the population in the country is deficient. The commodity may be for- 
tified in the United States or in the developing coun- 
try.

(d) TERMINATION OF AUTHORITY. —The au- 
thority to carry out the pilot program estab- 
lished under this section shall terminate on Sep- 
tember 30, 2002.''

§ 223. USE OF CERTAIN LOCAL CURRENCY.

Title IV of the Agricultural Trade Develop- 
ment and Assistance Act of 1954 (7 U.S.C. 1731 et seq.) is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

(6) to the extent that local currencies can be used to meet the costs of a program established 
under this section, augment the funds of the United States that are available for such a program 
through the use of foreign currencies that ac- 
curate the sale of agricultural commodities 
under this Act, and local currencies generated 
from other types of foreign assistance activities, 
within the country where the program is being 
carried out.; and

(2) in subsection (c)—

(A) by striking ``0.2'' and inserting ``0.4'';

(B) by striking ``1993 through 1995'' and in- 
serting ``1993 through 2002'';

(C) by striking ``0.1'' and inserting ``0.2''.

§ 225. FOOD SECURITY COMMODITY RESERVE.

(a) IN GENERAL. —Title III of the Agricultural 
Act of 1980 (7 U.S.C. 1736f±1 et seq.) is amended 
to read as follows:

``TITLE III—FOOD SECURITY COMMODITY RESERVE.

§ 301. SHORT TITLE.

This title may be cited as the `Food Security Commodity Reserve Act of 1980';

§ 302. ESTABLISHMENT OF COMMODITY RE- 
ERVE.

(a) IN GENERAL. —To provide for a reserve solely to meet emergency humanitarian food 
needs in developing countries, the Secretary of 
Agriculture (referred to in this title as the `Sec- 
tary') shall establish a reserve stock of wheat, 
rice, corn, or sorghum, or any combination of 
the commodities, totalling not more than 4,000,000 metric tons for use as described in sub- 
section (c).

(b) FORTIFICATION. —The reserve established 
under this section shall consist of—

(A) wheat in the reserve established under the 
Security and Reform Act of 1996 as of the date of enactment of the Federal Agri- 
iculture Improvement and Reform Act of 1996;
“(1) COMMODITIES.“—A commodity is eligible for purposes of this section if the Secretary determines that it is needed to meet the requirements of emergency situations; and

“(2) PROCESSED FOODS.“—Processed foods shall be eligible for purposes of this section if the processed foods are produced from eligible commodities, are in the form in which they are consumed, and are in a condition in which they are appropriate for consumption.

“(3) USE OF ELIGIBLE COMMODITIES.“—This section may be implemented through the use of eligible commodities in the reserve established under this section.

“§ 226. PROCEDURE FOR ELIGIBLE COMMODITIES DERIVED FROM ALCOHOL FUEL PRODUCTION.”

Section 1208 of the Agricultural and Food Act of 1981 (7 U.S.C. 1736n) is repealed.

“§ 227. FOOD FOR PROGRESS PROGRAM.”

The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended—

“(1) in subsection (b)—

“(A) in paragraph (1)—

“(i) by inserting `(b)(3)` and inserting `(b)`;

“(ii) in the first sentence, by inserting “intergovernmental organizations,” after “cooperatives,”; and

“(B) by striking paragraph (2); and

“(2) in subsection (e)(4), by striking “203” and inserting “406”.

“(2) APPLICABILITY OF CERTAIN PROVISIONS.“—Subsections (c), (d), (e), and (f) of section 302 of the Food Security Act of 1985 shall apply.

“(3) PROCESSED FOODS.“—Processed foods shall be eligible for purposes of this section if the processed foods are produced from eligible commodities, are in the form in which they are consumed, and are in a condition in which they are appropriate for consumption.

“§ 228. USE OF FOREIGN CURRENCY PROCEEDS FROM EXPORT SALES FINANCING.”

Section 402 of the Mutual Security Act of 1954 (22 U.S.C. 1922) is repealed.

“§ 229. STIMULATION OF FOREIGN PRODUCTION.”


Subtitle B—Amendments to Agricultural Trade Act of 1978

“§ 241. AGRICULTURAL EXPORT PROMOTION STRATEGY.”

(a) In General.—Section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 5603) is amended to read as follows:

“§ 103. AGRICULTURAL EXPORT PROMOTION STRATEGY.”

“(A) In General.—The Secretary shall develop a strategy for implementing Federal agricultural export promotion programs that take into account the new market opportunities for agricultural products, including opportunities that result from—

“(1) the North American Free Trade Agreement and the Uruguay Round Agreements;

“(2) any accession to membership in the World Trade Organization;

“(3) the continued economic growth in the Pacific Rim; and

“(4) Other developments.

“(B) PURPOSE OF STRATEGY.—The strategy developed under subsection (a) shall encourage
the maintenance, development, and expansion of export markets for United States agricultural commodities and related products, including high-value and value-added products.

(2) The strategy developed under subsection (a) shall have the following goals:

(1) Increase the value of United States agricultural exports each year.

(2) Increase the value of United States agricultural exports each year at a faster rate than the rate of increase in the value of overall world export trade in high-value and value-added agricultural products.

(3) Increase the value of United States high-value and value-added agricultural exports each year.

(4) Increase the value of United States high-value and value-added agricultural exports each year at a faster rate than the rate of increase in the value of overall world export trade in high-value and value-added agricultural products.

(5) Ensure that to the extent practicable—

(A) all obligations undertaken in the Uruguay Round Agreement on Agriculture that significantly increase access for United States agricultural commodities are implemented to the extent required by the Uruguay Round Agreements;

(B) applicable United States laws are used to secure United States rights under the Uruguay Round Agreement on Agriculture.

(6) I NSTITUTIONS.ÐA financial institution, agency, or authority of the United States Government that provides assistance to United States exporters in any of the priority markets identified under this section, the Commodity Credit Corporation may guarantee under this section only the export credit guarantees issued for the fiscal year is issued to promote the export of processed or high-value agricultural products.

(b) FUNDING LEVELS.ÐSection 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5674) is amended by adding at the end the following:

``(b) MONITORING COMPLIANCE WITH SANITARY AND PHYTOSANITARY MEASURES.ÐThe Secretary shall monitor the compliance of World Trade Organization member countries with the sanitary and phytosanitary measures of the Agreement on Agriculture of the Uruguay Round of Multilateral Trade Negotiations of the General Agreement on Tariffs and Trade. If the Secretary has reason to believe that any country may have failed to meet the commitments on sanitary and phytosanitary measures under the Agreement, may significantly impede the imports of United States agricultural commodities, the Secretary shall—

(1) provide such information to the United States Trade Representative;

(2) with respect to any such circumstances that the Secretaries, or other economic restructuring plan is established under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in any of the priority markets identified under paragraph (1), shall annually identify as priority markets—

(3) United States agricultural commodities.''

SEC. 243. EXPORT CREDITS.

(a) EXPORT CREDIT GUARANTEE PROGRAM.ÐSection 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking ``GUARANTEES.ÐThe'' and inserting the following: "(A) by striking "GUARANTEES.ÐThe'" and inserting the following: "The'" and inserting the following: "The'," and

(B) by striking the determination required under paragraph (1) with respect to credit guarantees under subsection (a) the repayment of credit guarantees issued for the fiscal year is issued to promote the export of processed or high-value agricultural products.

(b) FUNDING LEVELS.ÐSection 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5674) is amended by adding at the end the following:

``(b) MONITORING COMPLIANCE WITH SANITARY AND PHYTOSANITARY MEASURES.ÐThe Secretary shall monitor the compliance of World Trade Organization member countries with the sanitary and phytosanitary measures of the Agreement on Agriculture of the Uruguay Round of Multilateral Trade Negotiations of the General Agreement on Tariffs and Trade. If the Secretary has reason to believe that any country may have failed to meet the commitments on sanitary and phytosanitary measures under the Agreement, may significantly impede the imports of United States agricultural commodities, the Secretary shall—

(1) provide such information to the United States Trade Representative;

(2) with respect to any such circumstances that the Secretaries, or other economic restructuring plan is established under section 1105 of title 31, United States Code, each overseas office of the Foreign Agricultural Service that provides assistance to United States exporters in any of the priority markets identified under paragraph (1), shall annually identify as priority markets—

(3) United States agricultural commodities.''

SEC. 242. IMPLEMENTATION OF COMMITMENTS UNDER URUGUAY ROUND AGREEMENTS.

(a) IN GENERAL.—Title I of the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

``(g) DEFINITION OF UNITED STATES AGRICULTURAL COMMODITY.—Section 1027 of the Agricultural Trade Act of 2002 (7 U.S.C. 5621) is amended by striking paragraphs (3) and (4) and inserting the following:

``(3) a food product which is to be considered a commodity under this section if during such period the Secretary determines that—

(A) the commodity is a processed or high-value agricultural product;

(B) the commodity is a processed or high-value agricultural product.""
``(iii) that the Secretary determines to be a high value agricultural product.'';

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue regulations to carry out the amendments made by this section.

SEC. 244. MARKET ACCESS PROGRAM.

(a) CHANGE OF NAME.—

(1) IN GENERAL.—Section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) is amended—

(A) by striking `‘MARKET ACCESS PROGRAM’’ and inserting `‘MARKET ACCESS PROGRAM’’; and

(B) by striking `‘marketing promotion program’’ each place it appears and inserting `‘marketing promotion programs’’.

(2) CONFORMING AMENDMENTS.—

(A) Section 1302 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 7 U.S.C. 5623) is amended—

(i) in the section heading, by striking `‘MARKET ACCESS PROGRAM’’ and inserting `‘MARKET ACCESS PROGRAM’’; and

(ii) in subsection (b), by striking `‘marketing promotion program’’ each place it appears and inserting `‘marketing promotion programs’’.

(B) Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) is amended—

(i) in the subsection heading, by striking `‘MARKETING PROMOTION PROGRAMS’’ and inserting `‘MARKET ACCESS PROGRAMS’’;

(ii) in paragraph (1), by striking `‘marketing activities’’ and inserting `‘market access activities’’;

(iii) in paragraph (1), by striking `‘marketing development program’’ and inserting `‘market access program’’;

(iv) in paragraph (2), by striking `‘marketing promotion program’’ and inserting `‘market access program’’.

(b) USE OF FUNDS.—Section 203(f) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(f)) is amended by adding at the end the following:

``(C) may be used by a United States trade association, cooperative, or small business for individual branded promotional activity related to a United States branded product, if the beneficiaries of the activity have provided funds for the activity in an amount that is at least equivalent to the amount of assistance provided under this section.''

(c) FUNDING.—Effective October 1, 1995, section 211(c)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)) is amended—

(1) by striking `‘and’’ after `‘1991 through 1993’’; and

(2) by striking `‘through 1997’’ and inserting `‘through 1999, and not more than $90,000,000 for each fiscal year of 1999 through 2002’’.

SEC. 245. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Effective October 1, 1995, section 301(e) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)) is amended by striking paragraph (3) and inserting the following:

``(3) in subparagraph (A), by strike ‘‘1991 through 2002’’ and inserting ‘‘1991 through 1995’’;''

(b) PRIORITY FUNDING FOR INTERMEDIATE PRODUCTS.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended by adding at the end the following:

``(h) PRIORITY FUNDING FOR INTERMEDIATE PRODUCTS.—

(1) IN GENERAL.—Effective beginning in fiscal year 1996, and consistent, as determined by the Secretary, with the obligations and reduction commitments undertaken by the United States under the Uruguay Round Agreements, the Secretary may make available not more than $100,000,000 for each fiscal year under this section for the sale of intermediate agricultural products in sufficient quantities to attain the volume of export sales consistent with the volume of intermediate agricultural products exported by the United States during the Uruguay Round base period years of 1986 through 1990.

(2) ADDITIONAL ASSISTANCE.—Notwithstanding paragraph (1), if the export sale of any intermediate agricultural product attains the volume of export sales consistent with the volume of the intermediate agricultural product exported by the United States during the Uruguay Round base period years of 1986 through 1990, the Secretary shall make available not more than $100,000,000 in additional amounts under this section for the encouragement of export sales of the intermediate agricultural product.''

SEC. 246. ARRIVAL CERTIFICATION.

Section 401 of the Agricultural Trade Act of 1978 (7 U.S.C. 5661) is amended by striking subsection (a) and inserting the following:

``(a) ARRIVAL CERTIFICATION.—

(A) may be used by a United States trade association, cooperative, or small business for individual branded promotional activity related to a United States branded product, if the beneficiaries of the activity have provided funds for the activity in an amount that is at least equivalent to the amount of assistance provided under this section.

(B) may be used by a United States trade association, cooperative, or small business for individual branded promotional activity related to a United States branded product, if the beneficiaries of the activity have provided funds for the activity in an amount that is at least equivalent to the amount of assistance provided under this section.''

SEC. 247. COMPLIANCE.

Section 402(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5662(a)) is amended—

(1) by striking paragraph (2); and

(2) by redesigning paragraph (3) as paragraph (2).

SEC. 248. TRADE COMPENSATION AND ASSISTANCE PROGRAMS.

Subtitle B of title IV of the Agricultural Trade Act of 1978 (7 U.S.C. 5671 et seq.) is amended by adding at the end the following:

``SEC. 417. TRADE COMPENSATION AND ASSISTANCE PROGRAMS.—

(a) IN GENERAL.—Except as provided in subsection (f), notwithstanding any other provision of law, if, after the date of enactment of this section, the Secretary determines that the member of the executive branch causes exports from the United States by any means to be suspended during the most recent 3 years prior to the date of enactment of this section, the Secretary shall carry out a trade compensation assistance program in accordance with this section (referred to in this section as a ‘‘program’’).

(b) CONFORMING AMENDMENTS.—

(1) Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 6191 et seq.) is amended by striking `‘The’’ and inserting `‘Subtitle B’’ each place it appears.

(2) The first sentence of section 603 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 6191) is amended by striking `‘The’’ and inserting `‘Subtitle B’’ each place it appears.

(3) The amendments made by this subsection shall be effective as if they had been enacted into law at the time when the program referred to in such subsection was in effect.''

SEC. 249. COMMODITY CREDIT CORPORATION.—

The Secretary shall use funds of the Commodity Credit Corporation to carry out this section.

``(f) EXCEPTION TO CARRYING OUT A PROGRAM.—This section shall not apply to any suspension of trade due to a war or armed hostility.

(g) PARTIAL YEAR EMBARGOES.—If the Secretary makes funds available under subsection (b) to carry out a program specified under this section, the full amount of funds made available under subsection (b) shall be made available under a program specified under subsection (a) for the fiscal year in which the embargo is in effect, but not to exceed 3 fiscal years.

(h) SHORT SUPPLY EMBARGOES.—If the President or any other member of the executive branch causes exports to be suspended based on a determination of short supply, the Secretary shall carry out section 1002 of the Food and Agriculture Act of 1977 (7 U.S.C. 1310).''

SEC. 250. FOREIGN AGRICULTURAL SERVICE.

Section 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5693) is amended to read as follows:

``SEC. 503. DUTIES OF FOREIGN AGRICULTURAL SERVICE.

The Service shall assist the Secretary in carrying out the agricultural trade policy and international cooperation policy of the United States by—

(1) acquiring information pertaining to agricultural trade;

(2) carrying out market promotion and development activities;

(3) providing agricultural technical assistance and training; and

(4) carrying out the programs authorized under this Act, the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 6191 et seq.), and other Acts.''

SEC. 251. REPORTS.

The first sentence of section 603 of the Agricultural Trade Act of 1978 (7 U.S.C. 5713) is amended by striking `‘The’’ and inserting `‘Subtitle B’’ each place it appears.
Title VII—Foreign Market Development Cooperator Program

Sec. 701. Definition of Eligible Trade Organization

"In this title, the term 'eligible trade organization' means a United States trade organization that—

(1) promotes the export of 1 or more United States agricultural commodities or products; and

(2) does not have a business interest in or receive remuneration from specific sales of agricultural commodities or products.

Sec. 702. Foreign Market Development Cooperator Program

"(a) In General.—The Secretary shall establish and, in cooperation with eligible trade organizations, carry out a foreign market development cooperator program to maintain and develop foreign markets for United States agricultural commodities and products.

(b) Administration.—Funds made available to carry out this title shall be used only to provide—

(1) cost-share assistance to an eligible trade organization under a contract or agreement with the organization; and

(2) assistance for other costs that are necessary for each of fiscal years 1996 through 2002.

Subtitle C—Miscellaneous Agricultural Trade Provisions

Sec. 261. Edward R. Madigan United States Agricultural Export Excellence Award

(a) Findings.—Congress finds that—

(1) United States producers of agricultural products are some of the most productive and efficient producers of agricultural products in the world;

(2) continued growth and expansion of markets for United States agricultural exports is crucial to the sustained development and economic well-being of rural areas of the United States and the agricultural sector of the United States economy;

(3) in recent years, United States agricultural exports have steadily increased, surpassing $54,000,000,000 in value in 1995; and

(4) United States agricultural producers move toward a market-oriented system in which plantings and other decisions by producers are driven by national and international market signals, developing new and expanding agricultural exports to carry out the foreign market development cooperator program, including contingent liabilities that are not otherwise funded.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 1996 through 2002.

Subsection (b) of section 103 of the Agricultural Trade Act of 1978 (7 U.S.C. 1961a) is amended to read as follows:

(i) in paragraph (1), by striking ``section 103'' and inserting the following:

``SEC. 103. IN GENERAL.ÐThe Secretary may keep and cause to be kept records of such information as the Secretary considers appropriate.

(c) Effective Date.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.

Sec. 264. Disposition of Commodities to Prevent Waste

Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431d) is amended—

(1) in subsection (b)(1), by striking (A) and inserting the following:

``(A) in paragraph (7)—

``(i) in subparagraph (D)(iv), by striking the phrase 'one year of acquisition'; and

``(ii) after the words 'in the case of', inserting the following: 'a reasonable amount of time, as determined by the President or the Secretary, of suchlf and inserting the following:

``(E) in paragraph (8), by striking subsection (h) and inserting the following:

``(H) in paragraph (9), by striking subsection (g) and inserting the following:

``(G) by striking subsection (f) and inserting the following:

``(F) by striking subsection (e) and inserting the following:

``(E) by striking subsection (d) and inserting the following:

``(D) by striking subsection (c) and inserting the following:

``(C) by striking subsection (b) and inserting the following:

``(B) by striking subsection (a) and inserting the following:

``(A) by striking the words 'and' and inserting the words 'concerning the making of the award to the Secretary.'

(d) Effective Date.—The amendments made by this section shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.
Trade Missions Act (7 U.S.C. 1736bb et seq.) is amended by striking “1995” and inserting “2002’’.

SEC. 271. ORDERLY LIQUIDATION OF STOCKS. Section 202 of the Agricultural Act of 1996 (7 U.S.C. 1857) is repealed.

SEC. 272. ANNUAL REPORTS BY AGRICULTURAL CULTURAL TRADE NEGOTIATIONS. The objectives of these opportunities to achieve more open and (APEC); and

(a) in the section heading, by striking “EMERGING DEMOCRACIES” and inserting “EMERGING MARKETS”;

(b) in subsection (b), by striking the last sentence and inserting the following:

“(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(5) the Uruguay Round Agreement on Agriculture did not succeed in completely eliminating trade distorting domestic support and export subsidies by

(A) in the section heading, by striking “emerging democracies” each place it appears in subsections (b), (d), and (e) and inserting “emerging market’’;

(B) in subsection (d), by striking the last sentence and inserting the following:

“(1) E MERGING MARKET. ÐThe term ‘emerging market’ means any country that the Secretary determines—

(1) increasing opportunities for United States exports of agricultural commodities or products of United States agricultural commodities to support food and fiber needs of the agricultural sector or that benefit private business sectors of the economy of the country; and

(2) leveling the playing field for United States producers of agricultural products by limiting production support to levels that are no greater than those available in the United States;

(3) ending the practice of export dumping by eliminating all trade distorting export subsidies and disciplining state trading entities so that they do not (except in cases of bona fide food aid) sell in foreign markets at prices below domestic prices or below the costs of acquiring and delivering agricultural products to the foreign markets; and

(4) encouraging government policies that avoid price-depressing surpluses.’’

SEC. 270. POLICY ON UNFAIR TRADE PRACTICES. Section 1164 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 149) is repealed.

SEC. 271. AGRICULTURAL AID AND TRADE MIS-

(a) in General.—The Agricultural Aid and Trade Missions Act (7 U.S.C. 1736bb et seq.) is repealed.

(b) Conforming Amendment.—Section 7 of Public Law 100-277 (7 U.S.C. 1736bb note) is repealed.

SEC. 272. ANNUAL REPORTS BY AGRICULTURAL ATTACHES. Section 108(b)(1)(B) of the Agricultural Act of 1954 (7 U.S.C. 1748(b)(1)(B)) is amended by striking “including fruits, vegetables, legumes, popcorn and ducks’’.

SEC. 273. WORLD LIVESTOCK MARKET PRICE IN-

FORMATION. Section 120 of the Agricultural Act of 1990 (Public Law 101-624; 7 U.S.C. 1761 note) is repealed.

SEC. 274. ORDERLY LIQUIDATION OF STOCKS. Sections 201 and 207 of the Agricultural Act of 1996 (7 U.S.C. 1857) are repealed.

SEC. 275. SALES OF EXTRA LONG STAPLE COTTON. Section 202 of the Agricultural Act of 1956 (7 U.S.C. 1852) is repealed.


SEC. 277. EMERGING MARKETS. (a) PROMO-

TION OF AGRICULTURAL EXPORTS TO EMERGING MARKETS.—

(1) EMERGING MARKETS.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 7 U.S.C. 5622 note) is amended by striking section (d).

(2) EMERGING MARKETS.—In this section and section 1543, the term ‘‘emerging market’’ means any country that the Secretary determines—

(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

(b) FUNDING.—Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 is amended by striking subsection (a) and inserting the following:

“(a) FUNDING.—The Commodity Credit Corporation shall make available for fiscal years 1996 through 2002 not less than $1,000,000,000 of direct credits or export credit guarantees for exports to emerging markets under section 216 or 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621 and 5622), in addition to the amounts authorized or authorized under section 211 of the Act (7 U.S.C. 5643) for the program.’’

(4) UNITED STATES AGRICULTURAL COMMOD-

ITY.—Subsections (b) and (c) of section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 are amended by striking ‘‘section 102(7)’’.

(5) EMERGING MARKETS.—The term ‘‘emerging markets’’means any country that the Secretary determines—

(1) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(2) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.

(c) CONFORMING AMENDMENTS.—(1) Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(A) in subsection (a), by striking “emerging democracies’’ and inserting “emerging markets’’; and

(B) in subsection (b), by striking paragraph (1) and inserting the following:

“(1) EMERGING MARKET.—The term ‘‘emerging market’’ means any country that the Secretary determines—

(A) is taking steps toward a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(B) has the potential to provide a viable and significant market for United States agricultural commodities or products of United States agricultural commodities.”

(3) Section 202(d)(3)(B) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(d)(3)(B)) is amended by striking "emerging democracies" and inserting "emerging markets".

SEC. 278. STUDY OF EXPORTS AND OTHER REPORTS AND OTHER PROVISIONS.

SEC. 279. URBAN DEVELOPMENT AND IMMIGRATION PROJECTS.

SEC. 301. PROGRAM INELIGIBILITY.

SEC. 302. CONSERVATION RESERVE LANDS.

SEC. 303. GOAL FAIR EXEMPTION.

TITLE III—CONSERVATION

Subtitle A—Definitions

(a) CONSERVATION PLAN AND CONSERVATION SYSTEM.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (16) as paragraphs (4) through (18), respectively;

(2) by inserting after paragraph (1) the following:

"(2) CONSERVATION PLAN.—The term 'conservation plan' means the document that—

'(A) applies to highly erodible cropland;

'(B) describes the conservation system applicable to the highly erodible cropland and describes the decisions of the person with respect to location, land use, tillage systems, and conservation treatment measures and schedule, and

'(C) is approved by the local soil conservation district, in consultation with the local committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) and the Secretary, or by the Secretary.

'(3) CONSERVATION SYSTEM.—The term 'conservation system' means a combination of 1 or more conservation measures or management practices that—

'(A) are based on local resource conditions, available conservation technology, and the standards and guidelines contained in the Natural Resources Conservation Service field office technical guides;

'(B) are designed to achieve, in a cost-effective and technically practicable manner, a substantial reduction in soil erosion or a substantial improvement in soil conditions on a field or group of fields containing highly erodible cropland when compared to the level of erosion or soil conditions that existed before the application of the conservation measures and management practices.

'(4) FIELD.—The term 'field' means a part of a farm that is separated from the balance of the farm by permanent boundaries such as fences, roads, permanent waterways, or other similar features. At the option of the owner or operator of the farm, the Farm Service Agency may choose to delineate a field if farming practices make it probable that the croplines are not subject to change. Any highly erodible land on which an agricultural commodity is grown after December 23, 1985, and that is not exempt under section 1212, shall be considered as part of the field in which the land was included on December 23, 1985, unless the owner and Secretary agree to modification of the boundaries of the field to carry out this title.

'(5) HIGHLY ERODIBLE LAND.—Section 1201(a)(9) of the Food Security Act of 1985 (as redesignated by subsection (a)(1)) is amended by adding at the end the following:

"(C) Within 60 days after the date of enactment of this paragraph, the Secretary shall publish in the Federal Register the universal soil loss equation and wind erosion equation used by the Department of Agriculture as of that date. The Secretary may not change the equations after that date except following notice and comment in a manner consistent with section 553 of title 5, United States Code."

(6) CONFORMING AMENDMENTS.—Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended—

(1) in the first sentence of subsection (a)(2), by striking "those documents" and all that follows through "by the Secretary";

(2) in subsection (c)(3), by striking "based on" and all that follows through "and the Secretary," and inserting "in which case;"
and practices necessary to be considered to be actively applying the person’s conservation plan.’’.

(b) SPECIFIC PENALTIES REGARDING CERTAIN HIGHLY ERODIBLE CROPLAND—Section 1212(f)(4) of the Food Security Act of 1985 (16 U.S.C. 3812(f)(4)) is amended by striking ‘‘meets the requirements of paragraph (1)’’ and inserting ‘‘with respect to a highly erodible cropland that was not in production prior to December 23, 1985, and has acted in good faith and without an intent to violate the provisions’’.

(c) IN GENERAL.—Section 1212(f)(4) of the Food Security Act of 1985 (16 U.S.C. 3812(f)(4)) is amended by striking the last sentence.

SEC. 31A. EXPEDITED PROCEDURES FOR GRANTING VARIANCES FROM CONSERVATION PLANS.

Section 1212(f) of the Food Security Act of 1985 (16 U.S.C. 3812(f)(4)) is amended—

(1) in paragraph (4)(C), by striking problem and inserting problem, including weather, pest, and disease problems; and

(2) by adding at the end the following:

‘‘(5) EXPEDITED PROCEDURES FOR TEMPORARY VARIANCES.—After consultation with local conservation districts, the Secretary shall establish expedited procedures for the consideration and granting of temporary variances under paragraph (4)(C), if the request for a temporary variance under paragraph (4)(C) involves the use of practices or measures to address weather, pest, or disease problems, the Secretary shall make a decision on whether to grant the variance within 45 days of a request, if a county or area committee determines that the residue level for the field meets the level required under the conservation plan.

‘‘(6) CERTIFICATION OF COMPLIANCE.—In general, for the purpose of determining the eligibility of a person for program benefits specified in section 1211 at the time application is made for the benefits, the Secretary shall permit the person to certify that the person is complying with the person’s conservation plan.

‘‘(7) STATUS REVIEWS.—If a person makes a certification under paragraph (1), the Secretary shall not be required to carry out a review of the status of compliance of the person with the conservation plan under which the conservation system is being used.

‘‘(8) REVISIONS AND MODIFICATIONS.—The Secretary shall permit a person who makes a certification under paragraph (1) with respect to a conservation plan or conservation treatment provided for by the conservation system under the person’s conservation plan, to revise the person’s conservation plan without the concurrence of the person.

‘‘(9) TECHNICAL ASSISTANCE.—The Secretary shall, using available resources and consistent with the Secretary’s other conservation responsibilities and objectives, provide technical assistance to a person throughout the development, implementation, and use of conservation plans and any conservation system of the person.

At the request of the person, the Secretary may provide technical assistance regarding conservation measures and management practices for other lands of the person that do not contain highly erodible cropland.

‘‘(a) Technical Requirements.—In connection with the standards and guidelines contained in the Conservation Service Agency’s technical guidelines, the Secretary shall—

(1) technically and economically feasible;

(2) be based on local resource conditions and available conservation technology;

(3) be cost-effective; and

(4) not cause undue economic hardship on the person applying the conservation system under the person’s conservation plan.

(b) MEASUREMENT OF EROSION REDUCTION.—For the purpose of determining the amount of erosion reduction achieved by the application of a conservation system under a person’s conservation plan, the Secretary shall determine the estimated annual level of erosion at the time of the measurement compared to the estimated annual level of erosion that existed before the implementation of the conservation measures and management practices provided for in the conservation system.

(c) ENCOURAGEMENT OF ON-FARM RESEARCH.—To encourage on-farm research, the Secretary may allow a person to include in the person’s conservation plan or any conservation plan under which a substantial reduction in soil erosion on a field containing highly erodible cropland, the measurement of erosion reduction achieved by the application of a conservation system, or a field containing highly erodible cropland, the measurement of erosion reduction achieved by the application of a conservation system under which the person’s conservation plan shall be based on the estimated annual level of erosion of the field at the time of the measurement compared to the estimated annual level of erosion that existed before the beginning of the growing crop, in the measurement.

‘‘(b) provide technical guidelines for acceptable residue measurement methods;

‘‘(c) provide a certification system for third parties to perform residue measurements; and

‘‘(d) provide the information and data voluntarily provided by the producer regarding the field.

‘‘(2) ACCEPTANCE OF PRODUCER MEASUREMENTS.—In general, for the purpose of determining the eligibility of a person for program benefits specified in section 1211 at the time application is made for the benefits, the Secretary shall permit the person to certify that the person is complying with the person’s conservation plan.

‘‘(d) CERTIFICATION OF COMPLIANCE.—In general, for the purpose of determining the eligibility of a person for program benefits specified in section 1211 at the time application is made for the benefits, the Secretary shall permit the person to certify that the person is complying with the person’s conservation plan.

‘‘(e) TECHNICAL ASSISTANCE.—The Secretary shall, using available resources and consistent with the Secretary’s other conservation responsibilities and objectives, provide technical assistance to a person throughout the development, implementation, and use of conservation plans and any conservation system of the person.

At the request of the person, the Secretary may provide technical assistance regarding conservation measures and management practices for other lands of the person that do not contain highly erodible cropland.

SEC. 312. ENCOURAGEMENT OF ON-FARM RESEARCH.

(a) In general.—The Secretary shall provide technical guidelines for acceptability of the highly erodible land requirements of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) to the extent that the guidelines follow through the end of subsection (a) of section (c); and

(b) by striking ‘‘that follows through the end of subsection (a) of section (c);’’ and inserting ‘‘that follows through the end of subsection (b) of section (c);’’.
the proceeds of the loan will be used for a purpose that will contribute to conversion of a wetland (other than as provided in this subtitle) to produce an agricultural commodity.

SEC. 322. DELINEATION OF WETLANDS; EXEMPTIONS TO PROGRAM INELIGIBILITY. 

(a) DELINEATION OF WETLANDS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (b) and inserting the following:

``(b) EXEMPTIONS.—No person shall become inelig-ible under section 1221 for program loans or payments under circumstances:

(i) the lack of maintenance of drainage, dikes, levees, or similar structures;
(ii) a lack of management of the lands containing the wetland;
(iii) circumstances beyond the control of the person.
``

(b) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (b) and inserting the following:

``(b) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans or payments under circumstances:

(i) the lack of maintenance of drainage, dikes, levees, or similar structures;
(ii) a lack of management of the lands containing the wetland;
(iii) circumstances beyond the control of the person.
``

The Secretary shall not be subject to a subsequent wetland conversion or delineation by the Secretary, unless requested by the person under subsection (a).

(c) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (b) and inserting the following:

``(b) EXEMPTIONS.—No person shall become ineligible under section 1221 for program loans or payments under circumstances:

(i) the lack of maintenance of drainage, dikes, levees, or similar structures;
(ii) a lack of management of the lands containing the wetland;
(iii) circumstances beyond the control of the person.
``

The Secretary shall not be subject to a subsequent wetland conversion or delineation by the Secretary, unless requested by the person under subsection (a).
and values that will be lost as a result of the wetland conversion that is mitigated—

(F) on lands in the same general area of the local watershed as the converted wetland; and

(G) on lands that are not in agricultural use or is not returned to its original wetland classification with equivalent functions and values; and

(H) prohibits making alterations to the restored, enhanced, or created wetland that lower the wetland's functions and values.

(3) The wetland was converted after December 23, 1990, and the wetland values, acreage, and functions are mitigated by the producer through the requirements of subparagraphs (A), (B), (C), (D), (F), and (G) of paragraph (2).

(4) The action was authorized by a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) and the wetland values, acreage, and functions of the converted wetland were adequately mitigated for the purposes of this subtitle.

(e) EFFERENT PRODUCER.—Section 1222(g) of the Food Security Act of 1985 (16 U.S.C. 3822(g)) is amended by striking "producer" and inserting "person".

(f) RESTORATION.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by striking subsection (h) and inserting the following:

(1) E XEMPTION DESCRIBED.—The Secretary may waive a person's ineligibility under section 1221 for program loans, payments, and benefits if the person has acted in good faith and without intent to violate this subtitle.

(2) PERIOD FOR COMPLIANCE.—The Secretary shall determine, based upon the extent of the deficiencies, that the person has acted in good faith and without intent to violate this subtitle.

(g) DETERIORATION.—Section 1222(i) of the Food Security Act of 1985 (16 U.S.C. 3822(i)) is amended by inserting before the period at the end the following:

"or has otherwise mitigated for the loss of in paragraph (2), as determined by the Secretary.".

(h) DETERIORATION; RESTORATION AND MITIGATION PLANS; MONITORING ACTIVITIES.—Technical determinations, the development of restoration and mitigation plans, and monitoring activities under this section shall be made by the National Resources Conservation Service.

(i) MIGRATION BANKING PROGRAM.—Using authorities that are available to the Secretary, the Secretary may operate a pilot program for mitigation banking of wetlands to assist persons to increase the efficiency of agricultural operations while protecting wetland functions and values.

(j) MIGRATION BANKING PROGRAM.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by adding at the end the following:

The Food Security Act of 1985 (as amended by section 333) is amended by inserting after section 1222 (33 U.S.C. 3822) the following:

SEC. 1223. AFFILIATED PERSONS.

(1) E ARLY TERMINATION AUTHORIZED.—Subsection (b) of section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821(c)) is amended by striking "1995" each place it appears and inserting "2002".

(2) DUTIES OF OWNERS AND OPERATORS.—Section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821) is amended by striking paragraphs (3) and (4) and inserting the following:

(a) in paragraph (3), by striking "3-year" and inserting "5-year"; and

(b) in paragraph (4), by striking "3 years" and inserting "5 years", and

(c) by adding at the end the following:

(2) TERMINATION BY OWNER OR OPERATOR.—

(1) TERMINATION AUTHORIZED.—Subject to the provisions of paragraphs (1) and (2) of this section, a participant in this program may terminate a contract at any time after the date of entry into such contract for any reason, and the Secretary shall disburse to the participant any moneys or other consideration in his possession as of the date of the termination of such contract.

(3) EFFECTIVE DATE.—The contract termination shall become effective 60 days after the date of notice given to the participant by the Secretary.
use, under this section shall be made through the local Natural Resources Conservation Service representative, in consultation with the State technical committee.

(3) In striking the third sentence and inserting the following: "Compensation may be provided in not less than 5, nor more than 30, annual payments of equal or unequal size, as agreed to by the owner and the Secretary."); and

(4) by adding at the end the following:

"(h) RESTORATION COST-SHARE AGREEMENTS.—The Secretary may enroll land into the wetlands reserve program through an agreement that requires the landowner to restore wetlands on the land, if the agreement does not provide the Secretary with an easement.".

(e) COST-SHARE AND TECHNICAL ASSISTANCE.—

Subsection (c) of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended by striking paragraph (3)(E) and inserting the following:

"(E) the Great Plains conservation program established under section 126(b) of the Soil Conservation Act (16 U.S.C. 1259p(b)) (as in effect before the amendment made by section 336(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996);"

(f) EFFECT ON EXISTING AGREEMENTS.—

"(B) the Great Plains conservation program in accordance with this chapter.

CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

"SEC. 1240D. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

"SEC. 1240A. DEFINITIONS.—

"In this chapter:

(1) ELIGIBLE LAND.—The term 'eligible land' means agricultural land (including cropland, range, pasture, or other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to soil, water, or related resources by reason of soil erosion, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

(2) LAND MANAGEMENT PRACTICE.—The term 'land management practice' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, or other management requirement carried out on eligible land that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation;

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

Sec. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation; and

(2) the capping of abandoned wells on eligible land.

"SEC. 1240B.

"(A) ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

"(B) ELIGIBLE PRACTICES.—A producer who implements a structural practice shall be eligible for any combination of technical assistance, incentive payments, and education to producers, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

(2) ELIGIBLE PRACTICES.—

"(A) STRUCTURAL PRACTICES.—A producer who implements a structural practice shall be eligible for any combination of technical assistance, incentive payments, and education to producers, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

(2) ELIGIBLE PRACTICES.—

"(B) LAND MANAGEMENT PRACTICE.—A producer who performs a land management practice shall be eligible for any combination of technical assistance, incentive payments, and education to producers, who enter into contracts with the Secretary, through an environmental quality incentives program in accordance with this chapter.

"SEC. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation;

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

Sec. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation;

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

Sec. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation; and

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

Sec. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation; and

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).

Sec. 1240A.

"(A) STRUCTURAL PRACTICE.—The term 'structural practice' means—

(1) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour filterstrip, filterstrip, tile drainage system, filterstrip, tailwater pit, permanent wildlife habitat, or other structural practice that the Secretary determines is needed to protect, in the most cost-effective manner, water, soil, or related resources from degradation; and

(3) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and such other animals as determined by the Secretary.

(4) PRODUCER.—The term 'producer' means a person who is engaged in livestock or agricultural production (as defined by the Secretary).
"(b) APPLICATION AND TERM.—A contract between a producer and the Secretary under this chapter may
"(1) apply to 1 or more structural practices or 1 or more land management practices, or both; and
"(2) have a term of not less than 5, nor more than 10, years, as determined appropriate by the Secretary for determining which applica-
tions will result in the least cost to the program authorized by this chapter; and
"(c) STRUCTURAL PRACTICES.—
"(1) FUNDING.—The Secretary shall, to the maximum extent practicable, establish a process for selecting applications for financial assistance if there are numerous applications for structural practices. The Secretary shall accord a higher priority to assisting in the implementation of structural practices and land management practices by the producer.
"(2) COST-SHARE PAYMENTS, INCENTIVE PAYMENTS, AND TECHNICAL ASSISTANCE.—
"(A) IN GENERAL.—The Federal share of cost-share payments to a producer proposing to implement 1 or more structural practices shall be not more than 75 percent of the projected cost of the practice, as determined by the Secretary, taking into consideration any payment received by the producer from a State or local government.
"(B) LIMITATION.—A producer who owns or operates a large confined livestock operation (as defined by the Secretary) shall not be eligible for cost-share payments to construct an animal waste management facility.
"(C) IN INCENTIVE PAYMENTS.—A producer shall not be eligible for cost-share payments for structural practices on eligible land under this chapter if the producer receives cost-share payments or other benefits for the same land under chapter 1 or 3.
"(2) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a time determined by the Secretary, to the maximum extent practicable, to be necessary to encourage a producer to perform 1 or more land management practices.
"(A) FUNDING.—The Secretary shall allocate funding under this chapter for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.
"(B) CONTRACTS.—The receipt of technical assistance under this chapter shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.
"(C) PRIVATE SOURCES.—The Secretary shall ensure that the processes of writing and developing proposals and plans for contracts under this chapter, and of assisting in the implementation of structural practices and land management practices covered by the contracts, are open to individuals in agriculture, including agricultural producers, representatives from agricultural cooperatives, agricultural input retail dealers, and certified crop advisers. The require-
mement practice, or both, that is approved by the Secretary until the subsequent fiscal year.
"To the extent appropriate, the Secretary may provide the producer with information, education, and training to aid in implementation of the plan; and
"encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private
"(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter as specified in section 12300.2.
"(3) TIMING OF EXPENDITURES.—Expenditures under a contract entered into under this chapter during a fiscal year may not be made by the Secretary until the subsequent fiscal year.
"(4) PROVIDING THE PRODUCER WITH INFORMATION, EDUCATION, AND TRAINING TO AID IN IMPLEMENTATION OF THE PLAN; AND
"encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.
"SEC. 1240G. LIMITATION ON PAYMENTS.
"(a) IN GENERAL.—The total amount of cost-share and incentive payments paid to a producer under this chapter may not exceed—
"(1) $10,000 for any fiscal year; or
"(2) $50,000 for any multiyear contract.
"(b) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment under subsection (a)(1) on a case-by-case basis if the Secretary determines that a larger payment is—
"(1) essential to accomplish the land management practice or structural practice for which the payment is made.
"(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter as specified in section 12300.2.
"(3) TIMING OF EXPENDITURES.—Expenditures under a contract entered into under this chapter during a fiscal year may not be made by the Secretary until the subsequent fiscal year.
"SEC. 1240H. TEMPORARY ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.
"(a) IN GENERAL.—To be eligible to enter into a contract under the environmental quality incentives program, an owner or producer of a livestock or agricultural operation must submit to the Secretary for approval a plan of operations which incorporates the environmental quality incentives program, and is based on such principles as the Secretary considers necessary to carry out the program, including a description of structural practices and land management practices to be implemented and the objectives to be met by the plan's implementation.
"(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the environmental quality incentives program and comparable conservation programs.
"SEC. 1240I. DUTIES OF THE SECRETARY.
"(a) IN GENERAL.—To be eligible to enter into a contract under the environmental quality incentives program, an owner or producer of a livestock or agricultural operation must submit to the Secretary for approval a plan of operations which incorporates the environmental quality incentives program, and is based on such principles as the Secretary considers necessary to carry out the program, including a description of structural practices and land management practices to be implemented and the objectives to be met by the plan's implementation.

H2746 CONGRESSIONAL RECORD — HOUSE March 25, 1996
(A) The Secretary shall establish conservation farm option pilot programs for producers of wheat, feed grains, cotton, and rice.

(B) Eligible Owners and Producers.—An owner or producer with a farm that has contract acreage enrolled in the agricultural market transition program established under the Agricultural Market Transition Act shall be eligible to enter into a conservation farm option program.

(C) Description of Resource—Conserving Crop Rotation.—The Secretary shall describe the resource—conserving crop rotation for the conservation farm option program.

(D) Minimum Requirements.—A conservation farm plan shall—

(1) conserve soil, water, and related resources;

(2) water quality protection or improvement;

(3) wetland restoration, protection, and creation;

(4) wildlife habitat development and protection; or

(5) other similar conservation purposes.

(E) Conservation Farm Plan.—(1) In General.—The owners or producers under the terms of the contract entered into under this section, an owner or producer shall agree to—

(A) actively comply with the terms and conditions of the approved conservation farm plan;

(B) keep such records as the Secretary may reasonably require for purposes of evaluation of the implementation of the conservation farm plan; and

(C) not engage in any activity that would defeat the purposes of the conservation farm option pilot program.

(2) Payments.—The Secretary shall offer an owner or producer annual payments under the contract that are equivalent to the payments the owner or producer would have received under the conservation reserve program, the wetlands reserve program, and the environmental quality incentives program.

(F) Secretarial Determinations.—

(1) Acreage Estimates.—Prior to each year during which the Secretary intends to offer conservation farm option programs, the Secretary shall estimate the number of acres that—

(A) will be retired under the conservation farm option program conditions that the Secretary intends to offer for that program; and

(B) would be retired under the conservation farm option if the conservation farm option were not available.

(2) Total Land Retirement.—The Secretary shall announce a number of acres to be enrolled in the conservation reserve program that will result in a total number of acres retired under the conservation reserve program and the conservation farm option that does not exceed the amount estimated under paragraph (1)(B) for the current or following year.

(G) Limitation.—The Secretary shall not enroll additional conservation reserve program contracts to offset the land retired under the conservation farm option. The wetlands reserve program, and the environmental quality incentives program.

(H) Commodity Credit Corporation.—The Secretary shall use the funds, authorities, and facilities of the Commodity Credit Corporation to carry out this subsection.

(3) Funding.—Of the funds of the Commodity Credit Corporation, the Corporation shall make available to carry out this section—

(1) $7,500,000 for fiscal year 1997;

(2) $15,000,000 for fiscal year 1998;

(3) $25,000,000 for fiscal year 1999;

(4) $37,500,000 for fiscal year 2000;

(5) $50,000,000 for fiscal year 2001; and

(6) $62,500,000 for fiscal year 2002.

Sec. 336. REPEAL OF SUPERSEDED AUTHORITIES.

(A) Agricultural Conservation Program.—

(B) Elimination.—

(1) Section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) is amended—

(i) in subsection (b), by striking paragraphs (6) through (8); and

(ii) by striking subsections (d), (e), and (f).
(2) CONFORMING AMENDMENTS.—

(A) The Agricultural Adjustment Act of 1938 is amended by striking “Great Plains program” each place it appears in sections 344(c)(8) and 377 (7 U.S.C. 1244(c)(8) and 1277) and inserting “environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985”.

(B) the Department of Agriculture, Reorganization Act of 1994 (7 U.S.C. 6962(b)) is amended by striking paragraph (2).

(c) COLORADO RIVER BASIN SALINITY CONTROL PROGRAM.—

(1) IN GENERAL.—Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (c) and inserting “as part of the environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985.”.

(2) FUNDS.—Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended—

(A) in subsection (a), by striking “pursuant to section 202(c)(2)”; and

(B) by adding at the end the following:

“(f) the Secretary may expend funds available in the Basin Funds referred to in this section to carry out cost-share salinity measures in a manner that is consistent with the cost allocations established under this section.”

(3) CONFORMING AMENDMENT.—Section 246(b)(6) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962(b)(6)) is amended by striking “program” and inserting “measures”.

(d) RURAL ENVIRONMENTAL CONSERVATION PROGRAM.—

(1) ELIMINATION.—Title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—Section 246 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6962) as amended by striking subsection (a), by adding at the end the following:

“(B) by redesignating paragraphs (3) through (6) as paragraphs (3) through (6), respectively; and

(C) by deleting 15(b), (c) and (d).”

(e) OTHER CONSERVATION PROVISIONS.—Subtitle F of title XII of the Food Security Act of 1985 (16 U.S.C. 2005a and 2101 note) is repealed.

(f) TITLE XII OF THE FOOD SECURITY ACT OF 1985 (16 U.S.C. 3862) IS AMENDED—

(1) in subsection (a), by adding at the end the following:

“(j) by adding at the end the following:

“(B) by redesigning paragraphs (3) through (6) as paragraphs (3) through (6), respectively; and

(2) in subsection (c), by striking “(2),” (4) and (6) and inserting “(1),” (2), and (4).”

(3) by adding at the end the following:

“(C) by redesigning paragraphs (3) through (6) as paragraphs (3) through (6), respectively; and

(4) by inserting “(j)” at the beginning of subsection (c).”

(5) by redesigning paragraph (3) as paragraph (4) and inserting “(3)” at the beginning of such paragraph.

(g) TECHNICAL AMENDMENT.—The first sentence of section 1272 of the Food Security Act of 1985 (16 U.S.C. 3872) is amended to read as follows:

“Subtitle E—Conservation Funding and Administration

SEC. 341. CONSERVATION FUNDING AND ADMINISTRATION

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended to read as follows:

“Subtitle E—Conservation Funding and Administration

SEC. 3241. FUNDING.

“(a) MANDATORY EXPENSES.—For each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out authorized by—

(1) subchapter B of chapter 1 of subtitle D (including contracts extended by the Secretary pursuant to section 1437 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 16 U.S.C. 3831 note));

(2) subchapter C of chapter 1 of subtitle D; and

(3) chapter 4 of subtitle D.

(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $130,000,000 for fiscal year 1996, and $200,000,000 for each of fiscal years 1997 through 2002, for providing technical assistance, cost-share payments, incentive payments, and education under the environmental quality incentives program under chapter 4 of subtitle D.

(2) LIVESTOCK PRODUCTION.—For each of fiscal years 1996 through 2002, 50 percent of the funding available for technical assistance, cost-share payments, incentive payments, and education under the environmental quality incentives program shall be targeted at practices relating to livestock production.

SEC. 3242. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

(a) COMMITTEES.—In carrying out subclauses (B), (C), and (D), the Secretary shall carry out the environmental quality incentives program under chapter 4 of subtitle D.

(b) OTHER AGENCIES.—(1) USE.—In carrying out subclauses (B), (C), and (D), the Secretary may utilize the services of the National Resources Conservation Service and the Forest Service, the Fish and Wildlife Service, the Soil Conservation Service, State agencies, land-grant colleges, local, county, and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

(2) OTHER AGENCIES.—(A) The Secretary shall carry out this section in cooperation with the following:

(i) appropriate State, local, and county and other appropriate agencies.

(b) CONFORMING AMENDMENT.—Section 739 of the Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992 (7 U.S.C. 2272a) is repealed.

(c) TECHNICAL AMENDMENT.—The first sentence of subsection (a) of the heading “COMMODITY CREDIT CORPORATION” of Public Law 99-263 (100 Stat. 59; 16 U.S.C. 3841 note) is amended by striking “prices.” Provided further, “and all that follows through “Acts.” and inserting “prices.”

(d) AGRICULTURAL WATER QUALITY INCENTIVES PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3832 et seq.) is repealed.

SEC. 342. STATE TECHNICAL COMMITTEES.

(a) COMPOSITION.—Section 1261(c) of the Food Security Act of 1985 (16 U.S.C. 3861(c))—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon;

(c) in subsection (c)—

(1) in paragraph (7), by striking “and” at the end;

(2) by redesigning paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

“(g) establishing criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides;”;

and

(5) in subsection (c)—

(1) in paragraph (7), by striking “and” at the end;

(2) by redesigning paragraph (8) as paragraph (9); and

(3) by inserting after paragraph (7) the following:

“(i) establishing criteria and guidelines for evaluating petitions by agricultural producers regarding new conservation practices and systems not already described in field office technical guides.”.

SEC. 343. PUBLIC NOTICE AND COMMENT FOR REVISIONS TO CERTAIN STATE TECHNICAL GUIDES

After the date of enactment of this Act, the Secretary of Agriculture shall provide for public notice and comment of all revisions to those provisions of the Natural Resources Conservation Service State technical guides that are used to carry out subparts A, B, and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).
Subtitle F—National Natural Resources Conservation Foundation

SEC. 351. SHORT TITLE. This subtitle may be cited as the "National Natural Resources Conservation Foundation Act." 

SEC. 352. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) BOARD.—The term "Board" means the Board of Trustees established under section 354.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) FOUNDATION.—The term "Foundation" means the National Natural Resources Conservation Foundation established by section 353(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 353. NATIONAL NATURAL RESOURCES CONSERVATION FOUNDATION.

(a) ESTABLISHMENT.—A National Natural Resources Conservation Foundation is established as a charitable and nonprofit corporation for charitable, scientific, and educational purposes specified in subsection (b). The Foundation is not an agency or instrumentality of the United States.

(b) DUTIES.—The Foundation shall—

(1) promote innovative solutions to the problems associated with the conservation of natural resources on private lands, particularly with respect to agriculture and soil and water conservation;

(2) promote voluntary partnerships between government and private interests in the conservation of natural resources;

(3) conduct research and undertake educational activities, conduct and support demonstration projects, make grants to State and local agencies and nonprofit organizations;

(4) provide such other leadership and support as may be necessary to address conservation challenges, such as the prevention of excessive soil erosion, the enhancement of soil and water quality, and the protection of wetlands, wildlife habitat, and strategically important farmland subject to urban conversion and fragmentation;

(5) encourage, accept, and administer private gifts of money and real and personal property for the benefit of, or in connection with, the conservation and related activities and services of the Department, particularly the Natural Resources Conservation Service;

(6) undertake, conduct, and encourage educational, informational, and other assistance, and other activities, that support the conservation and related programs administered by the Department, including forest resources, fish and wildlife, natural water resources, and other programs of the Department (other than activities carried out on the National Forest System lands), particularly the Natural Resources Conservation Service, except that the Foundation may not enforce or administer a regulation of the Department; and

(7) raise private funds to promote the purposes of the Foundation.

(c) LIMITATIONS AND CONFLICTS OF INTEREST.

(1) POLITICAL ACTIVITIES.—The Foundation shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(2) CONFLICTS OF INTEREST.—No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee;

(B) the interests of any corporation, partnership, entity, organization, or other person in which the director, officer, or employee—

(i) is employed;

(ii) is a director, officer, or employee; or

(iii) has any direct or indirect financial interest;

(C) LEGISLATION OR GOVERNMENT ACTION OR POLICY.—The funds of the Foundation may be used in any manner for the purpose of influencing legislation or government action or policy.

(4) LITIGATION.—No funds of the Foundation may be used to bring or join any action against the United States.

SEC. 354. COMPOSITION AND OPERATION.

(a) COMPOSITION.—The Foundation shall be administered by a Board of Trustees that shall consist of 9 voting members, each of whom shall be a United States citizen and not a Federal officer or employee. The Board shall be composed of—

(1) individuals with expertise in agricultural conservation policy matters;

(2) a representative of private sector organizations with a demonstrable interest in natural resources conservation;

(3) a representative of statewide conservation organizations;

(4) a representative of soil and water conservation districts;

(5) a representative of organizations outside the Federal Government that are dedicated to natural resources conservation education; and

(6) a farmer or rancher.

(b) NONGOVERNMENTAL EMPLOYEES.—Service as a member of the Board shall not constitute employment by, or the holding of, an office of the United States for the purposes of any Federal law.

(c) MEMBERSHIP.

(1) INITIAL MEMBERS.—The Secretary shall appoint 9 persons who meet the criteria established under subsection (a) as the initial members of the Board and designate 1 of the members as the initial chairperson for a 2-year term.

(2) TERMS OF OFFICE.—

(A) IN GENERAL.—A member of the Board shall serve for a term of 3 years, except that the members appointed to the initial Board shall serve proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(B) LIMITATION ON TERMS.—No individual may serve more than 2 consecutive 3-year terms as a member of the Board.

(3) SUBSEQUENT MEMBERS.—The initial members of the Board shall adopt procedures for the nonpartisan appointment and selection of subsequent members of the Board. The procedures shall require that each member, at a minimum, meets the criteria established under subsection (a) and shall provide for the selection of an individual, who is not a Federal officer or a member of the Board.

(d) CHAIRPERSON.—After the appointment of an initial chairperson under subsection (c)(1), each succeeding chairperson of the Board shall be elected by the members of the Board for a 2-year term.

(e) VACANCIES.—A vacancy on the Board shall be filled by the Board not later than 60 days after the occurrence of the vacancy.

(f) COMPENSATION.—The Board shall receive no compensation from the Foundation for the service of the member on the Board.

(g) TRAVEL EXPENSES.—While away from the home or regular place of business, an officer of the Board shall be reimbursed for reasonable travel expenses incurred in connection with the services performed by the officer in relation to the Board.

(h) POWERS. To carry out the purposes of the Foundation, the Board may—

(1) exercise all powers of a corporation, including the power—

(A) to sue, be sued, and complain; and

(B) to do any and all acts that are necessary to carry out the purposes of the Foundation.

(i) INTERESTS.—The Foundation may acquire, hold, and dispose of lands, waters, or other interests in real property by donation, devise, or bequest, either absolutely or in trust, of real or personal property or any income from, or other interest in, the gift, devise, or bequest.

(2) to acquire by purchase or exchange any real or personal property or interest in property, except that funds provided under section 360 may not be used to purchase an interest in real property;

(3) unless otherwise required by instrument of transfer, to sell, donate, lease, invest, reinvest, trust, dispose of any property or income from property;

(4) to borrow money from private sources and issue bonds, debentures, or other debt instruments, subject to section 359, except that the aggregate amount of the borrowing and debt instruments outstanding at any time may not exceed $1,000,000;

(5) to sue and be sued, and complain and defend itself, in any court of competent jurisdiction, except that a member of the Board shall not be personally liable for an action in the performance of services for the Board, except for gross negligence.

(6) to enter into a contract or other agreement with an agency of the United States, educational institution, or other private organization or person and to make such payments as may be necessary to carry out the functions of the Foundation; and

(7) to do any and all acts that are necessary to carry out the purposes of the Foundation.

(i) INTERESTS IN REAL PROPERTY.—The Foundation may acquire, hold, and dispose of lands, waters, or other interests in real property by donation, devise, or bequest. An interest in real property shall be treated, among other things, as including an easement or other right for the preservation, conservation, protection, enhancement of quality of the natural, scenic, historic, scientific, educational, inspirational, or recreational resources.
For each of fiscal years 1996 through 1998, the Secretary may provide, with the approval of the Foundation, such equitable relief as may be necessary or appropriate, if the Foundation—

SEC. 357. ADMINISTRATIVE SERVICES AND SUPPORT.
For each of fiscal years 1996 through 1998, the Secretary may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

SEC. 358. AUDITS AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.
(a) AUDITS.—

(1) IN GENERAL.—The accounts of the Foundation shall be audited in accordance with Public Law 88-504 (36 U.S.C. 1101 et seq.), including an audit of lobbying and litigation activities carried out by the Foundation.

(2) CONFORMING AMENDMENT.—The first section of Public Law 88-504 (36 U.S.C. 1101) is amended by adding at the end the following: “(7) The National Natural Resources Conservation Foundation.”.

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—The Attorney General in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate, if the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with this subtitle; or

(2) refuses, fails, neglects, or threatens to refuse, fail, neglect, or threaten to discharge the obligations under this subtitle.

SEC. 359. RELEASE FROM LIABILITY.
(a) IN GENERAL.—The United States shall not be liable for any debt, default, act, or omission of the Foundation. The full faith and credit of the United States shall be liable for any debt, default, act, or omission of the Foundation.

(b) RELIEF WITH RESPECT TO CERTAIN FOUNDATION ACTS OR FAILURE TO ACT.—The Attorney General in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate, if the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with this subtitle; or

(2) refuses, fails, neglects, or threatens to refuse, fail, neglect, or threaten to discharge the obligations under this subtitle.

SEC. 360. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Department of Agriculture for the benefit of the United States $1,000,000 for each of fiscal years 1997 through 1999 to initially establish and carry out activities of the Foundation.

Subtitle G—Forestry
SEC. 371. OFFICE OF INTERNATIONAL FORESTRY.
Section 246 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6704) is amended by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 1996 through 2000 such sums as are necessary to carry out this section.”.

SEC. 372. COOPERATIVE WORK FOR PROTECTION, MANAGEMENT, AND IMPROVEMENT OF NATIONAL FOREST SYSTEM.
The penultimate paragraph of the matter under the heading “FOREST SERVICE,” of the first section of the Act of June 30, 1914 (38 Stat. 430, chapter 131; 16 U.S.C. 498), is amended—

(1) by inserting “, management,” after “the protection”;

(2) by striking “national forests,” and inserting “National Forest System,”;

(3) by inserting “management,” after “protection,” both places it appears; and

(4) by adding at the end the following: “Payment for work undertaken pursuant to this paragraph may be made from any appropriation of the Forest Service that is available for similar work. The agreement so provides and reimbursement will be provided by a cooperator in the same fiscal year as the expenditure by the Forest Service. A reimbursement received from a cooperator that covers the proportionate share of the cooperator of the cost of the work shall be deposited to the credit of the appropriation of the Forestry Service from which the payment was initially made or, if the appropriation is no longer available, to the credit of an appropriation of the Forest Service that is available for similar work.

The Secretary of Agriculture shall establish written rules that establish criteria to be used to determine whether the acceptance of contributions of money under this paragraph would adversely affect the ability of an officer or employee of the Department of Agriculture to carry out a duty or program of the officer or employee in a fair and objective manner or would compromise the integrity of the program, officer, or employee. The Secretary of Agriculture shall establish written rules that protect the interests of the Forest Service in cooperative work agreements.”.

SEC. 373. FORESTRY INCENTIVES PROGRAM.
Section 4 of the Cooperative Forestry Assistance Act of 1976 (16 U.S.C. 2103c) is amended—

(1) in subsection (i), by striking “annually” and inserting “for each of fiscal years 1996 through 2002”; and

(2) by striking subsection (k).

SEC. 374. OPEN-ENDED GRANTS FOR FOREST LEGACY PROGRAM.
Section 7 of the Cooperative Forestry Assistance Act of 1976 (16 U.S.C. 2103c) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

“(l) OPTIMIZED STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall, at the request of a participating State, provide a grant to the State to carry out the Forest Legacy Program in the State.

(2) ADMINISTRATION.—If a State accepts to receive a grant under this subsection—

(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide a grant to the State; and

(B) the State shall use the grant to carry out the Forest Legacy Program in the State, including the acquisition of the State by lands and interests in lands.”.

Subtitle H—Miscellaneous Conservation Provisions
SEC. 381. CONSERVATION ACTIVITIES OF COMMODITY CREDIT CORPORATION.
(a) IN GENERAL.—Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Carry out conservation or environmental programs authorized by law.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 1997.

SEC. 382. FLOODPLAIN EASEMENTS.
Section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) is amended by inserting “, including the purchase of floodplain easements, after ‘emergency measures’”,

SEC. 383. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

SEC. 384. REPEAL OF REPORT REQUIREMENT.
Section 1302 of title 44, United States Code, is repealed.

SEC. 385. FLOOD RISK REDUCTION.
(a) IN GENERAL.—During fiscal years 1996 through 2000, the Secretary of Agriculture (referred to in this section as the “Secretary”) may enter into a contract with a producer on a farm who has contract acreage under the Agricultural Market Transition Act that is frequently flooded.

(b) DUTIES OF SECRETARY.—Under the terms of the contract, with the consent of the owner of the land that is subject to the contract, the producer must agree to—

(1) the termination of any contract acreage for production flexibility contract under the Agricultural Market Transition Act;

(2) forgo loans for contract commodities, oilseed, and extra long staple cotton;

(3) not apply for crop insurance issued or reinsured by the Secretary;

(4) comply with applicable highly erodible land and wetlands conservation requirements established under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(5) not apply for any conservation program payments from the Secretary;

(6) not apply for disaster program benefits provided by the Secretary; and

(7) refund the payments, with interest, issued under the flood risk reduction contract to the Secretary, if the producer violates the terms of the contract or if the producer transfers the property to another person who violates the contract.

(c) DUTIES OF SECRETARY.—In return for a contract entered into by a producer under this section, the Secretary shall forgo an amount that is not more than 95 percent of projected contract payments under the Agricultural Market Transition Act. The Secretary estimates the producer would otherwise have received during the period beginning at the time the contract is entered into under this section and ending September 30, 2002.

(d) COMMODITY CREDIT CORPORATION.—The Secretary shall carry out the program authorized by this section (other than subsection (e)) through the Commodity Credit Corporation.

(e) ADDITIONAL PAYMENTS.—

(1) IN GENERAL.—Subject to the availability of advanced appropriations, the Secretary may make payments to a producer described in subsection (a), in addition to the payments provided under subsection (c), to offset other estimated Federal Government outlays on frequently flooded land.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(f) LIMITATION ON PAYMENTS.—Amounts made available for production flexibility contracts under section 113 shall be reduced by an amount equal to the contract payments that producers forgo under subsection (b)(1) of this section.

SEC. 386. CONSERVATION OF PRIVATE GRASSING LAND.
(a) FINDINGS.—Congress finds that—

(1) private grazing land constitutes nearly 1/2 of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;

(2) private grazing land contains a complex set of interactions among soil, water, air, plants, and animals;

(3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;

(4) private grazing land constitutes the most extensive wildlife habitat in the United States;

(5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-products of nutrient production;

(6) owners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive technical assistance to improve or conserve grazing land resources to meet ecological and economic demands;
(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land responsibilities. 

(b) agencies of the Department with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and to search to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land; 

(c) through consensual demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is currently limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing land resources; and

(d) private grazing land resources, including utilities on private grazing land, can be enhanced to provide many benefits to all citizens of the United States through voluntary cooperation among owners and managers of the land, local conservation districts, and public agencies to voluntarily carry out activities for this section, the Secretary shall establish a program under the Natural Resources Conservation Service.

(b) TECHNICAL ASSISTANCE AND EDUCATION.—Personnel of the Department trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(c) GraZing Technical Assistance SELF-Help.—

(1) FINDINGS.—Congress finds that—

(A) there is a severe lack of technical assistance for farmers and ranchers who graze livestock;

(B) Federal budgetary constraints preclude any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) ESTABLISHMENT OF GRAZING DEMONSTRATION.—In accordance with paragraph (3), the Secretary may establish grazing management demonstration districts at the recommendation of the grazing lands conservation initiative steering committee.

(3) PROCEDURE.—Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(b) FUNDING.—If funding is provided to carry out this section, a total of $50,000,000 shall be made available for fiscal years 1996 through 2002 from funds made available to carry out subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(c) AUTHORIZATION.—The Secretary shall use not more than $35,000,000 of the funds of the Commodity Credit Corporation to carry out this section.

Sec. 389. INTERIM MORATORIUM ON BYPASS FLOWS.

(a) Moratorium.—There shall be an 18-month moratorium on any Forest Service decision to require bypass flows or any other relinquishment of the unimpaired use of a decreased water right as a condition of renewal or reissuance of a land use authorization permit.

(b) TIMELINES.—Subsection (a) shall not affect—

(1) obligations or authority of the Secretary of Agriculture to protect public health and safety; and

(2) obligations or authority under the Endangered Species Act of 1973 (16 U.S.C. 1361 et seq.), or applicable State law.

(c) RULES OF CONSTRUCTION.—

(1) EXISTING NON-FEDERAL WATER RIGHTS.—Nothing in this section prevents or inhibits the exercise of the use and operation of existing non-Federal water rights on or above the National Forest land that require land use authorization permits from the Forest Service to access water facilities.

(2) RENEWAL OR REISSUANCE OF EXPIRING LAND USE AUTHORIZATION FOR DECREED WATER RIGHTS.—Nothing in this section prevents or inhibits the renewal or reissuance of expiring land use authorizations for decreed water rights.

(3) DETERMINATION.—The Secretaries may use authority under the Agricultural Adjustment Act (7 U.S.C. 2903) in effect on the date of enactment of this Act.

(4) AUTHORIZATION.—The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 2903 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to establish a demonstration basis, a grazing management district.

(F) ACTIVITIES.—The activities of a grazing management district shall be scientifically designed, and shall be carried out by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 1996;

(2) $40,000,000 for fiscal year 1997; and

(3) $60,000,000 for fiscal year 1998 and each subsequent fiscal year.

Sec. 387. WILDLIFE HABITAT INCENTIVES PROGRAM.

(a) In general.—The Secretary of Agriculture, in consultation with the State technical committees established under the Food Security Act of 1985 (16 U.S.C. 3861), shall establish a program under the Natural Resources Conservation Service to be known as the "Wildlife Habitat Incentive Program." 

(b) COST-SHARE PAYMENTS.—Under the program, the Secretary shall make cost-share payments to landowners to develop or maintain wetland wildlife., threatened, endangered and other wildlife species, and other types of wildlife habitat approved by the Secretary.

(c) FUNDING.—To carry out this section, a total of $50,000,000 shall be made available for fiscal years 1996 through 2002 from funds made available to carry out subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).
(A) member shall be appointed by the Secretary of Agriculture.

(B) 2 members shall be appointed by the Speaker of the House of Representatives and 1 member shall be appointed by the Majority Leader of the House of Representatives.

(C) 2 members shall be appointed by the Majority Leader of the Senate and 1 member shall be appointed by the Minority Leader of the Senate.

(3) SUBJECTS TO BE STUDIED.—The Task Force shall report to Congress and make recommendations on—

(a) whether Federal water rights should be acquired for environmental protection on National Forest land;

(b) measures necessary to protect the free exercise of non-Federal water rights requiring easements and permits from the Forest Service;

(c) the protection of minimum instream flows for environmental and watershed management purposes on National Forest land through purchases or exchanges from willing sellers in accordance with Federal law;

(d) the effects of any of the recommendations made under this paragraph on existing State laws, regulations, and customs of water usage; and

(E) measures that would be useful in avoiding or resolving conflicts between the Forest Service's responsibilities for natural resource and environmental protection and the public interest, and the property rights and interests of water holders with special use permits for water facilities, including the study of the Federal acquisition of Federal and State water rights and the property rights to acquire in suit of the Federal Government, and compensation.

(4) F INAL REPORT.—As soon as practicable, but not later than 1 year, after the date of enactment of this Act, the Secretary of Agriculture shall submit to the President pro tempore of the Senate, the Majority Leader of the Senate and 1 member shall be appointed by the Speaker of the House of Representatives and 1 member shall be appointed by the Secretary of Agriculture.

(3) U NITS OF MEASURE.—In carrying out this subsection, the Secretary shall use funds in the special account made available under subparagraph (A) to acquire a parcel of real property, or an interest in the lands as may be necessary to establish the Everglades Restoration Account, and shall acquire, for the purposes of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), surpluses which property located in the State of Florida.

(4) I N Form AND DISPO SITION OF FED E RAL L AND.—

(I) I DENTIFICATION.—Any Federal real property located in Florida (excluded from lands under the administrative jurisdiction of the Secretary that are set aside for conservation purposes) shall be identified for disposal or exchange. Subject to subparagraph (B), surplus real property shall be made available for purposes of this subsection unless the head of the agency controlling the property determines that there is a compelling program need for any property identified by the Secretary.

(II) A VAILABILITY AND DISPO SITION OF FED E RAL L AND.—

(A) PROPERTY IDENTIFIED BY THE SECRETARY.—Subject to subparagraph (B), the Administrator shall deposit in the special account all funds received by the Administrator, on or after the date of enactment of this Act, from the disposal pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) of surplus real property located in the State of Florida.

(B) PROVISION FOR DISPOSAL OR EXCHANGE.—Funds deposited in the special account shall be available to the Secretary, on or after the date of enactment of this Act, to acquire a parcel of real property, or an interest in the lands as may be necessary to establish the Everglades Restoration Account, and shall acquire, for the purposes of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), surpluses which property located in the State of Florida.

(5) E NTR EMENT.—The Secretary of Agriculture shall use funds made available for salaries and administrative expenses of the Department of Agriculture to carry out this subsection.

SEC. 390. EVERGLADES ECOSYSTEM RESTORATION ACCOUNT.

(a) I N GENERAL.—On July 1, 1996, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide $200,000,000 to the Secretary of the Interior to carry out this section.

(b) T RUST ACCOUNT.—The Secretary shall deposit in the Treasury account under paragraph (2) the total amount of funds deposited in the special account under paragraph (a).

(c) FUND USE LIMITATION.—Subject to subparagraph (B), funds deposited in the special account shall be available to the Secretary for the purposes of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(d) S EPARATE AND ADDITIONAL EVERGLADES RESTORATION ACCOUNT.—

(1) ESTABLISHMENT.—There is established in the Treasury the "Everglades Restoration Account", which shall consist of such funds as may be deposited in the account under paragraph (2). The account shall be separate, and in addition to, funds deposited in the Treasury under subsection (a).

(2) S OURCE OF FUND S FOR ACCOUNT .—

(A) PROPERTY IDENTIFIED BY THE SECRETARY.—Subject to subparagraph (B), the Administrator shall deposit in the special account all funds received by the Administrator, on or after the date of enactment of this Act, from the disposal pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) of surplus real property located in the State of Florida.

(B) P RIORITIZATION OF DISPOSITION.—The Administrator may prioritize the disposition of property made available under this subparagraph to permit the property to be sold as quickly as practicable in a manner that is consistent with the best interests of the Federal Government.

(3) U NITS OF MEASURE.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, determine which lands and mineral interests located within the State of Florida are suitable for disposal or exchange before making the determination for eligible lands or interests in other States.

(4) P RIVACY.—Subject to subparagraph (B), funds deposited in the special account shall be used to acquire a parcel of real property, or an interest in the lands as may be necessary to establish the Everglades Restoration Account, and shall acquire, for the purposes of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(5) R EPORT TO DETERMINE THE FEASIBILITY OF ADDITIONAL LAND ACQUISITION AND RESTORATION ACTIVITIES.—

(A) I N GENERAL.—The Secretary shall conduct an investigation to determine what, if any, unused and unappropriated Federal lands or mineral interests in any such lands under the administrative jurisdiction of the Secretary are suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region.

(B) P RIVATE REAL PROPERTY.—No lands under the administrative jurisdiction of the Secretary that are set aside for conservation purposes shall be identified for disposal or exchange under subsection (3).

(C) F LORIDA.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, determine which lands and mineral interests located within the State of Florida are suitable for disposal or exchange before making the determination for eligible lands or interests in other States.

(D) P RIVACY.—In carrying out this subsection, the Secretary shall conduct an investigation to determine what, if any, unused and unappropriated Federal lands or mineral interests in any such lands under the administrative jurisdiction of the Secretary are suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region.

(E) R EPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the results of the investigation conducted under this subsection.

(6) R EPORT TO DETERMINE THE FEASIBILITY OF ADDITIONAL LAND ACQUISITION AND RESTORATION ACTIVITIES.—

(A) I N GENERAL.—The Secretary shall conduct an investigation to determine what, if any, unused and unappropriated Federal lands or mineral interests in any such lands under the administrative jurisdiction of the Secretary are suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region.

(B) P RIVATE REAL PROPERTY.—No lands under the administrative jurisdiction of the Secretary that are set aside for conservation purposes shall be identified for disposal or exchange under subsection (3).

(C) F LORIDA.—In carrying out this subsection, the Secretary shall, to the maximum extent practicable, determine which lands and mineral interests located within the State of Florida are suitable for disposal or exchange before making the determination for eligible lands or interests in other States.

(D) P RIVACY.—In carrying out this subsection, the Secretary shall conduct an investigation to determine what, if any, unused and unappropriated Federal lands or mineral interests in any such lands under the administrative jurisdiction of the Secretary are suitable for disposal or exchange for the purpose of conducting restoration activities in the Everglades region.

(E) R EPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Natural Resources of the House of Representatives and the Committee on Environment and Natural Resources of the Senate describing the results of the investigation conducted under this subsection.

(7) F RAMES OF THE TASK FORCE.—The Task Force shall—

(A) report to Congress not later than 90 days after a request by the Secretary, be re-
(g) AMERICAN SAMOA.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

``SEC. 24. TERRITORY OF AMERICAN SAMOA. —The Secretary, in consultation with appropriate officials of the government of the Territory of American Samoa, shall provide a portion of the federal share of any grant under this section to the Territory of American Samoa to support activities to promote economic development in the Territory of American Samoa.
``

(h) TERRITORY OF AMERICAN SAMOA.—The Food Stamp Act of 1977 (7 U.S.C. 2021(b)(3)(B)) is amended—

(1) by striking the last sentence of section 212 of Public Law 96–597 (48 U.S.C. 1466e(c)); and

(2) by adding at the end the following:

``SEC. 25. ASSISTANCE FOR COMMUNITY FOOD PROJECTS. —In this section, the term 'community food project' means a community-based project that requires a 1-1/2 infusion of Federal assistance to become self-sustaining and that is designed to—

(1) meet the food needs of low-income people;

(2) increase the self-reliance of communities in providing for their food needs; and

(3) promote comprehensive responses to local food, farm, and nutrition issues.
``

(b) AUTHORITY TO PROVIDE ASSISTANCE.—

(1) IN GENERAL.—From amounts made available to carry out this Act, the Secretary may make grants to eligible entities to establish and carry out community food projects.

(2) LIMITATION ON GRANTS.—The total amount of funds provided as grants under this section may not exceed—

(A) $1,000,000 for fiscal year 1996; and

(B) $2,500,000 for each of fiscal years 1997 through 2002.
``

(c) ELIGIBLE ENTITIES.—To be eligible for a grant under subsection (b), a private nonprofit entity must—

(1) have experience in the area of—

(A) community food work, particularly concerning small and medium-sized farms, including the provision of food to people in low-income communities and the development of new markets in low-income communities for agricultural producers; or

(B) job training and business development activities for food-related activities in low-income communities;

(2) demonstrate capability to implement a project, provide fiscal accountability, collect data, and prepare reports and other necessary documentation; and

(3) demonstrate a willingness to share information with researchers, practitioners, and other interested parties.
``

(d) PREFERENCE FOR CERTAIN PROJECTS.—In selecting community food projects to receive assistance under subsection (b), the Secretary shall give preference to projects designed to—

(1) develop linkages between 2 or more sectors of the food system;

(2) support the development of entrepreneurial projects;

(3) develop innovative linkages between the for-profit and nonprofit food sectors; or

(4) encourage long-term planning activities and multi-system, interagency approaches.
``

(e) MATCHING FUNDS REQUIREMENTS.—

(1) REQUIREMENTS.—The Federal share of the cost of establishing or carrying out a community food project that receives assistance under subsection (b) may not exceed 50 percent of the cost of the project during the term of the grant.

(2) CALCULATION.—In providing for the non-federal share of the cost of carrying out a community food project, the entity receiving the grant may use any of the following: a cash contribution; a in-kind contribution; a partial cash contribution in cash or in kind, fairly evaluated, including facilities, equipment, or services.

``(f) SOURCES.—An entity may provide for the non-Federal share through State government, local government, or private sources.
``

(1) TERM OF GRANT.—A community food project may be supported by only a single grant under subsection (b).

(2) TERM.—The term of a grant under subsection (b) may not exceed 3 years.
``

(g) TECHNICAL ASSISTANCE AND RELATED INFORMATION.—

(1) TECHNICAL ASSISTANCE.—In carrying out the programs under this section, the Secretary may provide technical assistance regarding community food projects, processes, and development to an entity seeking the assistance.

(2) SUBMITTING INFORMATION.—

(A) IN GENERAL.—The Secretary may provide for the sharing of information concerning community food projects and issues among and between government, private-for-profit and non-profit groups, and the public through publications, conferences, and other appropriate forums.

(B) OTHER INTERESTED PARTIES.—The Secretary may share information concerning community food projects with researchers, practitioners, and other interested parties.
``

(h) EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for the evaluation of the success of community food projects supported using funds under this section.

(2) REPORT.—Not later than January 30, 2002, the Secretary shall submit a report to Congress reporting the results of the evaluation.
``

SEC. 403. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) AUTHORIZATION.—The first sentence of section 4(a) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) FUNDING.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note) is amended—

(1) in subsection (a)(2), by striking "1995" and inserting "2002";

(2) in subsection (d)(2), by striking "1995" and inserting "2002"; and

(3) by adding at the end the following:

``(f) CARRIED-OVER FUNDS.—Not more than 20 percent of any commodity supplemental food program food funds carried over under this section shall be available for administrative expenses of the program.
``

SEC. 404. EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) AUTHORIZATION.—The first sentence of section 404(a) of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(b) PROGRAM TERMINATION.—Section 212 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended by striking "1995" and inserting "2002".

(c) REQUIRED PURCHASES OF COMMODITIES.—Section 214 of the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (b), by striking "1995" and inserting "2002".
``

SEC. 405. SCHOOL KITCHEN AND FOOD BANK PROGRAM.

Section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "2002"; and

(2) in subsection (c)(2)—

(A) by striking the last sentence of that subsection, by striking "1999" each place it appears and inserting "2002"; and

(B) by striking "1995" and inserting "2002".
``

March 25, 1996
CONGRESSIONAL RECORD—HOUSE
H2753
TITLE V—AGRICULTURAL PROMOTION

Subtitle A—Commodity Promotion and Evaluation

SEC. 501. COMMODITY PROMOTION AND EVALUATION.

(a) COMMODITY PROMOTION LAW DEFINED.—In this section, the term "commodity promotion law" means any law that provides for the establishment and operation of a promotion program regarding an agricultural commodity that includes a combination of promotion, research, industry information, or consumer information activities, is funded by mandatory assessments on producers or processors, and is designed to maintain or expand markets and uses for the commodity (as determined by the Secretary).

The term includes—

(1) the marketing promotion provisions under section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 806c(6)(I)), as amended by the Agricultural Marketing Agreement Act of 1937;

(2) Public Law 69-502 (7 U.S.C. 2101 et seq.);

(3) Public Law 91-571 (7 U.S.C. 2611 et seq.);

(4) Public Law 93-428 (7 U.S.C. 2701 et seq.);

(5) Public Law 94-294 (7 U.S.C. 2901 et seq.);

(6) Public Law 95-618 (7 U.S.C. 4501 et seq.);

(7) Public Law 98-590 (7 U.S.C. 4601 et seq.);

(8) subtitle B of title XVI of Public Law 99-198 (7 U.S.C. 5961 et seq.);

(9) subtitle C of title XVI of Public Law 99-198 (7 U.S.C. 4901 et seq.);

(10) subtitle D of title XVI of Public Law 101-624 (7 U.S.C. 6101 et seq.);

(11) subtitle E of title XVI of Public Law 101-624 (7 U.S.C. 6301 et seq.);

(12) title X of Public Law 101-624 (7 U.S.C. 6401 et seq.);

(13) Public Law 103-190 (7 U.S.C. 6801 et seq.);

(14) Public Law 103-407 (7 U.S.C. 7101 et seq.);

(15) subtitle B;

(16) subtitle C;

(17) subtitle D; or

(18) subtitle E.

(b) FINDINGS.—Congress finds the following:

(1) it is in the national public interest and vital to the welfare of the agricultural economy of the United States to maintain and expand existing markets and uses for agricultural commodities through industry-funded, Government-supervised, generic commodity promotion programs established under commodity promotion laws.

(2) These generic commodity promotion programs, funded by the agricultural processors or producers under a law that provides for the establishment and operation of a promotion program for an agricultural commodity, are designed to—

(a) strengthen the position of agricultural commodities in existing and foreign markets and uses for agricultural commodities; and

(b) maintain or increase the general demand and demand for the agricultural commodity in domestic and foreign markets and uses.

(3) The central congressional purpose underlying each commodity promotion law has always been to maintain and expand markets for the agricultural commodity covered by the law, rather than to maintain or expand the share of those markets held by any individual producer or processor.

(4) The commodity promotion laws were neither designed nor intended to prohibit or restrict, and the promotion programs established and funded pursuant to these laws do not prohibit, restrict, or maintain the share of the covered commodity by any producer, processor, or group of producers or processors.

(5) It has never been the intent of Congress for the generic commodity promotion programs established and funded by the commodity promotion laws to replace the individual advertising and promotion efforts of producers or processors.

(6) An individual producer's or processor's own advertising and promotion are generally designed to increase the share of the market held by that producer or processor rather than to increase or expand the overall size of the market.

(7) In contrast, a generic commodity promotion program is intended and designed to maintain or increase the overall demand for the agricultural commodity covered by the program and for this increase in demand for that commodity, often by utilizing promotion methods and techniques that individual producers and processors typically are unable, or have no incentive, to employ.

(8) The commodity promotion laws establish promotion programs that operate as "self-help" mechanisms for processors and producers to fund generic promotions for covered commodities, which, under the required supervision and oversight of the Secretary of Agriculture—

(A) further specific national governmental goals, as established by Congress; and

(B) produce nonideological and commercial communication the purpose of which is to fulfill the governmental policy and objective of maintaining and expanding the markets for the covered commodities.

(9) While some commodity promotion laws grant the right of crediting advertising conducted by the producer or processor for all or a portion of the producer's or processor's marketing promotion program costs, for programs established under the commodity promotion laws, those programs that permit credit for individual advertising and those programs that do not comply with the benefits provided by the narrowly tailored techniques so as to fulfill the congressional purposes of the commodity promotion laws without impairing or infringing the legal or constitutional rights of any individual producer.

(10) These generic commodity promotion programs are of particular benefit to small producers who often lack the resources or market power to advertise on their own and who are otherwise unable to benefit from the economies of scale available in promotion and advertising.

(11) Periodic independent evaluation of the effectiveness of these generic commodity promotion programs will assist Congress and the Secretary of Agriculture in ensuring that the objectives of the programs are met.

(c) INDEPENDENT EVALUATION OF PROMOTION PROGRAM EFFECTIVENESS.—Except as otherwise provided in this subtitle, a promotion program established under the supervision and oversight of the Secretary of Agriculture pursuant to a commodity promotion law shall, not less often than every 5 years, authorize and fund, from funds otherwise available to the board, an independent evaluation of the effectiveness of the generic commodity promotion programs and other programs conducted by the board pursuant to a commodity promotion law. The board shall submit to the Secretary, and make available to the public, the results of each periodic independent evaluation conducted under this subsection.

(d) ADMINISTRATIVE COSTS.—The Secretary shall annually provide to the Committee on Agriculture, the Committee on Ways and Means, and the Senate Committee on Finance, and the House Committee on Ways and Means, an itemized account of all administrative costs paid from funds made available under commodity promotion laws.

Subtitle B—Obligations for Promotion, Research, and Information Activities Regarding Agricultural Commodities

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Commodity Promotion, Research, and Information Act of 1996.”

SEC. 512. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The production of agricultural commodities plays a significant role in the economy of the United States. Thousands of producers in the United States are involved in the production of certain agricultural commodities whose outputs are consumed by millions of people throughout the United States and foreign countries.

(2) Agricultural commodities must be of high quality, readily available, of good value, and marketed efficiently to ensure that consumers have an adequate supply.

(3) The maintenance and expansion of existing markets for agricultural commodities and the development of new markets for agricultural commodities through generic commodity promotion, research, and information activities are vital to the welfare of persons engaged in the production, marketing, and consumption of such commodities, as well as to the general economy of the United States.

(4) Commodity promotion, research, and information activities for agricultural commodities play a unique role in advancing the demand for such commodities, since such activities increase the total market for a product to the benefit of consumers and all producers. These generic activities complement branded advertising initiatives, which are aimed at increasing the market share of individual competitors. These activities benefit small producers who lack the resources or market power to advertise on their own. These generic activities do not impede the competitive processes of individual firms, but instead increase general market demand for an agricultural commodity using methods that individual companies do not have the incentive to undertake.

(5) Generic promotion, research, and information activities for agricultural commodities, paid by the producers and others in the industry who benefit from such agricultural commodities, provide a unique opportunity for producers to inform consumers about a particular agricultural commodity.

(6) It is important to ensure that generic promotion, research, and information activities for agricultural commodities be carried out in an effective and coordinated manner designed to strengthen the position of the commodities in the marketplace and to maintain and expand their markets and uses. Independent evaluation of the effectiveness of the generic promotion activities of these programs will assist the Secretary of Agriculture and Congress in ensuring that these objectives are met.

(7) The cooperative development, financing, and implementation of a coordinated national program of research, promotion, and information activity regarding agricultural commodities are necessary to ensure the position of such commodities in the marketplace and to develop new markets for these commodities.

(8) Agricultural commodities move in inter-state and foreign commerce, and agricultural commodities and their products do not move in such channels of commerce directly burden or affect interstate commerce in agricultural commodities and their products.

(9) Commodity promotion programs have the ability to provide significant conservation benefits to the public.

(b) PURPOSE.—This subtitle is to authorize the establishment, through the exercise by the Secretary of Agriculture of the authority provided in this subtitle, of an orderly program for developing and carrying out an effective, continuous, and coordinated program of generic promotion, research, and information activity regarding agricultural commodities designed to—

(1) strengthen the position of agricultural commodity industries in the marketplace;

(2) maintain and expand domestic and foreign markets and uses for agricultural commodities;

(3) develop new markets and uses for agricultural commodities;

(4) assist producers in meeting their conservation objectives.
SEC. 513. DEFINITIONS.
In this subtitle (unless the context otherwise requires):

(A) agricultural, horticultural, viticultural, and dairy products;
(B) livestock and the products of livestock;
(C) the products of poultry and bee raising;
(D) the products of forestry;
(E) other commodities raised or produced on farms, as determined appropriate by the Secretary;
(F) products processed or manufactured from products specified in the preceding subparagraphs, as determined appropriate by the Secretary.

SEC. 514. ISSUANCE OF ORDERS.

(a) ISSUANCE AUTHORIZED.—In this subtitle the term "order" means an order issued under section 533 that provides for the control of production or sale of an agricultural commodity directly to consumers, and the quantity or value of the agricultural commodity involved.

(b) PROCEDURE FOR ISSUANCE.—In accordance with rules issued by the Secretary, at least once in each 5-year period, but not more frequently than once in each 3-year period, each board shall

(1) review the geographical distribution in the United States of the production of the agricultural commodity involved;

(2) establish a board to carry out a program of generic promotion, research, and information regarding agricultural commodities designed to

(A) strengthen the position of the agricultural commodity industry covered by the order in the marketplace; or

(B) maintain and expand existing domestic and foreign markets and uses for agricultural commodities.

(c) RULING AUTHORITY.—Nothing in this subtitle provides for the control of production or otherwise limits the right of any person to produce, handle, or import an agricultural commodity.

(d) AMENDMENTS.—From time to time the Secretary may amend any order consistent with the requirements of section 523.

SEC. 515. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—Each order shall contain the terms and conditions specified in this section.

(b) BOARD.—

(1) ESTABLISHMENT.—Each order shall establish a board to carry out a program of generic promotion, research, and information regarding the agricultural commodity covered by the order and intended to effectuate the purpose of this subtitle.

(2) BOARD MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—Each board shall consist of the number of members considered by the Secretary, in consultation with the agricultural commodity industry involved, to be appropriate to administer the order. In addition to members, the Secretary may also provide for alternates on the board.

(B) APPOINTMENT.—The Secretary shall appoint the members and any alternates of a board from among producers of the agricultural commodity and first handlers and others in the marketing chain as appropriate. If imports of the agricultural commodity are subject to assessment under section 516(f), the Secretary shall also appoint importers as members of the board. All producers are included on the board. The Secretary may appoint 1 or more members of the general public to each board.

(C) NOMINATIONS.—The Secretary may make appointments from nominations made pursuant to the method set forth in the order.

(d) GEOGRAPHICAL REPRESENTATION.—To ensure broad and equitable representation of the agricultural commodity industry covered by an order, the composition of each board shall reflect the geographical distribution of the production of the agricultural commodity involved in the United States and the quantity or value of the agricultural commodity imported into the United States.

(e) REAPPORTIONMENT OF BOARD MEMBERSHIP.—In accordance with rules issued by the Secretary, at least once in each 5-year period, but not more frequently than once in each 3-year period, each board shall

(1) review the geographical distribution in the United States of the production of the agricultural commodity covered by the order involved and the quantity or value of the agricultural commodity imported into the United States; and

(2) if warranted, recommend to the Secretary the reapportionment of the board membership to reflect changes in the geographical distribution of the production of the agricultural commodity and the quantity or value of the imported agricultural commodity.

(f) NOTICE.—

(A) VACANCIES.—Each order shall provide for notice of board vacancies to the agricultural commodity industry involved.

(B) MEETINGS.—Each board shall provide the Secretary with prior notice of meetings of the board to permit the Secretary, or a designated representative of the Secretary, to attend the meetings.

(c) CONTINUATION OF TERM.—Notwithstanding any provision of paragraph (b), each member or alternate shall continue to serve until a successor is appointed by the Secretary.

SEC. 516. PROMOTION, RESEARCH, AND INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle provides for the control of production or otherwise limits the right of any person to produce, handle, or import an agricultural commodity.

(b) BOARD.—

(1) ESTABLISHMENT.—Each order shall establish a board to carry out a program of generic promotion, research, and information regarding the agricultural commodity covered by the order and intended to effectuate the purpose of this subtitle.

(2) BOARD MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—Each board shall consist of the number of members considered by the Secretary, in consultation with the agricultural commodity industry involved, to be appropriate to administer the order. In addition to members, the Secretary may also provide for alternates on the board.

(B) APPOINTMENT.—The Secretary shall appoint the members and any alternates of a board from among producers of the agricultural commodity and first handlers and others in the marketing chain as appropriate. If imports of the agricultural commodity are subject to assessment under section 516(f), the Secretary shall also appoint importers as members of the board. All producers are included on the board. The Secretary may appoint 1 or more members of the general public to each board.

(C) NOMINATIONS.—The Secretary may make appointments from nominations made pursuant to the method set forth in the order.

(d) GEOGRAPHICAL REPRESENTATION.—To ensure broad and equitable representation of the agricultural commodity industry covered by an order, the composition of each board shall reflect the geographical distribution of the production of the agricultural commodity involved in the United States and the quantity or value of the agricultural commodity imported into the United States.

(e) REAPPORTIONMENT OF BOARD MEMBERSHIP.—In accordance with rules issued by the Secretary, at least once in each 5-year period, but not more frequently than once in each 3-year period, each board shall

(1) review the geographical distribution in the United States of the production of the agricultural commodity covered by the order involved and the quantity or value of the agricultural commodity imported into the United States; and

(2) if warranted, recommend to the Secretary the reapportionment of the board membership to reflect changes in the geographical distribution of the production of the agricultural commodity and the quantity or value of the imported agricultural commodity.

(f) NOTICE.—

(A) VACANCIES.—Each order shall provide for notice of board vacancies to the agricultural commodity industry involved.

(B) MEETINGS.—Each board shall provide the Secretary with prior notice of meetings of the board to permit the Secretary, or a designated representative of the Secretary, to attend the meetings.

(c) CONTINUATION OF TERM.—Notwithstanding any provision of paragraph (b), each member or alternate shall continue to serve until a successor is appointed by the Secretary.

SEC. 517. PROMOTION, RESEARCH, AND INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle provides for the control of production or otherwise limits the right of any person to produce, handle, or import an agricultural commodity.

(b) BOARD.—

(1) ESTABLISHMENT.—Each order shall establish a board to carry out a program of generic promotion, research, and information regarding the agricultural commodity covered by the order and intended to effectuate the purpose of this subtitle.

(2) BOARD MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—Each board shall consist of the number of members considered by the Secretary, in consultation with the agricultural commodity industry involved, to be appropriate to administer the order. In addition to members, the Secretary may also provide for alternates on the board.

(B) APPOINTMENT.—The Secretary shall appoint the members and any alternates of a board from among producers of the agricultural commodity and first handlers and others in the marketing chain as appropriate. If imports of the agricultural commodity are subject to assessment under section 516(f), the Secretary shall also appoint importers as members of the board. All producers are included on the board. The Secretary may appoint 1 or more members of the general public to each board.

(C) NOMINATIONS.—The Secretary may make appointments from nominations made pursuant to the method set forth in the order.

(d) GEOGRAPHICAL REPRESENTATION.—To ensure broad and equitable representation of the agricultural commodity industry covered by an order, the composition of each board shall reflect the geographical distribution of the production of the agricultural commodity involved in the United States and the quantity or value of the agricultural commodity imported into the United States.

(e) REAPPORTIONMENT OF BOARD MEMBERSHIP.—In accordance with rules issued by the Secretary, at least once in each 5-year period, but not more frequently than once in each 3-year period, each board shall

(1) review the geographical distribution in the United States of the production of the agricultural commodity covered by the order involved and the quantity or value of the agricultural commodity imported into the United States; and

(2) if warranted, recommend to the Secretary the reapportionment of the board membership to reflect changes in the geographical distribution of the production of the agricultural commodity and the quantity or value of the imported agricultural commodity.

(f) NOTICE.—

(A) VACANCIES.—Each order shall provide for notice of board vacancies to the agricultural commodity industry involved.

(B) MEETINGS.—Each board shall provide the Secretary with prior notice of meetings of the board to permit the Secretary, or a designated representative of the Secretary, to attend the meetings.

(c) CONTINUATION OF TERM.—Notwithstanding any provision of paragraph (b), each member or alternate shall continue to serve until a successor is appointed by the Secretary.

SEC. 518. PROMOTION, RESEARCH, AND INFORMATION.

(a) IN GENERAL.—Nothing in this subtitle provides for the control of production or otherwise limits the right of any person to produce, handle, or import an agricultural commodity.

(b) BOARD.—

(1) ESTABLISHMENT.—Each order shall establish a board to carry out a program of generic promotion, research, and information regarding the agricultural commodity covered by the order and intended to effectuate the purpose of this subtitle.

(2) BOARD MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—Each board shall consist of the number of members considered by the Secretary, in consultation with the agricultural commodity industry involved, to be appropriate to administer the order. In addition to members, the Secretary may also provide for alternates on the board.

(B) APPOINTMENT.—The Secretary shall appoint the members and any alternates of a board from among producers of the agricultural commodity and first handlers and others in the marketing chain as appropriate. If imports of the agricultural commodity are subject to assessment under section 516(f), the Secretary shall also appoint importers as members of the board. All producers are included on the board. The Secretary may appoint 1 or more members of the general public to each board.

(C) NOMINATIONS.—The Secretary may make appointments from nominations made pursuant to the method set forth in the order.

(d) GEOGRAPHICAL REPRESENTATION.—To ensure broad and equitable representation of the agricultural commodity industry covered by an order, the composition of each board shall reflect the geographical distribution of the production of the agricultural commodity involved in the United States and the quantity or value of the agricultural commodity imported into the United States.

(e) REAPPORTIONMENT OF BOARD MEMBERSHIP.—In accordance with rules issued by the Secretary, at least once in each 5-year period, but not more frequently than once in each 3-year period, each board shall

(1) review the geographical distribution in the United States of the production of the agricultural commodity covered by the order involved and the quantity or value of the agricultural commodity imported into the United States; and

(2) if warranted, recommend to the Secretary the reapportionment of the board membership to reflect changes in the geographical distribution of the production of the agricultural commodity and the quantity or value of the imported agricultural commodity.

(f) NOTICE.—

(A) VACANCIES.—Each order shall provide for notice of board vacancies to the agricultural commodity industry involved.

(B) MEETINGS.—Each board shall provide the Secretary with prior notice of meetings of the board to permit the Secretary, or a designated representative of the Secretary, to attend the meetings.

(c) CONTINUATION OF TERM.—Notwithstanding any provision of paragraph (b), each member or alternate shall continue to serve until a successor is appointed by the Secretary.
(D) VACANCIES.—A vacancy arising before the expiration of a term of office of an incumbent member or alternate of a board shall be filled in a manner provided for in the order.

(2) CONTRACTS AND AGREEMENTS.—

(A) IN GENERAL.—Members and any alternates of a board shall serve without compensation.

(B) TRAVEL EXPENSES.—If approved by a board, agents of the board from engaging in, and shall prohibit the employees and agents of the board established under the order, which shall include the power and duty—

(1) to administer the order in accordance with its terms and conditions and to collect assessments;

(2) to develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the board and such rules as may be necessary to administer the order, including activities authorized to be carried out under the order;

(3) to meet, organize, and select from among the members of the board a chairperson, other officers, and committees and subcommittees, as the board determines to be appropriate;

(4) to other than the members, as the board considers necessary to assist the board in carrying out its duties, and to determine the compensation and specify the duties of the persons;

(5) subject to subsection (e), to develop and carry out generic promotion, research, and information activities relating to the agricultural commodity covered by the order;

(6) to prepare and submit for the approval of the Secretary, before the beginning of each fiscal year, an annual budget of the anticipated expenses to be incurred in the administration of the order, including the probable cost of each promotion, research, and information activity proposed to be developed or carried out by the board;

(7) to borrow funds necessary for the startup expenses of the order;

(8) subject to subsection (f), to enter into contracts or agreements to develop and carry out generic promotion, research, and information activities relating to the agricultural commodity covered by the order;

(9) to pay the cost of the activities with assessments collected under section 517, earnings from investment of any other income of the board. Any funds borrowed by the board shall be expended only for startup costs and capital outlays.

(10) to keep records that accurately reflect the actions and transactions of the board, to keep and report minutes of each meeting of the board to the Secretary, and to furnish the Secretary with any information or records the Secretary requests;

(11) to receive, investigate, and report to the Secretary complaints ofviolations of the order; and

(12) to recommend to the Secretary such amendments to the order as the board considers appropriate.

(d) PROHIBITED ACTIVITIES.—A board may not engage in, and shall prohibit the employees and agents of the board from engaging in—

(1) any action that would be a conflict of interest;

(2) using funds collected by the board under the order, any action undertaken for the purpose of influencing any legislation or governmental action or policy other than recommending to the Secretary amendments to the order; and

(3) any advertising, including promotion, research, and information activities authorized to be carried out under the order, that may be false or misleading with respect to any other agricultural commodity.

(e) ACTIVITIES AND BUDGETS.—

(1) ACTIVITIES.—Each order shall require the board established under the order to submit to the Secretary for approval plans and projects for promotion, research, or information relating to the agricultural commodity covered by the order.

(2) BUDGETS.—

(A) SUBMISSION TO SECRETARY.—Each order shall require the board established under the order to submit to the Secretary for approval a budget of its anticipated annual expenses and shall provide for the implementation of the order. The budget shall be submitted before the beginning of a fiscal year and as frequently as may be necessary after the beginning of the fiscal year.

(B) REIMBURSEMENT OF SECRETARY.—Each order shall require that the Secretary be reimbursed for all expenses incurred by the Secretary in the implementation, administration, and supervision of the order, including all referenda costs incurred in connection with the order.

(3) INCURRING EXPENSES.—A board may incur the expenses described in paragraph (2) and other expenses for the administration, maintenance, and functioning of the board as authorized by the Secretary.

(4) PAYMENT OF EXPENSES.—Expenses incurred under paragraph (3) shall be paid by a board using assessments collected under section 517, earnings obtained from assessments, and other income of the board. Any funds borrowed by the board shall be expended only for startup costs and capital outlays.

(5) LIMITATION ON SPENDING.—For fiscal years beginning 3 or more years after the date of the establishment of a board, the board may not exceed 15 percent of the assessment and other income received by the board for the fiscal year.

(f) CONTRACTS AND AGREEMENTS.—

(1) IN GENERAL.—Each order shall require that, with the approval of the Secretary, the board established under the order may—

(A) enter into contracts and agreements to carry out generic promotion, research, and information activities relating to the agricultural commodity covered by the order, including contracts and agreements with producer associations or other entities as considered appropriate by the Secretary; and

(B) pay the cost of approved generic promotion, research, and information activities that are financing assessments collected under section 517, earnings obtained from assessments, and other income of the board.

(2) REQUIREMENTS.—Each contract or agreement shall provide that any person who enters into the contract or agreement with the board shall—

(A) develop and submit to the board a proposed activity together with a budget that specifies the cost to be incurred to carry out the activity;

(B) keep accurate records of all of its transactions relating to the contract or agreement;

(C) account for funds received and expended in connection with the contract or agreement;

(D) make periodic reports to the board of activities conducted under the contract or agreement; and

(E) make such other reports as the board or the Secretary considers relevant.

(g) RECORDS OF BOARD.—

(1) IN GENERAL.—Each order shall require the board established under the order—

(A) to maintain such records as the Secretary may require and to make the records available to the Secretary for inspection and audit;

(B) to collect and submit to the Secretary, at any time the Secretary may specify, any information the Secretary may require; and

(C) to account for and disburse all funds in the possession, or under the control, of the board.

(h) AUDITS.—Each order shall require the board established under the order to have—

(A) its records audited by an independent auditor at the end of each fiscal year; and

(B) a report of the audit submitted directly to the Secretary.

(i) PERIODIC EVALUATION.—In accordance with section 501(c), each order shall require the board established under the order to determine for the independent evaluation of all generic promotion, research, and information activities undertaken under the order.

(j) BOOKS AND RECORDS OF PERSONS COVERED BY ORDER.—

(1) IN GENERAL.—Each order shall require that producers, first handlers and other persons in the marketing chain or handlers, and importers covered by the order shall—

(A) maintain records sufficient to ensure compliance with the order and regulations;

(B) submit to the board established under the order any information required by the board to carry out its responsibilities under the order; and

(C) make the records described in subparagraph (A) available, during normal business hours, for inspection by employees or agents of the board or the Department, including any records necessary to verify the information required under subparagraph (B).

(2) TIME REQUIREMENT.—Any record required to be maintained under paragraph (1) shall be maintained for such time period as the Secretary may prescribe.

(k) OTHER INFORMATION.—The Secretary may use, and may authorize the board to use under this subtitle, information regarding persons subject to an order that is collected by the Department under any other law.

(l) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subtitle, information regarding persons subject to an order that is collected by the Department under any other law shall be kept confidential by the Secretary, and the Secretary may disclose such information only to a party, for purposes of this subtitle, if the Secretary determines that disclosure is necessary to carry out any of the purposes of this subtitle.

(2) DISCLOSURE.—The Department shall have the same authority to disclose information obtained under this subtitle as it would have under any other law.

(m) USE OF FUND.—The Secretary may make the funds described in subsection (n)(1) available for the purposes described in subsection (n)(2) as determined by the Secretary.

(n) USE OF FUND.—The Secretary may make the funds described in subsection (n)(1) available for the purposes described in subsection (n)(2) as determined by the Secretary.

(1) USE OF FUND.—The Secretary may use any funds collected under section 518 for any of the following purposes:

(A) to carry out its responsibilities under the order;

(B) to prepare and submit to the board established under the order to provide for the implementation, administration, and functioning of the board as authorized by the Secretary;

(C) to make payments to the Secretary for approval plans and projects for promotion, research, or information relating to the agricultural commodity covered by the order, including the cost of the activities that are financing assessments collected under section 517, earnings obtained from assessments, and other income of the board. Any funds borrowed by the board shall be expended only for startup costs and capital outlays.

(2) REQUIREMENTS.—Each contract or agreement shall provide that any person who enters into the contract or agreement with the board shall—

(A) develop and submit to the board a proposed activity together with a budget that specifies the cost to be incurred to carry out the activity;

(B) keep accurate records of all of its transactions relating to the contract or agreement;

(C) account for funds received and expended in connection with the contract or agreement;

(D) make periodic reports to the board of activities conducted under the contract or agreement; and

(E) make such other reports as the board or the Secretary considers relevant.

(o) RECORDS OF BOARD.—

(1) IN GENERAL.—Each order shall require the board established under the order—

(A) to maintain such records as the Secretary may require and to make the records available to the Secretary for inspection and audit;

(B) to collect and submit to the Secretary, at any time the Secretary may specify, any information the Secretary may require; and

(C) to account for and disburse all funds in the possession, or under the control, of the board.
and reporting schedules to recognize differences in agricultural commodity industry marketing practices and procedures used in different production and importing areas.

(3) an order issued under this subtitle may contain authority to develop and carry out research, promotion, and information activities designed to expand, improve, or make more efficient the marketing or use of the agricultural commodity covered by the order in domestic and foreign markets. Section 515(e) shall apply with respect to activities authorized under this subsection.

(d) Reserve Funds.—An order issued under this subtitle may contain authority to reserve funds from assessments collected under section 517 to finance an ordered program of research, promotion, and information in years in which the income from assessments may be reduced, except that the amount of funds reserved may not exceed the greatest aggregate amount of the anticipated disbursements specified in budgets approved under section 515(e) by the Secretary for any 2 fiscal years.

(e) Credits.—

(1) General.—An order issued under this subtitle may contain authority to provide credits of assessments for those individuals who contribute to other similar generic research, promotion, and information programs at the State, regional, or local level.

(2) IN GENERAL.—

(A) A farmer cooperative that engages in branded activities relating to the marketing of the products of members of the cooperative to receive an annual credit for the activities and related expenditures in the form of a deduction from the total cost of the activities and related expenditures from the amount of any assessment that would otherwise be required to be paid by the producer members of the cooperative under an order issued under this subtitle.

(B) CREDIT TO FEDERAL COOPERATIVE.—A farmer cooperative may elect to voluntarily waive the application of subparagraph (A) to the cooperative.

(f) Assessment of Imports.—

An order issued under this subtitle may contain authority for the board established under the order to assess imports of the agricultural commodity covered by the order at the time and in the rate prescribed by the order for the purpose of funding an ordered program of research, promotion, and information in years in which the yield from assessments may be reduced.

(g) Other Authority.—An order issued under this subtitle may contain authority to conduct a referendum among persons subject to an order to determine the willingness of persons subject to an order otherwise to agree to or participate in the activities and related expenditures in the form of a deduction from the total cost of the activities and related expenditures from the amount of any assessment that would otherwise be required to be paid by the producer members of the cooperative under an order issued under this subtitle.

(h) Section 317 Assessments.—

(a) Assessments Authorized.—While an order issued under this subtitle is in effect with respect to an agricultural commodity, assessments may be levied on producers of the commodity at a rate comparable to the rate determined by the appropriate board for the domestic agricultural commodity covered by the order.

(b) Procedure.—The board shall recommend to the Secretary 1 or more rates of assessment to be levied under subsection (a). If approved by the Secretary, the rates shall take effect. An order may provide that an assessment rate may not be increased unless approved by a referendum conducted pursuant to section 518.

(c) Relationship of Assessment Charges.—

(1) In General.—Late-payment and interest charges may be levied on each person subject to an order who fails to remit an assessment in accordance with the rate specified in the order.

(2) Rate.—The rate for the charges shall be specified by the Secretary.

(3) InVESTMENT OF ASSESSMENTS.—Pending disbursement of assessments under a budget approved by the Secretary, a board may invest assessments collected under this section in—

(A) obligations of the United States or any agency or instrumentality of the United States; or

(B) general obligations of any State or any political subdivision of a State;

(c) Interest-Bearing Accounts or Certificates of Deposit.—

The Secretary may permit a farmer cooperative that engages in branded activities relating to the marketing of the products of members of the cooperative to receive an escrow account in the form of a deduction from the total cost of the activities and related expenditures from the amount of any assessment that would otherwise be required to be paid by the producer members of the cooperative under an order issued under this subtitle.

(f) Late-Payment and Interest Charges.—

(1) In General.—Late-payment and interest charges may be levied on each person subject to an order who fails to remit an assessment in accordance with the rate specified in the order.

(2) Rate.—The rate for the charges shall be specified by the Secretary.

(g) Investment of Assessments from Escrow Account.—

(1) Escrow Account.—During the period beginning on the effective date of an order and ending on the date on which the Secretary conducts a referendum referred to in paragraph (1) or (2), the account shall be made in the account specified by the order.

(2) Interest-Bearing Accounts or Certificates of Deposit.—The Secretary may permit a farmer cooperative that engages in branded activities relating to the marketing of the products of members of the cooperative to receive an escrow account in the form of a deduction from the total cost of the activities and related expenditures from the amount of any assessment that would otherwise be required to be paid by the producer members of the cooperative under an order issued under this subtitle.

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(b) Procedure.—The board shall recommend to the Secretary 1 or more rates of assessment to be levied under subsection (a). If approved by the Secretary, the rates shall take effect. An order may provide that an assessment rate may not be increased unless approved by a referendum conducted pursuant to section 518.

(c) Relationship of Assessment Charges.—

(1) In General.—Late-payment and interest charges may be levied on each person subject to an order who fails to remit an assessment in accordance with the rate specified in the order.

(2) Rate.—The rate for the charges shall be specified by the Secretary.

(3) InVESTMENT OF ASSESSMENTS.—Pending disbursement of assessments under a budget approved by the Secretary, a board may invest assessments collected under this section in—

(A) obligations of the United States or any agency or instrumentality of the United States; or

(B) general obligations of any State or any political subdivision of a State;

(c) Interest-Bearing Accounts or Certificates of Deposit.—

The Secretary may permit a farmer cooperative that engages in branded activities relating to the marketing of the products of members of the cooperative to receive an escrow account in the form of a deduction from the total cost of the activities and related expenditures from the amount of any assessment that would otherwise be required to be paid by the producer members of the cooperative under an order issued under this subtitle.

(f) Late-Payment and Interest Charges.—

(1) In General.—Late-payment and interest charges may be levied on each person subject to an order who fails to remit an assessment in accordance with the rate specified in the order.

(2) Rate.—The rate for the charges shall be specified by the Secretary.

(3) IN GENERAL.—For the purpose of ascertaining whether the persons covered by an order favor the continuance of the order, the Secretary shall conduct a referendum among persons subject to assessments under section 517 who, during a representative period determined by the Secretary, have engaged in—

(A) the production or handling of the agricultural commodity covered by the order; or

(B) the importation of the agricultural commodity.

(2) Time for Referendum.—The referendum shall be conducted not later than 3 years after assessments first begin under the order.

(3) Exception.—This subsection shall not apply if an initial referendum was conducted under subsection (a).

(c) Subsequent Referenda.—

(1) In General.—The Secretary shall conduct a subsequent referendum—

(A) not later than 7 years after assessments first begin under the order; or

(B) at the request of the board established under the order; or

(C) if the board requests 10 percent or more of the number of persons eligible to vote under subsection (b)(3) to determine if the persons favor the continuance, suspension, or termination of the order.

(2) Other Referenda.—The Secretary may conduct a referendum at any time to determine whether the continuation, suspension, or termination of an order is favored by persons eligible to vote under subsection (b)(3).

(e) Approval of Order.—

(1) In General.—An order may provide for its approval in a referendum—

(A) by a majority of those persons voting; or

(B) by persons voting for approval who represent a majority of the volume of the agricultural commodity;

or

(3) by a majority of those persons voting for approval who also represent a majority of the volume of the agricultural commodity.

(f) Costs of Referenda.—

(1) Initial Referenda.—The board established under an order with respect to which a referendum is conducted under this section shall reimburse the Secretary for any expenses incurred by the Secretary to conduct the referendum.

(2) Subsequent Referenda.—

(a) In General.—A referendum conducted under this section shall be conducted in the manner determined by the Secretary to be appropriate.

(b) Advance Registration.—If the Secretary determines that an advance registration of eligible voters in a referendum is necessary before the voting period in order to facilitate the conduct of the referendum, the Secretary may institute the advance registration procedures by mail, or in person through the use of national and local offices of the Department.

(c) Voting.—

(1) Eligible Voters.—Eligible voters may vote by mail ballot in the referendum or in person if so provided by the Secretary.

(b) Notice.—Not later than 30 days before a referendum is conducted under this section with respect to an order, the Secretary shall notify the agricultural commodity industry involved, in such manner as determined by the Secretary, of the period during which voting in the referendum will occur. The notice shall explain the procedures established under this subsection.

(c) Petition and Review of Orders.—

(a) Petition.—

(A) In General.—A person subject to an order issued under this subtitle may file with the Secretary a petition—

(B) the Secretary may require that the agricultural commodity industry involved post a bond or other collateral to cover the cost of the referendum.

(1) In General.—For the purpose of ascertaining whether the persons covered by an order favor the continuance of the order, the Secretary shall conduct a referendum among persons subject to assessments under section 517 who, during a representative period determined by the Secretary, have engaged in—

(A) the production or handling of the agricultural commodity covered by the order; or

(B) the importation of the agricultural commodity.

(2) Time for Referendum.—The referendum shall be conducted not later than 3 years after assessments first begin under the order.

(3) Exception.—This subsection shall not apply if an initial referendum was conducted under subsection (a).

(c) Subsequent Referenda.—

(1) In General.—The Secretary shall conduct a subsequent referendum—

(A) not later than 7 years after assessments first begin under the order; or

(B) at the request of the board established under the order; or

(C) if the board requests 10 percent or more of the number of persons eligible to vote under subsection (b)(3) to determine if the persons favor the continuance, suspension, or termination of the order.

(2) Other Referenda.—The Secretary may conduct a referendum at any time to determine whether the continuation, suspension, or termination of an order is favored by persons eligible to vote under subsection (b)(3).

(e) Approval of Order.—

(1) In General.—An order may provide for its approval in a referendum—

(A) by a majority of those persons voting; or

(B) by persons voting for approval who represent a majority of the volume of the agricultural commodity;

or

(3) by a majority of those persons voting for approval who also represent a majority of the volume of the agricultural commodity.

(f) Costs of Referenda.—

(1) Initial Referenda.—The board established under an order with respect to which a referendum is conducted under this section shall reimburse the Secretary for any expenses incurred by the Secretary to conduct the referendum.

(2) Subsequent Referenda.—

(a) In General.—A referendum conducted under this section shall be conducted in the manner determined by the Secretary to be appropriate.

(b) Advance Registration.—If the Secretary determines that an advance registration of eligible voters in a referendum is necessary before the voting period in order to facilitate the conduct of the referendum, the Secretary may institute the advance registration procedures by mail, or in person through the use of national and local offices of the Department.

(c) Voting.—

(1) Eligible Voters.—Eligible voters may vote by mail ballot in the referendum or in person if so provided by the Secretary.

(b) Notice.—Not later than 30 days before a referendum is conducted under this section with respect to an order, the Secretary shall notify the agricultural commodity industry involved, in such manner as determined by the Secretary, of the period during which voting in the referendum will occur. The notice shall explain the procedures established under this subsection.
SEC. 523. AMENDMENTS TO ORDERS.

This subtitle shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

SEC. 524. EFFECT ON OTHER LAWS.

Subtitle C—Canola and Rapeseed

SEC. 531. SHORT TITLE.

This subtitle may be cited as the "Canola and Rapeseed Research, Promotion, and Consumer Information Act".

SEC. 532. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) canola and rapeseed products are an important and nutritious part of the human diet;

(2) the production of canola and rapeseed products plays a significant role in the economy of the United States in that—

(A) canola and rapeseed products are produced by thousands of canola and rapeseed producers and processors by numerous processing entities; and

(B) canola and rapeseed products produced in the United States are consumed by people throughout the United States and foreign countries;

(3) canola, rapeseed, and canola and rapeseed products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of canola and rapeseed products at a reasonable price.

(4) the maintenance and expansion of existing markets and development of new markets for canola, rapeseed, and canola and rapeseed products is vital to the welfare of canola and rapeseed producers and processors and those persons concerned with marketing canola, rapeseed, and canola and rapeseed products, as well as to the general economy of the United States and are necessary and are needed to ensure the ready availability and efficient marketing of canola, rapeseed, canola and rapeseed products;
(5) there exist established State and national organizations conducting canola and rapeseed research, promotion, and consumer education programs that are valuable to the efforts of promoting the use of canola, rapeseed, and canola and rapeseed products;

(6) the cooperative development, financing, and implementation of a coordinated national program of canola and rapeseed research, promotion, consumer information, and industry information is necessary to maintain and expand existing markets and develop new markets for canola, rapeseed, and canola and rapeseed products; and

(7) canola, rapeseed, and canola and rapeseed products move in interstate and foreign commerce.

(b) COMMERCE.—The term "commerce" includes interstate, foreign, and intrastate commerce.

(c) CONSTRUCTION.—Nothing in this subtitle shall contain the terms and conditions specified in this section.

SEC. 533. DEFINITIONS.

In this subtitle, unless the context otherwise requires:

(1) BOARD.—The term "Board" means the National Canola and Rapeseed Board established under section 534.

(2) CANOLA; RAPESEED.—The terms "canola" and "rapeseed" mean any brassica plant grown in the United States for the production of an oilseed, the oil of which is used for a food or nonfood use.

(3) CANOLA OR RAPESEED PRODUCT.—The term "canola or rapeseed product" means a product produced, in whole or in part, from canola or rapeseed.

(4) COMMERCE.—The term "commerce" includes interstate, intrastate, and foreign commerce.

(5) CONFLICT OF INTEREST.—The term "conflict of interest" means a situation in which a person who buys or otherwise acquires canola, rapeseed, or canola or rapeseed products for personal use or distribution of canola, rapeseed, or canola or rapeseed products.

(6) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(7) FIRST PURCHASER.—The term "first purchaser" means—

(A) the person who buys canola, rapeseed, or canola or rapeseed products for personal use or distribution; or

(B) the Commodity Credit Corporation, in a case in which a canola or rapeseed is forfeited to the Commodity Credit Corporation as collateral for a loan issued under a price support loan program administered by the Commodity Credit Corporation.

(8) FIRST PURCHASER INFORMATION.—The term "industry information" means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the canola and rapeseed industry, or an activity to enhance the image of the canola or rapeseed industry.

(9) INDUSTRY INFORMATION.—The term "industry information" means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the canola and rapeseed industry, or an activity to enhance the image of the canola or rapeseed industry.

SEC. 534. ISSUANCE AND AMENDMENT OF ORDER.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall issue 1 or more orders under this subtitle applicable to producers and first purchasers of canola, rapeseed, or canola or rapeseed products. The order shall be national in scope. Not more than 1 order shall be in effect under this subtitle at any 1 time.

(b) PROCEEDINGS.—

(1) PROPOSAL OR REQUEST FOR ISSUANCE.—The Secretary may propose the issuance of an order under this subtitle, or an association of canola or rapeseed producers may petition the Secretary to issue an order, if the Secretary determines that the order will be of substantial national importance.

(2) AMENDMENTS.—The Secretary may amend an order issued under section 534.

(3) TERMINATION.—The Secretary may terminate an order, if the Secretary determines that the order will be of substantial national importance.

(4) NOTICE AND COMMENT CONCERNING PROPOSED ORDER.—Not later than 60 days after the receipt of a request or proposal for an order pursuant to paragraph (1), or whenever the Secretary determines that the order is in conformity with the requirements of this subtitle, the order shall be issued and become effective not later than 180 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary may amend an order issued under this section.

SEC. 535. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—An order issued under this subtitle shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF THE NATIONAL CANOLA AND RAPESEED BOARD.—

(1) IN GENERAL.—The order shall provide for the establishment of, and appointment of members to, a National Canola and Rapeseed Board to administer the order.

(2) SERVICE TO ENTIRE INDUSTRY.—The Board shall have the authority to develop and implement projects that will provide maximum benefit to the canola and rapeseed industry in all parts of the United States.

(3) BOARD MEMBERSHIP.—The Board shall consist of 15 members, including—

(A) 11 members who are producers, including—

(i) 1 member from each of the 6 geographic regions comprised of States where canola or rapeseed is produced, as determined by the Secretary.

(ii) 5 members from the geographic regions referred to in clause (i), allocated according to the production in each geographic region.

(B) 4 members who are industry members, including at least—

(i) 1 member who represents manufacturers of canola and rapeseed products.

(ii) 1 member who represents persons who commercially buy or sell canola or rapeseed.

(4) LIMITATION ON STATE RESIDENCE.—There shall be no more than 4 producer members of the Board from any 1 State.

(b) MODIFICATION BOARD MEMBERSHIP.—In accordance with regulations approved by the Secretary, at least once each 2 years, the Board shall review the geographic distribution of canola and rapeseed production throughout the United States and, if warranted, recommend to the Secretary that the Secretary—

(A) reappoint regions in order to reflect the geographic distribution of canola and rapeseed production; and

(B) reappoint the seats on the Board to reflect the production in each region.

(5) CERTIFICATION OF ORGANIZATIONS.—

(A) IN GENERAL.—For the purposes of section 536, the eligibility of any State organization to represent producers shall be certified by the Secretary.

(B) CRITERIA.—The National Canola and Rapeseed Board shall certify any State organization that the Secretary determines has a history of stability and permanency and meets at least 1 of the following criteria:

(i) MAJORITY REPRESENTATION.—The total paid membership of the organization is comprised of at least a majority of canola or rapeseed producers; or

(ii) REPRESENTATION.—The State organization represents at least a majority of the canola or rapeseed producers in the State.

(iii) PURPOSE.—The organization is a general farm or agricultural organization that has as a stated objective the promotion and development of the United States canola or rapeseed industry and the economic welfare of United States canola or rapeseed producers.

(C) REPORT.—The Secretary shall make a certified report under this paragraph on the basis of a factual report submitted by the State organization.

(6) TERMS OF OFFICE.—A member of the Board shall serve for a term of years, except that the members appointed to the initial Board shall serve,
proportionately, for terms of 1, 2, and 3 years, as determined by the Secretary.

(2) LIMITATION ON TERMS.—No individual may serve more than 2 consecutive 3-year terms as a member of the Board.

(3) TERMINATION OF TERMS.—Notwithstanding subparagraph (B), each member shall continue in office until a successor is appointed by the Secretary.

(4) COMPENSATION.—A member of the Board shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses incurred in the performance of duties for and approved by the Board.

(5) POWERS AND DUTIES OF THE BOARD.—The Board shall have the powers and duties of the Board, which shall include the power and duty—

(1) to administer the order in accordance with the terms and conditions of the order;

(2) to issue regulations to effectuate the terms and conditions of the order;

(3) to meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;

(4) to establish working committees of persons other than Board members;

(5) to employ such persons, other than Board members, as the Board considers necessary, and to determine the compensation and define the duties of the persons;

(6) to prepare and submit for the approval of the Secretary, when appropriate or necessary, a recommendation for the assessment under section 536, and a fiscal period budget of the anticipated expenses in the administration of the order, including the probable costs of all programs or projects of the Board during the fiscal period; and

(7) to develop programs and projects, subject to subsection (d);

(8) to enter into contracts or agreements, subject to subsection (e), to develop and carry out programs or projects of research, promotion, industry information, and consumer information;

(9) to carry out research, promotion, industry information, and consumer information projects, and to pay the costs of the projects with assessments collected under section 536.

(10) to keep minutes, books, and records that reflect the actions and transactions of the Board, and promptly report minutes of each Board meeting to the Secretary;

(11) in the development of research, promotion, industry information, and consumer information projects, other commodities.

(12) to invest, pending disbursement under a program or project, funds collected through assessments authorized under section 536, or funds borrowed pursuant to paragraph (4) to provide the Secretary with advance notice of meetings.

(13) to receive, investigate, and report to the Secretary complaints of violations of the order;

(14) to furnish the Secretary with such information as the Secretary may require;

(15) to recommend to the Secretary amendments to the order;

(16) to provide the Secretary with advance notice of meetings; and

(17) to provide the Secretary with advance notice of meetings.

(1) Submission to Secretary.—The order shall provide that the Board shall submit to the Secretary for approval any program or project of research, promotion, consumer information, or industry information. No program or project shall be implemented prior to approval by the Secretary.

(2) Budgets.—The order shall require the Board, prior to the beginning of each fiscal year, or as may be necessary after the beginning of a fiscal year, to submit to the Secretary for approval budgets of anticipated expenses and disbursements in the implementation of the order, including projected costs of research, promotion, consumer information, and industry information programs and projects.

(3) Incurred expenses.—The order may direct the Board to incur such expenses for programs or projects of research, promotion, consumer information, or industry information, and other expenses for the administration, maintenance, and functioning of the Board as may be authorized by the Secretary, including any implementation, administrative, and referendum costs incurred by the Department.

(4) Paying expenses.—The funds to cover the expenses referred to in paragraph (3) shall be paid by the Board from assessments collected under section 536 or funds borrowed pursuant to paragraph (5).

(5) Authority to borrow.—To meet the expenses referred to in paragraph (3), the Board shall have the authority to borrow funds, as approved by the Secretary, for capital outlays and startup costs.

(6) Contracts and agreements.—

(I) In general.—To ensure efficient use of funds, the order shall provide that the Board may enter into a contract or agreement for the implementation and carrying out of a program or project of canola, rapeseed, or canola or rapeseed products, research, promotion, consumer information, or industry information, including a contract with a producer organization, and for the use of funds received by the Board under the order.

(II) Requirements.—A contract or agreement under paragraph (I) shall provide that—

(A) the contracting party shall develop and submit to the Board a program or project together with a budget that shall show the estimated costs to be incurred for the program or project;

(B) the program or project shall become effective on the approval of the Secretary; and

(C) the contract shall keep accurate records of all transactions, account for funds received and expended, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(7) Producer organizations.—The order shall provide that the Board may contract with a producer organization, services required in addition to the services described in paragraph (1). The contract shall include provisions comparable to the provisions required by paragraph (2).

(8) Books and records of the Board.—

(I) In general.—The order shall require the Board to—

(A) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;

(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

(C) account for the receipt and disbursement of all funds entrusted to the Board.

(II) Audits.—The Board shall cause the books and records of the Board to be audited by an independent certified public accountant of the Board, and a report of the audit to be submitted to the Secretary.

(III) Prohibition.—

(A) In general.—Subject to paragraph (2), the Board shall not engage in any action to, nor shall any funds received by the Board under this subtitle—

(B) influence legislation or governmental action;
(i) USE OF ASSESSMENTS.—The order shall provide that the assessments collected under section 536 shall be used for payment of the expenses in implementing and administering this subtitle, with priority given to the payment of a reserve fund, and to cover administrative costs incurred by the Secretary in implementing and administering this subtitle.

(ii) OTHER TERMS AND CONDITIONS.—The order shall contain such other terms and conditions, not inconsistent with this subtitle, as are determined necessary by the Secretary to effectuate this subtitle.

SEC. 536. ASSESSMENTS.

(a) IN GENERAL.—

(1) FUNDING.—The assessments described by the order, an assessment established under section 535(b)(6), in the manner prescribed by the Secretary shall be used for payment of the expenses in assessing, collecting, refunding, and remitting the assessments collected under the order.

(2) DIRECT PROCESSING.—The order shall provide that any person processing canola or rapeseed under section 537(b).

(b) LIMITATION.—If the Secretary determines, in a referendum conducted under paragraph (1), that suspension or termination of the order is favored by a majority of the producers voting in the referendum, the Secretary shall suspend or terminate, as appropriate, collection of assessments, the Secretary may not more than 180 days after the determination, and shall suspend or terminate the order, as appropriate, in an orderly manner as soon as practicable after the determination.

(c) OPPORTUNITY TO REQUEST ADDITIONAL REFERENDUM.—

(1) IN GENERAL.—Beginning on the date that is 5 years after the conduct of a referendum under this subtitle, and every 5 years thereafter, the Secretary shall provide an opportunity to request an additional referendum.

(2) METHOD OF MAKING REQUEST.—In-person requests. To carry out subparagraph (A), the Secretary shall establish a procedure under which a producer may make a request for a reconfirmation referendum in person at a county Consolidated Farm Service Agency office or a county Consolidated Farm Service Agency office during a period established by the Secretary, or as provided in clause (ii).

(ii) MAIL-IN REQUESTS.—In lieu of making a request in person, a producer may make a request by mail. To facilitate the submission of requests, the Secretary shall prepare mail-in request forms available to producers.

(c) NOTIFICATIONS.—The Secretary shall publish a notice in the Federal Register and the Board shall provide written notification to producers, not later than 60 days prior to the end of the period established under subparagraph (B). The Secretary shall provide an in-person opportunity of producers to request an additional referendum.

The notification shall explain the right of producers to an additional referendum, the procedure for a referendum, the purpose of a referendum, and the date and method by which producers may act to request an additional referendum under this paragraph. The Secretary shall take such other action as the Secretary determines is necessary to ensure that producers are made aware of the opportunity to request an additional referendum.

SECTION BY SECRETARY.—As soon as practicable following the submission of a request for an additional referendum, the Secretary shall determine whether a sufficient number of producers have requested the referendum, and take such steps as are necessary to conduct the referendum, as required under paragraph (1).

(b) ADDITIONAL REFERENDUM.—If the Secretary determines that the referendum requested under the provisions provided in this paragraph shall be conducted not later than 1 year after the Secretary determines that a representative group of producers, as described in paragraph (1)(B), has a request for conduct of the referendum.

(c) PROCEDURES.—

(i) REIMBURSEMENT OF SECRETARY.—The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred.
by the Secretary in connection with the conduct of an activity required under this section.

(2) DATE.—Each referendum shall be conducted for a reasonable period of time not to exceed 30 days by the Secretary in connection with a procedure under which producers intending to vote in the referendum shall certify that the producers were engaged in the production of canned or processed products during the representative period and, at the same time, shall be provided an opportunity to vote in the referendum.

(3) FILING.—A referendum under this section shall be conducted at locations determined by the Secretary. On request, absentee balloting shall be furnished by the Secretary in a manner prescribed by the Secretary.

SEC. 350. PETITION AND REVIEW.

(a) PETITION.—(1) IN GENERAL.—A person subject to an order issued under this subtitle may file with the Secretary a petition—

(A) stating that the order, or a provision of the order, or an obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or an extension of time for compliance with the order.

(b) CHALLENGE OF ORDER.—A challenge of an order issued under this subtitle may be brought in accordance with the Federal Rules of Civil Procedure.

(c) CIVIL PENALTIES AND ORDERS.—(1) CIVIL PENALTIES.—(A) IN GENERAL.—Any person who willfully violates any provision of an order or regulation issued under this subtitle or who fails or refuses to pay, collect, or remit an assessment or fee required of the person under an order or regulation, may be assessed a civil penalty of not more than $1,000 for each violation; and

(B) SEPARATE OFFENSE.—Each violation under subparagraph (A) is a separate offense.

(d) ENFORCEMENT.—(1) IN GENERAL.—A person subject to an order issued under this subtitle to cease and desist from continuing a violation may be assessed a civil penalty by the Secretary of not more than $1,000 for each violation; and

(2) SEPARATE OFFENSE.—Each violation under paragraph (1) is a separate offense.

(e) LIMITATION ON PETITION.—No petition shall be considered an order within the meaning of subparagraph (A).

(f) REVIEW BY DISTRICT COURT.—(1) COMMENCEMENT OF ACTION.—Any person who has been determined to be in violation of this subtitle, or against whom a civil penalty has been assessed or a cease-and-desist order issued under subsection (c), may obtain review of the order or cease-and-desist order by—

(A) filing a petition within 30 days after the date the penalty is assessed or the cease-and-desist order issued, a notice of appeal of the order in the appropriate district court of the United States in accordance with subsection (d); or

(B) obtaining judicial review of the order or cease-and-desist order issued in accordance with the Federal Rules of Civil Procedure.

(2) LIMITATION ON PETITION.—A finding of the court under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

SEC. 351. SUSPENSION OR TERMINATION.

(a) IN GENERAL.—Any person who fails to obey a cease-and-desist order issued under this section shall be considered an order within the meaning of subparagraph (A).

(b) CEASE-AND-DESIST ORDERS.—Any person who fails to obey a cease-and-desist order issued under this section shall be considered an order within the meaning of subparagraph (A).

(c) CIVIL PENALTIES AND ORDERS.—(1) CIVIL PENALTIES.—(A) IN GENERAL.—Any person who willfully violates any provision of an order or regulation issued under this subtitle or who fails or refuses to pay, collect, or remit an assessment or fee required of the person under an order or regulation, may be assessed a civil penalty of not more than $1,000 for each violation; and

(B) SEPARATE OFFENSE.—Each violation under subparagraph (A) is a separate offense.

(d) ENFORCEMENT.—(1) IN GENERAL.—A person subject to an order issued under this subtitle to cease and desist from continuing a violation may be assessed a civil penalty by the Secretary of not more than $1,000 for each violation; and

(2) SEPARATE OFFENSE.—Each violation under paragraph (1) is a separate offense.

(e) LIMITATION ON PETITION.—No petition shall be considered an order within the meaning of subparagraph (A).

(f) REVIEW BY DISTRICT COURT.—(1) COMMENCEMENT OF ACTION.—Any person who has been determined to be in violation of this subtitle, or against whom a civil penalty has been assessed or a cease-and-desist order issued under subsection (c), may obtain review of the order or cease-and-desist order by—

(A) filing a petition within 30 days after the date the penalty is assessed or the cease-and-desist order issued, a notice of appeal of the order in the appropriate district court of the United States in accordance with subsection (d); or

(B) obtaining judicial review of the order or cease-and-desist order issued in accordance with the Federal Rules of Civil Procedure.

(2) LIMITATION ON PETITION.—A finding of the court under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

SEC. 352. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue such regulations as are necessary to carry out this subtitle.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Secretary may be authorized to appropriate for each fiscal year such sums as are necessary to carry out this subtitle.

(c) ADDITIONAL REMEDIES.—The remedies provided in this subtitle shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 540. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary for—

(1) the effective administration of this subtitle; and

(2) to determine whether any person has engaged or is engaging in an act that constitutes a violation of this subtitle, or an order, rule, or regulation issued under this subtitle.

(b) SEPARATE PROCEDURES FOR ADMINISTRATIVE HEARINGS.—(1) IN GENERAL.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, take evidence, and take other appropriate action to require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(2) ADMINISTRATIVE HEARINGS.—For the purpose of an administrative hearing held under section 538 or 539, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, and compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(c) AID OF COURT.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is held, or where the person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b). The court may, on the application of the Attorney General requiring the person to comply with the subpoena.

(d) CONTEMPT.—A failure to obey an order of the court under this section may be punished by the court as contempt of court.

(e) PROCESS.—Process may be served on a person in the judicial district in which the person resides or carries on business or wherever the person may be found.

(f) HEARING SITE.—The site of a hearing held under section 538 or 539 shall be in the judicial district where the person affected by the hearing resides or carries on business.

SEC. 541. SUSPENSION OR TERMINATION.

The Secretary shall, whenever the Secretary finds that an order or a provision of an order issued under this subtitle does not tend to effectuate the declared policy of this subtitle, suspend or terminate the operation of the order or provision. The suspension or termination of an order shall not be considered an order under the meaning of this subtitle.

SEC. 542. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 543. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subtitle.

(b) ADMINISTRATIVE EXPENSES.—Funds appropriated under subsection (a) shall not be available for payment of the expenses or expenditures of the Board in administering a provision of an order issued under this subtitle.

Subtitle D—KiwiFruit

SEC. 551. SHORT TITLE.

This subtitle may be cited as the "National KiwiFruit Research, Promotion, and Consumer Information Act."
although there is potential for production in many other areas of the United States;
(3) kiwifruit move in interstate and foreign commerce, and kiwifruit that do not move in channels of commerce directly burden or affect interstate commerce;
(4) in recent years, large quantities of kiwifruit have been imported into the United States.
(5) the maintenance and expansion of existing domestic and foreign markets for kiwifruit, and the development of additional and improved markets for kiwifruit, are vital to the welfare of the kiwifruit producers and other persons concerned with producing, marketing, and processing kiwifruit;
(6) a coordinated program of research, promotion, and consumer information regarding kiwifruit is necessary for the maintenance and development of the market; and
(7) kiwifruit producers, handlers, and importers are unable to implement and finance such a program without cooperative action.
(b) purposes.—the purposes of this subtitle are—
(1) to authorize the establishment of an orderly procedure for the development and financing (through an assessment) of an effective and coordinated program of research, promotion, and consumer information regarding kiwifruit;
(2) to use the program to strengthen the position of the kiwifruit industry in domestic and foreign markets and maintain, develop, and expand markets for kiwifruit; and
(3) to treat domestically produced kiwifruit and imported kiwifruit equitably.

sec. 553. definitions.

(1) board.—the term "board" means the national kiwifruit board established under section 555.
(2) consumer information.—the term "consumer information" means any action taken for the purpose of preparing the kiwifruit for market or marketing the kiwifruit.
(3) exporter.—the term "exporter" means any person who imports kiwifruit into the united states.
(4) handler.—the term "handler" means any person who is engaged in the business of buying and selling, packing, marketing, or distributing kiwifruit as a principal occupation.
(5) importer.—the term "importer" means any person who imports kiwifruit into the united states.
(6) kiwifruit.—the term "kiwifruit" means all varieties of kiwifruit grown in or imported into the United states.
(7) marketing.—the term "marketing" means the sale or other disposition of kiwifruit into interstate, foreign, or intrastate commerce by buying, marketing, distribution, or otherwise placing kiwifruit into commerce.
(8) order.—the term "order" means a kiwifruit order, and any regulation, declaration, or rule adopted under section 556.

sec. 554. issuance of orders.

(a) issuance of the purposes of this subtitle specified in section 552(b), the Secretary shall issue an order applicable to producers, handlers, and importers of kiwifruit. Any such order shall be national in scope. Not more than 1 order shall be in effect under this subtitle at any 1 time.
(b) procedure.—the Secretary, after notice and opportunity for public comment are provided, shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

sec. 555. national kiwifruit board.

(a) membership.—an order issued by the Secretary under section 554 shall provide for the establishment of a national kiwifruit board that consists of the following 11 members:
(1) 6 members who are producers, or representatives of producers, and who are not exempt from an assessment under section 556.
(2) 2 members who are importers or representatives of importers, and who are not exempt from an assessment under section 556.
(3) 1 member appointed from the general public.
(b) adjustment of membership.—
(1) in general.—subject to the 11-member limit specified in subsection (a), the Secretary may adjust membership on the board to accommodate changes in production and import levels of kiwifruit.
(2) number of producer members.—producers shall comprise not less than 51 percent of the membership of the board.
(c) appointment and nomination.—
(1) appointment.—the Secretary shall appoint the members of the Board from nominations submitted in accordance with this subsection.
(2) nominations.—the Secretary may request the issuance of, and submit a proposal for, an order applicable to producers, handlers, and importers of kiwifruit. Any such order shall be national in scope. Not more than 1 order shall be in effect under this subtitle at any 1 time.

sec. 556. required terms in order.

(a) budgets and plans.
(1) in general.—an order issued under section 554 shall provide for periodic budgets and plans in accordance with this subsection.
(b) board shall prepare and submit to the Secretary a budget for the fiscal year beginning on the first day of July, and for each fiscal year thereafter, in accordance with this subsection.
(c) plans.—the Board shall include in each budget a plan for research, promotion, and consumer information regarding kiwifruit. plans under this paragraph shall become effective on approval by the Secretary.

(b) public representatives.—the public representative shall be appointed from nominations submitted by other members of the Board.
(c) failure to nominate.—if producers, importers, and handlers fail to nominate individuals, the Secretary may appoint members and alternates on a basis provided for in the order. If the Board fails to nominate a public representative, the member may be appointed by the Secretary without a nomination.
(d) alternates.—the Secretary shall appoint an alternate for each member of the Board. an alternate shall—
(1) be appointed in the same manner as the member for whom the individual is an alternate; and
(2) serve on the Board if the member is absent from a meeting or is disqualified under subsection (i).
(e) reservations.—a member of the Board shall be appointed for a term of 3 years. no member may serve more than 2 consecutive 3-year terms, except that of the members first appointed—
(1) 5 members shall be appointed for a term of 2 years; and
(2) 6 members shall be appointed for a term of 3 years.
(f) disqualification.—if a member or alternate of the Board who was appointed as a producer, importer, exporter, or public representative ceases to belong to the group for which the member was appointed, the member or alternate shall be disqualified from serving on the Board.
(g) compensation.—a member or alternate of the Board shall serve without pay.
(h) general powers and duties.—the Board shall—
(1) administer an order issued by the Secretary under section 554, and an amendment to the order, in accordance with the order and amendment and this subtitle; (2) prescribe rules and regulations to carry out the order; (3) meet, organize, and select from among members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines appropriate;
(4) receive, investigate, and report to the Secretary accounts of violations of the order; (5) make recommendations to the Secretary with respect to an amendment that should be made to the order; and
(6) employ or contract with a manager and staff to assist in administering the order, except that, to reduce administrative costs and increase efficiency, the Board shall seek, to the extent practicable, to employ or contract with personnel who are already associated with organizations involved in promoting kiwifruit that are chartered by a State, the District of Columbia, or the Commonwealth of Puerto Rico.

sec. 557. required terms in order.

(a) assessments.
(1) in general.—an order issued under section 554 shall provide for the imposition and collection of assessments with regard to the production and importation of kiwifruit; (2) rate.—the assessment rate shall be the rate that is recommended by a 2/3 vote of a
The quorum of the Board and approved by the Secretary, except that the rate shall not exceed $0.10 per 7-pound tray of kiwifruit or an equivalent rate.

(3) COLLECTION BY FIRST HANDLERS.—Except as provided in paragraph (5), the first handler of kiwifruit shall—
(a) be responsible for collecting the assessment and remitting the assessment to the Board, of assessments required under this subsection and
(b) maintain a separate record of the kiwifruit of each producer whose kiwifruit are so handled, including the kiwifruit owned by the handler.

(4) IMPORTERS.—The assessment on imported kiwifruit shall be paid by the importer to the United States Customs Service at the time of entry into the United States and shall be remitted to the Board.

(5) EXEMPTION FROM ASSESSMENT.—The following persons or activities are exempt from assessment under this subsection:
(a) A producer who produces less than 500 pounds of kiwifruit per year.
(b) An importer who imports less than 10,000 pounds of kiwifruit per year.
(c) A sale of kiwifruit made directly from the producer to a consumer for a purpose other than resale.
(d) The production or importation of kiwifruit for processing.
(e) Claims of Exemption.—To claim an exemption under paragraph (5) for a particular year, a person shall—
(A) submit an application to the Board stating the basis for the exemption and certifying that the quantity of kiwifruit produced, imported, or sold by the person will not exceed any poundage limitation required for the exemption in the year; and
(B) be on a list of approved processors developed by the Board.

(1) AUTHORIZED USES.—The order shall provide that funds paid to the Board as assessments under subsection (b) may be used by the Board—
(A) to pay for research, promotion, and consumer information described in the budget of the Board under subsection (a) and for other expenses incurred by the Board in the administration of an order;
(B) to pay such other expenses for the administration, maintenance, and functioning of the Board; and
(C) to reimburse the Secretary for any expenses incurred by the Secretary in conducting referenda under this subtitle.

(2) LIMITATION ON USE OF ASSESSMENTS.—Except for the first year of operation of the Board, expenses for the administration, maintenance, and functioning of the Board may not exceed 30 percent of the budget for a year.

(3) FALSE CLAIMS.—The order shall provide that any assessment programs collected under subsection (b) may not make—
(a) any false claims on behalf of kiwifruit; and
(b) any false statements with respect to the attributes or use of any product that competes with kiwifruit for sale in commerce.

(e) PROHIBITION ON USE OF FUNDS.—The order shall prohibit the use of funds collected by the Board under this subtitle through assessments may not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for under this subtitle.

(f) BOOKS, RECORDS, AND REPORTS.—

(1) BOARD.—The order shall require the Board—
(A) to maintain and make available for inspection by the employees and agents of the Board and the Secretary such books and records as may be required by the Secretary; and
(B) to file, at the times and in the manner and content prescribed by the order, reports regarding the collection, payment, or remittance of assessments under subsection (b).

(2) CONFIDENTIALITY.—
(A) IN GENERAL.—The order shall require that all information obtained pursuant to subsection (1) be kept confidential by all officers, employees, and the Department of Agriculture and of the Board. Such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States or any other party is a party, involving the order with respect to which the information was furnished or acquired.

(b) LIMITATIONS.—Nothing in this subsection prohibits—
(A) the issuance of general statements based on the reports of a number of handlers and importers subject to an order, if the statements do not identify the information furnished by any person; or
(B) the publication, by direction of the Secretary, of the name of any person violating an order issued under section 554(a), together with a statement of the particular provisions of the order violated by the person.

(c) PENALTY.—Any person who willfully violates this subsection, or conspires to violate this subsection, or conspires to violate this subsection, or commits any act constituting a violation of this subsection shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, and, if the person is a member, officer, or agent of the Board or an employee of the Department of Agriculture, shall be removed from office.

(d) WITHHOLDING OF INFORMATION.—Nothing in this subtitle prohibits the withholding of information from Congress.

SEC. 557. PERMISSIVE TERMS IN ORDER.

(a) PERMISSIVE TERMS.—On the recommendation of the Board and with the approval of the Secretary, an order issued under section 554 may include the terms and conditions specified in this section and such additional terms and conditions as the Secretary considers necessary to effectuate the other provisions of the order and are incidental to, and not inconsistent with, this subtitle.

(b) ALTERNATIVE PAYMENT AND REPORTING SCHEDULES.—The order may authorize the Board to provide for a different billing or reporting schedule for any product or area.

(c) WORKING GROUPS.—The order may authorize the Board to designate different handler payment or reporting groups drawn from handlers, importers, exporters, or the general public and utilize the expertise of the groups to assist in the development of research and marketing programs for kiwifruit.

(d) RESERVE FUNDS.—The order may authorize the Board to accumulate reserve funds from assessments collected pursuant to section 554(b) to permit an effective and continuous coordinated program of research, promotion, and consumer information in years in which production of kiwifruit is reduced, except that any reserve fund may not exceed the amount budgeted for operation of this subtitle for 1 year.

(e) PROMOTION ACTIVITIES OUTSIDE UNITED STATES.—The order may authorize the Board to use, with the approval of the Secretary, funds provided under this subtitle for promotion and other activities outside the United States, including the development and expansion of sales in foreign markets of kiwifruit produced in the United States.

SEC. 558. PETITION AND REVIEW.

(a) PETITION.—

(1) IN GENERAL.—A person subject to an order may file with the Secretary a petition—
(A) stating that the order, a provision of the order, or an obligation imposed in connection with the order, is not in accordance with law; and
(B) requesting a modification of the order or an exemption from the order.

(2) HEARINGS.—A person submitting a petition under paragraph (1) shall be given an opportunity to be heard on a petition filed with the Secretary.

(3) RULING.—After the hearing, the Secretary shall issue a ruling on the petition which shall be final if the petition is in accordance with law.

(4) LIMITATION ON PETITION.—Any petition filed under this subtitle challenging an order, or an obligation imposed in connection with an order, shall be filed not later than 2 years after the effective date of the order or imposition of the obligation.

(b) REVIEW.—

(1) COMMENCEMENT OF ACTION.—The district court of the United States for any district in which the person who is a petitioner under subsection (a) resides or carries on business is vested with jurisdiction to review the ruling on the petition of the person, if a complaint for that purpose is filed not later than 20 days after the date of the entry of a ruling by the Secretary under subsection (a).

(2) PROCESS.—Service of process in the proceedings instituted pursuant to subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief on any obligation imposed in connection with the order.

(3) REMANDS.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions—
(A) to make such ruling as the court shall determine to be in accordance with law; or
(B) to take such further action as, in the opinion of the court, the law requires.

(4) ENFORCEMENT.—The penalty of a proceeding instituted pursuant to subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 559.

SEC. 559. ENFORCEMENT.

(a) JURISDICTION.—A district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this subtitle.

(b) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General any action respecting the enforcement of this subtitle.

(c) SPECIAL JURISDICTION.—The district court of the United States sitting in a district within which a violation alleged to have been committed is known to have been committed, or in which the person charged with the violation resides, or which has jurisdiction over the person charged with the violation, shall have exclusive jurisdiction to entertain such a civil action.
(c) Civil Penalties and Orders.—

(1) Civil Penalties.—Any person who willfully violates any provision of any order or regulation issued by the Secretary under this subtitle, or fails to comply with a subpoena, or refuses to pay, collect, or remit any assessment or fee duly required of the person under the order or regulation, may be assessed a civil penalty by the Secretary not less than $50 nor more than $5,000 for each such violation. Each violation shall be a separate offense.

(2) Cease-and-Desist Orders.—In addition to or in lieu of the civil penalty, the Secretary may issue an order requiring the person to cease and desist from continuing the violation.

(3) Suspension or Termination.—No order assessing a civil penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the person against whom the order is issued is notified in writing of the penalty or cease-and-desist order and given the opportunity to be heard before the Secretary.

(a) Appeal.—The Secretary shall set final the mailing of the order, the person against whom the order is issued is notified of the time and place of the hearing and the opportunity to be heard, and the time within which the person may file a petition for review of the order in the district court of the United States in accordance with subsection (d).

(b) Review by United States District Court.—

(1) Commencement of Action.—Any person against whom a violation is found and a civil penalty or cease-and-desist order is issued under subsection (c) may obtain review of the penalty or cease-and-desist order in the district court of the United States for the district in which the person resides or carries on business, or the United States District Court for the District of Columbia, by—

(A) filing a notice of appeal in the court not later than 30 days after the date on which the penalty is assessed or cease-and-desist order issued; and

(B) simultaneously sending a copy of the notice by certified mail to the Secretary.

(2) Record.—The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person committed the violation.

(3) Standard of Review.—A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(f) Failure to Obey Cease-and-Desist Orders.—Any person who fails to obey a cease-and-desist order issued by the Secretary after the cease-and-desist order has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, for failure to comply with the provisions of the order.

(g) Contempt.—Any person who is found in contempt of a court order shall be subject to a civil penalty assessed by the Secretary, for contempt of the court.

(h) Process.—Process may be served in the judicial district in which the person resides or carries on business, or the district court of the United States for the district in which the person resides or carries on business, or the United States District Court for the District of Columbia, by—

(A) serving a copy of the process on the person, either personally or by registered or certified mail, return receipt requested; and

(B) simultaneously sending a copy of the process by certified mail to the Secretary.

(i) Hearing Site.—The site of any hearing held under section 558 or 559 shall be in the judicial district in which the person against whom the order is issued resides or has a principal place of business.

SEC. 563. REGULATIONS.

(a) General.—The Secretary may issue such regulations as are necessary to carry out this subtitle.

(b) Authorization of Appropriations.—There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this subtitle.

Subtitle E—Popcorn

SEC. 571. SHORT TITLE.

This subtitle may be cited as the "Popcorn Promotion, Research, and Consumer Information Act of 1996."
(A) is not designed to maintain or expand any individual share of a producer or processor of the market; (B) does not compete with or replace individual advertising and industry efforts designed to promote individual brand name or trade name popcorn products; and (C) authorizes and funds programs that result in government speech promoting government objectives; and (2) establish a nationally coordinated program for popcorn promotion, research, consumer information, and industry information.

(d) STATUTORY CONSTRUCTION.—This subtitle treats processors equitably. Nothing in this subtitle—

(1) provides for the imposition of a trade barrier to the entry into the United States of imported popcorn for the domestic market; or

(2) provides for the control of production or otherwise limits the right of any individual processor to produce popcorn.

SEC. 573. DEFINITIONS.

In this subtitle (unless the context otherwise requires):

(1) BOARD.—The term “Board” means the Popcorn Board established under section 575(b).

(2) COMMERCE.—The term “commerce” means interstate, foreign, or intrastate commerce.

(3) CONSUMER INFORMATION.—The term “consumer information” means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of popcorn.

(4) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(5) INDUSTRY INFORMATION.—The term “industry information” means information or a program that will lead to the development of—

(A) new markets, new marketing strategies, or increased efficiency for the popcorn industry; or

(B) activities to enhance the image of the popcorn industry.

(6) MARKETING.—The term “marketing” means the sale or other disposition of unpopped popcorn for human consumption in a channel of commerce, but does not include a sale or disposition to or between processors.

(7) ORDER.—The term “order” means an order issued under section 574.

(8) PERSON.—The term “person” means an individual, partnership, corporation, association, or cooperative, or any other legal entity.

(9) POPCORN.—The term “popcorn” means unpopped popcorn that is—

(A) commercially grown;

(B) processed in the United States by shelling, cleaning, or drying; and

(C) produced in a channel of commerce.

(10) PROCESS.—The term “process” means to shell, clean, dry, and prepare popcorn for the market, but does not include packaging popcorn for the market without also engaging in another activity described in this paragraph.

(11) PROCESSOR.—The term “processor” means a person engaged in the preparation of unpopped popcorn for the market who owns or shares the ownership and risk of loss of the popcorn and who processes and distributes over 4,000,000 pounds of popcorn in the market per year.

(12) PROMOTION.—The term “promotion” means an action, including paid advertising, to enhance the image or desirability of popcorn.

(13) RESEARCH.—The term “research” means any type of study to advance the image, desirability, marketability, production, production development, quality, or nutritional value of popcorn.

(14) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(15) STATE.—The term “State” means each of the 50 States, the District of Columbia.

(16) UNITED STATES.—The term “United States” means all of the States.
(i) to pay expenses incurred in implementing and administering the order, with provision for a reasonable reserve; and
(ii) to cover such administrative costs as are incurred, except that the administrative costs incurred by the Secretary (other than any legal expenses incurred to defend and enforce the order) that may be reimbursed shall not exceed 15 percent of the projected annual revenues of the Board.

(b) EXPENDITURES BASED ON SOURCE OF ASSESSMENTS.—In implementing plans and projects of promotion, research, consumer information, and industry information, the Board shall expend funds on—

(1) projects for popcorn marketed in the United States or Canada in proportion to the amount of assessments collected on domestically marketed popcorn; and
(2) subsidies for exported popcorn in proportion to the amount of assessments collected on exported popcorn.

(c) NOTIFICATION.—If the administrative costs incurred by the Secretary that are reimbursed by the Board exceed 10 percent of the projected annual revenues of the Board, the Secretary shall notify as soon as practicable the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Congress of the United States or Canada in proportion to the amount of assessments collected on domestically marketed popcorn and exported popcorn.

(d) MAINTENANCE AND REPORTING OF INFORMATION.—The Secretary shall require the Board to—

(1) maintain such books and records as are required by law or regulation other than this subtitle or a regulation issued under this subtitle; and
(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and
(3) account for the receipt and disbursement of all funds entrusted to the Board.

(e) BOOKS AND RECORDS OF THE BOARD.—The order shall require the Board to—

(1) maintain such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;
(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and
(3) account for the receipt and disbursement of all funds entrusted to the Board.

(f) BOOKS AND RECORDS OF PROCESSORS.—

(1) MAINTENANCE AND REPORTING OF INFORMATION.—The order shall require that each processor of popcorn for the market shall—

(A) maintain, and make available for inspection, such books and records as are required by the order; and
(B) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and
(2) REPORT OF POPCORN PROCESSED.—

The order shall require the Board to—

(A) require that each processor of popcorn for the market shall—

(i) maintain, and make available for inspection, such books and records (which shall be available to the Secretary for inspection and audit) as the Secretary may prescribe;
(ii) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and
(iii) account for the receipt and disbursement of all funds entrusted to the Board.

(B) MAINTENANCE AND REPORTING OF INFORMATION.—

The order shall require the Board to—

(1) maintain such books and records as are required by law or regulation other than this subtitle or a regulation issued under this subtitle; and
(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and
(3) account for the receipt and disbursement of all funds entrusted to the Board.

(C) DISCLOSURE TO OTHER AGENCY OF FEDERAL GOVERNMENT.—

(i) In General.—No information obtained under this subtitle may be released by the Board to another agency or officer of the Federal Government for any purpose other than the implementation of this subtitle and any investigatory or enforcement activity necessary for the implementation of this subtitle.

(ii) Penalty.—A person who knowingly violates paragraphs (1) and (2) of this subsection shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if an officer, employee, or agent of the Board or of the Department, shall be removed from such office or terminated from employment, as applicable.

(iii) General Statements.—Nothing in this paragraph prohibits—

(A) the issuance of general statements based on the reports of a number of persons subject to an order, if the statements do not identify the information provided by any person; or
(B) the publication, by direction of the Secretary, of the name of a person violating the order, together with a statement of the particular provisions of the order violated by the person.

(iv) Other Terms and Conditions.—The order shall contain such other terms and conditions, consistent with this subtitle, as are necessary to effectuate this subtitle, including regulations relating to the assessment of late payment charges.

SEC. 576. REFERENDA.

(a) INITIAL REFERENDUM.—

(1) IN GENERAL.—Not earlier than 3 years after the effective date of an order, as provided in section 574(b)(3), the Secretary shall conduct a referendum among processors who, during a representative period as determined by the Secretary, have been engaged in processing, for the purpose of ascertaining whether the order shall go into effect.

(2) APPRAISAL OF ORDER.—The order shall become effective, as provided in section 574(b), only if the Secretary determines that the order has been approved by a majority of the number of processors who, during a representative period as determined by the Secretary, have been engaged in processing, for the purpose of ascertaining whether the order shall go into effect.

(b) ADDITIONAL REFERENDA.—

(1) IN GENERAL.—Not earlier than 3 years after the effective date of an order approved under subsection (a), the Secretary shall conduct a referendum among processors who, during a representative period as determined by the Secretary, have been engaged in processing, for the purpose of ascertaining—

(A) whether the order shall go into effect; or
(B) whether the order shall be amended.

(c) DISAPPROVAL OF ORDER.—If the Secretary determines, in a referendum conducted under paragraph (2), that a ruling issued under subsection (a) prohibiting an exemption from the order or obligation or an exemption from the order or obligation is violated by the person from violating an order or regulation is violated by the person, the Secretary shall—

(A) suspend or terminate, as appropriate, collection of assessments under the order not later than 180 days after the date of determination; and
(B) suspend or terminate the order, as appropriate, in an orderly manner as soon as practicable after the date of determination.

(d) REMANDS.—If the court determines, under paragraph (1), that a ruling issued under subsection (a) is not in accordance with applicable law, the court shall remand the matter to the Secretary with directions—

(A) to take such action as the court shall determine to be in accordance with law; or
(B) to take such further proceedings as, in the opinion of the court, the law requires.

(e) ENFORCEMENT.—If the court remands the proceedings instituted under subsection (a) may not compromise, hinder, or delay the Secretary or the Attorney General from taking action under section 577.

SEC. 577. ENFORCEMENT.

(a) IN GENERAL.—The Secretary may issue an enforcement order to restrain or prevent a person from violating an order or regulation issued under this subtitle and may assess a civil penalty of not more than $1,000 for each violation of the enforcement order. The Secretary may issue an enforcement order to restrain or prevent a person from violating an order or regulation issued under this subtitle. The Secretary may issue an enforcement order to restrain or prevent a person from violating an order or regulation issued under this subtitle. The Secretary may issue an enforcement order to restrain or prevent a person from violating an order or regulation issued under this subtitle. The Secretary may issue an enforcement order to restrain or prevent a person from violating an order or regulation issued under this subtitle.

(b) PROCEDURE.—A person subject to an order issued under this section may file a petition—

(1) challenging the order; or
(2) seeking a declaratory judgment that the order is invalid.

(c) REFERRAL TO ATTORNEY GENERAL.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.
(2) to determine whether any person subject to this subtitle has engaged, or is about to engage, in an act that constitutes or will constitute a violation of this subtitle or of an order or regulation issued under this subtitle.

(b) OATHS, AFFIRMATIONS, AND SUBPOENAS.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

(c) AID OF COURTS.—For the purpose of an investigation under subsection (a), the Secretary may administer oaths or require the production of any records that are required from any place in the United States.

(2) ENFORCEMENT ORDER OF THE COURT.—The court may issue an enforcement order requiring the person to appear before the Secretary to testify or to produce records or to give testimony concerning the matter under investigation.

(3) CONTEMPT.—A failure to obey an enforcement order of the court under paragraph (2) may be punished by the court as a contempt of the court.

(4) PROCESS.—Process in a case under this subsection may be served in the judicial district in which the person resides or carries on business, or wherever the person may be found.

SEC. 580. RELATION TO OTHER PROGRAMS.

Nothing in this subtitle preempts or supersedes any order or regulation relating to popcorn promotion programs or operations under the laws of the United States or any State.

SEC. 581. REGULATIONS.

The Secretary may issue such regulations as are necessary to carry out this subtitle.

SEC. 582. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as Congress deems necessary to carry out this subtitle.

SEC. 591. MAINTENANCE OF RECORDS FOR HONEY PROMOTION PROGRAM.

Section 9(f) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 1928f(f)) is amended by inserting "producers, bonder" after "importers, producer, manufacturer, processor, operator of a cooperative"

TITLE VI—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 601. LIMITATION ON DIRECT FARM OWNERSHIP LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended by striking subsection (b) and inserting the following:

(b) DIRECT LOANS.—

"(1) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary may make a direct loan under this subtitle to a farmer or rancher who has a direct loan outstanding under this subtitle for a loan period of less than 5 years, the Secretary shall not make a direct loan to the farmer or rancher under subparagraph (A) after the date that is 10 years after the date of enactment of this paragraph.

(2) LESS THAN 5 YEARS.—If, as of the date of enactment of this paragraph, a farmer or rancher has a direct loan outstanding under this subtitle for less than 5 years, the Secretary shall not make a direct loan to the farmer or rancher under subparagraph (A) after the date that is 10 years after the date of enactment of this paragraph.

(3) 5 YEARS OR MORE.—If, as of the date of enactment of this paragraph, a farmer or rancher has a direct loan outstanding under this subtitle for 5 years or more, the Secretary shall not make a direct loan to the farmer or rancher under subparagraph (A) after the date that is 5 years after the date of enactment of this paragraph.

SEC. 502. PURPOSES OF LOANS.

(a) IN GENERAL.—Section 303 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923) is amended to read as follows:

"SEC. 303. PURPOSES OF LOANS.

(a) ALLOWED PURPOSES.—

(1) DIRECT LOANS.—A farmer or rancher may use a direct loan made under this subtitle only for—

(A) acquiring or enlarging a farm or ranch;

(B) making capital improvements to a farm or ranch;

(C) paying loan closing costs related to acquiring, enlarging, or improving a farm or ranch;

(D) paying for activities to promote soil and water conservation and protection described in section 304 on a farm or ranch.

(2) GUARANTEED LOANS.—A farmer or rancher may use a loan guaranteed under this subtitle only for—

(A) acquiring or enlarging a farm or ranch;

(B) making capital improvements to a farm or ranch;

(C) paying loan closing costs related to acquiring, enlarging, or improving a farm or ranch;

(D) paying for activities to promote soil and water conservation and protection described in section 304 on a farm or ranch;

(E) refinancing of loans;

(F) refinancing of loans.

(b) PREFERENCES.—In making or guaranteeing a loan under this subtitle for purchase of a farm or ranch, the Secretary shall give preference to a purchase of a farm or ranch—

(1) by a dependent family;

(2) to the extent practicable, is able to make an initial down payment on the farm or ranch;

(3) is an owner of livestock or farm or ranch equipment that is necessary to successfully carry out farming or ranching operations.

(c) HAZARD INSURANCE REQUIREMENT.—

"(1) IN GENERAL.—After the Secretary makes the determination required by paragraph (2), the Secretary may not make a loan to a farmer or rancher under this subtitle unless the farmer or rancher has, or agrees to obtain, hazard insurance on any real property to be acquired or improved with the loan.

(2) DETERMINATION.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall determine the appropriate level of insurance to be required under paragraph (1).

(d) TRANSITIONAL PROVISION.—Section 303(c)(1) of the Consolidated Farm and Rural Development Act shall not apply until the Secretary determines the appropriate level of insurance to be required under paragraph (1).

SEC. 603. SOIL AND WATER CONSERVATION AND PROTECTION.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) by striking subsections (b) and (c); and

(2) by striking "SEC. 304. (a)(1) LOANS": and inserting the following:

"SEC. 304. SOIL AND WATER CONSERVATION AND PROTECTION.

(a) IN GENERAL.—Loans;

(1) by striking "(3) In making or guaranteeing" and inserting the following:

(2) PRIORITY.—In making or guaranteeing;

(3) by striking "(3) The Secretary" and inserting the following:

(4) LOAN MAXIMUM.—The Secretary;

(5) by redesigning subparagraphs (A) through (E) of subsection (c) as amended by paragraph (2) as paragraphs (1) through (6), respectively; and

(6) by redesigning subparagraphs (A) and (B) of section (C) as amended by paragraph (4) as paragraphs (1) and (2), respectively.

SEC. 604. INTEREST RATE REQUIREMENTS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended—

(1) by striking paragraph (B) and inserting paragraph (D) and in "after" after "Except as provided in"; and

(2) by adding at the end the following:

"(D) JOINT FINANCING ARRANGEMENT.—If a direct farm ownership loan is made under this subtitle as part of a joint financing arrangement and the amount of the direct farm ownership loan does not exceed 50 percent of the total principal amount of any additional loan required, the interest rate on the direct farm ownership loan shall be at least 4 percent annually.".

SEC. 605. INSURANCE OF LOANS.

Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended to read as follows:

"SEC. 308. FULL FAITH AND CREDIT.

(a) IN GENERAL.—A contract of insurance or guarantee executed by the Secretary under this title shall be an obligation supported by the full faith and credit of the United States.

(b) CONTESTABILITY.—A contract of insurance or guarantee executed by the Secretary under this title shall be contestable except for fraud or misrepresentation that the lender or assignee is aware of.

(1) has actual knowledge of at the time the contract or guarantee is executed; or

(2) participates in or condones.

SEC. 606. LOANS GUARANTEED.

Section 309(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(h)) is amended by adding at the end the following:

"(h) LOAN MAXIMUM GUARANTEED AT 95 PERCENT.—Except as provided in paragraphs (5) and (6), a loan guaranteed under this title shall be for not more than 95 percent of the principal and interest due on the loan.

(5) REFINANCED LOANS GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee 95 percent of—

(A) in the case of a loan that solely finances a direct loan made under this title, the principal and interest due on the loan on the date of the refinancing; or

(B) in the case of a loan that is used for multiple purposes, the portion of the loan that finances the principal and interest due on a direct loan made under this title that is outstanding on the date the loan is guaranteed.

(6) BEGINNING FARMER LOANS GUARANTEED UP TO 95 PERCENT.—The Secretary may guarantee not more than 95 percent of—

(A) a farm ownership loan for acquiring a farm or ranch to a borrower who is participating in the down payment loan program under section 305(e); or

(B) an operating loan to a borrower who is participating in the down payment loan program under section 310(e) that is made during the period that the borrower has a direct loan outstanding under this subtitle for acquiring a farm or ranch.

Subtitle B—Operating Loans

SEC. 611. LIMITATION ON DIRECT OPERATING LOANS.

(a) IN GENERAL.—Section 311 of the Consolidated Farm and Rural Development Act (7
U.S.C. 1941) is amended by striking subsection (c) and inserting the following:

"(c) DIRECT LOANS."

"(1) IN GENERAL.—Subject to paragraph (3), the Secretary may make a direct loan under this subtitle only to a farmer or rancher who—

"(A) is a qualified beginning farmer or rancher who has not operated a farm or ranch, or who has operated a farm or ranch for not more than 5 years;

"(B) has not received a previous direct operating loan under this subtitle; or

"(C) has received a previous direct operating loan made under this subtitle during 6 or fewer years.

"(2) YOUTH LOANS.—In this subsection, the term 'direct operating loan' shall not include a loan made to a youth under subsection (b).

"(3) TRANSITION RULE.—If, as of the date of enactment of this paragraph, a farmer or rancher has received a direct operating loan under this subtitle during each of 4 or more previous years, the borrower shall be eligible to receive a direct operating loan under this subtitle during 3 additional years after the date of enactment of this paragraph.

"(b) YOUTH ENTERPRISES NOT FARMING OR RANCHING.—Section 311(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)) is amended by adding at the end the following:

"(4) the operation of an enterprise by a youth under this subsection shall not be considered the operation of a farm or ranch under this title.''

SEC. 612. PURPOSES OF OPERATING LOANS.

(a) IN GENERAL.—Section 312 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1942) is amended to read as follows:

"SEC. 612. PURPOSES OF OPERATING LOANS.

(a) IN GENERAL.—A direct loan may be made under this subtitle only for—

"(1) a purpose in connection with a loan made under this subtitle, a loan made from proceeds of a line-of-credit loan, unless the Secretary determines that—

"(A) the borrower's failure to pay on schedule was due to unusual conditions that the borrower could not control;

"(B) the borrower will reduce the line-of-credit balance to the scheduled level at the end of—

"(i) the production cycle; or

"(ii) the marketing of the borrower's agricultural products.

"(2) AGRICULTURAL COMMODITIES.—A line-of-credit loan may be used to finance the production or marketing of an agricultural commodity that—

"(A) is eligible for a price support program of the Department of Agriculture; or

"(B) is eligible for a price support program of the Department of Agriculture on the day before the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996.''

SEC. 613. INSURANCE OF OPERATING LOANS.

Section 317 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1947) is repealed.

SEC. 614. LINE-OF-CREDIT LOANS.

Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by striking subsection (b) and inserting the following:

"(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEE ASSISTANCE.

"(1) In general.—A borrower has received a direct or guaranteed operating loan under this subtitle during 5 additional years after October 28, 1992.

"(2) DETERMINATION.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall determine the appropriate level of insurance to be required by paragraph (3).

"(3) ELIGIBILITY.—For purposes of determining eligibility for a farm operating loan under this subtitle during 5 additional years after October 28, 1992, the Secretary shall reserve a loan under this subtitle to cover a property loss unless the farmer or rancher had hazard insurance that insured the property at the time of the loss.

"(4) TERMINATION OF DELINQUENT LOANS.—If a borrower does not pay an installment on a line-of-credit loan on schedule, the borrower may not take an advance or draw on the line-of-credit, unless the Secretary determines that—

"(A) the borrower's failure to pay on schedule was due to unusual conditions that the borrower could not control;

"(B) the borrower will reduce the line-of-credit balance to the scheduled level at the end of—

"(i) the production cycle; or

"(ii) the marketing of the borrower's agricultural products.
SEC. 623. LINKING OF EMERGENCY LOANS FOR CROP OR LIVESTOCK CHANGES TO NATURAL DISASTERS.

Section 323 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by striking "that are necessitated by a natural disaster, major disaster, or emergency and that cause unavoidable changes in production or marketing" and substituting "that are necessitated by a natural disaster, major disaster, or emergency and that cause unavoidable changes in production or marketing for crops, livestock, or aquaculture, or financial losses as a consequence of a natural disaster, major disaster, or emergency."  

SEC. 624. MAXIMUM EMERGENCY LOAN INDEBTEDNESS.

Section 324 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1984) is amended by striking "SEC. 324. TERMS OF LOANS.  
(a) MAXIMUM AMOUNT OF LOAN. The Secretary may not make a loan under this subtitle to a borrower who has suffered a loss in an amount that—  
(1) exceeds the actual loss caused by a disaster; or  
(2) would cause the total indebtedness of the borrower under this subtitle to exceed $500,000." and inserting "SEC. 324. TERMS OF LOANS.  
(a) MAXIMUM AMOUNT OF LOAN. The Secretary may not make a loan under this subtitle to a borrower who has suffered a loss in an amount that—  
(1) exceeds the actual loss caused by a disaster; or  
(2) would cause the total indebtedness of the borrower under this subtitle to exceed $500,000.".

SEC. 625. ESTABLISHMENT OF DATE FOR EMERGENCY LOAN ASSET VALUATION.

Section 325 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended by striking "Sec. 325. DETERMINATION OF ASSET VALUE. The Secretary shall determine the value of assets at the end of the following:  
(d) TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS.  
1. If the Secretary may enter into a contract with an eligible financial institution to contract to purchase a claim or obligation described in subsection (b)(5)." and inserting "SEC. 325. DETERMINATION OF ASSET VALUE. The Secretary shall determine the value of assets at the end of the following:  
(d) TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS.  
1. If the Secretary may enter into a contract with an eligible financial institution to contract to purchase a claim or obligation described in subsection (b)(5)."

Subtitle D—Administrative Provisions

SEC. 631. TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS.

Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986) is amended by adding at the end the following:  
"(d) TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS.  
1. If the Secretary may enter into a contract with an eligible financial institution to contract to purchase a claim or obligation described in subsection (b)(5)."

SEC. 632. INSURANCE OF EMERGENCY LOANS.

Section 326 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1987) is amended by striking "Sec. 326. INSURANCE OF EMERGENCY LOANS.  
(a) INSURANCE OF CLAIMS. The Secretary may provide a loan insurance to a borrower who has suffered a loss in an amount that—  
(1) exceeds the actual loss caused by a disaster; or  
(2) would cause the total indebtedness of the borrower under this subtitle to exceed $500,000." and inserting "SEC. 326. INSURANCE OF EMERGENCY LOANS.  
(a) INSURANCE OF CLAIMS. The Secretary may provide a loan insurance to a borrower who has suffered a loss in an amount that—  
(1) exceeds the actual loss caused by a disaster; or  
(2) would cause the total indebtedness of the borrower under this subtitle to exceed $500,000.".

SEC. 633. NOTICE OF LOAN SERVICE PROGRAMS.

Section 331D(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a(a)) is amended by adding at the end "(5) The Secretary shall insert in "90 days past due on".”

SEC. 634. CLARIFICATION OF WRITTEN STATEMENTS.

Section 331E(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a(1)) is amended by striking "a written statement showing the debtor's net worth" and inserting "an appropriate written financial statement".

SEC. 635. ANNUAL REVIEW OF THE CREDIT HISTORY, BUSINESS OPERATION, AND CONTINUED ELIGIBILITY OF A BORROWER.

(a) IN GENERAL. Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended—  
(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and  
(2) by inserting after paragraph (1) the following:  
"(d) T EMPORARY AUTHORITY TO ENTER INTO CONTRACTS.  
1. If the Secretary may enter into a contract with an eligible financial institution to contract to purchase a claim or obligation described in subsection (b)(5)."

(b) CONFORMING AMENDMENT. Section 326 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1987) is amended—  
(1) by redesignating paragraphs (2), (3), and (5), respectively, as paragraphs (3), (4), and (5), respectively; and  
(2) by inserting after paragraph (1) the following:  
"(d) T EMPORARY AUTHORITY TO ENTER INTO CONTRACTS.  
1. If the Secretary may enter into a contract with an eligible financial institution to contract to purchase a claim or obligation described in subsection (b)(5)."

SEC. 636. EXTENSION OF VETERANS PREFERENCE.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by striking "(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932a(a)) is amended by striking "(3) of" and inserting "(4) of".”.

SEC. 637. VERIFICATION OF THE CREDIT ELSEWHERE TEST.

Section 333A(f)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(f)(4)) is amended—  
(1) by striking ""With"" and all that follows through ""seasoned"" and inserting the following:  
"(2) by inserting after paragraph (3) the following:  
"(2) Conforming Amendment. The Secretary shall provide a prospectus of a seasoned; and  
(b) by inserting after paragraph (5) the following:  
"(5) The application of a person who is a veteran of any war, as defined in section 101(2) of title 38, United States Code, for a loan under subsection (a) or (b) shall be given preference over a similar application from a person who is not a veteran of any war, if the applications are on file in a county or area office at the same time.".

SEC. 638. SALE OF PROPERTY.

Section 335 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985) is amended—  
(1) in subsection (b), by striking "subsection (e)" and inserting "subsections (c) and (e)"; and  
(2) by striking subsection (c) and inserting the following:  
"(c) SALE OF PROPERTY.  
(1) In general. Subject to this subsection and subsection (e)(1)(A), the Secretary shall offer to sell real property that is acquired by the Secretary under this title using the following order and method of sale:  
(A) ADVERTISEMENT. Not later than 15 days after acquiring real property, the Secretary shall publicly advertise for sale.  
(B) BEGINNING FARMER OR RANCHER.  
(i) IN GENERAL. Not later than 75 days after acquiring real property, the Secretary shall offer to sell the real property to a beginning farmer or rancher.  
(ii) APPEAL OF RANDOM SELECTION. A random selection or denial by the Secretary of a beginning farmer or rancher qualifies for a credit sale or direct farm ownership loan under this subparagraph shall be final and not administratively appealable.  
(C) PUBLIC SALE. If no acceptable offer is received from a qualified beginning farmer or rancher under subparagraph (B) not later than 75 days after acquiring the real property, the Secretary shall, not later than 30 days after the 75-day period, sell the property after public notice and, if no acceptable bid is received, by negotiated sale, at the best price obtainable.

(2) TRANSITIONAL RULES. In the case of real property acquired prior to the date of enactment of this subparagraph that the Secretary leased prior to the date of enactment of this subpara- graph, not later than 60 days after the lease expires, the Secretary shall offer to sell the property in accordance with paragraph (1).  
(3) INTEREST. In general. Subject to subparagraph (B), any conveyance of real property under this subsection shall include all of the interest of the United States in the property, including mineral rights.  
(4) CONSERVATION. The Secretary may for conservation purposes grant or sell an easement, restriction, development right, or similar legal right to real property to a State, a political sub- division of a State, or a private nonprofit organiza- tion separately from the underlying fee or other rights to the property owned by the United States.

(5) LEASE OF PROPERTY.  
(A) IN GENERAL. Subject to paragraph (B), the Secretary may not lease any real property acquired under this title.  
(B) EXCEPTION.  
(1) BEGINNING FARMER OR RANCHER. The Secretary may lease or direct lease to a beginning farmer or rancher a farm or ranch acquired by the Secretary under this title if the beginning farmer or rancher qualifies for a credit sale or direct farm ownership loan under title A but credit sale authority for loans or direct farm ownership loan funds, respectively, are not available.  
(ii) the term of a lease or contract to sell to a beginning farmer or rancher not subject to clause (i) shall be until the earlier of—  
(i) the date that is 12 months after the date of the lease or sale; or  
(ii) the date that direct farm ownership loan funds or credit sale authority for loans becomes available to the beginning farmer or rancher.

(7) INCOME-PRODUCING CAPABILITY. The Secretary shall, when determining the rental rate on real property leased under this subparagraph, the Secretary shall..."
consider the income-producing capability of the property during the term that the property is leased.

(6) EXPEDITE DETERMINATION.

(A) IN GENERAL.—On the request of an applicant, not later than 30 days after denial of the application, the appropriate State director shall provide an expedited review and determination of the applicability of a beginning farmer or rancher for the purpose of acquiring farm inventory property.

(B) PROVISIONAL DETERMINATION OF A STATE DIRECTOR.—The Secretary shall, for the purpose of acquiring farm inventory property, establish procedures, under subparagraph (A), by which the Secretary may make an expedited determination of a State director under subparagraph (A) shall be final and not administratively appealable.

(C) EFFECTS OF DETERMINATIONS.—

(ii) The Secretary shall maintain statistical data on the number and results of determinations made under subparagraph (A) and the effect of the determinations on—

(I) ensuring farm inventory property to beginning farmers and ranchers; and

(II) disposing of real property in inventory.

Notice. The Secretary shall notify the Committee on Agriculture, Nutrition, and Forestry of the Senate if the Secretary determines that the review process under subparagraph (A) is adversely affecting the selling of farm inventory property to beginning farmers or ranchers or the disposing of real property in inventory.

(ii) In subsection (a) in paragraph (1)—

(aa) by striking subclause (I), by striking "(G)" and inserting "(D)";

(bb) by striking clause (I) and inserting the following:

(I) the Secretary acquires property under this title that is located within an Indian reservation; and

(ii) in subparagraph (B), by striking "(a)" and at the end inserting a semicolon; and

(dd) by striking subsection (c) and

(ii) in subparagraph (A) by redesignating clause (ii) as subparagraph (B); and

(iii) in subparagraph (A) as redesignated by clause (ii)—

(aa) in the matter preceding subclause (I), by striking "(G)" and inserting "(D)";

(bb) by striking clause (I) and inserting the following:

(I) the Secretary acquires property under this title that is located within an Indian reservation; and

(ii) in subparagraph (B), by striking "(a)" and at the end inserting a semicolon; and

(dd) by striking subsection (c) and

(ii) in subparagraph (A) by redesignating clause (ii) as subparagraph (B); and

(iii) by striking clause (v) and inserting the following:

(1) NOTICE TO BORROWER.—If an Indian borrower does not voluntarily convey to the Secretary real property described in clause (i), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

(aa) the sale;

(bb) the fair market value of the property; and

(cc) the requirements of this subparagraph.

(II) ASSIGNED LOANS.—If an Indian tribe assumes a loan under subparagraph (I)—

(aa) the Secretary shall not foreclose the loan because of any default that occurred prior to the date of the assumption;

(bb) the loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property; and

(cc) the loan shall be treated as though the loan was made under Public Law 91–229 (25 U.S.C. 488 et seq.).

(e) by striking paragraph (3), (4), and (5) and inserting the following:

(i) by striking subparagraph (B);

(ii) in subparagraph (A)—

(aa) in clause (i), by striking "(i)"; and

(bb) by redesignating clause (ii) as subparagraph (B); and

(iii) in subparagraph (B) (as redesignated by clause (ii))—

(aa) by striking "subparagraph (A)"; and

(bb) by striking subparagraph (A) through (C) and redesignating subparagraph (D) through (G) as subparagraphs (A) through (D), respectively.

(f) In subsection (b)—

(1) by striking subclause (I), by striking "(G)" and inserting "(D)";

(2) by striking subparagraph (A) through (D) and redesignating subparagraph (E) through (G) as subparagraphs (A) through (D); and

(ii) in subparagraph (A) and inserting "(A)";

(iii) in clause (ii), by striking "(D)" in the matter following subclause (I) and inserting "(A)";

(iv) in subparagraph (C) (as redesignated by clause (ii))—

(aa) in clause (i), by striking "(D)" in the matter following subclause (I) and inserting "(A)";

(bb) in clause (ii) of (C)(i), (C)(ii), and (D) and inserting "inserting subparagraph (A)"; and

(iii) by striking clause (v) and inserting the following:

(2) FORECLOSURE PROCEDURES.—

(I) NOTICE TO BORROWER.—If an Indian borrower does not voluntarily convey to the Secretary real property described in clause (i), not less than 30 days before a foreclosure sale of the property, the Secretary shall provide written notice to the Indian tribe that has jurisdiction over the reservation in which the real property is located of—

(aa) the sale;

(bb) the fair market value of the property; and

(cc) the requirements of this subparagraph.

(II) ASSIGNED LOANS.—If an Indian tribe assumes a loan under subparagraph (I)—

(aa) the Secretary shall not foreclose the loan because of any default that occurred prior to the date of the assumption;

(bb) the loan shall be for the lesser of the outstanding principal and interest of the loan or the fair market value of the property; and

(cc) the loan shall be treated as though the loan was made under Public Law 91–229 (25 U.S.C. 488 et seq.).

(i) by striking paragraph (3), (4), and (5) and inserting the following:

(aa) in clause (i), by striking "(i)"; and

(bb) by redesignating clause (ii) as subparagraph (B); and

(II) IN GENERAL.—The Secretary may make or guarantee loans under subtitles A and B from the Agricultural Credit Insurance Fund provided for in section 309 in not more than the following amounts:

(A) FISCAL YEAR 1996.—For fiscal year 1996, $3,085,000,000, of which—

(i) $585,000,000 shall be for direct loans, of which—

(aa) $85,000,000 shall be for farm ownership loans under subtitle A; and

(bb) $500,000,000 shall be for operating loans under subtitle B; and

(ii) $2,500,000,000 shall be for guaranteed loans, of which—

(aa) $600,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

(bb) $1,900,000,000 shall be for guarantees of operating loans under subtitle B.

(B) FISCAL YEAR 1997.—For fiscal year 1997, $3,165,000,000, of which—

(i) $585,000,000 shall be for direct loans, of which—

(aa) $85,000,000 shall be for farm ownership loans under subtitle A; and

(bb) $500,000,000 shall be for operating loans under subtitle B; and

(ii) $2,580,000,000 shall be for guaranteed loans, of which—

(aa) $950,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

(bb) $1,900,000,000 shall be for guarantees of operating loans under subtitle B.

(C) FISCAL YEAR 1998.—For fiscal year 1998, $3,245,000,000, of which—

(i) $585,000,000 shall be for direct loans, of which—

(aa) $85,000,000 shall be for farm ownership loans under subtitle A; and

(bb) $500,000,000 shall be for operating loans under subtitle B; and

(ii) $2,660,000,000 shall be for guaranteed loans, of which—

(aa) $660,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

(bb) $2,500,000,000 shall be for guarantees of operating loans under subtitle B.

(D) FISCAL YEAR 1999.—For fiscal year 1999, $3,325,000,000, of which—

(i) $585,000,000 shall be for direct loans, of which—

(aa) $85,000,000 shall be for farm ownership loans under subtitle A; and

(bb) $500,000,000 shall be for operating loans under subtitle B; and

(ii) $2,740,000,000 shall be for guaranteed loans, of which—

(aa) $690,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

(bb) $2,050,000,000 shall be for guarantees of operating loans under subtitle B.

(E) FISCAL YEAR 2000.—For fiscal year 2000, $3,435,000,000, of which—
"(i) $585,000,000 shall be for direct loans, of which—
"(ii) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(iii) $2,850,000,000 shall be for guaranteed loans, of which—
"(I) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(II) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

**FISCAL YEAR 2002.**—For fiscal year 2002, $3,435,000,000, of which—
"(i) $585,000,000 shall be for direct loans, of which—
"(II) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(III) $2,850,000,000 shall be for guaranteed loans, of which—
"(I) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(II) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

"(G) FISCAL YEAR 2003.**—For fiscal year 2003, $3,435,000,000, of which—
"(i) $585,000,000 shall be for direct loans, of which—
"(II) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(III) $2,850,000,000 shall be for guaranteed loans, of which—
"(I) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(II) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

"(2) BEGINNING FARMERS AND RANCHERS.—

"(A) DIRECT LOANS.—

"(B) FARM OWNERSHIP LOANS.—

"(C) IN GENERAL.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve for qualified beginning farmers and ranchers—

"(i) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(ii) $2,850,000,000 shall be for guaranteed loans, of which—
"(III) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(IV) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

"(2) OPERATING LOANS.—Of the amounts reserved for a fiscal year under subclause (I), the Secretary shall reserve 7 percent for qualified beginning farmers and ranchers—

"(i) for each of fiscal years 1996 through 1998, 25 percent; and
"(ii) for fiscal year 1999, 30 percent; and
"(iii) for each of fiscal years 2000 through 2002, 25 percent.

"(3) RESERVED UNTIL SEPTEMBER 1.—Except as provided in clause (iii), funds reserved for qualified beginning farmers or ranchers under this subparagraph for a fiscal year shall be reserved only until September 1 of the fiscal year.

"(4) GUARANTEED LOANS.—

"(A) FARM OWNERSHIP LOANS.—Of the amounts made available under paragraph (1) for guarantees of farm ownership loans, the Secretary shall reserve 25 percent for qualified beginning farmers and ranchers.

"(B) OPERATING LOANS.—Of the amounts made available under paragraph (1) for guarantees of operating loans, the Secretary shall reserve 25 percent for qualified beginning farmers and ranchers, of which—

"(i) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(ii) $2,850,000,000 shall be for guaranteed loans, of which—
"(I) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(II) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

"(C) IN GENERAL.—Of the amounts made available under paragraph (1) for direct farm ownership loans, the Secretary shall reserve 70 percent for direct farm owner-operating loans under subtitle B; and

"(D) IN GENERAL.—For fiscal year 2001, $3,435,000,000, of which—

"(I) $85,000,000 shall be for direct loans, of which—

"(II) $85,000,000 shall be for farm ownership loans under subtitle A; and
"(III) $2,850,000,000 shall be for guaranteed loans, of which—
"(I) $750,000,000 shall be for guaranteed farm ownership loans under subtitle A; and
"(II) $2,100,000,000 shall be for guaranteed farm ownership loans under subtitle B.

SEC. 642. CONTRACTS ON LOAN SECURITY PROPERTY.

Section 349 of the Consolidated Farm and Rural Development Act (7 U.S.C. 198; 7 U.S.C. 1999 note) is amended by striking "The" and inserting "Notwithstanding subsection (a), subject to subparagraph (B) and (C), beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers and ranchers, if sufficient direct farm ownership loan funds are not otherwise available.

"(2) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

"(A) IN GENERAL.—Notwithstanding subsection (a), subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers and ranchers, if sufficient direct farm ownership loan funds are not otherwise available.

"(B) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

"IN GENERAL.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all guaranteed farm operating loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

"(4) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

"(A) IN GENERAL.—Notwithstanding subsection (a), subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers and ranchers, if sufficient direct farm ownership loan funds are not otherwise available.

"(B) TRANSFER FOR CREDIT SALES OF FARM INVENTORY PROPERTY.—

"(A) IN GENERAL.—Notwithstanding subsection (a), subject to subparagraphs (B) and (C), beginning on September 1 of each fiscal year, the Secretary shall use available unsubsidized guaranteed farm operating loan funds to provide direct farm ownership loans approved by the Secretary to qualified beginning farmers and ranchers, if sufficient direct farm ownership loan funds are not otherwise available.

"(B) SUPPLEMENTAL APPROPRIATIONS.—The transfer authority provided under subparagraph (A) shall apply to any funds made available to the Secretary for any fiscal year under an Act making supplemental appropriations.

"(C) LIMITATION.—The Secretary shall limit the transfer of funds under subparagraph (A) so that all emergency disaster loans that have been approved, or will be approved, by the Secretary during the fiscal year will be made to the extent of available amounts.

SEC. 643. LIST OF CERTIFIED LENDERS AND INVESTMENT PROPERTY DEMONSTRATION PROJECT.

Section 352(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)) is amended—

"(1) in subsection (f)—

"(A) by striking "Each Farmers Home Administration county supervisor" and inserting "The Secretary";

"(B) by striking "approved lenders" and inserting "lenders"; and

"(C) by striking "the Farmers Home Administration" and inserting "the Secretary";

"(2) in paragraph (6)—

"(A) in the first sentence, by striking "Within 30" and all that follows through "title," and inserting "Not later than the date of acquisition of the property securing a loan made under this title (or, in the case of real property in inventory on the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996, not later than 5 days after the date of enactment of the Act)"; and

"(B) by striking the second sentence.

SEC. 644. HOMESTEAD PROPERTY.

Section 353(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)) is amended—

"(1) in paragraph (3)(A), by striking "90" each place it appears and inserting "30"; and

"(2) in paragraph (6)—

"(A) by striking paragraph (6) and inserting "(A) in the first sentence, by striking "Within 30" and all that follows through "title," and inserting "Not later than the date of acquisition of the property securing a loan made under this title (or, in the case of real property in inventory on the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996, not later than 5 days after the date of enactment of the Act)"; and

"(B) by striking the second sentence.

SEC. 645. RESTRUCTURING.

Section 353 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001) is amended—

"(1) in subsection (c)—

"(A) in paragraph (3), by striking subparagraph (C) and inserting the following:

"(C) CASH FLOW MARGIN.—For the purpose of assessing under subparagraph (A) the ability of a borrower to meet debt obligations and continue farming operations, the Secretary shall assume that the borrower needs up to 110 percent of the amount indicated for payment of farm operating expenses, debt service obligations, and family living expenses.

"(2) in subsection (d) and inserting the following:

"(D) TERMINATION OF LOAN OBLIGATIONS.—The obligations of a borrower to the Secretary under a loan shall terminate if—

"(A) the borrower satisfies the requirements of paragraph (1) and (2) of subsection (b); or

"(B) the value of the restructured loan is less than the recovery value; and

"(C) not later than 90 days after notice of the option described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the current market value.

"(3) by striking subsection (k); and

"(4) by redesignating subsections (l) through (p) as subsections (k) through (o), respectively.
SEC. 646. TRANSFER OF INVENTORY LAND FOR CONSERVATION PURPOSES.  
Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2002) is amended—  
(1) in the matter preceding paragraph (1), by striking "The Secretary, without reimbursement," and inserting the following:  
"(a) in General.—Subject to subsection (b), the Secretary;  
(2) by striking paragraph (2) and inserting the following:  
"(2) that is eligible to be disposed of in accordance with section 335, and; and  
(3) by striking section 335; and  
"(3) the Governor and at least 1 elected county official of the State and county where the property is located are consulted prior to the transfer;  
SEC. 647. IMPLEMENTATION OF TARGET PARTICIPATION RATES.  
Section 355 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003) is amended by adding at the end the following:  
"(f) IMPLEMENTATION CONSISTENT WITH SUBPRIME LENDING.—Not later than 210 days after the date of enactment of this subsection, the Secretary shall ensure that the implementation of this section is consistent with the standards prescribed by the Equal Credit Opportunity Act and the Community Reinvestment Act of 1977; and  
SEC. 648. DELINQUENT BORROWERS.  
(a) PAYMENT OF INTEREST AS A CONDITION OF LOAN SERVICING FOR BORROWERS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:  
"(a) Delinquent Borrowers Prohibited From Obtaining Direct Operating Loans.—The Secretary may not make a direct operating loan under subtitle B to a borrower who is delinquent on any loan made or guaranteed under this title.  
(b) LOAN AND LOAN SERVICING LIMITATIONS.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921) is amended by striking paragraph (a) as amended by subsection (a) as amended by adding at the end the following:  
"(3) Loan and Loan Servicing Limitations.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921) is amended by striking paragraph (a) as amended by subsection (a) as amended by adding at the end the following:  
"SEC. 373. LOAN AND LOAN SERVICING LIMITATIONS.  
(a) Delinquent Borrowers Prohibited From Obtaining Direct Operating Loans.—The Secretary may not make a direct operating loan under subtitle B to a borrower who is delinquent on any loan made or guaranteed under this title.  
(b) Loans Prohibited for Borrowers that Have Received Debt Forgiveness.—  
(1) In General.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan to a borrower who has received debt forgiveness on a loan made or guaranteed under this title.  
(2) Exceptions.—The Secretary may make a direct or guaranteed farm operating loan for paying annual farm or ranch operating expenses of a borrower who was restructured with a write down under section 353.  
"SEC. 381. TRANSFER OF INVENTORY LAND FOR CONSERVATION PURPOSES.  
The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:  
"SEC. 374. SHORT FORM CERTIFICATION OF FARM PROGRAM BORROWER COMPLIANCE.  
"(a) General.—The Secretary shall utilize a consolidated form for farm program borrowers to use in certifying compliance with any applicable provision of law (including a regulation) that serves as a prerequisite for a loan made under this title.  
"SEC. 650. CREDIT STUDY.  
(a) in General.—The Secretary of Agriculture shall conduct a study to report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the demand for and availability of rural credit for agriculture, housing, and rural development.  
(b) Purpose.—The purpose of the study shall be to ensure that Congress has current and comprehensive information to consider as Congress deliberates on rural credit needs and the availability of credit to satisfy the needs of rural areas of the United States.  
(c) Items in Study.—In conducting the study, the Secretary shall base the study on the most current available data and analyze—  
(1) rural demand for credit from the Farm Credit System, the available of the Farm Credit System to meet the demand, and the extent to which the Farm Credit System provides loans to satisfy the demand;  
(2) rural demand for credit from the United States banking system, the ability of banks to meet the demand, and the extent to which banks provide loans to meet the demand;  
(3) rural demand for credit from the Secretary, the ability of the Secretary to meet the demand, and the extent to which the Secretary provides loans to satisfy the demand;  
(4) rural demand for credit from other Federal agencies, the ability of the agencies to meet the demand, and the extent to which the agencies provide loans to meet the demand;  
(5) what measure or measures exist to gauge the overall demand for rural credit, the extent to which rural demand for credit is satisfied, and what the measures have demonstrated;  
(6) a comparison of the interest rates and terms charged by the Farm Credit System Farm Credit Banks, production credit associations, and banks for cooperatives with the rates and terms charged by the banks of the United States for credit of comparable risk and maturity;  
(7) the relative advantages of the modernization and expansion proposals of the Farm Credit System on the Farm Credit System, the United States banking system, rural users of credit, local rural communities, and the Federal Government, including—  
(A) any added risk to the safety and soundness of the Farm Credit System that may result from approval of a proposal; and  
(B) any positive or adverse impacts on competition between the Farm Credit System and the banks of the United States in providing credit to rural borrowers;  
(8) the nature and extent of the unsatisfied rural credit need that the Farm Credit System proposals are supposed to address and what as an alternative to the possible Farm Credit System proposals the Farm Credit System from meeting the need;  
(9) the advantages and disadvantages of the proposals to allow banks access to the Farm Credit System as a funding source on the Farm Credit System, the United States banking system, rural users of credit, local rural communities, and the Federal Government, including—  
(A) any added risk to the safety and soundness of the Farm Credit System that may result from approval of a proposal; and  
(B) any positive or adverse impacts on competition between the Farm Credit System and the banks of the United States in providing credit to rural borrowers;  
(10) problems that commercial banks have in obtaining capital for lending in rural areas, how access to Farm Credit System funds would improve the availability of capital in rural areas in ways that cannot be achieved in the system in existence on the date of enactment of this Act; and  
(11) the possible effects on the viability of the Farm Credit System of granting banks access to Farm Credit System funds.  
(d) Interagency Task Force.—In completing the study, the Secretary shall use, among other things, data and information obtained by the interagency task force on rural credit.  
Subtitle E—General Provisions  
SEC. 661. CONFORMING AMENDMENTS.  
(a) Section 307(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)) is amended—  
(1) in paragraph (4), by striking "304(b), 306(a)(1), 310B," and inserting "306(a)(1) and 310B"; and  
(2) in paragraph (6)(B)—  
(A) by striking clauses (i), (iv), and (vii);  
(B) in clause (v), by adding "and" at the end;  
(C) in clause (vi), by striking "and" at the end and inserting a period; and  
(D) by redesigning clauses (iii), (v), and (vi) as clauses (i), (ii), and (iii), respectively.  
(b) Section 309(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(a)) is amended by striking "section 308," and inserting "section 309(a); and"  
(c) Section 309(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(a)) is amended—  
(1) in the second sentence of subsection (a), by striking "304(b), 306(a)(1), 306(a)(14), 310B, and 312(b)" and inserting "306(a)(1), 306(a)(14), 310B; and" and  
(2) in the first paragraph of subsection (b), by striking "and" and inserting "and"  
(d) Section 310(d)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)) is amended—  
(1) by striking "sections 304(b), 310B, and 312(b)" each place it appears in paragraphs (2), (3), and (4) and inserting "this section"; and  
(2) in paragraph (6), by striking "this section, section 304, or section 312" and inserting "this section".  
(e) The first sentence of section 310(d)(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1934(a)(6)) is amended by striking "paragraphs through (5) of section 303(a)(1) or subparagraphs (A) through (E) of section 304(a)(1)" and inserting "section 303(a), or paragraphs (1) through (5) of section 303(b), section 311(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(b)(1)) is amended by striking "and for the purposes specified in section 312".  
(f) Section 316(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(a)) is amended by striking paragraph (3).  
(g) Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—  
(1) in subsection (a)(10), by striking "recreational loan (RL)" and inserting "personal loan (PL)"; and  
(2) in subsection (b)—  
(A) in the matter preceding paragraph (1), by striking "351(b)"; and  
(B) by striking paragraph (4) and inserting the following:  
"(4) PRESERVATION LOAN SERVICE PROGRAM.—The term "preservation loan service program" means a program designed to meet the needs of low-income borrowers in rural areas, how access to Farm Credit System funds would improve the availability of capital in rural areas in ways that cannot be achieved in the system in existence on the date of enactment of this Act; and  
(10) problems that commercial banks have in obtaining capital for lending in rural areas, how access to Farm Credit System funds would improve the availability of capital in rural areas in ways that cannot be achieved in the system in existence on the date of enactment of this Act; and  
(11) the possible effects on the viability of the Farm Credit System of granting banks access to Farm Credit System funds.  
(d) Interagency Task Force.—In completing the study, the Secretary shall use, among other things, data and information obtained by the interagency task force on rural credit.

Section 1324(c)(4) of the Food Security Act of 1985 (7 U.S.C. 1631c(4)) is amended—

(1) in subparagraph (A), by striking "thereof," and inserting "this" before "thereof"; and

(2) in subparagraph (B), by striking "is a document, or, in the case of a State which (under the applicable State law provisions of the Uniform Commercial Code) allows the electronic filing of financing statements without the signature of the debtor, is an electronically reproduced copy of the statement;" and

in each of subparagraphs (B) and (C), by inserting "other than in the case of an electronically reproduced copy of the statement," before "is".

SEC. 663. EFFECTIVE DATE.

(a) In general.—As provided in subsection (b), the amendments made by this title shall become effective on the date of enactment of this Act.

(b) Effective date.—The amendments made by sections 601, 606, 611, 612, 622, 623, 625, 633, 640(1), 642, 645(1), 648(a), and 649 shall become effective 90 days after the date of enactment of this Act.

(c) Transition provision.—The amendments made by sections 638 and 644 shall not apply before "is".

(d) Regulations.—Notwithstanding any other provision of law, regulations to implement the amendments made by this title shall be published as interim final rules with request for comments and may be made effective immediately on publication.

TITLE VII—RURAL DEVELOPMENT

Subtitle A—Amendments to the Food, Agriculture, Conservation, and Trade Act of 1990

CHAPTER 1—GENERAL PROVISIONS

SEC. 701. RURAL INVESTMENT PARTNERSHIPS.

Subtitle B of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2026-1) is repealed.

SEC. 702. WATER AND WASTE FACILITY FINANCING.

Section 2322 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 901 et seq.) is repealed.

SEC. 703. RURAL WASTEWATER CIRCUIT RIDER PROGRAM.

Section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 7 U.S.C. 1926 note) is repealed.

SEC. 704. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

Chapter 1 of subtitle B of title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950baa et seq.) is amended to read as follows:

"CHAPTER 1—TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS

"SEC. 2331. PURPOSE.

The purpose of this chapter is to encourage and improve telemedicine services and distance learning services in rural areas through the use of telecommunications, computer networks, and related advanced technologies by students, teachers, medical professionals, and rural residents.

"SEC. 2332. DEFINITIONS.

In this chapter:

(1) CONSTRUCT.—The term "construct" means to construct, acquire, install, improve, or extend a facility or system.

(2) COST OF MONEY LOAN.—The term "cost of money loan" means a loan made under this chapter or having interest at a rate equal to the then current cost to the Federal Government of loans of similar maturity.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

"SEC. 2333. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

(a) SERVICES TO RURAL AREAS.—The Secretary may provide financial assistance for telemedicine services or distance learning services in rural areas to an eligible entity for the purposes of providing the following services:

(1) IN GENERAL.—The assistance shall consist of or result in the maximum feasible repayment of the financial assistance provided by the Secretary or full utilization of funds made available to carry out this chapter.

(2) RECIPENTS.—The Secretary may provide financial assistance under this chapter to—

(A) entities using telemedicine services or distance learning services; and

(B) entities proposing or developing telemedicine service or distance learning service to other persons at rates calculated to ensure that the benefit of the financial assistance is passed through.

(3) ELECTRIC OR TELECOMMUNICATIONS BORROWERS.—(A) LOANS TO BORROWERS.—Subject to subparagraph (B), the Secretary may make a loan for the purpose of paragraph (1) for projects satisfying the requirements of this chapter;

(i) use the funds provided to acquire, install, improve, or extend a system referred to in subsection (a); or

(ii) use the funds provided to install, improve, or extend a facility referred to in subsection (a).

(B) LIMITATIONS.—A borrower under this paragraph—

(i) may make a qualifying entity under paragraph (1) available to entities that qualify under paragraph (1); and

(ii) unless the proceeds of a loan provided under this paragraph are used to provide services or repay the portion of the financial assistance provided under this paragraph, may not remain in the Secretary's possession for more than 10 days after the borrower is notified of the rejection.

(4) RIGHT TO PROVIDE OR IMPROVE SERVICES.—Financial assistance may be provided under this chapter for a facility regardless of the location of the facility if the Secretary determines that the assistance is necessary to provide or improve telemedicine services or distance learning services in a rural area.

(d) PRIORITY.—The Secretary shall establish procedures to prioritize financial assistance under this chapter considering—

(1) the need for the assistance in the affected rural area;

(2) the financial need of the applicant;

(3) the population sparsity of the affected rural area;

(4) the local involvement in the project serving the affected rural area;

(5) Geographic diversity among the recipients of financial assistance;

(6) the utilization of the telecommunication facilities of any telecommunications provider serving the affected rural area;

(7) the portion of total project financing provided by the applicant from funds obtained from non-Federal sources;

(8) the portion of project financing provided by the applicant from funds obtained from Federal sources;

(9) the joint utilization of facilities financed by other financial assistance;

(10) the coordination of the proposed project with regional projects or networks;

(11) service to the greatest practical number of persons within the general geographic area covered by the financial assistance; and

(12) other factors determined appropriate by the Secretary.

(e) MAXIMUM AMOUNT OF ASSISTANCE TO INDIVIDUAL RECEPIENTS.—The Secretary may establish the maximum amount of financial assistance to be made available to an individual recipient for each fiscal year under this chapter, by rule or order, or by the Secretary's determination in the Federal Register not more than 45 days after funds are made available for the fiscal year to carry out this chapter.

(f) USE OF FUNDS.—Financial assistance provided under this chapter shall be used for—

(1) the development and acquisition of instructional programming;

(2) the development and acquisition, through lease or purchase, of computer hardware and software, audio and visual equipment, computer components, telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, or interactive video equipment, or other facilities that would further telemedicine services or distance learning services;

(3) the provision of technical assistance and instruction for the development or use of the program, or facilities referred to in paragraphs (1) and (2); or

(4) other uses that are consistent with this chapter.

(g) SALARIES AND EXPENSES.—Notwithstanding subsection (f), financial assistance provided under this chapter shall not be used for paying salaries or administrative expenses.

(h) EXPEDITING COORDINATED TELEPHONE SERVICE.

(1) IN GENERAL.—The Secretary may establish and carry out procedures to ensure that expedited consideration and determination is given to applications for loans and advances of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), and advance any funds available under this chapter and the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), to enable the exchange carriers to provide advanced telecommunications services in rural areas in conjunction with any other projects carried out under this chapter.

(2) DEADLINE IMPOSED ON SECRETARY.—Not later than 45 days after the receipt of a completed application for an expedited telephone loan under paragraph (1), the Secretary shall notify the applicant in writing of the decision of the Secretary regarding the application.

(3) NOTIFICATION OF LOCAL EXCHANGE CARRIER CONCERNED.—(A) APPLECANTS.—Each applicant for a grant for a telemedicine or distance learning project established under this chapter shall notify the appropriate local exchange telephone carrier regarding the application filed with the Secretary for the grant.

(B) SECRETARY.—The Secretary shall—

(i) publish notice of applications received for grants under this chapter for telemedicine or distance learning projects; and

(ii) make the applications available for inspection.

"SEC. 2334. ADMINISTRATION.

(a) NONDUPPLICATON.—The Secretary shall ensure that facilities constructed using financial
assistance provided under this chapter do not duplicate adequate established telemedicine services or distance learning services.

(b) Loan Maturity.—The maturities of cost of money loans shall be determined by the Secretary, based on the useful life of the facility being financed, except that the loan shall not be for a period of more than 10 years.

(c) Loan Feasibility.—The Secretary shall make a cost of money loan only if the Secretary determines that the security for the loan is reasonably adequate and that the loan will be repaid within the period of the loan.

(d) Encouraging Consortia.—The Secretary shall encourage the development of consortia to provide, on a wholesale or retail basis, telemedicine services or distance learning services through telecommunications in rural areas served by a telecommunications provider.

(e) Coordination With Other Agencies.—The Secretary shall coordinate, to the extent practicable, with other Federal and State agencies or similar grant or loan programs to pool resources for funding meritorious proposals in rural areas.

(f) Informational Efforts.—The Secretary shall establish and implement procedures to carry out informational efforts to advise potential end users located in rural areas of each State about the program authorized by this chapter.

SEC. 2335. Regulations.

Not later than 180 days after the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996, the Secretary shall issue regulations to carry out this chapter.

SEC. 2335A. Authorization of Appropriations.

There are authorized to be appropriated to carry out the provisions of this chapter $100,000,000 for each of fiscal years 1996 through 2002.


Section 2347 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 4034) is amended—

(1) by striking paragraphs (3) and (4);

(2) by redesignating paragraph (5) as paragraph (3);

(3) by redesignating paragraphs (6) through (13) as paragraphs (7) through (13), respectively; and

(4) by inserting after paragraph (3) (as redesignated by paragraph (2)) the following:

``(44) Corporate Board.—The term `Corporate Board' means the Board of Directors of the Corporation described in section 1659.

(55) Corporation.—The term `Corporation' means the Alternative Agricultural Research and Commercialization Corporation established under section 1658.

(66) Executive Director.—The term `Executive Director' means the Executive Director of the Corporation appointed under section 1659(e).

SEC. 722. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION.

(a) In General.—Section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5902) is amended to read as follows:

``SEC. 1658. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION.

(a) Establishment.—To carry out this subtitle, there is created a body corporate to be known as the Alternative Agricultural Research and Commercialization Corporation, which shall be an agency of the United States, within the Department of Agriculture, subject to the general supervision of the Secretary and the supervision of the Small Business Administration except as specifically provided for in this subtitle.

(b) Purpose.—The purpose of the Corporation is to—

(1) expedite the development and market penetration of industrial, nonfood, nonfeed products from agricultural and forestry materials; and

(2) assist the private sector in bridging the gap between the results of research into nonfood, nonfeed products and the commercialization of the research.

(c) Place of Incorporation.—The Corporation shall be incorporated in the District of Columbia.

(d) Central Office.—The Secretary shall provide facilities for the principal office of the Corporation within the Washington, D.C., metropolitan area.

(e) Wholly-Owned Government Corporation.—The Corporation shall be considered a wholly-owned government corporation in accordance with chapter 91 of title 31, United States Code.

(f) General Powers.—In addition to any other powers granted to the Corporation under this subtitle, the Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and rescind any bylaw and adopt and alter a corporate seal, which shall be judicially noticed;

(3) may enter into any agreement or contract with a person or private or governmental agency, except that the Corporation shall not provide any financial assistance unless specifically authorized by this subtitle;

(4) may lease, purchase, accept a gift or donation of, or otherwise acquire, use, own, hold, improve, or otherwise deal in or with, and sell, convey, mortgage, pledge, lease, exchange, or otherwise dispose of, any property or interest in property, as the Corporation considers necessary in the transaction of the business of the Corporation, except that this paragraph shall not provide authority for carrying out a program of real estate investment;

(5) may sue and be sued in the corporate name of the Corporation, except that—

(A) no attachment, injunction, garnishment, or any other legal or equitable right accruing to creditors; or debts due from bankrupt, insolvent, or deceased creditors;

(B) may collect or compromise any obligations assigned to or held by the Corporation; and

(C) may sell assets, loans, and equity interests acquired in connection with the financing projects funded by the Corporation.

(6) may exercise all other lawful powers necessarily or reasonably related to the establishment of the Corporation and the purposes of this subtitle and the powers, functions, duties, and authorized activities of the Corporation;

(g) Specific Powers.—To carry out this subtitle, the Corporation may—

(1) make grants to, and enter into cooperative agreements with contracts with, eligible applicants for research, development, and demonstration projects in accordance with section 1660;

(2) make loans and interest subsidy payments and invest venture capital in accordance with section 1661;

(3) collect and disseminate information concerning State, regional and local commercialization projects;

(4) search for new nonfood, nonfeed products and invest in the development of agricultural and related commodities and for processes to produce the products;

(5) administer, maintain, and dispense funds from the Fund to facilitate the conduct of activities under this subtitle; and

(6) engage in any other activity incident to carrying out the functions of the Corporation.

(h) Wholly-Owned Government Corporation.—Section 9101(3) of title 31, United States Code, is amended—

(1) by redesignating subparagraph (N) (relating to the Uranium Enrichment Corporation) as paragraph (O); and
The Corporate Board shall consist of 11 members as follows:

(1) The Under Secretary of Agriculture for Rural Development.

(2) The Under Secretary for Research, Education, and Economics.

(3) 5 members appointed by the Secretary, of whom:

(A) at least 1 member shall be a representative of the leading scientific disciplines relevant to the activities of the Corporation.

(B) at least 1 member shall be a producer or processor of agricultural commodities;

(C) at least 1 member shall be a person who is privately engaged in the commercialization of new nonfood, nonfood products from agricultural commodities; and

(D) at least 1 member shall have expertise in financial management.

A different member shall be appointed pursuant to each subparagraph of this paragraph.

(4) 2 members appointed by the Secretary who—

(A) have expertise in the areas of applied research relating to the development and commercialization of new nonfood, nonfood products.

(B) shall be appointed from a group of at least 4 individuals nominated by the Director of the National Science Foundation if the nominations are made not later than 60 days after the date a vacancy occurs.

(5) 2 members appointed by the Secretary who—

(A) have expertise in financial and managerial matters; and

(B) shall be appointed from a group of at least 4 individuals nominated by the Secretary of Commerce if the nominations are made not later than 60 days after the date a vacancy occurs.

The Corporate Board shall be responsible for the general supervision of the Corporation. The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.

The Corporate Board shall select a Chairperson from among its members. The Chairperson shall serve a term of office of 2 years.

The Secretary may appoint a Vice-Chairperson and such other officers, attorneys, employees, and agents as the Corporate Board may determine necessary for the proper management and conduct of the Corporation.

The Corporate Board shall establish a budget plan and a long-term operating plan to carry out this subtitle.

The Corporate Board shall have such powers, functions, and authority as are necessary for the proper management and conduct of the Corporation as are granted to the Corporation under this subtitle, other than any powers, functions, and authority not expressly authorized by this subtitle, until the establishment of the Corporation by the Secretary and any other officer or employee of the United States authorized to perform the duties of the Corporation.

The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.

Pursuant to the authorities provided by law, the President (through authorities provided under chapter XVI of title 5, Code of Federal Regulations (or any corresponding or similar regulation or rule), applicable to a special Government employee (as defined in section 202(a) of title 18, United States Code).

The Corporate Board shall be responsible for the general supervision of the Corporation. The Corporate Board shall provide a system of organization to fix responsibility and promote efficiency.
(b) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Executive Director of the Alternative Agricultural Research and Commercialization Corporation.''.

SEC. 724. RESEARCH AND DEVELOPMENT GRANTS, CONTRACTS, AND AGREEMENTS.

Section 1660 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5904) is amended—

(1) by striking "Center" each place it appears and inserting "Corporation";

(2) in subsection (c), by striking "Board" and inserting "Corporate Board";

(3) in subsection (d), by striking "Center" and inserting "Corporation";

(4) in subsection (e)(3), by striking "Center" and inserting "Corporation";

(5) in subsection (e)(4), by striking "Center" and inserting "Corporation";

(6) by redesignating subsections (e)(5) and (6) as subsections (e)(6) and (7), respectively;

(7) in subsection (e)(6), by redesignating paragraphs (1) and (2) as subsections (1) and (2), respectively;

(8) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(9) by striking "Center" each place it appears and inserting "Corporation";

(10) in subsection (i)(1), by striking "Center" and inserting "Corporation";

(11) in subsection (i)(2), by striking "Center" and inserting "Corporation";

(12) in subsection (i)(3), by striking "Center" and inserting "Corporation";

SEC. 725. COMMERCIALIZATION ASSISTANCE.

Section 1661 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5905) is amended—

(1) by striking "Center" each place it appears and inserting "Corporation";

(2) by striking "Board" each place it appears and inserting "Corporate Board";

(3) by striking subsection (c); and

(4) by redesignating subsections (d), (e), and (f) as subsections (d), (e), and (f), respectively; and

(5) in subsection (c) as redesignated—

(A) in the subsection heading of paragraph (1), by striking "Secretary" and inserting "Executive Director";

(B) by striking "Director" each place it appears and inserting "Executive Director";

SEC. 726. GENERAL RULES REGARDING THE PROVISION OF ASSISTANCE.

Section 1662 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5906) is amended—

(1) by striking "Center" each place it appears (except in subsection (b)) and inserting "Corporation";

(2) by striking "Board" each place it appears and inserting "Corporate Board";

(3) in subsection (b)—

(A) in the second sentence, by striking "Board, a Regional Center, or the Advisory Council" and inserting "Board or a Regional Center";

(B) by striking the third sentence.

SEC. 727. COMMERCIALIZATION CENTERS.

Section 1663 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5907) is amended—

(1) by striking "Board" each place it appears and inserting "Corporate Board";

(2) in subsection (e)(1), by striking "Center" and inserting "Corporation";

(3) in subsection (e)(2), by striking "Center" and inserting "Corporation";

(4) in paragraph (2), by striking "in consultation with the Advisory Council appointed under section 1666(c)"; and

(5) by striking paragraphs (3) and (4) and inserting the following:

"(3) Recommendation.—The Regional Director, based on the comments of the reviewers, shall develop and submit a recommendation to the Board, which shall not be binding on the Board.''.

SEC. 728. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

Section 1664 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5908) is amended to read as follows:

"SEC. 1664. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND.

"(a) Establishment.—There is established in the Treasury of the United States a revolving fund to be known as the Alternative Agricultural Research and Commercialization Revolving Fund, which shall be available to the Corporation, without fiscal year limitation, to carry out this subtitle.

"(b) Contents of Fund.—There shall be deposited in the Fund—

"(1) such amounts as may be appropriated or transferred to support programs and activities of the Corporation;

"(2) payments received from any source for products, services, or property furnished in connection with the Corporation;

"(3) fees and royalties collected by the Corporation from licensing or other arrangements relating to commercialization of products developed through the use of grants, contracts, or cooperative agreements executed by the Corporation;

"(4) proceeds from the sale of assets, loans, and equity interests; and

"(5) donations or contributions accepted by the Corporation to support authorized programs and activities;

"(6) any other funds acquired by the Corporation.

"(c) Funding Allocations.—Funding of projects and activities under this subtitle shall be subject to the following restrictions:

"(1) Of the total amount of funds made available for a fiscal year under this subtitle—

"(A) not more than the lesser of 15 percent or $3,000,000 may be set aside to be used for authorized administrative expenses of the Corporation;

"(B) not more than 1 percent may be set aside to be used for generic studies and specific reviews of individual proposals for financial assistance; and

"(C) except as provided in subsection (e), not less than 95 percent may be awarded to qualified applicants who file project applications with, or respond to requests for proposals from, the Corporation under sections 1660 and 1661.

"(2) Any funds remaining uncommitted at the end of a fiscal year shall be credited to the Fund and added to the total program funds available to the Corporation for the next fiscal year.

"(d) Authorized Administrative Expenses.—For the purposes of this section, authorized administrative expenses shall include all ordinary and necessary expenses, including all compensation for personnel and consultants, expenses for computer usage, or space needs of the Corporation and similar expenses. Funds authorized for administrative expenses shall not be available for the acquisition of real property.

"(e) Project Monitoring.—The Corporation Board may establish, in the bylaws of the Corporation, (i) a technical evaluation preference in the award of grants and contracts, and (ii) a price preference, if the procurement is for property, of not greater than a percentage to be determined within the sole discretion of the head of the procuring agency; or (C) a technical evaluation preference included as an award factor or subfactor as determined within the sole discretion of the head of the procuring agency.

"(f) Eligibility.—Offerors shall receive the set aside preference required under this section if, in the case of projects developed with financial assistance under—

"(1) section 1660, less than 10 years have elapsed since the expiration of the grant, cooperative agreement, or contract; or

"(2) paragraph (1) or (2) of section 1661(a), less than 5 years have elapsed since the date the loan was made or interest on the loan was set aside.

"(3) section 1661(a)(3), less than 5 years have elapsed since the date of sale of any remaining government equity interest in the company; or

"(4) section 1661(a)(3), less than 5 years have elapsed since the date of the final payment on the repayable grant.''.

SEC. 729. PROCUREMENT PREFERENCES FOR PRODUCTS RECEIVING CORPORATION ASSISTANCE.

Subtitle G of title XI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.) is amended by adding at the end the following:

"SEC. 1665. PROCUREMENT OF ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION PRODUCTS.

"(a) Definition of Executive Agency.—In this section, the term "executive agency" has the meaning provided the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

"(b) Procurement.—To further the achievement of the purposes specified in section 1675(b), an executive agency may, for any procurement involving the acquisition of property, establish preferences for property that has been commercialized with assistance provided under this subtitle.

"(c) Set-Asides.—Procurements solely for property may be set-aside exclusively for products developed with commercialization assistance provided under section 1661.

"(d) Preferences.—Preferences for property developed with assistance provided under this subtitle in procurements involving the acquisition of property may be—

"(1) a price preference, if the procurement is for property, of not greater than a percentage to be determined by the head of the procuring agency; or

"(2) a technical evaluation preference included as an award factor or subfactor as determined within the sole discretion of the head of the procuring agency.

"(e) Notice.—Each competitive solicitation or invitation for bids selected by an executive agency for a set-aside or preference under this section shall contain a provision notifying offerors where a list of offerors for the set-aside or preference may be obtained.

"(f) Preferences.—Offerors shall receive the set aside preference required under this section if, in the case of projects developed with financial assistance under—

"(1) section 1660, less than 10 years have elapsed since the expiration of the grant, cooperative agreement, or contract; or

"(2) paragraph (1) or (2) of section 1661(a), less than 5 years have elapsed since the date the loan was made or interest on the loan was set aside.

"(3) section 1661(a)(3), less than 5 years have elapsed since the date of sale of any remaining government equity interest in the company; or

"(4) section 1661(a)(3), less than 5 years have elapsed since the date of the final payment on the repayable grant.''.

SEC. 730. BUSINESS PLAN AND FEASIBILITY STUDY AND REPORT.

(a) Business Plan.—Not later than 180 days after the date of enactment of this Act, the Alternative Agricultural Research and Commercialization Corporation established by section 1658 of the Food, Agriculture, Conservation, and Trade Act of 1990 shall—

"(1) develop a 5-year business plan pursuant to section 1658(1)(E) of the Act; and

"(2) submit the plan to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Feasibility Study and Report.—

"(1) Study.—The Secretary of Agriculture shall conduct a study of, and prepare a report on, the continued feasibility of the Alternative Agricultural Research and Commercialization Corporation. In conducting the study, the Secretary shall examine the options for privatizing the Corporation and converting the Corporation to a Government-sponsored enterprise.

"(2) Report.—Not later than December 31, 2000, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and
SEC. 742. WATER AND WASTES FACILITY LOANS AND GRANTS.

(a) IN GENERAL.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a(a)) is amended—

(1) in the first sentence of paragraph (2), by striking "$500,000,000" and inserting "$590,000,000";

(2) by striking paragraph (7) and inserting the following:

"(7) DEFINITION OF RURAL AND RURAL AREAS.—For the purpose of water and wastewater grants and direct and guaranteed loans provided under paragraphs (1) and (2), the terms "rural" and "rural area" mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants;";

(3) by striking paragraphs (9), (10), and (11) and inserting the following:

"(9) CONFORMITY WITH STATE DRINKING WATER STANDARDS.—No Federal funds shall be made available under this section for a water system unless the Secretary determines that the water system is in substantial compliance with state or national drinking water standards.

(10) CONFORMITY WITH FEDERAL AND STATE WATER POLLUTION CONTROL STANDARDS.—No Federal funds shall be made available under this section for a water treatment discharge or waste disposal system unless the Secretary determines that the effluent from the system conforms with applicable Federal and State water pollution control standards.

(11) RURAL BUSINESS OPPORTUNITY GRANTS.—

(A) IN GENERAL.—The Secretary may make grants totaling $35,000,000 annually, to public bodies, private nonprofit community development corporations or entities, or other agencies as the Secretary may select to enable the recipient to—

(i) to identify and analyze business opportunities, including opportunities in export markets, that will use local rural economic and human resources;

(ii) to identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers; and

(iii) to establish business support centers and otherwise assist in the creation of new rural businesses in the utilization of interactive communications technologies to develop international trade opportunities and markets.

(B) CRITERIA.—In awarding the grants, the Secretary shall consider, among other criteria to be established by the Secretary—

(i) the extent to which the applicant proposes to provide development services in the rural service area of the applicant; and

(ii) the capability of the applicant to accomplish the activities described in the relevant clause of paragraph (A).

(C) COORDINATION.—The Secretary shall ensure, to the maximum extent practicable, that assistance provided under this paragraph is coordinated with and delivered in cooperation with similar services or assistance provided to rural residents by the Cooperative State Research, Education, and Extension Service or other Federal agencies.

(D) AUTHORIZATION OF APROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $75,000,000 for each of fiscal years 1996 through 2002;“;

(4) by striking paragraphs (14) and (15); and

(5) by redesignating paragraphs (16) through (20) as paragraphs (14) through (18), respectively; and

(6) in paragraph (14) (as so redesignated)—

(A) by striking "(14)(A) The" and inserting the following:

"(14) RURAL WATER AND WASTEWATER TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—

(A) IN GENERAL.—

(i) in subparagraph (A)—

(I) by striking "(i) identify" and inserting the following:

"(ii) prepare" and inserting the following:

"(iii) improve";

(C) in subparagraph (B), by striking "(B) In" and inserting the following:

"(B) SELECTION PRIORITY—In";

and

(D) in subparagraph (C)—

(i) by striking "(C) Not" and inserting the following:

"(ii) improve";

(iii) by striking "(iii) improve" and inserting the following:

"(iii) improve";

(C) PROVISIONS FOR ASSISTANCE TO RURAL COMMUNITIES.—Section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a(a)) (as amended by section 661(c)(1)) is amended by striking "3,000" and inserting "10,000";

(1) in the first sentence of subsection (a)—

(A) by striking "and" at the end of clause (2); and

(B) by inserting before the period the following:

"(1) the Secretary shall establish, and maintain, a list of any funds available to the Secretary; and

"(2) The"; and

(ii) by striking "(b)(1)" and all that follows through "(2) The" and inserting the following:

"(2) SOLID WASTE MANAGEMENT GRANTS.—The";

(iii) in paragraph (1), by inserting "(including nonprofit entities)" after "private business enterprises";

(C) in paragraph (2)—

(i) by striking "(2) The" and inserting the following:

"(2) PASSENGER TRANSPORTATION SERVICES OR FACILITIES.—The"; and

(ii) by striking "make grants" and inserting "award grants on a competitive basis"; and

(D) by adding at the end the following:

"(7) GRANTS TO ASSIST IN TRANSITION TO TERMINATED FEDERAL AGRICULTURAL PROGRAMS OR INCREASED FOREIGN COMPETITION.—The Secretary may make grants under this section to assist in transitioning agricultural industries undergoing adjustment from terminated Federal agricultural price and income support programs or increased competition from foreign trade.

(8) as paragraphs (1) through (7), respectively.

(2) by redesignating paragraphs (2) through (7), respectively.

(3) by inserting "3,000" at the end of clause (2); and

(4) by striking subsection (e) and inserting the following:

"(e) RURAL COOPERATIVE DEVELOPMENT GRANTS.—

(1) DEFINITIONS.—In this section—

(A) NONPROFIT INSTITUTION.—The term ‘nonprofit institution’ means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(B) UNITED STATES.—The term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

(2) GRANTS.—The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling the institutions to establish and operate centers for rural cooperative development.

(3) GOALS.—The goals of a center funded under this subsection shall be to facilitate the creation of jobs in rural areas through the development of rural cooperatives, value added processing, and rural businesses.

(4) APPLICATION.—Any nonprofit institution seeking a grant under paragraph (2) shall submit to the Secretary an application containing a plan for the establishment and operation by the institution of a center or centers for cooperative development. The Secretary may approve the application if the plan contains the following:

(A) A provision that substantiates that the center will effectively serve rural areas in the United States;

(B) A provision that the primary objective of the center will be to carry out the objectives of the cooperative development.

(C) A description of the activities of the center that will carry out the objectives. The activities may include the following:

(i) Programs for applied research and feasibility studies that may be useful to individual cooperatives, small businesses, and other similar entities in rural areas served by the center; and
"(iii) Programs for the collection, interpretation, and dissemination of information that may be useful to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center; and

"(iv) Programs providing loans and grants to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(v) Programs providing technical assistance, research services, and advisory services to individuals, cooperatives, small businesses, and other similar entities in rural areas served by the center.

"(vi) Programs providing for the coordination of services and sharing of information among the center.

"(D) A description of the contributions that are likely to make to the importance of the economic conditions of the rural areas for which the center will provide services.

"(E) Provisions that the center, in carrying out the activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) A program that will take all practicable steps to develop continuing sources of financial support for the center, particularly from sources in the private sector.

"(G) Provisions for:

"(i) monitoring and evaluating the activities by the nonprofit institution operating the center; and

"(ii) accounting for money received by the institution under this section.

"(5) AWARDING GRANTS.—Grants made under paragraph (3) shall be made on a competitive basis. In making grants under paragraph (2), the Secretary shall give preference to grant applications providing for the establishment of centers for rural cooperative development that:

"(A) demonstrate a proven track record in administering a nationally coordinated, regionally or State-wide operated project;

"(B) demonstrate previous expertise in providing technical assistance in rural areas; and

"(C) demonstrate the ability to assist in the retention of businesses, establish the establishment of centers for rural cooperative development, and generate employment opportunities that will improve the economic conditions of rural areas.

"(D) The demonstration that a center will create horizontal linkages among the businesses in which the Secretary determines have a substantial need for technical assistance, planning and feasibility of the operation; and

"(E) show the ability to operate and sustain the center and provide a competitive employment opportunity.

"(6) LOAN GUARANTEES.—Grants made under paragraph (3), if competitive and made on a comparative basis. In making grants under paragraph (2), the Secretary shall give preference to grant applications providing for the establishment of centers for rural cooperative development that:

"(A) demonstrate a proven track record in administering a nationally coordinated, regionally or State-wide operated project;

"(B) demonstrate previous expertise in providing technical assistance in rural areas; and

"(C) demonstrate the ability to assist in the retention of businesses, establish the establishment of centers for rural cooperative development, and generate employment opportunities that will improve the economic conditions of rural areas.

"(D) The demonstration that a center will create horizontal linkages among the businesses in which the Secretary determines have a substantial need for technical assistance, planning and feasibility of the operation; and

"(E) show the ability to operate and sustain the center and provide a competitive employment opportunity.

"(3) Certification of lenders for the purchase of agricultural commodity stock.

"(A) DEFINITION OF FARMER.—In this subsection, the term ‘farmer’ means any farmer that the Secretary determines is a family farmer.

"(B) LOAN GUARANTEES.—The Secretary may guarantee a loan for a farmer cooperative formed for the purpose of purchasing start-up capital stock of a farmer cooperative established for the purpose of processing an agricultural commodity.

"(3) ELIGIBILITY.—To be eligible for a loan guarantee under this subsection, a farmer must produce the agricultural commodity that will be processed by the cooperative.

"(b) CONFORMING AMENDMENTS.—

"(1) Clause (iii) of section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act of 1972 (7 U.S.C. 1927(a)(6)(B)) is amended by striking ‘‘section 664(a)(2)’’ and inserting ‘‘subsection (d) and (e) of section 310B’’.

"(2) Section 232(c)(2) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6942(c)(2)) is amended—

"(A) by striking ‘‘$301B(b)’’ and inserting ‘‘$310B(b)’’; and

"(B) by striking ‘‘1932(b)’’ and inserting ‘‘1936(b)’’.

"(3) Section 233(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6943(b)) is amended—

"(A) by striking paragraph (2); and

"(B) by redesignating paragraph (3) as paragraph (2).

"SEC. 748. ADMINISTRATION.

"(a) In general.—Section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) is amended—

"(1) by inserting after ‘‘claims’’ the following: ‘‘(including debts and claims arising from loan guarantees);’’;

"(2) by striking ‘‘Farmers Home Administration’’ and inserting ‘‘Consolidated Farm Service Agency’’;

"(3) by striking ‘‘Rural Housing Service, Rural Business-Cooperative Service, or a successor agency, or’’; and

"(4) by inserting after ‘‘activities under the Housing Act of 1949’’ the following: ‘‘the extent that the Secretary may determine under paragraph 331(b)(4) of this Act.’’

"SEC. 749. AUTHORIZATION OF APPROPRIATIONS.

"(a) In general.—Section 338 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1988) is amended—

"(1) by striking subsections (b), (c), (d), and (e); and

"(2) by redesignating subsection (f) as subsection (b).
a preferred certified lender if the institution meets such additional criteria as the Secretary may prescribe by regulation.

(3) REVOCATION OF DESIGNATION.—The designation of a lender as a preferred certified lender shall be revoked if the Secretary determines that the lender is not adhering to the rules and regulations applicable to the program or if the lending experiences of the preferred certified lender are greater than other preferred certified lenders, except that the suspension or revocation shall not affect any outstanding guarantees or other obligations of the lender.

(4) CONDITION OF CERTIFICATION.—As a condition of the preferred certification, the Secretary shall require the lender to undertake to service the loan guaranteed by the Secretary under this subsection using generally accepted banking standards concerning loan servicing employed by prudent commercial or cooperative banking organizations.

(5) EFFECT OF PREFERRED LENDER CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may—

(A) guarantee not more than 80 percent of any approved loan made by a preferred certified lender as described in this subsection, if the borrower meets the eligibility requirements and such conditions as may be applicable to loans guaranteed by the Secretary; and

(B) permit preferred certified lenders to make all decisions regarding the terms and conditions of such loans.

SEC. 754. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

Section 366 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008c) is repealed.

SEC. 755. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

Section 367 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008b) is repealed.

SEC. 756. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

Section 368 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008c) is repealed.
shall use the Fund only to supplement and not to supplant Federal, State, and private funds expended for rural development.

(6) FUNDING.—

(A) DEPOSIT OF FUNDS.—All Federal and non-Federal amounts received by the Center to carry out this section shall be deposited in the Fund.

(B) MANDATORY FUNDS.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Center to carry out this section.

(C) ADDITIONAL FUNDS.—In addition to any funds provided under subparagraph (B), there is authorized to be appropriated $30,000,000 to carry out this section.

(D) PREFERENCES.—No additional Federal funds shall be used to carry out this section beginning on the earlier of—

(i) the date that is 10 years after the date of enactment of this section; or

(ii) the day after a total of $50,000,000 has been made available under subparagraphs (B) and (C) to carry out this section.

(E) REIMBURSEMENT.—The Secretary shall reimburse the Center with the costs of this section.

(F) ACCOUNTING.—The Secretary shall provide a system of organization to fix responsibility and promote efficiency in carrying out this section.

(G) USE OF DEPARTMENT OF AGRICULTURE.—The Board may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

(H) OFFICERS AND EMPLOYEES.—

(1) GENERAL.—The Board shall appoint and employ an executive officer to carry out the purposes of this section.

(2) POWER.—The Board shall appoint and employ an executive officer to carry out the purposes of this section.

(3) VOTING.—A decision of the Board shall be made by a majority of the voting members of the Board.

(4) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—Except as provided in subsection (E), a member of the Board shall not vote on any decision made pursuant to subsection (E) unless the member determines that there has been a violation of this paragraph or any conflict of interest provision of the bylaws of the Board.

(B) CHAIRPERSON.—

(A) IN GENERAL.—The Board shall select and appoint a chairperson and vice chairperson from among the voting members of the Board.

(B) VOTE.—A member that discloses an interest shall not vote on a determination of whether the member may participate in the matter relating to the interest.

(5) REIMBURSEMENT.—The Secretary may remand to the Board for reconsideration any decision made pursuant to subsection (E) if the Secretary determines that there has been a violation of this paragraph or any conflict of interest provision of the bylaws of the Board.

(6) MAINTENANCE OF EFFORT.—The Center shall be vested in a Board of Directors.

(7) BOARD OF DIRECTORS.—

(A) IN GENERAL.—The Board shall consist of—

(i) 6 members, of whom—

(A) shall not be the Farm Service Administration in any of the States in a regional effort; or

(B) may not reduce interest rates for a project that is in accordance with the strategic plan; or

(C) may not be used to increase interest rates for a project that is in accordance with the strategic plan.

(8) SOURCES OF FUNDING.—The Center shall be subject to subparagraph (B), the term of office of a voting member of the Board shall be 3 years.

(9) VOTING.—A quorum of the Board shall consist of a majority of the voting members.

(10) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—The Secretary may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

(B) CONTRACT.—The Board may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

(C) USE OF DEPARTMENT OF AGRICULTURE.—The Board may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

(D) DELEGATION.—The Board may, with the consent of the Secretary, utilize the facilities of and the services of employees of the Department of Agriculture, without cost to the Center.

(E) CONSULTATION.—To carry out this section, the Board may consult with—

(1) State departments of agriculture; and

(2) Federal departments and agencies; and

(3) nonprofit development corporations; and

(4) State universities; and

(5) banking and other credit-related agencies; and

(6) agricultural and agribusiness organizations; and

(7) regional planning and development organizations.

(8) DUTIES.—The Secretary shall review and monitor compliance by the Board and the Center with this section.
“SEC. 381B. ESTABLISHMENT. "The Secretary shall establish a rural community development program to provide grants, loans, loan guarantees, and other assistance to meet the rural development needs of local communities in States and federally recognized Indian tribes.

“SEC. 381C. NATIONAL OBJECTIVES. "The national objectives of the program established under this subtitle shall be to—

"(1) promote strategic development activities and collaborative efforts by State and local communities, and federally recognized Indian tribes, to maximize the impact of Federal assistance;

"(2) optimize the use of resources;

"(3) provide assistance in a manner that reflects the unique needs, including the needs for business development, health care, education, infrastructure, cultural resources, the environment, and housing;

"(4) advance activities that empower, and build the capacity of, State and local communities to design unique responses to the special needs of the State and local communities, and federally recognized Indian tribes, for rural development assistance; and

"(5) adopt flexible and innovative approaches to solving rural development problems.

“SEC. 381D. STRATEGIC PLANNING. "(a) IN GENERAL.—The Secretary shall direct each of the Directors of Rural Economic and Community Development State Offices to prepare a strategic plan for—

"(1) for each State for the delivery of assistance under this subtitle in the State; and

"(2) for each federally recognized Indian tribe for the delivery of assistance under this subtitle to the Indian tribe.

"(b) ASSISTANCE.— "(1) IN GENERAL.—Financial assistance for rural development provided under this subtitle for a State or a federally recognized Indian tribe shall be used only for orderly community development that is consistent with the strategic plans of the State or Indian tribe. The Secretary shall make the final determination as to whether such assistance is consistent with such strategic plans.

"(2) RURAL AREA.— Assistance under this subtitle may only be provided in a rural area.

"(3) SMALL COMMUNITIES.—In carrying out this subtitle in a State, the Secretary shall give priority to communities with the smallest populations and lowest per capita income.

“SEC. 381E. RURAL DEVELOPMENT TRUST FUND. "(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund which shall be known as the Rural Development Trust Fund (in this subtitle referred to as the 'Trust Fund').

"(b) ACCOUNTS.—There are established in the Trust Fund the following accounts:

"(1) The rural community facilities account.

"(2) The rural utilities account.

"(3) The rural business and cooperative development account.

"(4) The national reserve account.

"(5) The federally recognized Indian tribe account.

"(c) Deposits Into Accounts.—Notwithstanding any other provision of law, each fiscal year—

"(1) all amounts made available to carry out the authorities described in subsection (d)(1) for the fiscal year shall be deposited into the rural community facilities account of the Trust Fund; and

"(2) all amounts made available to carry out the authorities described in subsection (d)(2) for the fiscal year shall be deposited into the rural utilities account of the Trust Fund; and

"(3) all amounts made available to carry out the authorities described in subsection (d)(3) for the fiscal year shall be deposited into the rural business and cooperative development account of the Trust Fund.

“SEC. 759A. COOPERATIVE AGREEMENTS. "Section 618 of the Rural Development Act of 1972 (7 U.S.C. 2006(b)) is amended by striking paragraph (4) and inserting the following:

"(4) COOPERATIVE AGREEMENTS.— "(A) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into cooperative agreements with other Federal agencies, State and local governments, or any other organization or individual, other than an urbanized area immediately surrounding the rural communities, including recoupment of money improperly expended for purposes prohibited or not authorized by this Act and disqualification from receipt of financial assistance under this section.

"(B) RESCISSION OF SANCTIONS.—The Secretary shall rescind sanctions imposed under paragraph (2) on a finding by the Secretary that there are no longer any failure by the Board or the Secretary to comply with this section or that the noncompliance will be promptly corrected.

“SEC. 759B. ELIGIBILITY FOR GRANTS TO BROAD-BANDING SYSTEMS. "Section 310B(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(f)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) SMALL COMMUNITIES.—In carrying out this subtitle in a State, the Secretary shall give priority to communities with the smallest populations and lowest per capita income.

“SEC. 759C. NATIONAL RESERVE ACCOUNT. "There are established in the Treasury of the United States a trust fund which shall be known as the Rural Development National Reserve Account (in this Act referred to as the National Reserve Account).

“SEC. 759D. TRANSFERS INTO ACCOUNT. "(1) INITIAL TRANSFER.—Each fiscal year, the Secretary shall transfer to the National Reserve Account of the Trust Fund from each account specified in subsection (c) not more than the applicable percentage of the amount deposited in such account for the fiscal year under subsection (c)."
(iii) to provide funds to entities whose applications for funds provided under this subtitle have been approved and who have not received funds sufficient to meet the needs of the projects described in the application for the fiscal year.

(ii) to meet situations of exceptional need; or

(iii) to meet emergency situations.

(2) PERCENTAGE DEFINED.—In paragraph (1), the term 'applicable percentage' means, with respect to a fiscal year—

(A) 15 percent for fiscal year 1997; 

(B) 12.5 percent for fiscal year 1998; 

(C) 10 percent for fiscal year 1999; 

(D) 7.5 percent for fiscal year 2000; 

(E) 5 percent for fiscal year 2001; and

(F) 2.5 percent for fiscal year 2002.

(f) FEDERALLY RECOGNIZED INDIAN TRIBE ACCOUNT.—

(1) TRANSFERS INTO ACCOUNT.—Each fiscal year, the Secretary shall transfer to the federally recognized Indian tribe account of the Trust Fund 3 percent of the amount deposited into the Trust Fund for the fiscal year under subsection (d).

(2) USE OF FUNDS.—The Secretary shall make available to federally recognized Indian tribes the amounts allocated for the tribe, as described in subsection (d) and in subsection (e), for use pursuant to any authority described in subsection (d).

(g) ALLOCATION AMONG STATES.—The Secretary may make grants from each account specified in section 381E(c) among the States for the fiscal year for which the State requests a grant under this section in an amount equal to 5 percent of the amount allocated for the State for the fiscal year under section 381E(h).

(h) ELIGIBILITY.—A State shall be eligible for a grant under paragraph (1) if the State—

(1) establishes a method of ensuring that the State is eligible under paragraph (1) before July 15 of the fiscal year, the grant shall be made from amounts allocated for the State in the accounts specified in section 381E(c) for the fiscal year, by reducing each allocated amount by the same percentage.

(i) USE OF FUNDS.—A State to which funds are made available under subsection (h) shall use the funds in rural areas for any activity authorized under the authorities described in subsection (b) in accordance with the State strategic plan referred to in section 381D.

(j) MAINTENANCE OF EFFORT.—The State shall provide assurances to the Secretary that the funds provided to the State under this section shall be used, not to support plant, the amount of Federal, State, and local funds otherwise extended for rural development assistance in the State.

(k)USE OF FUNDS.—A State to which funds are allocated under this section shall use the funds in rural areas for any activity authorized under the authorities described in subsection (b) in accordance with the State strategic plan referred to in section 381D.

(l) ADMINISTRATIVE COSTS.—Federal funds shall not be used for any administrative costs incurred by a State in carrying out this subtitle.

(m) EXPENDITURE OF FUNDS BY STATE.—

(1) IN GENERAL.—Payments to a State from a grant under this section shall be obligated by the State in the fiscal year in an amount that does not exceed 5 percent of the total amount allocated for the State for the fiscal year under section 381E.

(2) FAILURE TO OBLIGATE.—If a State fails to obligate payments in accordance with paragraph (1), the State shall make an equal reduction in the amount of payments provided to the State under this section for the immediately succeeding fiscal year.

(3) NONCOMPLIANCE.—

(A) REVIEW.—The Secretary shall review and monitor State compliance with this section.

(B) PENALTY.—If the Secretary finds that there has been misuse of grant funds provided under this section, the Secretary shall make an adjustment to the terms and conditions of a grant, after reasonable notice and opportunity for a hearing—

(i) the State shall notify the State of the finding; and

(ii) no further payments to the State shall be made with respect to the programs funded under this section until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

(C) OTHER SANCTIONS.—In the case of the failure to correct noncompliance under paragraph (B), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (B), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

(h) NO ENTITLEMENT TO CONTRACT, GRANT, OR ASSISTANCE.—Nothing in this subtitle—

(1) shall apply to any person to whom a contract or grant is to be made, or

(2) shall limit the rights of a State to impose additional limitations or conditions on assistance under a contract or grant made under subsection (a) or (b).

(i) SEC. 381H. GUARANTEE AND COMMITMENT TO GUARANTEE LOANS.—

(1) DEFINITION OF ELIGIBLE PUBLIC ENTITY.—In this section, the term 'eligible public entity' means any unit of general local government.

(2) GUARANTEE AND COMMITMENT TO GUARANTEE LOANS.—The Secretary may prescribe, may guarantee and make commitments to guarantee notes or other obligations issued by eligible public entities, or by a public agency designated by the eligible public entity, for the purposes of financing rural development activities authorized and funded under section 381G.

(3) LIMITATION.—The Secretary may not make a guarantee or commitment to guarantee with respect to a note or other obligation if the total amount of outstanding notes or obligations guaranteed under this section (excluding any amount repaid under the contract entered into under subsection (e)(1)(A)) for issuers in the State would exceed an amount equal to 5 times the total amount of grants made to the State under section 381G.

(4) PAYMENT OF PRINCIPAL, INTEREST, AND COSTS.—Notwithstanding any other provision of law, in making a guarantee under this section, the Secretary may use the grant (including program income derived from the grant) to pay principal and interest due (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) on any note or other obligation guaranteed under this section.

(5) REPAYMENT CONTRACT; SECURITY.—

(1) IN GENERAL.—To ensure the repayment of notes or other obligations and charges incurred under this section and to require the issuer of the guarantees, the Secretary shall require the issuer to—

(A) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

(B) pledge any grant for which the issuer may become eligible under this subtitle; and

(C) furnish, at the discretion of the Secretary, such other security as may be considered appropriate by the Secretary in making the guarantees.

(2) SECURITY.—To assist in ensuring the repayment of notes or other obligations and charges incurred under this section, the State in which an issuer is located may become eligible under this subtitle as security for notes or other obligations and charges issued under this section by any eligible public entity in the State.

(j) SEC. 381I. PLEDGED GRANTS FOR REPAYMENTS.—Notwithstanding any other provision of this subtitle, the Secretary may apply grants pledged under this section (e) to any repayments due the United States as a result of the guarantees.

(k) OUTSTANDING OBLIGATIONS.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to subsection (b) shall not at any time exceed...
such amount as may be authorized to be appropriated for such purpose for any fiscal year.

"(h) PURCHASE OF GUARANTEED OBLIGATIONS BY FEDERAL FINANCING BANK.—Notes or other obligations guaranteed under this section may not be purchased by the Federal Financing Bank.

"(i) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

"(j) Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligor and the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

SEC. 381J. INTERSTATE COLLABORATION.

The Secretary shall permit the establishment of voluntary pooling arrangements among States, with regional fund-sharing agreements, to carry out projects receiving assistance under this subtitle.

SEC. 381K. ANNUAL REPORT.

(a) IN GENERAL.—The Secretary, in collaboration with the States, local, public, and private entities, State rural development councils, and community-based organizations, shall prepare an annual report that contains evaluations, assessments, and performance outcomes concerning the rural community advancement programs carried out under this subtitle.

(b) SUBMISSION.—Not later than March 1 of each year, the Secretary shall—

(1) submit the report required by subsection (a) to Congress and the chief executives of the States participating in the program established under this subtitle; and

(2) make the report available to State and local participants.

SEC. 381L. RURAL DEVELOPMENT INTERAGENCY WORKING GROUP.

(a) IN GENERAL.—The Secretary shall provide leadership within the Executive branch for, and assume responsibility for, establishing an interagency working group chaired by the Secretary.

(b) DUTIES.—The working group shall establish policies, make recommendations with respect to, and evaluate the performance of, all Federal rural development efforts.

SEC. 381M. DUTIES OF RURAL ECONOMIC AND COMMUNITY DEVELOPMENT STATE OFFICES.

(a) In carrying out this subtitle, the Director of a Rural Economic and Community Development State Office shall—

(1) to the maximum extent practicable, ensure that the State strategic plan referred to in section 381D is implemented;

(2) coordinate community development objectives within the State;

(3) establish links between local, State, and field office program administrators of the Department of Agriculture;

(4) ensure that recipient communities comply with applicable Federal and State laws and requirements; and

(5) integrate State development programs with assistance under this subtitle.

SEC. 381N. ELECTRONIC TRANSFER.

The Secretary shall transfer funds in accordance with this subtitle through electronic transfer as soon as practicable after the date of enactment of this subtitle.

SEC. 381O. RURAL VENTURE CAPITAL DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary may designate for each fiscal year up to 10 community development venture capital organizations to demonstrate the utility of guarantees to attract increased private investment in rural private business enterprises.

(b) RURAL BUSINESS INVESTMENT POOL.—

(1) ESTABLISHMENT.—To be eligible to participate in the demonstration program, an organization referred to in subsection (a) shall establish a rural business private investment pool (referred to in this subsection as a ‘pool’) for the purpose of making equity investments in rural private business enterprises.

(2) GUARANTEE.—From amounts in the national reserve account of the Trust Fund, the Secretary shall guarantee the funds in a pool against loss, except that the guarantee shall not exceed an amount equal to 30 percent of the total funds in the pool.

(3) Guarantee issued to the Secretary shall issue guarantees covering not more than $15,000,000 of contingent liabilities for each of fiscal years 1996 through 2002.

(4) TERM.—The term of a guarantee provided under this subsection shall not exceed 10 years.

(5) SUBMISSION OF PLAN.—To be eligible to participate in the demonstration program, an organization referred to in subsection (a) shall submit a plan that describes—

(A) potential sources and uses of the pool to be established;

(B) the utility of the guarantee authority in attracting capital for the pool; and

(C) on selection, mechanisms for notifying State, local, and private nonprofit business development organizations and businesses of the existence of the pool.

(6) COMPETITION.—

(A) IN GENERAL.—The Secretary shall conduct a competition for the designation and establishment of pools.

(B) PRIORITY.—In conducting the competition, the Secretary shall give priority to organizations that—

(i) have demonstrated record of performance, or have a board and executive director with experience, in venture capital, small business equity investment, or community development finance;

(ii) propose to serve low-income communities;

(iii) propose to maintain an average investment of not more than $500,000 from the pool of the organization; and

(iv) invest funds statewide or in a multicounty region; and

(C) AWARD.—(i) The Secretary shall make awards to organizations designated under this subsection;

(ii) the Secretary shall award funds to the pool described in paragraph (3) in an amount determined by the Secretary; and

(iii) the award shall be based on a combination of the criteria established under paragraphs (a)(4), (5), and (6).

SEC. 381P. STRATEGIC PLANNING.

(a) IN GENERAL.—The Secretary shall proposed to maintain an average investment of not more than $500,000 from the pool of the organization; and

(b) DUTIES.—The Secretary shall—

(1) to the maximum extent practicable, ensure that recipient communities comply with applicable Federal and State laws and requirements; and

(2) integrate State development programs with assistance under this subtitle.

SEC. 763. COMMUNITY FACILITIES GRANT PROGRAM.

Section 306(a) of the Consolidated Farm and Rural Development Act of 1990 (7 U.S.C. 1932 note) is amended by adding at the end the following:

"(c) COMMUNITY FACILITIES GRANT PROGRAM.

(A) IN GENERAL.—The Secretary may make grants, in a total amount not to exceed $10,000,000 for any fiscal year, to associations, units of general local government, nonprofit corporations, and federally recognized Indian tribes to provide the Federal share of the cost of developing specific essential community facilities in areas.

(B) DUTIES OF GRANT Awardee.—(i) the Secretary shall, by regulation, establish the amount of the Federal share of the cost of the facility under this paragraph.

(II) MAXIMUM AMOUNT.—The amount of a grant provided under this paragraph for a facility shall not exceed 75 percent of the cost of developing the facility.

(III) GRADUATED SCALE.—The Secretary shall provide for a graduated scale for the amount of the Federal share provided under this paragraph, with higher Federal shares for facilities in communities that have lower community population and income levels, as determined by the Secretary.

Subtitle c—Amendments to the Rural Electrification Act of 1936

SEC. 771. PURPOSES; INVESTIGATIONS AND REPORTS.

Section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902) is amended—

(1) by striking "Sec. 2. (a) The Secretary of Agriculture is'' and inserting the following:

"(a) GENERAL AUTHORITY OF THE SECRETARY OF AGRICULTURE.

("a) LOANS.—The Secretary of Agriculture (referred to in this Act as the 'Secretary') is'';

(2) in subsection (a)—

(A) by striking "and the furnishing" the first place it appears and all that follows through "central station service"; and

(B) by striking "systems, to make" and all that follows and inserting "systems.";

and

(3) by striking subsection (b) and inserting the following:

"(B) INVESTIGATIONS AND REPORTS.—The Secretary may make, or cause to be made, studies, investigations, and reports regarding matters, including financial, fiscal, regulatory, and other matters, affecting the condition and progress of electric, telecommunications, and economic development in rural areas, and publish and disseminate information with respect to the matters.".

SEC. 772. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 3 of the Rural Electrification Act of 1936 (7 U.S.C. 903) is amended to read as follows:

"SEC. 772. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) CONFORMING AMENDMENTS.—

(1) Section 301(b) of the Rural Electrification Act of 1936 (7 U.S.C. 931(a)) is amended—

(1) by striking "Sec. 3. (a) The Secretary of Agriculture is'' and inserting the following:

"(a) GENERAL AUTHORITY OF THE SECRETARY OF AGRICULTURE.

("a) LOANS.—The Secretary of Agriculture (referred to in this Act as the 'Secretary') is'';

(2) in subsection (a)—

(A) by striking "and the furnishing" the first place it appears and all that follows through "central station service"; and

(B) by striking "systems, to make" and all that follows and inserting "systems.";

and

(3) by striking subsection (b) and inserting the following:

"(B) INVESTIGATIONS AND REPORTS.—The Secretary may make, or cause to be made, studies, investigations, and reports regarding matters, including financial, fiscal, regulatory, and other matters, affecting the condition and progress of electric, telecommunications, and economic development in rural areas, and publish and disseminate information with respect to the matters.".

SEC. 773. LOANS FOR ELECTRICAL PLANTS AND TRANSMISSION PROGRAM.

Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 940) is amended—
(I) in the first sentence—
(A) by striking "for the furnishing of" and all that follows through "central station service and"; and
(B) by striking "and without regard to the 25 percent limitation therein contained," and inserting "section 3;"
(II) in the second sentence, by striking ": Provided, further, That all" and all that follows through "loan: And provided further, That" and inserting "except that;" and
(III) in the third sentence, by striking "and section 5;"
SEC. 774. LOANS FOR ELECTRICAL AND PLUMBING EQUIPMENT. 
(a) In General.―Section 5 of the Rural Electrification Act of 1936 (7 U.S.C. 905) is repealed.
(b) Conforming Amendments.―Section 12(a) of the Rural Electrification Act of 1936 (7 U.S.C. 1212(a)) is amended—
(1) by striking "Provided, however, That" and inserting "except that;" and
(2) by striking "and with respect to any loan made under section 5;" and all that follows through "section 3;"
SEC. 775. TESTIMONY ON BUDGET REQUESTS. 
Section 6 of the Rural Electrification Act of 1936 (7 U.S.C. 908) is amended by striking the second sentence.
SEC. 776. TRANSFER OF FUNCTIONS OF ADMINISTRATION CREATED BY EXECUTIVE ORDER. 
Section 8 of the Rural Electrification Act of 1936 (7 U.S.C. 908) is repealed.
SEC. 777. ANNUAL REPORT. 
Section 10 of the Rural Electrification Act of 1936 (7 U.S.C. 910) is repealed.
SEC. 778. PROHIBITION ON RESTRICING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS. 
The Rural Electrification Act of 1936 is amended by inserting after section 16 (7 U.S.C. 916) the following:
"SEC. 17. PROHIBITION ON RESTRICING WATER AND WASTE FACILITES SERVICES TO ELECTRIC CUSTOMERS."
"(a) Prohibition.―Assistance under any rural development program administered by the Secretary or any agency of the Department of Agriculture shall not be conditioned on any requirement that the recipient of the assistance accept or receive electric service from any particular supplier or cooperative.
(b) Ensuring Compliance.—The Secretary shall establish, by regulation, adequate safeguards to assure that assistance under any rural development program is not subject to such a condition. The safeguards shall include periodic certifications and audits, and appropriate measures and sanctions against any person violating, or attempting to violate subsection (a).
(c) Definition of Rural Development Programs.—In this section, the term ‘rural development program’ means the following:
(1) Sections 304(b), 306(a), 306(c), 306(d), 310(b), and 375 and subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926a, 1926c, 1926d, and 1926f).
(5) Sections 502 and 603(c) of the Rural Development Act of 1972 (7 U.S.C. 2662–2669 and 2204(c)).
(6) Sections 5 and 311 and title IV of this Act (7 U.S.C. 9502 and 9503).
(7) Regulations.—Not later than 60 days after the date of enactment of the Federal Agri-
culture Improvement and Reform Act of 1996, the Secretary shall issue final regulations to en-
sure compliance with subsection (a)."
SEC. 779. TELEPHONE LOAN TERMS AND CONDITIONS. 
Section 309 of the Rural Electrification Act of 1936 (7 U.S.C. 939) is amended—
(1) in subsection (a), by striking "(a) in GENERAL—" and inserting "(b) by striking subsection (b)."
(2) by striking subsection (b).
SEC. 780. PRIVATIZATION PROGRAM. 
Section 311 of the Rural Electrification Act of 1936 (7 U.S.C. 940a) is repealed.
SEC. 781. RURAL ELECTRIC LENDING FUND. 
(a) In General.—Section 502 of the Rural Electrification Act of 1936 (7 U.S.C. 950aa–1) is repealed.
(b) Conforming Amendments.—Section 501 of the Rural Electrification Act of 1936 (7 U.S.C. 950a) is amended—
(1) in paragraph (5), by inserting "and" at the end; and
(2) in paragraph (6), by striking ", and" at the end and inserting a period; and
(3) by striking paragraph (7).
Subtitle D—Miscellaneous Rural Development Programs
SEC. 791. INTEREST RATE FORMULA. 
(a) Bankhead-Jones Farm Tenant Act.—Section 32(e) of the Bankhead-Jones Farm Ten-
ant Act (7 U.S.C. 1011) is amended by striking the fifth sentence and inserting the following: "A loan under this subsection shall be made under a contract that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan in not more than 30 years, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with comparable periods to maturity for the average maturity for the loan, adjusted to the nearest 1/8 percent.
(b) Watershed Protection and Flood Prevention Act.—Section 8 of the Watershed Pro-
tection and Flood Prevention Act (16 U.S.C. 1006a) is amended by striking the second sent-
tence and inserting the following: "A loan or advance under this section shall be made under a contract or agreement that provides, under such terms and conditions as the Secretary considers appropriate, for the repayment of the loan in not more than 30 years, with interest at a rate not to exceed the current market yield for outstanding municipal obligations with comparable periods to maturity for the average maturity for the loan, adjusted to the nearest 1/8 percent.
(c) Entitlement.―The Secretary shall issue final regulations to en-
sure compliance with subsection (a)."
SEC. 792. GRANTS FOR FINANCIALLY STRESSED FARMERS, DISLOCATED FARMERS, AND RURAL FAMILIES. 
(a) In General.—Section 502 of the Rural De-
velopment Act of 1972 (7 U.S.C. 2662) is amended by striking subsection (f).
(b) Conforming Amendments.—(I) Section 2399 of the Food, Agriculture, Con-
(II) Section 503(c) of the Rural Development Act of 1972 (7 U.S.C. 2663(c)) is amended—
(A) in paragraph (1)—
(i) by striking "(1)";
(ii) by striking "section 502(e)" and all that follows through "shall be distributed" and inser-
ting "subsections (e), (h), and (i) of section 502 shall be distributed"; and
(III) by striking "(ii)" and all that follows through "and inserting ‘objectives of subsections (e), (h), and (i) of section 502’; and
(B) by striking paragraph (2).
SEC. 793. FUND FOR RURAL AMERICA. 
(a) In General.—There is established in the Treasury of the United States an account to be
known as the Fund for Rural America (referred to in this section as the ‘‘Account’’) to provide funds for activities described in subsection (c).
(b) Funding.―In General.—On January 1, 1997, October 1, 1998, and October 1, 1999, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer $200,000,000 to the Account.
(c) Entitlement.—The Secretary of Agri-
culture (referred to in this section as the ‘‘Secretary’’) shall be entitled to receive the funds transferred to the Account under paragraph (1); (B) by striking paragraph (2);
Debt–

... and education grants to... funds in the Account for a rural development program, including a program authorized under...

... (B) Limitations on Programs Funded.—The Secretary may not expend funds made available to carry out activities described in subparagraph (A) for any activity that did not receive appro-
priations for fiscal year 1995. Funds expended under this section for any program purpose shall be spent in accordance with and subject to the applicable program limitations, restrictions, and priorities found in the underlying program authority and this Act.

... (D) Disclosure of Allocation.—For any fiscal year, the Secretary shall not disclose the allocation of funds under this section for any activity described in subparagraph (A) until the date that is 1 day after the date of enactment of an act authorizing appropriations for the Department of Agriculture for any period in the fiscal year.

... (2) Research.—(A) In General.—The Secretary may use the funds in the Account for research, extension, and education grants to—
(i) increase international competitiveness, efficiency, and farm profitability;
(ii) reduce economic and health risks;
(iii) conserve and enhance natural resources;
(iv) improve yields in the production of major crops, new crops, non-conventional crops, and new agricultural applications of biotechnology;
(v) enhance animal agricultural resources;
(vi) support the expansion and development of specialty crops and the development of new entitlement programs for such crops;
(vii) increase economic opportunities in farming and rural communities; and
(viii) expand locally-owned value-added processing.

(a) IN GENERAL.—A grant made under this paragraph may be used by a grantee for 1 or more of the following uses:
(i) Outcome-oriented research at the discovery end of the spectrum to provide breakthrough results.
(ii) Exploratory and advanced development and technology transfer for plants or plant products.
(iii) A national, regional, or multi-State program oriented primarily toward extension programs and education programs demonstrating and promoting the competitiveness of United States agriculture.
(iv) SMALLER INSTITUTIONS.—Of the amounts made available for activities described in this paragraph not less than 15 percent shall be awarded to colleges, universities, or research organizations that rank in the lowest 1/3 of such colleges, universities, and foundations on the basis of Federal research funds received under a provision of law other than this section.
(b) USE OF GRANT.—
(i) IN GENERAL.—A grantee may use not more than 4 percent of the funds made available for activities described in this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.
(ii) B BUILDS.—Funds made available for activities described in this paragraph shall not be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvements and architect fees).

SEC. 794. UNDER SECRETARY OF AGRICULTURE FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT RENAMED THE UNDER SECRETARY FOR AGRICULTURE FOR RURAL DEVELOPMENT.

(a) IN GENERAL.—Section 231 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6941) is amended—
(i) in the section heading, by striking "ECONOMIC AND COMMUNITY" and
(ii) by striking "Economic and Community" each place such term appears in subsections (a), (b), and (c).

(b) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking "Economic and Community".

TITLE VIII—RESEARCH, EXTENSION, AND EDUCATION

Subtitle A—Modification and Extension of Activities Under 1977 Act

SEC. 801. PURPOSES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101) is amended to read as follows:

SEC. 1402. PURPOSES OF AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

The purposes of federally supported agricultural research, extension, and education are to—

(1) enhance the competitiveness of the United States agriculture and food industry in an increasingly competitive world environment;
(2) increase the long-term productivity of the United States agriculture and food industry while maintaining and enhancing the natural resource base of the nation and the United States agricultural economy; and
(3) develop new uses and new products for agricultural commodities, such as alternative fuels, and develop new industries.
(4) support agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for transfer throughout the United States agriculture industry;
(5) improve risk management in the United States agriculture industry;
(6) improve the safe production and processing of, and adding of value to, United States food and fiber resources using methods that maintain the balance between yield and environmental soundness;
(7) support higher education in agriculture to provide the next generation of Americans the knowledge and technology and architectures necessary to enhance the competitiveness of United States agriculture and;
(8) maintain an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.”.

SEC. 802. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, Education, and Economics Advisory Board Act of 1977 (7 U.S.C. 3123) is amended to read as follows:

SEC. 1408. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(1) IN GENERAL.—The Advisory Board shall consist of 30 members, appointed by the Secretary.
(2) SELECTION OF MEMBERS.—The Secretary shall appoint members of the Advisory Board from nominations submitted by organizations, associations, societies, councils, federations, groups, and companies fitting the criteria specified in paragraph (3).
(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:
(A) 1 member representing a national farm organization.
(B) 1 member representing farm cooperatives.
(C) 1 member actively engaged in the production of a food animal commodity.
(D) 1 member actively engaged in the production of a plant commodity.
(E) 1 member representing a national animal commodity organization.
(F) 1 member representing a national crop commodity organization.
(G) 1 member representing a national aquaculture association.
(H) 1 member representing a national food animal science society.
(I) 1 member representing a national crop, soil, agronomy, horticulture, or weed sciences organization.
(J) 1 member representing a national crop science organization.
(K) 1 member representing a national human health association.
(L) 1 member representing a national nutritional science society.
(M) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.)
(N) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.
(O) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382; 7 U.S.C. 301 note)).
(P) 1 member representing Hispanic-serving institutions.
(Q) 1 member representing the American Colleges of Veterinary Medicine.
(R) 1 member representing that portion of the scientific community not closely associated with agriculture.
(S) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.
(T) 1 member representing food retailing and marketing interests.
(U) 1 member representing food and fiber processors.
(V) 1 member actively engaged in rural economic development.
(W) 1 member representing a national consumer interest group.
(X) 1 member representing a national forestry group.
(Y) 1 member representing a national conservation or natural resource group.
(Z) 1 member representing private sector organizations involved in international development.

(AA) 1 member representing an agency within the Department of Agriculture that lacks research capabilities.
(AB) 1 member representing a research agency of the Federal Government (other than the Department of Agriculture).
Section 1409A of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3124a) is amended by inserting at the end the following:


Section 803. Federal Advisory Committee Act Exemption for Federal-State Cooperative Programs.

Section 1403 of the Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3124a) is amended by adding at the end the following:

"(B) Federal Advisory Committee Act Exemption for Federal-State Cooperative Programs. —

SEC. 803. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION FOR FEDERAL-STATE COOPERATIVE PROGRAMS.

Section 1403 of the Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3124a) is amended by adding at the end the following:

"(B) Federal Advisory Committee Act Exemption for Federal-State Cooperative Programs. —

"(1) Public Meetings. — All meetings of any entity described in paragraph (3) shall be publicly announced in advance and shall be open to the public. Detailed minutes of meetings and other appropriate records of the activities of such an entity shall be kept and made available to the public.

"(2) Exemption. — The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the United States Code shall apply to any committee, board, commission, panel, or task force, or similar entity that—

"(i) is created for the purpose of cooperative efforts in agricultural research, extension, or teaching; and

"(ii) consists entirely of—

"(I) full-time Federal employees; and

"(II) one or more individuals who are employed by, or associated with, a State cooperative institution or State cooperative agency; or

"(III) a public college or university or other postsecondary institution.

SEC. 804. COORDINATION AND PLANNING OF AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING PROGRAMS AND SYSTEMS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3124a) is amended by adding after section 1413 (7 U.S.C. 3128) the following:

"(a) Review of Information Technology Systems. — The Secretary shall conduct a comprehensive review of state-of-the-art information systems that are available for or in use in developing the system required by subsection (b).

"(b) Monitoring and Evaluation System. — The Secretary shall develop and carry out a system to monitor and evaluate agricultural research and extension activities conducted or supported by the Department of Agriculture that will enable the Secretary to measure the impact and effectiveness of research, extension, and education programs according to priorities, goals, and mandates established by law. In developing this system, the Secretary shall incorporate information transfer technologies to optimize public access to research information.

"(c) Consistency With Other Requirements. — The Secretary shall develop and implement the system in a manner consistent with the Government Performance and Results Act of 1993 (Public Law 102-585; 107 Stat. 2087) and amendments made by this Act.

"(d) Authorization of Appropriations. — There are authorized to be appropriated such sums as may be necessary to carry out this section.

Section 1415. Commission for the Agricultural Sciences.

Section 1415 of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3125) is amended by adding at the end the following:

"(B) Federal Advisory Committee Act Exemption for Competitive Research, Extension, and Education Programs. —

"The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act shall not apply to any committee, board, commission, panel, or task force, or similar entity, created solely for the purpose of reviewing applications or proposals requesting funding under any competitive research, extension, and education program carried out by the Secretary.

SEC. 805. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) Purpose of Grants. — Section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3125(b)) is amended by adding at the end the following:

"(4) to design and implement food and agricultural sciences programs to build teaching and research capacity at colleges and universities having significant minority enrollments;".

(b) Research Foundations. — Section 1417(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3125(c)) is amended by adding at the end the following:

"(3) Research Foundations. — An eligible college or university under subsection (b) includes a research foundation maintained by the college or university.

(c) Extension of Program. — Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3125(i)) is amended by striking ‘‘1995’’ and inserting ‘‘1997’’.

(d) Secondary Education and 2-Year Postsecondary Education Teaching Programs. —

SEC. 901. SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS.

"(a) Personal Education and Training. —

"(1) Promote and strengthen secondary education and 2-year postsecondary education in agriculture and agribusiness in order to help ensure that the United States has a qualified workforce to serve the food and agricultural sciences system; and

"(2) Promote complementary and synergistic linkages among secondary, 2-year postsecondary, and higher education programs in the food and agricultural sciences in order to promote excellence in education and encourage more young Americans to pursue and complete a baccalaureate or higher degree in the food and agricultural sciences.

"(3) Grants.—The Secretary may make competitive, noncompetitive, or formula grants for programs not to exceed 5 years, to public secondary schools, and institutions of higher education that award an associate’s degree, that the Secretary determines have made a commitment to teaching agriscience and agriculture—

"(A) to enhance curricula in agricultural education;

"(B) to increase faculty teaching competencies;

"(C) to interest young people in pursuing higher education in order to prepare for scientific and professional careers in the food and agricultural sciences;

"(D) to promote the incorporation of agriscience and agricultural sciences into other instructional programs, particularly classes in science, business, and consumer education;
"(E) to facilitate joint initiatives by the grant recipient with other secondary schools, institutions of higher education that award an associate's degree, and institutions of higher education that award a bachelor's degree to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve agriscience and agribusiness education; and
(F) to undertake initiatives designed to meet local, State, regional, or national needs related to promoting excellence in agriscience and agribusiness education.

SEC. 800. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCHEMISOLS AND INDUSTRIAL HYDROCARBON RESEARCH.

Commodities and Forest Products.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "1995" and inserting "1997".

SEC. 807. POLICY RESEARCH CENTERS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1419 (7 U.S.C. 3154) the following:

"SEC. 1419A. POLICY RESEARCH CENTERS.

"(a) A UTHORITY OF SECRETARY.ÐThe Secretary may establish, and award grants for...

"(b) ELIGIBLE RECIPIENTS.ÐState agricultural experiment stations, colleges and universities, other research institutions and organizations, private organizations, corporations, and individuals shall be eligible to apply for funding under subsection (a).

"(c) ACTIVITIES.ÐUnder this section, funding may be provided for disciplinary and interdisciplinary research and education concerning policy research activities consistent with this section and with the following activities that:

1. Quantify the implications of public policies and regulations;
2. Develop theoretical and research methods;
3. Collect and analyze data for policymakers, analysts, and individuals; and
4. Develop programs to train analysts.

"(d) AUTHORIZATION OF APPROPRIATIONS.ÐThere are authorized to be appropriated such sums as are necessary to carry out this section for fiscal years 1996 and 1997.

SEC. 808. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by striking section 1424 (7 U.S.C. 3174) and inserting the following:

"SEC. 1424. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

"(a) AUTHORITY OF SECRETARY.ÐThe Secretary may establish, and award grants for projects for, a multi-year research initiative on human nutrition intervention and health promotion that:

1. Coordinates longitudinal research assessments of nutritional status; and
2. The implementation of unified, innovative interventions to moderate or prevent diet-related disease, to identify and solve problems of nutritional inadequacy and contribute to the maintenance of health, well-being, performance, and productivity of individuals, thereby reducing the need of the individuals to use the health care system and social programs of the United States.

"(b) ADMINISTRATION.ÐThe Administrator of the Agricultural Research Service shall administer funds made available to carry out this section through a coordinated approach to health and nutrition research efforts.

"(c) AUTHORIZATION OF APPROPRIATIONS.ÐThere are authorized to be appropriated such sums as are necessary to carry out this section for fiscal years 1996 and 1997.

"SEC. 1424A. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

"(a) FINDINGS.ÐCongress finds the following:

1. Although medical researchers in recent years have discovered there are several naturally occurring compounds in many vegetables and fruits that can aid in the prevention of certain forms of cancer, coronary heart disease, stroke, and atherosclerosis, there has been almost no research conducted to enhance these compounds in food plants by modern breeding and molecular genetic methods.

2. By linking the appropriate medical and agricultural research scientists in a highly-focused, targeted research program, it should be possible to develop new varieties of vegetables and fruits that can be used to prevent diet-related diseases that are a major cause of death in the United States.

"(b) PILOT RESEARCH PROGRAM.ÐThe Secretary shall conduct, through the Cooperative State Research, Education, and Extension Service, a pilot research program to link major cancer and heart and other circulatory disease research efforts with agricultural research efforts to identify compounds in vegetables and fruits that prevent these diseases. Using information derived from such combined research efforts, the Secretary shall assist in the development of new varieties of vegetables and fruits having enhanced therapeutic properties for disease prevention.

"(c) AGREEMENTS.ÐThe Secretary shall carry out the pilot program through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State government entities. The Secretary shall enter into agreements with research workers in human health and related disciplines.

SEC. 811. ANIMAL HEALTH AND DISEASE CONTROL PROGRAM.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended—

(1) in the first sentence of subsection (a), by striking "1995" and inserting "1997";

(2) in subsection (b)(2)—
(A) by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species"; and
(B) in the second sentence, by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species";

(3) in subsection (d), by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species"; and

(4) in subsection (f), by striking "domestic livestock and poultry" and inserting "domestic livestock, poultry, and commercial aquaculture species".

SEC. 812. ANIMAL HEALTH AND DISEASE NATIONAL OR REGIONAL RESEARCH.

Section 1434 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196) is amended—

(1) in subsection (a)—
(A) by inserting "or national or regional problems relating to pre-harvest, on-farm food safety, or animal well-being," after "problems,";

(B) by striking "1995" and inserting "1997";

(2) in subsection (b), by striking "eligible institutions" and inserting "State agricultural experiment stations, colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals";

(3) in subsection (c)—
(A) in the first sentence, by inserting "food safety, and animal well-being" after "animal health and disease"; and

(B) in the fourth sentence—
(i) by redesigning paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following:

"(2) any food safety problem that has a significant pre-harvest (on-farm) component and is recognized as posing a significant health hazard to the consuming public; and

(3) issues of animal well-being related to production methods that will improve the housing..."
and management of animals to improve the well-being of livestock production species;”;
(4) in the first sentence of subsection (d), by striking “to eligible institutions;” and
(5) by adding at the end the following:
“(f) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of this Act shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this sub-
title.”

SEC. 813. GRANT PROGRAM TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRAFT COLLEGES.
Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking “$47,000,000 for each of the fiscal years 1996 through 1999” and inserting “$15,000,000 for each of fiscal years 1996 and 1997.”

SEC. 814. NATIONAL RESEARCH AND TRAINING CENTER PROGRAMS.
Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—
(1) by striking “(a),” in each of paragraphs (1)(A), (2), and (3) and (b),” in each of paragraphs (1)(A), (2), and (3); and
(2) by striking “1995” and inserting “1997”.

SEC. 815. PROGRAMS FOR HISPANIC-SERVING INSTITUTIONS.
(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—
(1) by striking “(c)”, in each of paragraphs (2)(A), (2)(B), and (2)(C) and (d),” in each of paragraphs (2)(A), (2)(B), and (2)(C); and
(2) by striking “1995” and inserting “1997”.

SEC. 816. INTERNATIONAL AGRICULTURAL RESEARCH AND EXTENSION.
Section 1458(a)(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)(8)) is amended—
(1) by striking “establish,” and inserting “continue,”; and
(2) by striking “to be”.}

SEC. 817. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH PROGRAMS.

SEC. 818. AUTHORIZATION OF APPROPRIATIONS FOR EXTENSION EDUCATION.

SEC. 819. SUPPLEMENTAL AND ALTERNATIVE CROPS RESEARCH.
(a) EXTENSION OF PROGRAM.—Section 1473(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319b(b)) is amended by striking “1995” and inserting “1997.”

(b) ELIMINATION OF PILOT PROJECT OF NATIONAL AGRICULTURAL EDUCATION, RESEARCH, AND EXTENSION PROGRAM.—Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a) is amended by—
(1) in subsection (a), by striking “and”;
(2) in subsection (b), by striking “at pilot sites” and all that follows through “the area”; and
(3) in subsection (c)(2)(C), by striking “from pilot sites”.

SEC. 820. AQUACULTURE ASSISTANCE PROGRAMS.
(a) DEFINITIONS.—Section 1404(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(3)) is amended by—
(1) by striking subsection (a)(1), by striking “(c)”, in each of paragraphs (2)(A), (2)(B), and (2)(C) and (d),” in each of paragraphs (2)(A), (2)(B), and (2)(C); and
(2) by striking “1995” and inserting “1997.”

(b) REPORTS.—Section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322) is amended—
(1) by striking “and alternative crops research”;
(2) by striking “successful pilot program” and inserting “successful program”;
(3) in paragraph (3), by striking “pilot”;
(4) in additional authority—Section 1473(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319c)(3) is amended—
(1) in subparagraph (C), by striking “and” at the end; and
(2) in subparagraph (D), by striking the period at the end and inserting a semicolon and
(3) by adding at the end the following:
“(E) to conduct fundamental and applied research related to the development and improvement of commercial products derived from natural plant materials for industrial, medical, and agricultural applications; and
(F) if the United States and the National Agricultural Research, Extension, and Teaching Policy Act of 1977 are each amended by striking “1995” and inserting “1997.”

SEC. 821. AUTHORIZATION OF APPROPRIATIONS FOR RANGELAND RESEARCH.
Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3323a) is amended by—
(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and
(2) by inserting after paragraph (4) the following:
“(g) enhance agricultural competitiveness through product quality research and technology implementation.”

(b) REGIONAL BASIS OF CENTERS.—Section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking paragraph (4) and inserting the following:
“(4) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that the program assembles.”

Sec. 822. NATIONAL GENETICS RESOURCES PROGRAM.
(a) FUNCTIONS.—Section 1632(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5841(d)) is amended by striking paragraph (4) and inserting the following:
“(4) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that the program assembles.”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1633(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking “1995” and inserting “1997.”

Sec. 823. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.
Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking “1995” and inserting “1997.”

Sec. 824. LIVESTOCK PRODUCTS SAFETY AND INSPECTION PROGRAM.
Section 1670(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(e)) is amended by striking “1995” and inserting “1997.”

Sec. 825. PLANT GENOME MAPPING PROGRAM.
Section 1671(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(g)) is amended by inserting “1997” after “appropriated.”

Sec. 826. CERTAIN SPECIALIZED RESEARCH PROGRAMS.
Subsections (d)(4), (e)(4), and (i) of section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(i)) are each amended by striking “1995” and inserting “1997.”

Sec. 827. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.
Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by inserting “1997” after “appropriated.”

Sec. 828. NATIONAL CENTERS FOR AGRICULTURAL PRODUCT QUALITY RESEARCH.
(a) PURPOSES OF NATIONAL CENTERS.—Section 1675(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5928(a)) is amended—
(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and
(2) by inserting after paragraph (4) the following:
“(g) enhance agricultural competitiveness through product quality research and technology implementation.”

(b) REGIONAL BASIS OF CENTERS.—Section 1675(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5928(b)) is amended by striking paragraph (1) and inserting the following:
“(1) the United States and the National Agricultural Research, Extension, and Teaching Policy Act of 1977 are each amended by striking “1995” and inserting “1997.”

(b) REGIONAL BASIS OF CENTERS.—The centers shall be regionally based units that conduct a broad spectrum of research, development, and education
programs to enhance the competitiveness, quality, safety and wholesomeness of agricultural products.

(c) \textit{Program Plan and Review}.—Section 1675d(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 928(b)) is amended—

(1) in paragraph (1), by striking the second sentence;

(2) in paragraph (2), by striking “but not less” and all that follows through “the Secretary”;

(3) in section (a) shall carry out research related to the operation of the program in order to reduce regulatory burdens on participating university and other federally supported agricultural research facility, located in close proximity to a livestock slaughter and processing facility; and

(4) is staffed by professionals with a wide diversity of scientific expertise covering all aspects of meat science.

(c) \textit{Research Conducted}.—The red meat safety research center established under subsection (a) shall carry out research related to general food safety, including—

(1) the development of intervention strategies that reduce microbiological contamination of carcass surfaces;

(2) research regarding microbiological mapping of carcass surfaces; and

(3) the development of model hazard analysis and critical control point plans.

(d) \textit{Authorization of Appropriations}.—Section 1675g(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 928(b)(1)) is amended by striking “1995” and inserting “1997”.

SEC. 839. \textbf{RED MEAT SAFETY RESEARCH CENTER}.

Section 1676 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 929) is amended to read as follows:

SEC. 1676. \textbf{RED MEAT SAFETY RESEARCH CENTER}.

(a) \textit{Establishment of Center}.—The Secretary of Agriculture shall award a grant, on a competitive basis, to a research facility described in subsection (b) to establish a red meat safety research center.

(b) \textit{Eligible Research Facility Described}.—A research facility eligible for a grant under subsection (a) is a research facility that—

(1) is part of a land-grant college or university, or is closely supported by a land-grant college or university, or other federally supported agricultural research facility, located in close proximity to a livestock slaughter and processing facility; and

(2) is staffed by professionals with a wide diversity of scientific expertise covering all aspects of meat science.

(c) \textit{Research Conducted}.—The red meat safety research center established under subsection (a) shall carry out research related to general food safety, including—

(1) the development of intervention strategies that reduce microbiological contamination of carcass surfaces;

(2) research regarding microbiological mapping of carcass surfaces; and

(3) the development of model hazard analysis and critical control point plans.

(d) \textit{Authorization of Appropriations}.—There are authorized to be appropriated such sums as are necessary for the fiscal year 1997 to carry out this section.

SEC. 840. \textbf{INDIAN RESERVATION EXTENSION AGENT PROGRAM}.

Section 1677 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 930) is amended—

(1) by redesigning subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

(f) \textit{Reduced Regulatory Burden}.—On a determination by the Secretary of Agriculture that a program carried out under this section has been successfully administered for not less than 2 years, the Secretary shall implement a reduced reappraisal process for the continued operation of the program in order to reduce regulatory burdens on participating university and tribal entities.

SEC. 841. \textbf{ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES}.

Section 1680 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 932) is amended—

(1) in subsection (a)(6)(B), by striking “1996” and inserting “1997”;

SEC. 1838(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3215(e)) is amended by striking “1995” and inserting “1997”.

SEC. 843. \textbf{GLOBAL CLIMATE CHANGE}.


\textbf{Subtitle C—Repeal of Certain Activities and Authorities}.

SEC. 851. \textbf{SUBCOMMITTEE ON FOOD, AGRICULTURAL, AND FORESTRY RESEARCH}.

Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6551a(h)) is amended by striking the second through fifth sentences.

SEC. 852. \textbf{JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES}.

(a) \textit{Establishment of Center}.—The Secretary of Agriculture shall administer funds appropriated to carry out this section.

(b) \textit{Authorization of Appropriations}.—

(1) in paragraph (5), by striking “[Joint Council, Advisory Board,” and inserting “Advisory Board,”;

(2) in paragraph (11), by striking “the Joint Council,”;

(3) Section 1412 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122) is amended—

\begin{enumerate}
\item in paragraph (5), by striking “[Joint Council, Advisory Board,” and inserting “Advisory Board,”;
\item in paragraph (11), by striking “the Joint Council,”;
\end{enumerate}

(c) \textit{Program Plan and Review}.—Section 401(h) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6551a(h)) is amended by striking the second through fifth sentences.

SEC. 853. \textbf{AGRICULTURAL SCIENCE AND TECHNOLOGY RESEARCH BOARD}.

(a) \textit{Establishment of Center}.—The Secretary of Agriculture shall administer funds appropriated to carry out this section.

(b) \textit{Authorization of Appropriations}.—

(1) in paragraph (18)(F), by adding “and” at the end;

(2) in paragraph (17), by striking “and” at the end and inserting a period;

(3) by striking the second through fifth sentences.

SEC. 854. \textbf{ANIMAL HEALTH SCIENCE RESEARCH ADVISORY BOARD}.

Section 1432 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3193) is repealed.

SEC. 855. \textbf{RANGELAND RESEARCH}.

Section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3223) is repealed.

SEC. 856. \textbf{GRANTS TO STATES FOR LIGHT-GRANT COLLEGES}.

Section 1485A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3230) is repealed.

SEC. 857. \textbf{COMPOSTING RESEARCH AND EXTENSION PROGRAM}.

Section 1456 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3120) is repealed.

SEC. 858. \textbf{EDUCATION PROGRAM REGARDING HANDLING OF AGRICULTURAL CHEMICALS AND AGRICULTURAL CHEMICAL CONTAINERS}.

(a) \textit{Establishment of Program}.—Section 1498A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3325(b)) is repealed.

(b) \textit{Conforming Amendment}.—Section 1499A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3325(b)) is amended by striking “and” after coordination with the Technology Board.”.

SEC. 860. \textbf{PROGRAM ADMINISTRATION REGARDING SUSTAINABLE AGRICULTURAL RESEARCH AND EDUCATION}.

(a) \textit{Establishment of Program}.—Section 1622 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by striking “and” after cooperation with the Technology Board.”.

(b) \textit{Conforming Amendment}.—Section 1622 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121(b)) is amended by striking “and” after cooperation with the Technology Board.”.

(c) \textit{Repeal of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by striking “and” after cooperation with the Technology Board.”.

(d) \textit{Conforming Amendment}.—Section 1622 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3121) is amended by striking “and” after cooperation with the Technology Board.”.
(2) by striking subsections (c) and (d); (3) by redesigning subsection (e) as subsection (b); and (4) by redesigning subsection (b) as (c) redesigning subsections (b), (10), and (11), respectively.

(c) CONFORMING AMENDMENTS.—
(1) Section 1613(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—
(A) by striking paragraph (7); and
(B) by redesigning paragraphs (8), (9), (10), and (11), respectively.

(2) Section 1621(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811(c)) is amended—
(A) in paragraph (1)—
(i) by striking subparagraph (A); and
(ii) by redesigning subparagraphs (B) through (E) as subparagraphs (A) through (E), respectively; and
(B) in paragraph (2)—
(i) by striking subparagraph (A); and
(ii) by redesigning subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively.

(3) Section 1628(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5881(b)) is amended by striking "Advisory Council, the Soil Conservation Service," and inserting "Natural Resources Conservation Service.";

(4) Section 1628h of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5881(h)) is amended—
(A) by striking subparagraph (A); and
(B) by redesigning subparagraphs (B) through (E) as subparagraphs (A) through (E), respectively.

(5) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5891) is amended by striking "through (E) as subparagraphs (A) through (D), respectively." and inserting "through (E) as subparagraphs (A) through (E), respectively.

(6) Section 1630 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5892) is amended—
(A) by striking subsections (a)(1) and (b)(2)(A); and
(B) by redesigning subsections (a) through (k) as subparagraphs (A) through (K), respectively.

SEC. 861. RESEARCH REGARDING PRODUCTION, PREPARATION, PROCESSING, HANDLING, AND STORAGE OF AGRICULTURAL PRODUCTS.


SEC. 862. PLANT AND ANIMAL PEST AND DISEASE CONTROL PROGRAM.

(a) REPEAL.—Subtitle F of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5881 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—
(1) Section 28(b)(2)(A) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136w±3(b)(2)(A)) is amended by striking ``(1) amounts made available under this section after September 30, 1995, to carry out programs or initiatives for which no funds were made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and
(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the program or initiative under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary;''.

(c) CONFORMING AMENDMENT.—The third sentence of section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3221(a)) is amended by inserting "except that for the purpose of this calculation, the total appropriations shall not include amounts made available after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary, and shall not include amounts made available after September 30, 1995, to carry out programs for initiatives as funded under section 3(d) of that Act prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary;''.

SEC. 884. AGRICULTURAL RESEARCH FACILITIES.

(a) RESEARCH FACILITIES.—The Research Facilities Act (7 U.S.C. 390 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE."This Act may be cited as the 'Research Facilities Act'."

"SECTION 2. DEFINITIONS."In this Act:"

1. (A) AGRICULTURAL RESEARCH FACILITY.—The term 'agricultural research facility' means a facility eligible to receive funds under the Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221) and shall not include amounts made available after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d)), to carry out programs or initiatives for which no funds were made available under section 3(d) of that Act for fiscal year 1995, or any previous fiscal year, as determined by the Secretary.

2. (B) HATCH ACT.—"(1) amounts made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and
(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the program or initiative under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary;''.

3. (C) MUSEUMS.—"(1) amounts made available under this subsection for fiscal year 1995, or any previous fiscal year, as determined by the Secretary; and
(2) amounts made available after September 30, 1995, to carry out programs or initiatives funded under this subsection prior to that date that are in excess of the highest amount made available for the programs or initiatives for fiscal year 1995, or any previous fiscal year, as determined by the Secretary;''.

"SECTION 3. REVIEW PROCESS.

(a) SUBMISSION TO SECRETARY.—Each proposal for an agricultural research facility shall..."
be submitted to the Secretary for review. The Secretary shall review the proposals in the order in which the proposals are received.

(b) APPLICATION PROCESS.—In consultation with the Advisory Board, the Secretary shall determine whether the proposal meets the criteria set forth in paragraph (2).

(2) CRITERIA.—A proposal for an agricultural research facility shall meet the following criteria:

(A) NON-FEDERAL SHARE.—The proposal shall satisfy the Secretary that the non-Federal share of the cost of the facility is not less than 50 percent.

(B) NONDUPlication OF FACILITIES.—The proposal shall demonstrate how the agricultural research facility would serve to increase jobs, income, and quality of life in rural communities.

(c) DUTIES. —The Secretary shall develop an application process for the submission of proposals for agricultural research facilities.

(d) 10-YEAR STRATEGIC PLAN.—Not later than 2 years after the task force is established, the task force shall prepare and submit to the Secretary the 10-year strategic plan, reflecting both national and regional perspectives, for developing, consolidating, and closing Federal agricultural research facilities and agricultural research facilities proposed to be constructed with Federal funds.

(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(f) APPLICATION PROCESS.—In consultation with the Secretary, the Secretary shall establish an application process for the submission of proposals for agricultural research facilities.

(g) DUTIES. —The Secretary shall establish an application process for the submission of proposals for agricultural research facilities.

(h) NONDUPLICATION OF FACILITIES.—The proposal shall demonstrate how the agricultural research facility would serve to increase jobs, income, and quality of life in rural communities.

(i) each program to be based at the facility.

(j) EVALUATION OF PROPOSALS.—Not later on October 1 of the fiscal year for which the funds are made available.''.

SEC. 885. NATIONAL COMPETITIVE RESEARCH INITIATIVE.

(a) AUTHORIZATION OF APPROPRIATIONS FOR COMPETITIVE GRANTS.—Subsection (b)(10) of the Competitive Special, and Facilities Research Grant Act (7 U.S.C. 350(b)) is amended—

(i) in paragraph (1)—

(ii) by striking "fiscal year 1995" and inserting "each of fiscal years 1995 through 1997"; and

(iii) in subsection (b) (1)—

(iv) by striking "20", and inserting "20 percent", and inserting "40 percent".

(b) AVAILABILITY OF FUNDS.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 350(b)) is amended by adding at the end the following:

"(11) AVAILABILITY OF FUNDS.—Funds made available under paragraphs (10) shall be available beginning on October 1 of the fiscal year for which the funds are made available."
be a reference to the “Stuttgart National Aquacultural Research Center”.

(2) **TRANSFER OF LABORATORY TO DEPARTMENT OF AGRICULTURE.**—Subject to section 1531 of title 31, United States Code, not later than 90 days after the date of enactment of this Act, there are transferred to the Department of Agriculture—

(A) the personnel employed in connection with the laboratory referred to in paragraph (1);

(B) the assets, liabilities, contracts, and real and personal property of the laboratory;

(C) the records of the laboratory; and

(D) any unexpended balance of appropriations, authorizations, allocations, and other funds employed in connection with, held in connection with, arising from, available to, or to be made available in connection with the laboratory.

(3) **Nonduplication of facilities.**—The research center referred to in paragraph (1)(A) shall be complementary to, and not duplicative of, facilities of colleges, universities, and non-profit institutions, and facilities of the Agricultural Research Service, within the State and region, as determined by the Administrator of the Service.

SEC. 890. EXPANSION OF AUTHORITIES RELATED TO NATIONAL ARBORETUM.

(a) **Solicitation of Gifts, Benefits, and Devises.**—The first sentence of section 5 of the Act of March 4, 1927 (20 U.S.C. 191) is amended by inserting “solicit,” after “authorized”.

(b) **NonDuplication of Facilities.**—The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

“SEC. 6. CONCESSIONS, FEES, AND VOLUNTARY SERVICES.

(a) **In General.**—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 601 et seq.) and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), the Secretary of Agriculture, in furtherance of the mission of the National Arboretum, may—

(1) grant concessions granting concessions at the National Arboretum to nonprofit scientific or educational organizations the interests of which are complementary to the mission of the National Arboretum, except that the net proceeds of the organizations from the concessions shall be used exclusively for research and educational work for the benefit of the National Arboretum;

(2) provide by concession, on such terms as the Secretary of Agriculture considers appropriate and necessary, for commercial services for food, clothing, and other sales, if an application for a permanent concession under this paragraph is negotiated with a qualified person submitting a proposal after due consideration of all proposals received after the Secretary of Agriculture provides reasonable public notice of the intent of the Secretary to enter into such an agreement;

(3) dispose of excess property, including excess plants and fish, in a manner designed to maximize revenue from any sale of the property, including by way of public auction, except that this provision shall not apply to the free dis- semination of new varieties of seeds and germ plasm in accordance with section 520 of the Re- vised Statutes (commonly known as the “Department of Agriculture Organic Act of 1962”) (7 U.S.C. 2201).

(4) charge such fees as the Secretary of Agriculture considers reasonable for temporary use by individuals or groups of National Arboretum facilities and grounds for any purpose consistent with the mission of the National Arboretum;

(b) **In order to.**—The Secretary of Agriculture to issue guidelines for the regulation of commercial transportation of equine for slaughter by persons regularly engaged in that activity within the United States.

SEC. 891. FINDINGS.

Because of the unique and special needs of equine being transported to slaughter, Congress finds that it is appropriate for the Secretary of Agriculture to issue guidelines for the regulation of the commercial transportation of equine for slaughter by persons regularly engaged in that activity within the United States.

SEC. 892. DEFINITIONS.

In this subtitle:

(1) **Commercial transportation.**—The term “commercial transportation” includes the regular operation for profit of a transportation business that uses trucks, tractors, trailers, or semitrailers, or any combination thereof, propelled or drawn by mechanical power on any highway or public road.

(2) **EQUINE FOR SLAUGHTER.**—The term “equine for slaughter” means any member of the Equidae family being transferred to a slaughter facility, including an assembly point, feedlot, or stockyard.

(3) **PERSON.**—The term “person”—(A) means any individual, partnership, corporation, or cooperative association that regularly engages in the commercial transportation of equine for slaughter;

(B) does not include any individual or other entity referred to in subparagraph (A) that occasionally transports equine for slaughter incidental to the principal activity of the individual or other entity in production agriculture.

SEC. 903. REGULATION OF COMMERCIAL TRANSPORTATION OF EQUINE FOR SLAUGHTER.

(a) **In General.**—Subject to the availability of appropriations, the Secretary of Agriculture shall issue guidelines for the regulation of the commercial transportation of equine for slaughter by persons regularly engaged in that activity within the United States.

(b) **In order to.**—In carrying out this section, the Secretary of Agriculture shall review the food, water, and rest provided to...
equine for slaughter in transit, the segregation of stallions from other equine during transit, and such other issues as the Secretary considers appropriate.

(c) ASSIGNAL AUTHORITY.—In carrying out this section, the Secretary of Agriculture may—

(1) require any person to maintain such records and reports as the Secretary considers necessary;

(2) conduct such investigations and inspections as the Secretary considers necessary; and

(3) establish and enforce appropriate and effective penalties.

SEC. 904. LIMITATION OF AUTHORITY TO EQUINE FOR SLAUGHTER.

Nothing in this subtitle authorizes the Secretary to regulate transportation or regular transportation, if slaughter or elsewhere, of—

(1) livestock other than equine; or

(2) poultry.

SEC. 905. EFFECTIVE DATE.

This subtitle shall become effective on the first day of the first month that begins 30 days or more after the date of enactment of this Act.

Subtitle B—General Provisions

SEC. 910. AUTHORIZATION OF APPROPRIATIONS.

The fourth sentence of section 8 of the Act of August 20, 1912 (7 U.S.C. 161), is amended by inserting after “Provided, That” the following: “if the Secretary of Agriculture determines under this section that it is necessary to quarantine a State entirely comprised of islands, the Secretary of Agriculture, in implementing the restrictions authorized under this section, shall give consideration to enhancing passenger movement and commerce on and between islands in the State: Provided further, That”.

SEC. 912. COTTON CLASSIFICATION SERVICES.

(a) EXTENSION OF AUTHORIZATION.—The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”) (7 U.S.C. 473a), is amended by striking “and 1997” and inserting “2002 and 2004”.

(b) COTTON CLASSING OFFICE LOCATIONS.—Section 4 of the Act of March 3, 1927 (commonly known as the “Cotton Statistics and Estimates Act”) (7 U.S.C. 474), is amended by adding at the end the following: “The Secretary of Agriculture shall maintain until at least January 1, 1999, all cotton classing office locations in the State of Missouri that existed on January 1, 1996.".

SEC. 913. PLANT VARIETY PROTECTION FOR CERTAIN TUBER PROPAGATED PLANT VARIETIES.

(a) IN GENERAL.—Section 42(a)(1)(B)(i) of the Plant Variety Protection Act (7 U.S.C. 2402(a)(1)(B)(ii)) is amended by inserting after “filing a statement that” the following: “if in the case of a tuber propagated plant variety the Secretary may waive the 1-year limitation for a period ending 1 year after the date of enactment of the Federal Agriculture Improvement and Reform Act of 1996”.

(b) TERM OF PROTECTION.—Section 4(b) of the Plant Variety Protection Act (7 U.S.C. 2403b) is amended by inserting the following after “and amendments”:

“(1) by striking ‘‘B’’; and inserting the following:

‘‘(B) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States of an international passenger, commercial vessel, commercial aircraft, or railroad car;’’

(c) IN GENERAL.—Section 4(e) of the Plant Variety Protection Act (7 U.S.C. 2404) is amended by striking “1990” and inserting “2002”.

SEC. 914. SWINE HEALTH PROTECTION.

(a) TERMINATION OF STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 10 of the Swine Health Protection Act (7 U.S.C. 3809) is amended by—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) REQUEST OF STATE OFFICIAL.—

(1) IN GENERAL.—Upon receipt of any request of an appropriate State official, the Secretary shall determine whether the State meets the requirements for being an appropriate State under section 10(b) of the Act and shall notify the State of such determination.

(2) REASSUMPTION.—Nothing in this subsection shall prevent a State from reassuming primary enforcement responsibility if the Secretary determines that the State meets the requirements for being an appropriate State under section 10(b) of the Act.”.

(b) ADVISORY COMMITTEE.—The Swine Health Protection Act (7 U.S.C. 3809) is amended—

(1) by striking section 10 (7 U.S.C. 3810); and

(2) by redesignating sections 12, 13, and 14 (7 U.S.C. 3811, 3812, and 3813) as sections 11, 12, and 13, respectively.

SEC. 915. DESIGNATION OF MOUNT PLEASANT NATIONAL SCENIC AREA.

Sections 1, 2, and 3(a)(1) of the George Washington National Forest Mount Pleasant Scenic Area Act (Public Law 103-314; 16 U.S.C. 545 note) are each amended by striking “George Washington National Forest Mount Pleasant Scenic Area” and inserting “Mount Pleasant National Scenic Area”.

SEC. 916. PSEUDORABIES ERADICATION PROGRAM.

Section 2506(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 134g(d)) is amended by striking “1995” and inserting “2002”.

SEC. 917. COLLECTION AND USE OF AGRICULTURAL QUARANTINE AND INSPECTION FEES.

Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended by striking subsection (a) and inserting the following:

“(a) QUARANTINE AND INSPECTION FEES.—

(1) FEES AUTHORIZED.—The Secretary of Agriculture may prescribe and collect fees sufficient—

(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States of an international passenger, commercial vessel, commercial aircraft, or railroad car;’’

(2) LIMITATION.—In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees is commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

(3) STATUS OF FEES.—Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

“(b) USE OF FEES.—Fees and other amounts collected under this paragraph, including any amounts from any other provision of federal law, shall be used to support—

(i) investigations and inspections as the Secretary considers necessary; and

(ii) staff years."

SEC. 918. MEAT AND POULTRY INSPECTION.

(a) ESTABLISHMENT OF SAFE MEAT AND POULTRY INSPECTION PANEL.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesigning section 410 (21 U.S.C. 680) as section 411; and

(B) by inserting after section 409 (21 U.S.C. 679) the following:

“SEC. 410. SAFE MEAT AND POULTRY INSPECTION PANEL.

(a) ESTABLISHMENT.—There is established in the Department of Agriculture a permanent ad-

visory panel to be known as the ‘Safe Meat and Poultry Inspection Panel’ (referred to in this section as the ‘panel’).

(b) DUTIES.—

(1) REVIEW AND EVALUATION.—The panel shall review and evaluate, as the panel considers necessary, the adequacy, necessity, safety, cost-effectiveness, and scientific merit of—

(A) inspection procedures of, and work rules and work relations involving Federal employ-

ees employed in, plants inspected under this Act;

(B) informal petitions or proposals for changes in inspection procedures, processes, and techniques of plants inspected under this Act; and

(C) any other changes in meat inspection regulations promulgated under this Act, whether in notice, proposed, or final form; and

(2) TECHNICAL ASSISTANCE.—The panel shall make such recommendations to the Secretary as the panel considers necessary to ensure the prompt resolution of the petitions or proposals referred to in paragraph (1).”.

(b) EFFECTIVE DATE.—Paragraph (1) shall take effect upon enactment of this section.


SEC. 30. SAFE MEAT AND POULTRY INSPECTION PANEL.

(a) REVIEW AND EVALUATION.—The advisory panel known as the Safe Meat and Poultry Inspection Panel established by section 410 of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to the panel.

(b) REPORTS.—The Federal Meat Inspection Act shall review and evaluate, as the panel considers necessary, the adequacy, necessity, safety, cost-effectiveness, and scientific merit of—

(1) inspection procedures of, and work rules and worker relations involving Federal employees employed in, plants inspected under this Act;

(2) informal petitions or proposals for changes in inspection procedures, processes, and techniques of poultry this Act;

(3) formal changes in poultry inspection regulations promulgated under this Act, whether in notice, proposed, or final form; and

(4) such other matters as may be referred to the Secretary by the Secretary regarding the quality or effectiveness of a safe and cost-effective poultry inspection system under this Act.

(c) SECRETARIAL RESPONSE.—Not later than 90 days after the publication of a panel report under subsection (b)(2)(C), the Secretary shall publish in the Federal Register any response required of the Secretary to the report.

(d) COMPOSITION OF PANEL.—The panel shall be composed of 7 members, not fewer than 5 of whom shall be from the food science, meat science, or poultry science profession, appointed to staggered terms not to exceed 3 years by the Secretary.

(e) NOMINATIONS.—(1) INITIAL PANEL.—In constituting the initial panel, the Secretary shall solicit 6 nominees from the National Institutes of Health and 6 nominees from the American Institutes of Food Animal Science and based on the professional qualifications of the nominees.

(2) ADDITIONAL NOMINEES.—If any list of nominees provided under paragraph (1) or (2) is unsatisfactory to the Secretary, the Secretary may request the nominating entities to submit an additional list of nominees.

(f) TRAVEL EXPENSES.—While away from the home or regular place of business of a member of the panel in the performance of services for the panel, the member shall be allowed travel expenses, including per diem in lieu of subsistence, at the same rate as a person employed intermittently in the Government service would be allowed under section 5703 of title 5, United States Code.

(g) CONFLICTS OF INTEREST.—The Secretary shall promulgate regulations regarding conflicts of interest with respect to the members of the panel.

(h) EXEMPTION.—The Secretary of Agriculture established by section 410 of the Federal Meat Inspection Act (21 U.S.C. 454).

(i) FUNDING.—From funds available to the Secretary to carry out this Act and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), the Secretary shall allocate such sums as may be necessary to carry out this section.

(j) CROSS REFERENCE.—The Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) is amended by adding at the end the following:

SEC. 920. OVERTURE TO CLAUSES OF TITLE OF AGRICULTURE AS NONAPPROPRIATED FUND INSTRUMENTALITY.

(a) DEFINITIONS.—In this section:

(1) GRADUATE SCHOOL.—The term "Graduate School" means the Graduate School of the Department of Agriculture.

(2) BOARD.—The term "Board" means the General Administration Board of the Graduate School.

(3) DIRECTOR.—The term "Director" means the Director of the Graduate School.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITY.—On and after the date of enactment of this Act, the Graduate School of the Department of Agriculture shall continue to operate as a nonappropriated fund instrumentality of the United States under the jurisdiction of the Department of Agriculture.

(c) ACTIVITIES OF GRADUATE SCHOOL.—Under the general supervision of the Secretary, the Graduate School shall develop, administer, and provide educational, training, and professional development activities, including educational activities for Federal employees, nonprofit organizations, other entities, and members of the general public.

(d) FEES AND DONATIONS.—The Graduate School may charge and retain fair and reasonable fees for the activities provided by the Graduate School. The amount of the fees shall be based on the cost of the activities to the Graduate School.

(e) ACCEPTANCE AND USE AUTHORIZED.—(1) ACCEPTANCE AND USE AUTHORIZED.—The Graduate School may accept, hold, dispose of, and administer gifts, bequests, and devises of money, securities, and other real or personal property for the benefit of, or in connection with, the Graduate School.

(2) EXCEPTION.—The Graduate School shall not accept a donation from a person that is actively engaged in a procurement activity with the Graduate School, and which donation may be substantially affected by the performance or nonperformance of an official duty of a member of the Board or an employee of the Graduate School.

(3) NOT FEDERAL FUNDS.—Fees collected under paragraph (1) and amounts received under paragraph (2) shall not be considered to be Federal funds and shall not be required to be deposited in the Treasury of the United States.

(4) IN GENERAL.—The Graduate School shall not accept a donation from a person that is actively engaged in a procurement activity with the Graduate School, and which donation may be substantially affected by the performance or nonperformance of an official duty of a member of the Board or an employee of the Graduate School.

(f) GENERAL ADMINISTRATION BOARD AND DIRECTOR.

(1) APPOINTMENT AS GOVERNING BOARD.—The Secretary shall appoint a General Administration Board to serve as a governing board for the Graduate School and direct the activities of the Graduate School. The Board shall be subject to regulation by the Secretary.

(2) DUTIES OF BOARD.—The Board shall—

(a) formulate broad policies in accordance with which the Graduate School shall be administered;
The Secretary may reimburse a cooperating association for the direct and indirect costs of each student assigned to the agency under an internship program. The Secretary may instruct the cooperating association to provide work assignments for students with the Department and such other activities as the Secretary may determine. The nature of Department participation in the internship program shall be developed jointly by the Secretary and the cooperating association.

(3) Program Coordination.—The cooperating association shall coordinate an internship program, including—

(a) the recruitment of students;
(b) arrangements for travel of the students to the agency for purposes of maintaining a reasonable level of academic achievement; and
(c) the provision of housing for students, if required; and
(d) all activities for the students that take place outside the Department work assignments of the students.

(4) Number and Selection of Students.—

(A) Number.—A cooperative agreement entered into under paragraph (1) shall specify the number of students that the Department will host each year and a list of work assignments to be provided for the students.

(B) Selection.—The cooperating association shall provide the Department with a pool of student candidates meeting the requirements for each work assignment identified by the Secretary. Final selection of the students for Department internship positions shall be made by the Secretary.

(5) Cost Reimbursement.—From such amounts as are available each fiscal year for internship programs, and subject to such regulations as the Secretary may issue, the Secretary may reimburse a cooperating association for the Department share of all direct and indirect costs of an internship program, including student stipends, transportation costs to the internship site, and other costs of education.

(6) Lead Agency.—The Secretary may designate a lead agency within the Department to carry out this subsection.

SEC. 923. CONVEYANCE OF EXCESS FEDERAL PERSONAL PROPERTY.

Notwithstanding any other provision of law, the Secretary of Agriculture may convey to the Interior Department, or otherwise, for such purposes as are determined by the Secretary, to—

(A) any of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103-382, 7 U.S.C. 301 note));
(B) any Hispanic-serving institution (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1072(b)));
(C) any college or university eligible to receive funds under the Act of August 30, 1970 (7 U.S.C. 321 et seq.), including Tuskegee University; and
(D) any other Federal department or agency for purposes of providing for Department participation in internship programs for graduate and undergraduate students who are selected by the associations from minority institutions and institutions of higher education.

SEC. 924. CONVEYANCE OF LAND TO WHITE OAK CEMETERY.

(a) In General.—After execution of the agreement described in subsection (b), the Secretary of Agriculture shall release the condition stated in the deed on the land described in subsection (1) that the land be used exclusively for cemetery purposes, and that if the land is not so used, that the land revert to the United States.

(b) Agreement.—The Secretary of Agriculture shall make the release described in subsection (a) on execution by the Board of Trustees of the University of Arkansas, in consideration of the release, of an agreement satisfactory to the Secretary of Agriculture, that—

(1) the Board of Trustees will not sell, lease, exchange, or otherwise dispose of the land described in subsection (c) except to the White Oak Cemetery Association of Washington County, Arkansas, or a successor organization, for exclusive use for an expansion of the cemetery maintained by the Association or successor organization;

(2) the proceeds of such a disposition of the land will be deposited and held in an account open to inspection by the Secretary of Agriculture, and, if withdrawn from the account, for public purposes.

(c) Land Description.—The land described in this subsection is the land conveyed to the Board of Trustees of the University of Arkansas, with certain other land, by deed dated November 18, 1953, comprising approximately 2.2 acres located within property of the University of Arkansas in Washington County, Arkansas, commonly known as the “Savor property” and described as follows:

The part of Section 20, Township 17 north, range 31 west, containing beginning at the north corner of the White Oak Cemetery and the University of Arkansas Agricultural Experiment Station farm located approximately 330 feet, thence south approximately 135 feet, thence southeast approximately
amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—AGRICULTURAL MARKET TRANSITION PROGRAM

(1) Short title

The House bill names title I the "Agriculture Market Transition Program." (Section 1)

The Senate amendment names the bill the "Agriculture, Reform and Improvement Act" and title I "The Agriculture Market Transition Act." (Section 101)

The Conference substitute adopts the Senate provision with an amendment naming the bill the Federal Agriculture Improvement and Reform Act (Section 1) and title I the Agriculture Market Transition Act. (Section 101)

SUBTITLE A—PURPOSE AND DEFINITIONS

(2) Purpose

The House bill states that it is the purpose of this title to authorize the use of binding production flexibility contracts between the United States; make nonrecourse marketing assistance loans; to improve the operation of the peanut and sugar programs; and to terminate price support authority under the Agriculture Act of 1949. (Section 101)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment deleting the reference to the Agriculture Act of 1949 and adding a reference to the establishment of the Commission on 21st Century Production Agriculture. (Section 101)

(3) Definitions

The House bill, in Section 102 contains definitions of terms used throughout Title I.

"Contract commodity" includes wheat, corn, grain sorghum, barley, oats, upland cotton, and rice; "contract acreage" means one or more crop acreage bases established under title V of the Agricultural Act of 1949 that would have been in effect for the 1996 crop; and "loan commodity" means each contract commodity, plus extra long staple cotton and oilseeds.

The Senate amendment, in Section 102, achieves the same purpose but for technical differences.

The Conference substitute adopts the House provision with technical amendments. (Section 102)

SUBTITLE B—PRODUCTION FLEXIBILITY CONTRACTS

(4) Offers and terms

The House bill, in Section 103(a), in paragraph (2), authorizes the Secretary to enter into 7-year production flexibility contracts between 1996 and 2002 with eligible owners and operators on a farm containing eligible farmland. In exchange for annual payments in kind and cash payments, the operator must agree to comply with the applicable conservation plan for the farm, the wetland protection requirements of title XII of the Food Security Act of 1985, and the planting flexibility requirements of subsection (1). The land under a contract must be maintained in an agricultural or related activity; conversion to non-agricultural commercial or industrial use.

The Senate amendment, in Section 103, is similar but does not restrict land subject to a contract to the owner or operator. The Conference substitute adopts the House provision with technical amendments removing references to the "conservation plan" and instead requiring compliance with highly erodible land and wetlands restrictions from the Food Security Act of 1985. (Section 103(a)(1))

(5) Eligible owners and operators described

The House bill, in Section 103(a), in paragraph (2), describes eligible owners and operators, that include:

(A) an owner who assumes all risk of producing a crop;

(B) an owner who shares in the risk of producing a crop;

(C) an operator with a share-rent lease regardless of the length of such lease if the owner also enters into the contract;

(D) an operator with a cash rent lease that enters into or before September 30, 2002, in which case the consent of the owner is not required;

(E) an operator with a cash rent lease that expires before September 30, 2002, and the owner consents to the contract;

(F) an owner with a cash rent lease, but only if the operator declines to enter into a contract, in which case payments under the contract will not begin until the fiscal year following the year in which the lease expires; and

(G) an owner or operator regardless of whether the owner or operator purchased catastrophic risk protection for a fall-planted 1996 crop.

The Senate amendment, in Section 103(a)(2), is identical but for technical differences.

The Conference substitute adopts the House provision with technical amendments that replaced references to "operator" with "producers" and that further clarify contract eligibility.

The Managers do not intend that there be any substantial change in the existing landlord-tenant policy at USDA, which has functioned successfully for several decades. State law on tenancy should continue to govern the relationship between landlords and tenants.

Cash-rent landlords are allowed to be signatories of the contract, and if the producer does not enroll all the eligible crop land of a farm into a contract, the consent of the owner is required. However, this is to facilitate orderly transfer and any potential succession situation relating to a contract and creates no additional liability or obligation for the cash-rent landlord. The purchase of catastrophic risk protection for 1996 crops is a factor for determining contract eligibility. (Section 111(b))

(6) Tenants and sharecroppers

The House bill, in Section 103(a), in paragraph(3), instructs the Secretary to provide adequate safeguards to protect the interests of tenants and sharecroppers.

The Senate amendment is identical but for technical differences.

The Conference substitute adopts the House provision with technical amendments. (Section 111(c))

(7) Eligible cropland described

The House bill, in Section 103(c) describes eligible farmland, which is land that contains a crop acreage base, at least of a portion of which was enrolled in the acreage reduction programs authorized for a crop of rice, upland cotton, peanuts, or wheat and which has served as the basis for deficiency payments in at least one of the 1991 through 1995 crop years.

With respect to contracts for land enrolled in the CRP, such acreage must have crop acreage base attributable to it.

The Senate amendment, in Section 103, is similar but also provides for the Secretary to establish a fair and equitable crop acreage base for beginning farmers.
The Conference substitute adopts the House provision. The Managers note that producers who have certified planted acreage under the 1990 farm bill shall be eligible to participate in the Market transition program. (Section 111(d)).

The Managers recognize that USDA has been establishing crop acreage bases (CAB) and program payment yields for each contract commodity that participated in the Acreage Reduction Programs and also any contract commodity that was reported to the county FSA office as planted, or was reported as conserving use acres, or zero acreage planting protection either to maintain or build CAB’s. These CAB’s and yields were established consistent with provisions of Title V of the Agricultural Act of 1949. The Managers intend that these CAB’s become known as contract acreage, and any farm having contract acreage for at least one crop would be eligible to enroll to receive benefits under a Production Flexibility Contract. It is the intent of the Managers that any farm for which a 1996 CAB would have been established under Title V of the Agricultural Act of 1949 would be eligible to enter into a Production Flexibility Contract. (Section 112(c))

(1) Time for payment; in general

The House bill, in Section 103(d), establishes the payment dates under the contracts as September 30 of each of the fiscal years 1996 through 2002.

The Senate amendment is identical.

The Conference substitute adopts the Senate provision. (Section 112(d))

(2) Advance payments

The House bill provides that an owner or operator may elect to receive half of each annual payment on December 15 of each year. For the fiscal year 1996, each owner or operator may elect to receive half of the payment not later than January 15.

The Senate amendment is identical.

The Conference substitute adopts the House provision with an amendment allowing a producer to elect a prorated payment advance payment 30 days after the contract is entered into and approved. For the remaining fiscal years, a producer can elect to receive a 50 percent advance payment 30 days after the contract is entered into and approved. The date of this election can be modified in subsequent fiscal years at the option of the Secretary. (Section 112(d)(2))

(13) Fiscal year amounts

The House bill, in Section 103(e), in paragraph (1), establishes spending limits of:

(A) $5,570,000,000 for FY 1996;
(B) $5,800,000,000 for FY 1997;
(C) $6,000,000,000 for FY 1998;
(D) $5,500,000,000 for FY 1999;
(E) $5,500,000,000 for FY 2000;
(F) $4,130,000,000 for FY 2001;
(G) $4,008,000,000 for FY 2002.

The Senate amendment is identical.

The Conference substitute adopts the Senate provision. (Section 113(a))

The Managers intend that USDA, to the maximum extent practicable, expend the amounts specified by this section in each fiscal year thereafter until the amount to $8,500,000 for each of fiscal years 1997 through 2002. (Section 113(a))

(16) Additional rice allocation

The House bill, in Section 103(e), in paragraph (4), requires the Secretary to determine the amount necessary to make the remaining payments under the Agricultural Act of 1949 for the 1994 and 1995 crop years. (Section 113(c))

(17) Determination of contract payments

The House bill, in Section 103(f), provides the method for determining payments under a particular contract: (A) adding all repayment of deficiency payments otherwise required under section 111(a) of the Agricultural Act of 1949; (B) adding contract payments withheld at the request of producers, during the preceding fiscal year as an offset against repayments of deficiency payments otherwise required under section 111(a) of the Agricultural Act of 1949; (C) adding contract payments which are refunded during the preceding fiscal year under section 103(h) for the commodity.
Owners who follow State tenancy laws and eligible producers and payment divisions should also be considered when determining landowners. Past payment history on a farm to generally ensure consistency with current market-driven planting decisions. The Managers of the farm for the seven-year term of the contract. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision. (Section 114(b))

(19) Annual payment rate

The House bill, in Paragraph (3) provides that the rate for a contract commodity shall be the amount made available under 103(e) for the commodity divided by the total payment quantity under paragraph (1) and the payment rate determined under paragraph (3).

The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision. (Section 114(c))

(20) Annual payment amount

The House bill, in Paragraph (4) provides that the payment amount to be paid under a contract shall be equal to the product of the payment amount quantity determined under paragraph (1) and the payment rate determined under paragraph (3).

The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with an amendment that the annual payment amount is the sum of payments for all contract commodities and that contract payments shall be reduced by an amount equal to any required repayment of advances for additional payments under section 114a(2) of the Farm Security Act of 1949.

The Managers adopted an amendment to direct the Secretary to collect repayments as soon as contract payments are determined. (Section 114(d) and (e))

(21) Assignment of contract payments

The House bill, in Paragraph (5) provides that the provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act relating to assignment of payments shall apply to contract payments, and requires that the owner, operator, or assignee to notify the Secretary of such assignment.

The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with a technical amendment. (Section 114(f))

(22) Sharing of contract payments

The House bill, in Paragraph (6) directs the Secretary to allow for the sharing of payments among owners and operators in a fair and equitable manner.

The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with a technical amendment.

The Managers intend that the Production Flexibility Contracts ensure a fixed payment based on paragraph 114 for seven years. The contracts are farm specific and apply to that farm for the seven-year term of the contract. However, it is the intent of the Managers that the Secretary may, in the event of a transfer, provide for a fair and equitable treatment. This authority does not void the responsibilities of such owner or operator if the owner or operator continues or resumes control or operation of the property, or is otherwise unable to receive a contract payment.

The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with a technical amendment. (Section 114(g))

(23) Payment limitation, applicability

The House bill, in Section 103(g) provides that the total amount of payments under a contract during any fiscal year may not exceed the payment limitation established under section 1003C of the Food Security Act of 1985.

The Senate amendment contains an identical provision.

The Conference substitute adopts the House provision. (Section 115)

(24) Payment limitation

The House bill, in Section 103(a) amends section 1003 of the Food Security Act of 1985 to provide that the total amount of contract payments to a person under section 103 of this Act may not exceed $40,000 during any fiscal year, and that the total amount of marketing loan gains or loan deficiency payments to a person under section 104 of this Act may not exceed $75,000.

The Senate amendment, in Section 105, contains an identical provision but for technical differences.

The Conference substitute adopts the House provision with a technical amendment. (Section 116)

(25) Violations of contract

The House bill, in Section 103(h), in paragraph (1), authorizes the Secretary to terminate a contract if an owner or operator violates the farm operation plan, wetland protection requirements, planting flexibility provisions, or agricultural use restrictions. Upon termination, the owner or operator of the property shall cease all contract activities and must refund payments received during the period of the violation, with interest as determined by the Secretary.

The Senate amendment, in paragraph (2), provides that, if the Secretary determines that the nature of the violation does not warrant termination of the contract as provided in paragraph (1), the Secretary may (A) require a partial refund with interest; or (B) adjust future contract payments. The Senate amendment, in Section 103(h), contains an identical provision but for technical differences.

The Conference substitute adopts the House provision. (Section 116)

(26) Foreclosure (effect of violation)

The House bill, in Section 103(h), in paragraph (3), prohibits the Secretary from requiring repayments from an owner or operator if farmland which is subject to the contract is foreclosed upon and the Secretary determines that forgiving such repayments is appropriate to provide fair and equitable treatment. This authority does not void the responsibilities of such owner or operator if the owner or operator continues or resumes control or operation of the property, or is otherwise unable to receive a contract payment.

The Senate amendment contains a similar provision but for technical differences. The Conference substitute adopts the Senate provision with an amendment to strike the provision. It is the intent of the Managers that the Secretary may, in the event of a transfer, provide for a fair and equitable treatment. This authority does not void the responsibilities of such owner or operator if the owner or operator continues or resumes control or operation of the property, or is otherwise unable to receive a contract payment.

The Senate amendment contains a similar provision but for technical differences. The Conference substitute adopts the Senate provision with an amendment to strike the provision. It is the intent of the Managers that the Secretary may, in the event of a transfer, provide for a fair and equitable treatment. This authority does not void the responsibilities of such owner or operator if the owner or operator continues or resumes control or operation of the property, or is otherwise unable to receive a contract payment.

(30) Alfalfa

The House bill, in subparagraph (B), prohibits the planting of al-

falfa on contract acreage shall be unlimited, except that the quantity of acreage eligible for a contract payment shall be reduced proportionately for each acre beyond 15 percent on which alfalfa is planted and harvested. The Senate amendment contains a similar provision but for technical differences. The Conference substitute adopts the Senate provision with an amendment to strike the provision. It is the intent of the Managers that the Secretary may, in the event of a transfer, provide for a fair and equitable treatment. This authority does not void the responsibilities of such owner or operator if the owner or operator continues or resumes control or operation of the property, or is otherwise unable to receive a contract payment.

(31) Fruits and vegetables

In the House bill, Paragraph (3) prohibits the planting of fruits and vegetables on contract acreage, except in any region with a history of double cropping, as determined by the Secretary. This restriction does not apply to contract commodities, lentils, mung beans, and dry peas.

The Senate amendment, contains a similar provision except that the planting of fruit and vegetables is allowed only on a farm with a history of double cropping.

The Conference substitute adopts the House provision with an amendment. Subparagraph (A): the double-cropping of fruits or vegetables in association with a...
contract commodity on contract acres is allowed in any region with a history of such practice, as determined by the Secretary, regardless of the planting history of an individual producer.

Subparagraph (B): a producer with a history of production of a specific fruit or vegetable, as determined by the Secretary, is allowed to rent or lease contract acres to grow that fruit or vegetable at the particular farm, without regard to the planting history of the individual farm. The number of acres so leased or rented cannot exceed the average acres rented or leased on that producer’s farm in crop years 1991-1995. Years of no production are not included in the average, and for each contract acre so rented or leased, the contract payment shall be reduced by one acre.

Section 118

The Managers adopt the amendment in paragraph (6), providing that the loan rate for upland or extra long staple cotton shall be ten months, starting on the first day of the month after the month in which the loan is made. The Secretary may not extend loans.

The Conference substitute adopts the House position with a technical amendment to the reference period used to establish cotton loan levels. The Managers intend that no changes in production shall be considered, with further authorization provided by this technical change. The Managers adopted an amendment limiting upland and extra long staple cotton loans to a ten-month period and specifying that interest on such loans shall be the Secretary to carry out this subtitle in a manner consistent with the objective of ensuring that no additional outlays result from the reconstitution of farms.

Subtitle C—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

The Managers understand that the Secretary currently has authority to make a nonrecourse loan available to producers of cotton. (Section 137)

The Conference substitute adopts the House position with an amendment directing the Secretary to prescribe a formula to determine the prevailing world market price and a mechanism to periodically announce the prevailing world market price.

Paragraph (5) provides upland cotton prevailing world market price adjustment authority based on the Northern Europe price. The Senate amendment contains an identical provision but for technical differences.

Paragraph (6) directs the Secretary to make loan deficiency payments to producers who forego obtaining a loan under subsection (a) in an amount equal to the difference between the loan rate for a commodity and the prevailing world market price. However, there is no authority for loan deficiency payments for extra long staple cotton.

The Managers adopted an amendment directing the Secretary to make loan deficiency payments to producers who forego obtaining a loan under subsection (a) in an amount equal to the difference between the loan rate for a commodity and the prevailing world market price. The Conference substitute adopts the Senate position and directs the Secretary to prescribe a formula to determine the prevailing world market price and a mechanism to periodically announce the prevailing world market price.

The Conference substitute adopts the House position with an amendment directing the Secretary to set the repayment rate for a commodity at the lesser of the loan rate plus interest or the rate that the Secretary determines will minimize forfeitures, accumulation of stocks, cost to the government and that will allow the commodity to marketed freely and competitively, both domestically and internationally. The Managers expect the Secretary to continue to establish feeding provisions for high-moisture feedgrains.

The Conference substitute adopts the Senate provision.

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commodity. In particular, the Managers except the Secretary to continue to establish the prevailing world price for upland cotton in the same manner utilized for the 1991 through 1995 crops.

(37) Consolidation and reform of Federal milk marketing orders

CONGRESSIONAL RECORD — HOUSE

March 25, 1996

H2801

Chapter 1—Dairy

(36) Milk price support program; recourse loan program for commercial processors of dairy products

The House bill reauthorizes the milk price support program for five years with several major changes. It requires the Secretary of Agriculture to establish a price support level for milk, through the purchase of butter, nonfat dry milk, and cheese in the 48 contiguous States from the date of enactment through December 31, 2000.


The House bill would authorize the Secretary of Agriculture to refund assessments on milk marketing orders which occurred prior to enactment of this Act, and to implement consolidation and pricing reform within 3 years of enactment, to address multiple component pricing when developing a multiple basing points and utilization rates in pricing fluid milk and to use uniform multiple component pricing when developing a new basic formula price(s) for manufacturing milk. There is no limitation on the number of issues the Secretary may consider when consolidating orders. The Conference substitute requires the Secretary to propose consolidation and pricing reform of milk marketing orders within two years of enactment of this Act, and to implement consolidation and pricing reform of milk marketing orders within three years of enactment of this Act. The Secretary is authorized to use informal rulemaking to address order consolidation and pricing reform, and any issues peripheral to the consolidation process.

The Conference substitute also provides that Section 131 of the Federal Milk Marketing Order Act of 1985 shall not be considered to affect the consolidation and pricing reform that will occur under this Act. The mere fact that the milk price support level for Class I fluid milk in an order consolidated under this section is the same or substantially similar to a minimum Class I milk price for a predecessor order(s) listed in the order, is not evidence that the Federal Milk Marketing Order Act of 1985 shall neither raise a presumption, nor be conclusive, on the issue of

with respect to changing the allocation for the purchase prices of butter and nonfat dry milk from informal rulemaking procedures. It is also the managers’ intent that among the several objectives of Federal milk marketing programs should pursue when adjusting the support price between butter and nonfat dry milk is the maximization of production of butter and nonfat dry milk. (Section 141)

The second amendment provides for a recourse loan program for butter, nonfat dry milk, and cheese at the 1999 price support level of $9.90/cwt. The Congressional Budget Office estimates that the recourse loan program will cost approximately $30 million each fiscal year 2000–2002 thereby maintaining a baseline for dairy program expenditures during these fiscal years.

The Senate amendment retains current lower levels for marketing order assessments, to domestic users and exporters for milk, butter, and nonfat dry milk.

The Senate amendment is identical but for technical amendments.

The Senate amendment retains current milk price support levels and authority for Secretary to establish a price support level for milk, through the purchase of butter, nonfat dry milk, and cheese.

The Senate amendment retains current authority for Secretary to issue regulations through informal rulemaking procedures.
whether the Secretary considered, or made the basis of his decision, the table in Section 131 of the Food Security Act of 1985.

The Conference substitute further provides that the fluid milk marketing orders shall, upon the petition and approval by California dairy producers, cover the State of California, in which case that order shall have the same blend and distribution order receipts to recognize quota value. The Managers do not intend in any way to amend, or create an exception for California from the provisions of 7 C.F.R. Sec. 703 (federal milk marketing orders) regarding producer-handlers.

The Substitute provides that if USDA does not complete the consolidation of orders by the end of three years after enactment of this Act, the Department of Agriculture loses authority to assess producers and handlers for market order service of California an an extension until such consolidation is completed. However, the length of time during which any injunction is applicable against the Department of Agriculture shall be added to the time in which the Department has to complete the consolidation under Subsection (a) paragraph (1). (Section 143)

(38) Effect on fluid milk standards in the State of California

The House bill provides that nothing in this Act or any other provision of law shall preempt, diminish, or otherwise limit the authority of the State of California from establishing or continuing any law, regulation, or requirement regarding (1) the percentage of milk solids or solids not fat in fluid milk products sold at retail or marketed in the State of California; or (2) the labeling of such fluid milk products with regard to milk solids or solids not fat. (Section 204)

The Senate amendment has no provision.

The Conference substitute adopts the House provision. The conference-adopted bill provides that one of the purposes of the Food and Agriculture and nutrition administration is to assure that the preemption provisions of any Federal law respecting standards of identity and labeling for fluid milk provided that the State of California has had a system for requiring fortified fluid milk since the early 1960’s. These fluid milk standards were adopted by the State legislature and are in any event otherwise limit the authority of the State of California from establishing or continuing any law, regulation, or requirement concerning sales under the Dairy Export Incentive Program (DEIP), it is the intent of the Managers to put to rest any inter-agency disputes over the program. It is the Managers’ understanding that the DEIP will use only about 50,000 to 60,000 tons of the 150,000 tons authorized under the Uruguay Round agreement during this year. It is also the Managers’ understanding that during the first five years of implementation of the Uruguay Round agreement, the United States will be allowed to carry over unused DEIP tonnage under the cumulation rules set out in Article 9, Section 2(b) of the WTO Agreement on Agriculture. The Managers recognize that there is a strong desire upon the part of many that the dairy title have a strong export orientation.

The Managers instruct the Department along with the Office of the U.S. Trade Representative to carry over all unused DEIP tonnage in the first and all subsequent years of the Uruguay Round agreement in accordance with WTO cumulation rules. (Section 148)

(42) Authority to assist in establishment and maintenance of one or more export trading companies

The House bill requires the Secretary to provide the dairy industry assistance to establish and maintain one or more export trading companies. (Section 492)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with a technical amendment. (Section 149)

(44) Study and report regarding potential impact of Uruguay Round on prices, income and government purchases

The House bill directs the Secretary to determine the impact on milk prices of adding limits of cheese as a result of the Uruguay Round Agricultural Agreement. (Section 494)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment that any limitation imposed by Congress regarding studies or reports shall not apply with respect to this section. (Section 151)

(45) Promotion of United States dairy products in international markets through dairy promotion programs

The House bill requires that no less than 10 percent of the funds available for the Dairy Promotion Program shall be available for development of international markets. (Section 495)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment that market development discretionary. (Section 152)

(46) Quota peanuts

The House bill, in Section 106(a) provides nonrecourse loans to quota peanut producers at five cents per ton, and directs the Secretary to reduce the loan rate by 5 percent to any producer in the current marketing year who had...
an offer from a handler to purchase quota peanuts at quota support rate or higher but not opted to place their peanuts under loan in stead.

The Senate amendment is identical except that it contains no provision directing the Secretary to reduce the loan rate by 5 percent.

The Conference substitute adopts the House provision, with an amendment in lieu of the 5 percent loan reduction provision, providing that an individual producer who markets his peanut crop, or a handler who determinates a handler provided the producer with a written offer, upon delivery, for at least quota support price, shall become ineligible for quota support price for the next marketing year. The Secretary shall establish the means by which any decision regarding ineligibility for quota price support may be appealed.

(Section 155a)

Additional peanuts

The House bill, in Section 106(b) provides nonrecourse loans to producers of additional peanuts at such rates as the Secretary finds appropriate. The Senate amendment contains an identical provision.

The Conference substitute adopts the House provision with a technical amendment.

(155b)

Area marketing Associations

The House bill, in Section 106(c) directs the Secretary to make price support loans available through area marketing associations via warehouse storage loans, where appropriate, and provides that administrative costs by an area marketing association shall be included in the loan. The Senate amendment is directed to require area marketing associations to establish and maintain pools for quota peanuts, with separate pools for New Mexico Valencia peanuts, and that net gains from each pool shall be distributed only to producers in the pool.

The Senate amendment contains a similar provision except that only peanuts physically produced in New Mexico may participate in the New Mexico pool. A New Mexico resident may enter an amount of Valencia peanuts into the New Mexico pool that does not exceed the out-of-state quantity entered in 1995.

The Conference substitute adopts the Senate provision with amendment that allows producers who participated in the New Mexico pool with Valencia peanuts grown in Texas during the 1990 through 1995 crop years to continue to participate in that pool. However, the quantity of Valencia peanuts grown outside of New Mexico that can be placed in the New Mexico pool is limited to the 1995 through 2002 average of Texas grown Valencia peanuts that a producer placed in the pool. The quantity of Texas produced Valencia peanuts allowed to enter the New Mexico pool is limited to the 1990 through 1995 average of Texas grown Valencia peanuts that a producer placed in the pool.

The Conference substitute adopts the Senate provision with amendment that allows additional peanuts sold for domestic edible use with an amendment that loan redemption profits from farms with one acre or less are exempt.

Assessments are to be increased on all quota peanuts, by production area, including those commercially marketed. The Managers intend that the Secretary shall review and consider the marketability of the various areas and add or delete area assessment differentials for the 1997 and subsequent peanut crops, and to make appropriate adjustments. The sheller budget deficit assessment funds shall be used to offset the national cross compliance. (Section 155c)

Quality improvement

The Conference substitute adopts the House provision. (Section 155e)

Quality improvement

The House bill, in Section 106(f) directs the Secretary to continue to promote quality improvement of peanuts. The Senate amendment contains an identical provision.

The Conference substitute adopts the House provision. (Section 155f)

Marketing assessment

The Conference substitute adopts the House provision, with a technical amendment to "change the effective date of quota eligibility effective beginning with the 1996 crop" to "the 1996 through 2002 marketing years." The Conference substitute adopts the House provision with a technical amendment.

(57) Disaster transfer

Section 106(i), in paragraph (6), eliminates Section 358-1(a)(1) of the 1938 Act relating to farm poudnage quota transfer. Amended section 358-1(a)(1) allows farm poudnage quota to be transferred, either by the grower during the normal planting season, to any other owner or operator of a farm in the same State. Current provisions requiring 90 percent of a farmer's quota to be considered planted before a fall (or after the normal planting season) transfer is allowed are maintained.

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision, with necessary conforming changes to other sections.

(56) Undermarkets

Section 106(i), in paragraph (6), eliminates undermarkets by deleting paragraphs (8) and (9) of section 358-1b of the 1938 Act, with necessary conforming changes to other sections.

The Senate amendment contains an identical provision.

The Conference substitute adopts the House provision with a technical amendment.

(155i)

(54) Disaster transfer

Section 106(i), in paragraph (7), adds a new paragraph (8) to amended section 358-1b of the 1938 Act which authorizes the transfer of additional peanuts to a quota loan pool in

owners or controlled by municipalities, airport authorities, schools, colleges, refuges, and other public entities (not including universities for research purposes); or for farms for which the crop is planted, equal to the number of pounds of seed peanuts planted for the farm that shall be made to the producers for the 1996 through 2002 marketing years, in addition to the sheller budget deficit assessment funds attributable to handlers.

The Conference substitute also provides that the Secretary shall review and consider the marketability of the various areas and add or delete area assessment differentials for the 1996 through 2002 marketing years, in addition to the sheller budget deficit assessment funds attributable to handlers.

The Conference substitute also provides that the Secretary shall review and consider the marketability of the various areas and add or delete area assessment differentials for the 1996 through 2002 marketing years, in addition to the sheller budget deficit assessment funds attributable to handlers.
cases in which quota poudrage was not har-vested and marketed because of drought, flood, or any other natural disaster, except that the such peanuts shall be supported at 70 percent of the loan rate for support rate, and such transfers shall not exceed 25 percent of the total farm quota pounds.

The Senate amendment contains a similar provision for the first processors of raw cane sugar to remit to CCC nonrefundable marketing assessment for each pound of raw cane sugar equal to 11 percent of the loan rate for fiscal year 1996 (1.375 percent for 1997 through 2003) while first processors of raw cane sugar rate are remit to CCC a marketing assessment of 1.1794 percent for fiscal year 1996 (1.47425 percent for 1997 through 2003), on all marketings. Assessment may be collected on a daily basis, except that any inventory which has not been marketed by September 30 of a fiscal year shall be assessed at that point, except that the latter sugar shall not be assessed later when it is marketed. Any person who fails to remit the assessment is liable for a penalty based on the quantity of the sugar involved in the violation times the applicable loan rate at the time of violation. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with technical amendments. (Section 155(f))

(63) Forfeiture penalty

The House bill, in Section 107(g) provides for an additional penalty (1 cent per pound on cane sugar, pro rata on beet sugar) to be assessed on the forfeiture of any sugar pledged as collateral for a loan. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with technical amendments. (Section 155(h))

(64) Information reporting

The House bill, in Section 107(h) requires processors and refiners to report to such information to the Secretary as is required in order to administer the program. A penalty applies for failure to report, and the Secretary is required to monthly reports on pertinent sugar production, imports, distribution, and stock levels. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with technical amendments. (Section 155(i))

(65) Marketing allotments

The House bill, in Section 107(i) repeals marketing allotments for sugar, contained in Part VII of subtitle B of title III of the 1938 Act. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with a technical amendment. (Section 155(j))

(66) Agriculture

The House bill, in Section 107(j) repeals marketing allotments for sugar, contained in Part VII of subtitle B of title III of the 1938 Act. The Senate amendment contains an identical provision.

The Conference substitute adopts the Senate provision with an amendment to strike the provision.

SUBTITLE E—ADMINISTRATION

(67) Administration

The House bill, in Section 108 directs the Secretary to use CCC to carry out this title, and prohibits the Secretary from using any CCC funds for salaries or expenses of any officer or employee. The Senate amendment is similar but prohibits the use of CCC funds for salaries and expenses of the Secretary or any officer or employee.

The Conference substitute adopts the Senate provision with an amendment to the CCC. The Senate amendment is similar but no longer has inherent authority to purchase personal property; (2) for fiscal year 1996, CCC spending for equipment or services relating to automated data processing, information technologies, or related items (including telecommunications equipment and computer hardware or software) be limited to not more than $170 million; (3) for fiscal years 1997 through 2002, CCC spending on such items be limited to not more than $275 million.

REPORTING REQUIREMENTS

After date of enactment, the Managers expect the Assistant Secretary for Administration, or the USDA Chief Information Officer (if one has been placed in that position pursuant to the Information Technology Reform Act of 1996) to provide the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry with quarterly reports on the expenditure of CCC funds under the Charter Act. The House bill expenditures under reimbursable agreements, for administrative, automated data processing, information technology, and telecommunications programs (including contracts with vendors for such products or support services. The Managers expect the report to itemize expenditures in excess of $500,000, including any expenditures for similar products or services that, when aggregated, exceed $10,000. The first quarterly reports should also itemize all expenditures for fiscal year 1996, and the report should include aggregated expenditures for each category of product or service from the previous report. The Managers direct the Secretary to ensure that all reports are audited by the USDA Chief Financial Officer pursuant to the Financial Managers Integrity Act, the Government Performance and Results Act, and according to CFO Standards and Conventions.

REIMBURSABLE AGREEMENTS

The Managers expect the Secretary to incorporate funding for reimbursable agreements within the annual budget beginning in fiscal year 1997. The Secretary should use every means at its disposal to establish line items for reimbursable agreements in future budgets. (Section 161)

(68) Adjustment of loans

The House bill, in Section 104(h) provides general authority for the Secretary to use the Commodity Credit Corporation ("CCC") and other means available to carry out the loan authorities by this section, and directs the Secretary to get adequate processor assurances that producers will get loan program benefits whenever a loan program includes payments to processors. The Managers expect the Assistant Secretary for Administration to make appropriate adjustments in loan levels based on grade, type, quality, location, and other factors. The Managers expect the Assistant Secretary for Administration to make appropriate adjustments in loan levels based on grade, type, quality, location, and other factors. The Managers expect the Assistant Secretary for Administration to make appropriate adjustments in loan levels based on grade, type, quality, location, and other factors. The Managers expect the Assistant Secretary for Administration to make appropriate adjustments in loan levels based on grade, type, quality, location, and other factors.
Section 104(k) provides authority for CCC to sell any inventory commodities at any price that the Secretary determines will maximize returns to CCC, except that this authority does not apply to: (A) for new or byproduct uses; (B) of peanuts or oilseeds (if used for oil); (C) for seed if the sale will not impair a loan price; and (D) of deteriorated-quality commodities that are in danger of spoiling. 

(E) for the purpose of establishing a claim arising out of a fraudulent or other wrongful act pursuant to a contract; 

(F) for export; or 

(G) for other than a primary use. 

The Secretary is authorized to make CCC-owned commodities available in any Presidential disaster area. 

The Senate amendment contains a similar provision for technical differences. 

The Conference substitute adopts the House position. 

The Managers agreed to include an amendment that allows the Secretary to establish county loan rates so that the lowest county rate is 56 percent of the national average loan rate. This shall be done only if such action is found necessary to meet additional outlays. (Sections 162, 164, and 165) 

The Managers are concerned that the procedures used by USDA to establish county wheat and corn loan rates and posted-county-prices (PCP) may be outdated. The Managers expect USDA to evaluate whether improvements are warranted and to implement such changes before establishing 1997 crop-county loan rates. 

(69) Commodity Credit Corporation interest rate. 

The House bill, in Section 403 provides that the interest rate charged by CCC on loans for agricultural commodities shall be 100 basis points greater than the rate established by the formula in effect on October 1, 1995. 

The Senate amendment contains an identical provision. 

The Conference substitute adopts the Senate provision. (Section 163) 

SUBTITLE F—SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY 

(70) Suspension and repeal of permanent authorities. 

The House bill, in Section 109 repeals the Agricultural Act of 1949 (certain necessary sections are transferred to the 1988 Act), and makes required conforming amendments. 

The Senate amendment, in Paragraph (1) of Section 109(a) suspends the following provisions of the Agricultural Act of 1949 for crop years 1996 through 2002: 

(A) acreage allotments for corn, marketing quotas for wheat, marketing quotas for cotton and marketing quotas for rice; 

(B) marketing quotas for peanuts; 

(C) sale, lease and transfer of peanut acreage allotments; 

(D) marketing penalties for peanuts; 

(E) issuance of quotas for sugar and crystalline fructose; 

(F) publication and review of peanut quotas; 

(G) preservation of unused cotton allotments; 

(H) wheat marketing allocation; and 

(I) omitted cotton marketing certificates. 

Paragraph (1) of Section 109(b) suspends the following provisions of the Agricultural Act of 1949 for crop years 1996 through 2002: 

(A) parity price support for major agricultural commodities; 

(B) parity price support for cotton; 

(C) parity price support for grains; 

(D) parity price support for wheat; and 

(E) actuarial adjustments. 

(F) Agriculture commodities utilization program; 

(G) commodity certificates; 

(H) parity price support for nonbasic agricultural commodities; 

(I) price support provisions not consistent with the Agriculture Market Transition Program; 

(J) acreage base and yield system; and 


Paragraph (2) of Section 109(b) repeals the following provisions of the Agricultural Act of 1949: 

(A) loans, payments and acreage reduction programs; 

(B) peanut price support; 

(C) supplemental set-aside authority; 

(D) deficiency and land diversion payments; 

(E) oilseed loans and payments, sugar price support and honey price support; and 

(F) advance announcement of price support levels. 

Section 109(c) suspends certain quota provisions for wheat and corn. 

The Conference substitute adopts the Senate provision with technical amendments and an amendment that dairy price support under the 1988 Agricultural Adjustment Act shall be suspended through December 31, 2002. The Managers intend for USDA to provide for an orderly termination of the Emergent Livestock Feed Program so that livestock producers within a county are treated consistently. For a period not to exceed thirty days after enactment of this bill, USDA should adopt alternative applications for assistance under this program in counties where producers have already been approved for 1996 Livestock Feed Program assistance prior to the date of enactment. (Section 171) 

(71) Effect of amendments. 

The House bill, in Section 110 provides that the amendments made by this Act shall not affect the authority of the Secretary to carry out the 1991 through 1995 production adjustment programs in effect before this Act. 

The Senate amendment contains an identical provision. 

The Conference substitute adopts the Senate provision. (Section 172) 

The Managers agreed to include an amendment that the Secretary shall seek to reduce paperwork and regulatory burdens of producers. Therefore, the Managers intend that in conducting year-end reviews of the regulations of the regulation, the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate (in consultation with the ranking minority member), and the man of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the House of Representatives (in consultation with the ranking minority member). 

The Managers agreed to include an amendment that allows the Secretary to establish county loan rates so that the lowest county rate is 56 percent of the national average loan rate. This shall be done only if such action is found necessary to meet additional outlays. (Section 162, 164, and 165) 

The Managers are concerned that the procedures used by USDA to establish county wheat and corn loan rates and posted-county-prices (PCP) may be outdated. The Managers expect USDA to evaluate whether improvements are warranted and to implement such changes before establishing 1997 crop-county loan rates. 

(69) Commodity Credit Corporation interest rate. 

The House bill, in Section 403 provides that the interest rate charged by CCC on loans for agricultural commodities shall be 100 basis points greater than the rate established by the formula in effect on October 1, 1995. 

The Senate amendment contains an identical provision. 

The Conference substitute adopts the Senate provision. (Section 163) 

SUBTITLE G—COMMISSION ON 21ST CENTURY PRODUCTION AGRICULTURE 

(72) Commission on 21st century production agriculture. 

The House bill, in Title VI, establishes a commission to be known as “Commission on 21st Century Production Agriculture.” 

Section 502—Composition 

Subsection (a). Membership and appointment. 

Subsection (a) of this section requires that the Commission be composed of eleven members: three members appointed by the President; four members appointed by the Chairman of the Committee on Agriculture of the House of Representatives (in consultation with the ranking minority member); and four members appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate (in consultation with the ranking minority member). 

Subsection (b). Qualifications. 

Subsection (b) requires that the qualifications required of the persons appointed to the Commission. At least one member appointed by each the President, the Chairman of Committee on Agriculture of the House of Representatives, and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate shall be an individual who is primarily involved in production agriculture. All other members appointed to the Commission must have knowledge and experience in agriculture production, marketing, finance, or trade. 

Subsection (c). Term of members; vacancies. 

Subsection (c) requires that the appointment to the Commission be for the life of the Commission. It also directs that a vacancy on the Commission shall not affect the Commission's power and function in the same manner as the original appointment. 

Subsection (d). Time for appointment; first meeting. 

Subsection (d) requires that the members of the Commission be appointed no later than October 1, 1997 and that the Commission convene its first meeting 30 days after six members of the Commission have been appointed. 

Subsection (e). Chairman. 

Subsection (e) requires that the chairman of the Commission be designated jointly by the Chairman of the Committee on Agriculture of the House of Representatives and the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate from among the members of the Commission. 

Section 503—Comprehensive review of past and future of production agriculture 

Subsection (a). Initial review. 

Subsection (a) of this section requires the Commission to conduct a comprehensive review of changes in the condition of production agriculture in the United States subsequent to the date of enactment of this Act and the extent to which such changes are the result of the changes made by this Act. This review shall include: (1) the assessment of the initial success of market transition contracts in supporting the economic viability of farming in the United States; (2) the assessment of the food security situation in the United States in the areas of trade, consumer prices, international competitive position, United States production of food, supplies, and humanitarian relief; (3) an assessment of the changes in farm land values and agricultural producer incomes; (4) an assessment of the changes in the production scale and profitability of agricultural producers that has been enacted and implemented, including the application of cost/benefit principles in the issuance of agricultural regulations; (5) an assessment of the food security situation in the United States as a result of the changes made by this Act. This view of changes in the condition of production agriculture in the United States shall be taken into consideration in conducting the future of production agriculture in the United States and the appropriate role of the Federal Government in support of production agriculture. This view shall include: (1) an assessment of the condition of production agriculture in the United States since the initial review under subsection (a); (2) an identification of the appropriate future relationship of the Federal Government with production agriculture after 2002; and
Section 507 ¿ Personnel matters

(a) Classes of personnel. The Commission may appoint a staff director. The staff director’s basic rate of pay shall not exceed the rate provided for under section 5376 of title 5, United States Code. The Commission may appoint such professional and clerical personnel as may be necessary to enable the Commission to carry out its duties without regard to the provisions governing appointments in the competitive service, title 5, United States Code, and provisions relating to the number, classification, and General Schedule rates in chapter 51 and subchapter III of chapter 53 of title 5 of such Code. No employee appointed by the Commission (other than the staff director) may be compensated at a rate exceeding the maximum rate applicable to level V of the General Schedule.

(b) Compensation and benefits. In accordance with section 4302 of title 5, United States Code, the Commission shall establish a competitive civil service system for employees, which may consist of a competitive service, a noncompetitive service, or any combination of competitive and noncompetitive services. (Sec- tion 191 and 192)

(3) an assessment of the manpower and infrastructure requirements of the Department of Agriculture necessary to support the future relationship of the Federal Government with production agriculture identified under subsection (a)(2).

Subsection (a) of this section requires that by January 1, 2001, the Commission submit a report containing the results of the initial review conducted under section 1903(b) to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subsection (b) requires that not later than April 1, 2001, the Commission submit a report containing the results of the subsequent review conducted under section 1903(b) to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Section 506 ¿ Powers

(a) Hearings. The Commission may hold public hearings on matters within its jurisdiction, take testimony, receive evidence, and act in a manner the Commission considers appropriate to carry out the purposes of this Act.

(b) Assistance from other agencies. The Commission may request, and the head of any department or agency of the Federal Government any information necessary to carry out its duties under this title. The head of such department or agency shall furnish information requested by the chairman of the Commission, to the extent permitted by law.

Subsection (c) authorizes the Commission to use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

Subsection (d) authorizes the Secretary of Agriculture to provide information, at the request of the Commissio

Section 506 ¿ Procedure

(a) Meetings. Subsection (a) of this section requires that the Commission meet on a regular basis. The frequency of such meetings shall be determined by the chairman or a majority of its members. The chairman, or a majority of the members, must meet upon the call of the chairman or a majority of the members.

(b) Quorum. Subsection (b) provides that a majority of the members of the Commission must be present to produce a quorum for transacting the business of the Commission.

Section 507 ¿ Personnel matters

(a) Classes of personnel. The Commission may appoint a staff director. The staff director’s basic rate of pay shall not exceed the rate provided for under section 5376 of title 5, United States Code. The Commission may appoint such professional and clerical personnel as may be necessary to enable the Commission to carry out its duties without regard to the provisions governing appointments in the competitive service, title 5, United States Code, and provisions relating to the number, classification, and General Schedule rates in chapter 51 and subchapter III of chapter 53 of title 5 of such Code. No employee appointed by the Commission (other than the staff director) may be compensated at a rate exceeding the maximum rate applicable to level V of the General Schedule.

(b) Compensation and benefits. In accordance with section 4302 of title 5, United States Code, the Commission shall establish a competitive civil service system for employees, which may consist of a competitive service, a noncompetitive service, or any combination of competitive and noncompetitive services. (Section 191 and 192)

(3) an assessment of the manpower and infrastructure requirements of the Department of Agriculture necessary to support the future relationship of the Federal Government with production agriculture identified under subsection (a)(2).

Subsection (a) of this section requires that by January 1, 2001, the Commission submit a report containing the results of the initial review conducted under section 1903(b) to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

Subsection (b) requires that not later than April 1, 2001, the Commission submit a report containing the results of the subsequent review conducted under section 1903(b) to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate.
Planting requirement

The Senate amendment amends section 508(f) of the Federal Crop Insurance Act to require the Corporation to consider marketing windows in determining whether it is feasible to require planting during a crop year. (Section 502(e))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment (Section 493(e)).

The Senate amendment repeals an unused provision (Section 103).

The Conference substitute adopts the Senate amendment. (Section 204)

(1) Food aid to developing countries

The House bill relocates a Sense of Congress resolution on the importance of food aid from section 411 of the Uruguay Round Agreements Act to section 3 of the Agricultural Trade and Development Act of 1991.
The Conference substitute adopts the Senate amendment. (Section 206)

(7) Eligible organizations

The House bill amends Section 202(b) of P.L. 480 to prohibit the Administrator of the Agency for International Development (AID) from denying a request for commodities under Title II by PVOs or other eligible organizations to carry out a program merely because the organization does not maintain a mission in the country in which the program will be carried out.

The House bill also amends Section 202(e) of P.L. 480 to allow the ten percent of local currency proceeds set aside for use in the recipient country for rural development, education or making intergovernmental organizations (e.g., the World Food Program) eligible for such funds.

The Senate amendment is similar except that it requires private voluntary organizations and cooperatives to submit requests for funds. (Section 207)

The Conference adopts the Senate amendment with a technical change requiring that eligible organizations submit requests for funds. (Section 208)

(8) Generation and use of foreign currencies

The House bill amends Section 203 of P.L. 480 to allow local-currency proceeds from Title II commodity sales to be used in a country different from the one in which the commodities were sold, as long as it is in the same geographic region where sales in the targeted country would be impracticable.

The section also increases from ten percent to fifteen percent the minimum amount of non-emergency Title II commodities that the Administrator must allow to be sold for local currencies. (Section 417)

The Senate amendment is identical. (Section 208)

The Conference substitute adopts the House provision. (Section 209)

(9) General levels of assistance under P.L. 480

The House bill amends Section 204(a) of P.L. 480 to extend through 2002 the 1995 minimum tonnage levels for both overall assistance and non-emergency assistance under Title I. The House bill also provides that AID is prohibited from waiving the non-emergency minimum tonnage requirement before the beginning of a fiscal year. (Section 418)

The Senate amendment is identical. (Section 209)

The Conference substitute adopts the House provision with an amendment requiring that at least 50 percent of bagged commodities programmed under Title II be bagged in the U.S. (Section 209)

(10) Food aid consultative group

The House bill amends section 205 of P.L. 480 to extend an existing consultative group on food aid through 2002; to require that the group meet at least twice per year; and to require that an agricultural producer be a member of the group. Agricultural trade organizations are also made eligible for participation. (Section 419)

The Senate amendment is identical. (Section 210)

The Conference substitute adopts the Senate amendment. (Section 210)

(11) Commodity determinations

The House bill amends Section 406 of P.L. 480 to allow the ten percent of local currency proceeds set aside for use in the recipient country for rural development, education or making intergovernmental organizations that are not indigenous. A conforming amendment is made in the definition of non-governmental organization in Section 402(g) of P.L. 480. (Section 420)

The Senate amendment is identical. (Section 211)

The Conference substitute adopts the House provision. (Section 211)

(12) Commodity determinations

The House bill amends Section 401 of P.L. 480 to simplify the process by which the Secretary determines which commodities are eligible for P.L. 480 (the docket authority), while retaining the same basic standards for commodity eligibility as at present. The formal requirements for a determination of commodity availability are eliminated. (Section 421)

The Senate amendment is identical. (Section 212)

The Conference substitute adopts the Senate amendment. (Section 212)

(13) General provisions

The House bill amends Section 403 of P.L. 480 to delete requirements for the U.S. to consult with several specific international organizations. (Section 422)

The Senate amendment is identical. (Section 213)

The Conference substitute adopts the House provision. (Section 213)

(14) Agreements

The House bill amends Section 404 of P.L. 480 to make several conforming changes and to clarify the authority for multi-year agreements under Titles I and III is discretionary, but mandatory for Title II. (Section 423)

The Senate amendment is identical. (Section 214)

The Conference substitute adopts the Senate amendment. (Section 214)

(15) Use of Commodity Credit Corporation

The Senate amendment amends Section 406 of P.L. 480 to make technical changes to administrative provisions of P.L. 480 and to make conforming changes. (Section 215)

The Senate bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 215)

(16) Administrative provisions

The Senate bill makes technical changes to Section 407 of P.L. 480. The Secretary and the Administrator are also given discretion in establishing the terms for freight contracts under Title I and Titles II and III, respectively, as under current practice. Additional conforming changes are made and two required annual reports are combined. (Section 424)

The Senate amendment is identical. (Section 216)

The Conference substitute adopts the House provision with a grammatical correction. (Section 216)

(17) Expiration

The House bill amends Section 408 of P.L. 480 to extend authority to enter into agreements for P.L. 480 programs through 2002. (Section 425)

The Senate amendment is identical. (Section 217)

The Conference substitute adopts the Senate amendment. (Section 217)

(18) Regulations

The House bill repeals Section 409 of P.L. 480, which required regulations to be issued following enactment of the 1990 farm bill. (Section 426)

The Senate amendment is identical. (Section 218)

The Conference substitute adopts the House provision. (Section 218)

(19) Independent evaluation of programs

The House bill repeals Section 410 of P.L. 480, which required General Accounting Of-
The Senate amendment allows for the travel of foreign farmers and other professionals to the United States. (Section 224)

The Conference substitute adopts the House provision with an amendment allowing for current and future credits authorized through P.L. 480, Section 416 and Food for Progress to meet the costs of the Farmer-to-Farmer program. (Section 224)

(25) Food Security Commodity Reserve

The Senate amendment is similar to the House bill on the establishment and replenishment of the reserve. The Senate amendment provides that the Secretary may release eligible commodities from the reserve for emergency food assistance to developing countries when quantities of eligible commodities are so limited that eligible commodities cannot be made available at a substantial discount. Additionally, up to one million metric tons may be released annually from the reserve for urgent humanitarian relief operations. (Section 225)

The Conference substitute adopts the Senate amendment. (Section 226)

(26) Protein byproducts derived from alcohol fuel production

The Senate amendment repeals an obsolete provision (section 1208 of the Agriculture and Food Act of 1981) requiring an investigation and report on the use of protein byproducts in aid programs. (Section 226)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 226)

(27) Food for Progress Program

The Senate amendment is similar to the House amendment. The Senate amendment repeals the requirement for the Secretary to make annual reports to Congress on the use of food for progress funds. (Section 227)

The Conference substitute adopts the Senate amendment. (Section 227)

(28) Stimulation of foreign production

The Senate amendment repeals an unused provision of law (section 7 of the Act of December 30, 1947) providing for the coordination of efforts between the Secretary and the Commodity Credit Corporation to stimulate foreign production through donations and similar efforts. (Section 228)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 228)

(29) Implementation of commitments under Uruguay Round agreements

The Senate amendment repeals an obsolete provision (section 402 of the Mutual Security Act of 1954) dealing with Uruguay Round agreements. (Section 229)

The Conference substitute adopts the Senate amendment. (Section 229)

SUITE BÐAMENDMENTS TO THE AGRICULTURAL TRADE ACT OF 1978

(30) Agricultural export promotion strategy

The Senate amendment repeals an unused provision of law (section 7 of the Act of December 30, 1947) providing for the coordination of efforts between the Secretary and the Commodity Credit Corporation to stimulate foreign production through donations and similar efforts. (Section 228)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 229)

The Conference substitute adopts the House provision with an amendment revising the strategy's goals and striking the sunset of export program authority if goals are unmet, while adding a Sense of Congress resolution calling on the Senate and House agrieconomic committees to conduct a thorough review of export promotion and food aid programs not later than 1998. (Section 241)

(31) Export credits

The Conference substitute adopts the Senate provision by amendment. (Section 202)

The Conference substitute adopts the Senate amendment. (Section 222)

(1) to authorize credit guarantees under GSM-102 in connection with a sale to a buyer in a foreign country (supplier credits) on terms of not more than 180 days;

(2) to list criteria that may be used by the Secretary in deciding whether a country is creditworthy for GSM-103 intermediate credit guarantees;

(3) to allow credit guarantees to be used with long-term bank financing in cases where the lettering of the credit is located in a country other than the importing country;

(4) to require that minimum amounts of credit guarantees be set aside for low- and high-value products: 25% in 1996 and 1997, 30% in 1998 and 1999, and 35% thereafter, except that the minimum requirement is not applicable to credit guarantees for total commodity sales under the programs;

(5) to extend current cumulative funding levels for GSM-102 and GSM-103 but allow flexibility in how much is made available for each program; and

Subsection (d) requires the Secretary to identify priority markets with respect to the export strategy and to identify the overseas offices of the Foreign Agricultural Service that will provide assistance in implementing the strategy. (Section 241)

The prior requirement for the Long-term Agricultural Trade Strategy Report is repealed. (Section 451)

The Senate amendment is identical. (Section 241)

The Conference substitute adopts the House provision with an amendment revising the strategy's goals and striking the sunset of export program authority if goals are unmet, while adding a Sense of Congress resolution calling on the Senate and House agrieconomic committees to conduct a thorough review of export promotion and food aid programs not later than 1998. (Section 241)

The Conference substitute adopts the Senate provision by amendment. (Section 202)

The Conference substitute adopts the Senate amendment. (Section 222)

(32) Export credits

The Conference substitute adopts the Senate provision by amendment. (Section 202)

The Conference substitute adopts the Senate amendment. (Section 222)

(1) to authorize credit guarantees under GSM-102 in connection with a sale to a buyer in a foreign country (supplier credits) on terms of not more than 180 days;

(2) to list criteria that may be used by the Secretary in deciding whether a country is creditworthy for GSM-103 intermediate credit guarantees;

(3) to allow credit guarantees to be used with long-term bank financing in cases where the lettering of the credit is located in a country other than the importing country;

(4) to require that minimum amounts of credit guarantees be set aside for low- and high-value products: 25% in 1996 and 1997, 30% in 1998 and 1999, and 35% thereafter, except that the minimum requirement is not applicable to credit guarantees for total commodity sales under the programs;

(5) to extend current cumulative funding levels for GSM-102 and GSM-103 but allow flexibility in how much is made available for each program; and

Subsection (d) requires the Secretary to identify priority markets with respect to the export strategy and to identify the overseas offices of the Foreign Agricultural Service that will provide assistance in implementing the strategy. (Section 241)

The prior requirement for the Long-term Agricultural Trade Strategy Report is repealed. (Section 451)

The Senate amendment is identical. (Section 241)

The Conference substitute adopts the House provision with an amendment revising the strategy's goals and striking the sunset of export program authority if goals are unmet, while adding a Sense of Congress resolution calling on the Senate and House agrieconomic committees to conduct a thorough review of export promotion and food aid programs not later than 1998. (Section 241)
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(6) to allow credit guarantees for high-value products with at least 90% U.S. content by weight, allowing for spices and other components that are sometimes of foreign origin.

The Senate amendment is identical. (Section 242)

The Conference substitute adopts the Senate provision with an amendment for fiscal year 1996 to export wheat flour similar to previous years, although the U.S. share of the world flour market has declined. The most recent wheat flour exports under the Export Enhancement Program were last made August 1995. The Managers encourage the Administration to resume exporting customarily quantities of flour through the Export Enhancement Program. Intermediate products are principally semi-processed products in the intermediate stage of the food chain such as wheat flour and vegetable oil.

The Senate amendment is identical. (Section 243)

(33) Market Promotion Program

The Managers expect the Secretary to target such relief so that farmers affected by the embargo will receive relief. The Managers intend that for purposes of this section, "agricultural products" shall have the same meaning as for purposes of the GSM-102 export credit guarantee program and similar authorities. (Section 249)

(40) Foreign Agricultural Service

The Conference substitute adopts Section 503 of the Agricultural Trade Act of 1978 to change the basic mission areas of the Foreign Agricultural Service to reflect the 1993 merger of FAS with the Office of Food Aid and Development. (Section 456)

The Senate amendment is identical. (Section 246)

The Conference substitute adopts the Senate amendment. (Section 250)

(41) Reports

The Conference substitute adopts the Senate amendment which deletes the House provision.

(36) Arrival certification

The Conference substitute adopts the Senate amendment which deletes the House provision.

(38) Regulations

The Conference substitute adopts the Senate amendment. (Section 246)

(39) Trade Compensation and Assistance Program

The Senate amendment requires that if a unilateral export embargo is imposed on any country in the future, and if no other country joins the U.S. sanctions within six months, the Secretary must increase Commodity Credit Corporation funding for food assistance and export promotion programs by an amount equal to ninety percent of the most recent three years' average agricultural export advertising and promotion. The expanded assistance would be provided for the shorter of two years or the duration of the embargo. The Senate amendment also states that compensation will not be provided if a country with an "agricultural economic interest" joins the U.S. sanctions within ninety days, and makes an exception to the application of this section in case of war or armed hostilities.

The Conference substitute adopts the Senate amendment. (Section 262)

The Conference substitute adopts the Senate amendment. (Section 253)

(42) Foreign Market Development Cooperator Program

The Conference substitute adopts the Senate amendment. The Conference substitute adds to the more generally expressed authority for the Foreign Market Development cooperator program currently found in the Agricultural Trade Act of 1978 and related provisions of law, and more importantly spell out that the Foreign Market Development cooperator program is to be carried out by the U.S. Department of Agriculture in cooperation with eligible trade organizations, through multi-year contracts or agreements under which cost-share assistance is provided to such organizations. (Section 250)

SUBTITLE C—MISCELLANEOUS

(43) Reporting requirements relating to tobacco

The Managers encourage the Administration to target such relief so that farmers affected by the embargo will receive relief.

The Conference substitute adopts the Senate amendment. (Section 262)

The Conference substitute adds to the generally expressed authority for the Foreign Market Development cooperator program currently found in the Agricultural Trade Act of 1978 and related provisions of law, and more importantly spell out that the Foreign Market Development cooperator program is to be carried out by the U.S. Department of Agriculture in cooperation with eligible trade organizations, through multi-year contracts or agreements under which cost-share assistance is provided to such organizations. (Section 250)

The Conference substitute adopts the Senate amendment. (Section 253)

The Conference substitute adopts the Senate amendment. (Section 262)

(44) Triggered export enhancement

The Conference substitute adds to the more generally expressed authority for the Foreign Market Development cooperator program currently found in the Agricultural Trade Act of 1978 and related provisions of law, and more importantly spell out that the Foreign Market Development cooperator program is to be carried out by the U.S. Department of Agriculture in cooperation with eligible trade organizations, through multi-year contracts or agreements under which cost-share assistance is provided to such organizations. (Section 250)
farm program provisions that were conditioned on failure to achieve a Uruguay Round agreement by specified dates. The provisions expired with the 1995 crops. (Section 485)

The Senate amendment is identical. (Section 255)

The Conference substitute adopts the House provision. (Section 263)

Policy on maintenance of export markets. (Section 266)

The House provision amends Section 416 of the Agricultural Act of 1949:

(1) to allow Commodity Credit Corporation funds to be used to cover administrative expenses of Section 416(b) overseas donation programs;

(2) to allow more flexibility in the length of time within which monetized proceeds must be expended;

(3) to eliminate a requirement for the Agency for International Development to respond to a proposal by nonprofit or voluntary agency or cooperative within certain deadlines;

(4) to eliminate obsolete requirements for the minute list of commodities to be made available in 1989, 1989, and 1990;

(5) to eliminate redundant statement of authority for the Secretary to dispose of surplus commodities through Title I of P.L. 480 or export bonus or promotion programs; and

(6) to eliminate an obsolete provision concerning the Philippines (Section 256).

The Conference substitute adopts the Senate amendment. The Managers note the importance of strong participation in international agricultural organizations, particularly with regard to monitoring use of sanitary and phytosanitary barriers, and the need to aggressively counter unfair foreign trade practices. (Section 267)

The Senate amendment is identical. (Section 258)

The Conference substitute adopts the Senate provision (Section 268).

Policy on trade liberalization. (Section 259)

The House provision amends the Agricultural Act of 1956:

(1) to eliminate an obsolete provision concerning the sale of Commodity Credit Corporation in 1956 (Section 202); and

(2) to eliminate an outdated statement requiring the issuance of regulations by specified dates. (Section 269)

The Senate provision is identical. (Section 266)

Agricultural aid and trade missions. (Section 260)

The House bill repeals authority for “debt-for-food” or “aid and trade missions” which were concluded several years ago. (Section 266)

The Conference substitute adopts the Senate amendment. (Section 270)

The Senate amendment is identical. (Section 262)

Agricultural trade negotiations. (Section 261)

The Conference substitute adopts the Senate provision. (Section 271)

Annual reports by agricultural attaches. (Section 263)

The House provision amends Section 254 of the Agricultural Act. (Section 272)

Agricultural aid and trade missions. (Section 260)

The House bill repeals a requirement for authorizing reports on agriculture and agricultural trade in U.S. aid and trade missions. (Section 268)

The Conference substitute adopts the Senate amendment. (Section 270)

Agricultural trade negotiations. (Section 261)

The Senate amendment is identical. (Section 262)

Agricultural aid and trade missions. (Section 260)

The Conference substitute adopts the Senate provision. (Section 268)

The Conference substitute adopts the Senate amendment. (Section 272)

Agricultural aid and trade missions. (Section 260)

The Conference substitute adopts the Senate amendment. (Section 266)

The Conference substitute adopts the Senate amendment. (Section 272)

Agricultural aid and trade missions. (Section 260)

The Conference substitute adopts the Senate amendment. (Section 266)

The Conference substitute adopts the Senate amendment. (Section 272)

Agricultural aid and trade missions. (Section 260)

The Conference substitute adopts the Senate amendment. (Section 266)
under the program, to give the Secretary more discretion in the use of experts from the United States, to clarify that funds that may be used to assist in the establishment of extension programs in newly independent states subject to a reasonable likelihood of success; 13) provide for alternative means of changing in-lieu payment regulations; 14) mandate that an employee of USDA's Office of the Assistant Secretary to continue overseeing and coordinating programs that assist in the establishment of extension programs in newly independent states subject to a reasonable likelihood of success; 12) provide for a technical difference. (Section 268)

The Senate amendment is identical. (Section 267)

The Managers find that without a stable food supply, emerging markets are subject to economic instability. Further, the development of agriculture infrastructure and technologies, and agricultural training are critical for new markets to further growth in the agricultural sector.

The Managers believe that the President may, where appropriate, utilize existing authorities to transfer agricultural technologies to, and conduct agricultural training for farmers and other agricultural professionals. In using these authorities, the President should develop criteria for the use of foreign agricultural fellowship programs by students from countries that are parties to the North American Free Trade Agreement, and:

(1) permit the President to use these authorities to establish fellowship programs for faculty exchanges, and to eliminate unused authority for the establishment of agricultural fellowship programs for students from countries that are parties to the North American Free Trade Agreement;

and:

(5) amending subsection (e) to state that a requirement for a report on foreign debt burdens is subject to a limitation of the number of reports required from the Department of Agriculture.

The bill also amends Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 in Subsection (b), which establishes the Cochran Fellowship Program by adding emerging markets to the list of types of countries that are eligible for the program. (Section 268)

The Senate amendment is identical except for a technical difference. (Section 269)

The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

The Managers also accepted an amendment requiring the President to continue U.S. membership and participation in the International Cotton Advisory Committee. The Managers have determined that participation in this body by the United States is crucial and should be continued. The President of the ICC is carried out through the Secretary of Agriculture and shall direct the U.S. Department of State to pay the annual dues to the United States to ICC from its appropriated accounts. The Secretaries shall direct the U.S. Department of State to pay the $1500 dues in a grant made in 1994. (Section 280)

The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate position with amendments that: 1) delete the current provision to extend the Cochran Fellowship Program as it did when it was OICD. Since the ICD merger with the Foreign Agriculture Service, emerging democracy funds may not be used to pay the salaries of emerging democracy program employees (i.e., Cochran program). The provision allows the Foreign Agriculture Service to transfer not more than $700,000 per fiscal year for salaries and expenses for program employees and no funds may be used for the purchase of computers or information technology systems.

The House bill has no comparable provision. (Section 283)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)

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The House bill has no comparable provision. (Section 270)

The Conference substitute adopts the Senate amendment. (Section 278)
The Conference substitute adopts the Senate provision with amendments that: 1) provide for a pilot program on mitigation banking; 2) require producers who are permitted to harvest wetlands which are frequently cropped, to maintain the cropland and permit a person to cease to use "farmed wetland" or "farmed wetland pasture"; 3) allow the Secretary of the Interior to approve the subsequent proposed conversion action prior to implementation, and; 4) the subsequent conversion action returns the site to wetland conditions at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation activity. The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with a technical amendment. The Managers intend the Secretary to permit a person to cease to use "farmed wetland" or "farmed wetland pasture" for agricultural purposes, allow them to return to wetland conditions and subsequently bring these lands back into agricultural production. The Managers have determined that these measurements for residue management purposes are appropriate.

The Conference substitute adopts the Senate provision on a nationwide basis. The Managers intend to require producers to convert the frequently cropped wetlands to wetland conditions at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation activity. The House bill contains no comparable provision.

The Senate amendment amends Section 1222 of the Food Security Act of 1985 to require that a producer who is violating conservation of the land or other circumstances be permitted to apply for and receive a new determination to allow them to return to wetland conditions at least equivalent to the wetland functions and values that existed prior to implementation of a voluntary wetland restoration, enhancement, or creation activity. The Managers intend that the Secretary should consider whether a voluntary request for a conservation compliance review will adversely impact the producer's future eligibility for the Conservation Reserve Program.

The Conference substitute adopts the Senate provision with a technical amendment. The Managers intend that the Secretary shall use these measurements to control wetland conversion practices. The Managers determine that this measurement is necessary to control wetland conversion practices.

The Conference substitute adopts the Senate provision with a technical amendment. The Managers intend that the Secretary shall use these measurements to control wetland conversion practices. The Managers determine that this measurement is necessary to control wetland conversion practices.
a crop on a converted wetland mitigated under this pilot program to assign the related CRP payments to a wetland mitigation bank approved by the Secretary.

The Conference substitute adopts the Senate provision. The Managers intend the Secretary to determine under what circumstances the Fish and Wildlife Service should be utilized in the implementation of Swamburp. The Managers are concerned that in areas where persons with significant interest will not be considered affiliated.

The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision.

In the priority setting process the Managers expect the Secretary to take into consideration any recommendations from State Governors, State agencies, and other Federal Departments regarding the selection and designating conservation priority areas.

(6) Applicability and termination

The Senate amendment restates current law regarding applicability and termination of conservation agreements. The Senate amendment restates current law regarding applicability and termination of conservation agreements.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

(7) Conservation reserve program

The House bill reauthorizes the CRP through 2002, limits enrollments to 36.4 million acres and permits the Secretary to enroll new acreage into the CRP in an amount equal to the acreage covered by those CRP contracts that expire after the date of enactment. (Section 312)

The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

It is the intent of the Managers that the Secretary consider allowing biomass production as an acceptable cover crop practice during the period of a contract, provided that no harvesting is allowed until after the date of enactment. (Section 311)

The Senate amendment restates current law regarding the acreage covered by those CRP contracts that expire after the date of enactment. (Section 312)

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.

It is the intent of the Managers that the Secretary permit flexible widths for vegetative filters. The Managers consider any recommendations from State Governors, State agencies, and other Federal Departments regarding the selection and designating conservation priority areas.

In the priority setting process the Managers expect the Secretary to take into consideration any recommendations from State Governors, State agencies, and other Federal Departments regarding the selection and designating conservation priority areas.

The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision.

In carrying out the Conservation Reserve Program, the Managers recommend that the Secretary consider allowing biomass production as an acceptable cover crop practice during the period of a contract, provided that no harvesting is allowed until after the date of enactment. (Section 311)

The Conference substitute adopts the Senate provision.

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The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision.

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In carrying out the Conservation Reserve Program, the Managers recommend that the Secretary consider allowing biomass production as an acceptable cover crop practice during the period of a contract, provided that no harvesting is allowed until after the date of enactment. (Section 311)

In carrying out the Conservation Reserve Program, the Managers recommend that the Secretary consider allowing biomass production as an acceptable cover crop practice during the period of a contract, provided that no harvesting is allowed until after the date of enactment. (Section 311)

The Conference substitute adopts the Senate provision.

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The Conference substitute adopts the Senate provision. The Conference substitute adopts the Senate provision.

The Conference substitute adopts the Senate provision.
The Senate amendment contains similar provisions with the exception that, beginning October 1, 1996, acreage enrolled shall be divided equally between permanent easements and restoration cost-share agreements. (Section 313)

The Conference substitute adopts the Senate provisions with an amendment prohibiting the Secretary from entering into any new permanent easements until non-permanent easements are obtained on at least 75,000 acres. (Section 333)

The managers do not intend for the restriction on additional permanent easements to prohibit the Secretary from finalizing any agreements that have been entered into with producers through previous WRP signups. (13) Eligibility

The House bill extends the period for eligible lands to be enrolled through 2002. (Section 302)

The Senate amendment contains similar provisions and a requirement that eligible lands must also maximize wildlife benefits. (Section 312)

The Conference substitute adopts the Senate provisions. (Section 333)

(14) Other eligible lands

The Senate amendment states that other eligible lands must also maximize wildlife benefits. (Section 313)

The House bill has no similar provision. The Conference substitute adopts the Senate provision. (Section 333)

The Senate amendment contains similar provisions and a requirement that restoration plans be made through the local Natural Resources Conservation Service representative in consultation with the State Technical Committee. (Section 313)

The Conference substitute adopts the Senate provisions. (Section 333)

(15) Elements

The House bill states that payments may be provided in between 5 and 30 annual installments of equal or unequal size (but may not be in a lump sum). Cost-share payments for permanent easements shall be for 75-100% of eligible costs and those for 30-year easements or cost-share agreements shall be for 50-75% of eligible costs. (Section 302)

The Conference substitute adopts the Senate bill, which contains similar provisions and a requirement that restoration plans be made through the local Natural Resources Conservation Service representative in consultation with the State Technical Committee. (Section 313)

The Conference substitute adopts the Senate provisions. (Section 333)

(16) Cost-share and technical assistance

The House bill states that restoration cost-share agreements may cover 50-75% of eligible costs and specifies that the limitations are not applicable to easements that existed prior to the date of enactment. (Section 302)

The Senate amendment has similar provisions with the exception of the proviso regarding easements that existed prior to the date of enactment. (Section 313)

The Conference substitute adopts the Senate provisions. (Section 333)

(17) Wetlands Reserve Program—Purposes

The House bill makes no change to the current purpose of the WRP, which is to assist owners of eligible lands in restoring and protecting wetlands.

The Senate amendment states that the purpose of the WRP is to protect wetlands so as to enhance water quality and provide wildlife benefits while recognizing landowner rights. (Section 313)

The Conference substitute adopts the House position, which deletes the Senate amendment. (Section 313)

(18) Environmental Quality Incentives Program—Purposes

The Senate amendment states that the purpose of the new Environmental Quality Incentives Program is to combine into a single program the functions of the Agricultural Water Quality Incentives Program, the Grasslands Conservation Program, the Colorado River Basin Salinity Control Program and the Water Quality Incentives Program. (Section 314)

The House bill has no comparable provision. The Conference substitute adopts the Senate provision. (Section 334)

(19) Findings

The Senate amendment states several findings relevant to the establishment of the EQIP program. The House bill has no comparable provision. The Conference substitute adopts the Senate position, which deletes the Senate amendment.

(20) Eligible lands

The House bill states that land on which EQIP contracts may be entered into includes: agricultural land (including crop land, range, pasture and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water or related resources; irrigation management, tillage and residue management, grazing management, or other land management practice that the Secretary determines poses a serious threat to soil, water or related resources; and; other land that, if left untreated, could defeat the purposes of EQIP. (Section 314)

The Conference substitute adopts the Senate provisions with a requirement striking references to critical agricultural land as included in a state plan required under nonpoint source provisions of the Clean Water Act; an area recommended by a state lead agency for protection of soil, water and related resources; and; other land that, if left untreated, could defeat the purposes of EQIP. (Section 314)

The Conference substitute adopts the Senate provisions with amendment striking references to critical agricultural land as identified in a state plan required under nonpoint source provisions of the Clean Water Act. (Section 334)

(21) Definitions—land management practice

The House bill defines "land management practice" as a site-specific nutrient or management, integrated pest management, tillage or residue management, grazing management, or other land management practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation. (Section 314)

The Senate amendment is similar, except that it has no reference to "site-specific." (Section 301)

The Conference substitute adopts the House provision with a technical amendment. (Section 334)

(22) Large confined livestock operation

The Senate amendment defines "large confined livestock operation" as an operation that is a confined animal feeding operation and has more than:

- 700 mature dairy cattle;
- 1,000 beef cattle;
- 100,000 laying hens or broilers;
- 55,000 turkeys;
- 2,500 swine; or
- 10,000 sheep or lambs. (Section 314)

The Conference substitute adopts the House provision, which deletes the Senate amendment.

(23) Livestock

The Senate amendment defines "livestock" as mature livestock, dairy cows, beef cattle, laying hens, broilers, turkeys, swine, sheep, lambs and such other animals as determined by the Secretary. (Section 301)

The Senate amendment has a similar definition with the exception of the term "mature livestock" and the provision allowing for a livestock operation to receive a cost-share payment, or both. The Senate amendment states that the Secretary may prescribe and evaluate of the offer in light of the selection criteria established in section 1283C and the projected cost of the proposal. In addition, if the producer who offers the most cost-effective practice is the owner of the land involved in agricultural production, for the offer to be acceptable, the word "mature" and substituting the word "cattle" in place of "cows." (Section 334)

(24) Producer

The Senate amendment contains similar provisions and a requirement that eligible lands must also maximize wildlife benefits. (Section 312)

The Conference substitute adopts the Senate provisions. (Section 333)

(25) Structural practice

The Senate amendment contains similar provisions and a requirement that restoration plans be made through the local Natural Resources Conservation Service representative in consultation with the State Technical Committee. (Section 313)

The Conference substitute adopts the Senate provisions. (Section 333)

(26) Establishment and administration of EQIP—Establishment

The Senate amendment contains a similar provision. (Section 314)

The Conference substitute adopts the Senate provision. (Section 334)

(27) Eligible practices

The Senate amendment states that a producer who implements a structural practice shall be eligible for technical assistance, cost-sharing payments, and incentive payments to producers who enter into contracts with the Secretary, through EQIP. (Section 301)

The Conference substitute adopts the Senate provision. (Section 334)

(28) Application and term

The Senate amendment states that the purpose of the WRP is to protect wetlands so as to enhance water quality and provide wildlife benefits while recognizing landowner rights. (Section 313)

The Conference substitute adopts the Senate provisions. (Section 333)

(29) Structural practices

The Senate amendment states that the purpose of the new Environmental Quality Incentives Program is to combine into a single program the functions of the Agricultural Water Quality Incentives Program, the Grasslands Conservation Program, the Colorado River Basin Salinity Control Program and the Water Quality Incentives Program. (Section 314)

The House bill has no comparable provision. The Conference substitute adopts the Senate provision. (Section 334)

(30) Administration

The Senate amendment states that land on which EQIP contracts may be entered into includes: agricultural land (including crop land, range, pasture and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water or related resources; irrigation management, tillage or residue management, grazing management, or other land management practice that the Secretary determines poses a serious threat to soil, water or related resources; and; other land that, if left untreated, could defeat the purposes of EQIP. (Section 314)

The Senate amendment states that land on which EQIP contracts may be entered into includes: agricultural land (including crop land, range, pasture and other land on which crops or livestock are produced) that the Secretary determines poses a serious threat to soil, water or related resources; irrigation management, tillage or residue management, grazing management, or other land management practice that the Secretary determines poses a serious threat to soil, water or related resources; and; other land that, if left untreated, could defeat the purposes of EQIP. (Section 314)

The Conference substitute adopts the Senate provision. (Section 334)

(31) Authority

The Senate amendment states several findings relevant to the establishment of the EQIP program. The House bill has no comparable provision. The Conference substitute adopts the Senate position, which deletes the Senate amendment.

(32) Findings

The Senate amendment states several findings relevant to the establishment of the EQIP program. The House bill has no comparable provision. The Conference substitute adopts the Senate position, which deletes the Senate amendment.

(33) Costs

The Senate amendment contains similar provisions and a requirement that eligible lands must also maximize wildlife benefits. (Section 312)

The Conference substitute adopts the Senate provisions. (Section 333)

(34) Establishment and administration of EQIP—Establishment

The Conference substitute adopts the Senate provisions. (Section 333)

(35) Costs

The Conference substitute adopts the Senate provisions. (Section 333)

(36) Authority

The Conference substitute adopts the Senate provisions. (Section 333)
producer shall obtain the concurrence of the owner of the land with respect to the offer. (Section 301)

The Senate amendment contains a similar provision with technical differences. (Section 314)

The Conference substitute adopts the House provision with an amendment requiring that the extent provided be sufficient to provide a process for selecting applications for financial assistance where there are numerous applications for such assistance that present substantially the same level of environmental benefits. The process shall provide for the consideration of a reasonable estimate of the projected cost of the proposal and other factors identified by the Secretary for determining which applications will present the least cost, and the consideration of the priorities established under EQIP and other such factors identified by the Secretary to maximize environmental benefits per dollar expended. (Section 334)

The Managers intend that, when cost-share assistance is provided, the Secretary encourages open and fair competition by vendors for services and products.

(30) Land management practices

The House bill requires the Secretary to establish a certification and evaluation process for awarding technical assistance or incentive payments, or both, to a producer in exchange for the performance of 1 or more land management practices by the producer. (Section 301)

The Senate amendment contains a similar provision. (Section 314)

The Conference substitute adopts the Senate provision with an amendment using the term "producer" rather than "operator." (Section 334)

The Managers urge the Secretary, in carrying out EQIP, to be particularly cognizant of the needs of producers whose lands are exiting the Conservation Reserve Program (CRP). Such producers may be particularly in need of technical assistance, or cost-share payments. (Section 334)

(31) Cost-sharing, incentive payments, and other payments

The House bill requires that the federal share of payment to a producer proposing to implement 1 or more structural practices shall not be more than 75 percent of the projected cost of each practice, as determined by the Secretary, taking into consideration any payment received by the producer from a State or local government. A producer shall not be eligible for cost-sharing payments for structural practices on eligible land if the producer receives cost-sharing payments or other benefits for the same land under CRP, WRP or the Environmental Assistance Program. The Secretary shall make incentive payments in an amount and for a term determined by the Secretary to be necessary to encourage a producer to perform the necessary land management practices. (Section 301)

The Senate amendment contains similar provisions. (Section 314)

The Conference substitute adopts the Senate provisions with amendments using the term "producer" rather than "operator." (Section 334)

(32) Limitation

The Senate amendment states that an operator of a large confined livestock operation shall not be eligible for cost-sharing payments to construct an animal waste management facility. (Section 314)

The House bill contains no similar provision.

The Conference substitute adopts the Senate provision with an amendment stating that a "large confined livestock operation" shall be determined by the Secretary. (Section 334)

The Managers expect that in determining whether an operation is a large confined livestock operation within the meaning of this provision, the Secretary shall consider various resource and environmental factors, including regulations promulgated pursuant to the Clean Water Act. The Secretary is ex- pected to consider the economic impacts of the land management practice. The Secretary shall establish criteria for implementation of a structural practice that maximizes environmental benefits per dollar expended. (Section 334)

The Managers understand that the need to begin implementing the program quickly may initially require the use of interim procedures. In defining large confined livestock operations the Managers expect the Secretary to take into account needs for maximizing environmental benefits in targeted watersheds affected by animal agriculture. The Managers believe the Secretary should consider the particular characteristics of modern livestock operations.

(33) Technical assistance

The House bill requires the Secretary to allocate funding under EQIP for the provision of technical assistance according to the purpose for which the funds are appropriated. The available technical assistance is provided for a fiscal year. The allocated amount may vary according to the type of expertise required, quantity of time involved, and other factors as determined appropriate by the Secretary. Funding shall not exceed the projected cost of the technical assistance provided for a fiscal year. In addition, the Secretary shall ensure that the process of writing, developing and assisting in the implementation of EQIP plans is open to individuals in agriculture including but not limited to agricultural producers, representatives from agricultural cooperatives, agricultural labor and management consultants, and crop advisers. The process shall be included in but not limited to programs and plans established under EQIP and any other USDA program providing incentive payments, technical assistance, or cost-share payments. The receipt of technical assistance under EQIP shall not affect the eligibility of the producer to receive financial assistance under other authorities of law available to the Secretary. (Section 301)

The Senate amendment contains similar provisions. (Section 314)

The Conference substitute adopts the House provisions with an amendment to specify that the provision requiring that non-USDA personnel be involved to prepare plans for other than EQIP applies specifically to USDA conservation programs. (Section 334)

(34) Modification or termination of contracts

The House bill permits the Secretary to establish terms of an EQIP contract. (Section 301)

The Senate amendment permits the Secretary to modify or terminate a contract entered into with an operator if the operator agrees and if the Secretary determines the modification or termination is in the public interest. The Secretary may also terminate a contract if the Secretary determines the operator violated the contract. (Section 334)

The Conference substitute adopts the Senate provision with an amendment to use the term "producer" rather than "operator." (Section 334)

(35) Non-federal assistance

The Senate amendment permits the Secretary to request that a state agency dealing with water quality, fish and wildlife, or forestry, or any other governmental or private resource consider appropriate to assist in providing the technical assistance necessary for the development and implementation of a structural practice in land management practice. No person shall be permitted to bring or pursue any claim or action against any official or entity based on providing any technical assistance provided to an operator under EQIP to assist in complying with a federal or state environmental law. (Section 314)

The House bill contains no similar provision.

The Conference substitute adopts the Senate provision with an amendment striking the prohibition against claims or action resulting from technical assistance and using the term "producer" rather than "operator." (Section 334)

(36) Evaluation of offers and payments—Regional priorities

The House bill requires the Secretary, in determining eligibility for land for EQIP, to consider the significance of the water, soil and related natural resource problems and the maximization of environmental benefits per dollar expended. (Section 301)

The Senate amendment requires the Secretary to provide assistance to operators in a region, watershed or conservation priority area based on the need to begin implementing, the need to begin implementing, the need to begin implementing the program quickly may initially require the use of interim procedures. In defining large confined livestock operations the Managers expect the Secretary to take into account needs for maximizing environmental benefits in targeted watersheds affected by animal agriculture. The Managers believe the Secretary should consider the particular characteristics of modern livestock operations.

The Conference substitute adopts the House provisions. (Section 334)

(37) Maximization of environmental benefits

The House bill requires the Secretary, in providing assistance to producers, to consider the significance of the water, soil and related natural resource problems and the maximization of environmental benefits per dollar expended. (Section 301)

The Senate amendment requires the Secretary to accord a higher priority to assistance and payments that maximize environmental benefits per dollar expended. Prioritization shall be done nationally as well as within specific conservation priority areas, regions or watersheds. The Secretary shall establish critical areas, regions, or any other geographic entity dealing with water quality, fish and wildlife, or forestry, or any other governmental or private resource identified by the Secretary to provide assistance to operators in a region, watershed or conservation priority area based on the significance of the soil, water and related natural resource problems and the practices that best address the problems. (Section 314)

The Conference substitute adopts the Senate provision. (Section 334)

(38) State or local contributions

The Senate amendment requires the Secretary to accord a higher priority to operators located within areas that state or local governments have provided, or will provide, financial or technical assistance to operators for the same conservation or environmental programs. (Section 301)

The House bill has no similar provisions.

The Conference substitute adopts the Senate provision. (Section 334)

(39) Priority lands

The Senate amendment requires the Secretary to accord higher priority to lands on which agricultural production contributes to the potential for failure to meet applicable water quality, fish, wildlife, or forestry, or any other governmental or state environmental objectives. (Section 314)

The House bill contains no similar provision.

The Conference substitute adopts the House position, which deletes the Senate amendment.

(40) Out of operators

The House bill requires producers to comply with terms required by the Secretary. (Section 301)
The Senate amendment stipulates that, to receive assistance under EQIP, operators shall agree: to implement an EQIP plan describing conservation and environmental goals; to use practices that would defeat the purposes of EQIP; to refund any payment and forfeit future payments if in violation of the EQIP contract or upon transfer of the land (the transferee assumes the obligations of the contract), and; to supply information necessary to determine compliance with the EQIP plan. (Section 334)

The Conference substitute adopts the Senate provisions with an amendment using the term “producer” rather than “operator.” (Section 334)

(41) EQIP plan

The Senate amendment states that an individual EQIP plan shall include (as determined by the Secretary): a description of the farming or ranching operation; a description of the relevant farm or ranch resources related to the conservation and environmental objectives of the plan; a description of the structural or land management practices to be implemented; the timing and sequence for implementing the practices; and, information to assess the effectiveness of the plan. (Section 334)

The House bill contains no similar provisions. The Conference substitute adopts the Senate position with an amendment providing general requirements for a plan of operations that are to the extent practicable, and to the extent an individual plan is not needed, duplication in the plans required for other similar conservation programs and requirements. (Section 334)

It is the Congress’ intent that the process used to develop EQIP plans be a simplified and flexible approach to assist producers to work toward better resource management. EQIP are not intended to be whole-farm plans. The producer should voluntarily submit a conservation plan to the Secretary for approval in order to be eligible for participation in EQIP. The plan may contain an implementation schedule, a description of the structural or land management practices to be implemented; the timing and sequence for implementing the practices; and, information necessary to facilitate the objectives in this provision.

Producers, on their own initiative, may use any conservation plan developed and required for participation in any other program or project. The production or land management plan may be submitted to the Secretary to be used as the basis of any cost-sharing or incentive payments for practices included on the plan. (43) Limitations on payments

The House bill states that the total amount of cost-sharing and incentive payments paid to a producer may not exceed $10,000 for any fiscal year or $50,000 for any multiyear contract, except that the Secretary may exceed the limitation on an annual basis if the Secretary determines that a larger payment is essential. The Secretary shall not increase the limit on an annual basis if the Secretary determines that the action would not adversely affect the purposes of EQIP; to refund any payment and forfeit future payments if in violation of the EQIP contract or upon transfer of the land (the transferee assumes the obligations of the contract), and; to supply information necessary to determine compliance with the EQIP plan. (Section 334)

(42) Duties of the Secretary

The Senate amendment requires the Secretary to assist an operator in achieving the goals of an EQIP plan by providing an eligibility assessment of the farming or ranching operation; assistance in developing and implementing the plan; providing technical assistance, cost-sharing payments or incentive payments for practices; providing information, education and training; and, encouraging the operator to obtain assistance from other federal, state, local or private sources. (Section 334)

The House bill includes no similar provisions.

The Conference substitute adopts the Senate provisions with an amendment using the term “producer” rather than “operator.” (Section 334)

(44) Conservation farm option

The Senate amendment requires the Secretary to offer eligible owners and operators with highly erodible land or conservation easement contract acreage under Title I who also have entered into a CRP contract the option of entering into a Conservation Farm Option contract for a period of ten years as an alternative to CRP. (Section 334)

(45) Conforming amendments

The Senate amendment contains similar provisions. The Conference substitute adopts the Senate provisions with an amendment maintaining some provisions of the Colorado River Basin Salinity Control Act, the Great Plains Conservation Program, and technical assistance for water resources (Subtitle F of Title XII of the Food Security Act of 1985) are repealed. Various technical amendments are made to reflect the fact that EQIP replaces the functions of many of the repealed programs. (Section 335)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provisions with an amendment that maintains some provisions of the Colorado River Basin Salinity Control Act. (Section 336)

(46) Mandatory expenses

The House bill requires that, for each of fiscal years 1996 through 2002, the Secretary shall use the funds of the Commodity Credit Corporation to carry out the Conservation Reserve Program, Wetlands Reserve Program, and the Environmental Quality Incentives Program. (Section 336)

The Senate amendment contains similar provisions. (Section 341)

The Conference substitute adopts the House provisions. (Section 341)

(47) EQIP funding

The Conference substitute adopts the Senate provisions that provide $200 million in each of fiscal years 1996 through 2002, $200 million of the funds of the Commodity Credit Corporation for CRP, $200 million for EQIP, and the Environmental Quality Incentives Program, and the Great Plains Conservation Program, the Agricultural Water Quality Incentives Program, and technical assistance for water resources. (Section 341)

(48) Administration—Plans

The Senate amendment requires the Secretary, to the extent practicable, to avoid duplication in conservation plans required for highly erodible land and conservation under title II, CRP, WRP and EQIP. (Section 341)

The House bill contains no similar provision.

The Conference substitute adopts the Senate provision. (Section 341)

(49) Acreage limitation

The Senate amendment prohibits the Secretary from enrolling more than 25% of the cropland in any county in CRP or WRP. Not more than 10% of the cropland in a county may be subject to an easement acquired under EQIP. (Section 341)

The Conference substitute adopts the Senate amendments.
The House bill contains no comparable provisions.

The Conference substitute adopts the Senate provisions. (Section 372)

(58) CCC Charter Act

The Senate amendment amends the CCC Charter Act to include conservation func-
tions and programs among the purposes for which the Secretary may utilize the CCC.

(Section 355)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provisions with an amendment permit-
ting the use, after January 1, 1997, of CCC funding for conservation and environmental programs authorized by law. (Section 381)

The Managers stress that this provision is not intended to preclude the Secretary from utilizing the CCC to fund conservation and environmental programs appropriately au-
thorized by law on or before January 1, 1997.

(59) Floodplain easements

The Senate amendment amends Sections 403 of the Agricultural Credit Act of 1987 to per-
mit the Secretary to purchase floodplain easements. (Section 359)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 382)

(60) Resource Conservation and Development Program reauthorization

The Senate amendment reauthorizes the Resource Conservation and Development Program through 2002. (Section 360)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 383)

(61) Repeal of report requirement

The Senate amendment rescinds the re-

The Conference substitute adopts the Sen-

The Senate amendment establishes a flood risk reduction program for fiscal years 1996 through 2002, under which the Secretary may enter into a contract with a producer having a contract acreage under title I on a farm with land that is frequently flooded. Under the terms of the contract, with respect to acres that are subject to the contract, the pro-
ducer must agree to: the termination of any contract acreage; forgo loans for contract commodities, oilseeds and extra long staple cotton; not apply for crop insurance issued or reinsured by the Secretary; comply with applicable wetlands and highly erodible land conservation compliance requirements; not apply for any disaster program pay-
ments from the Secretary; not apply for dis-
aster program benefits provided by the Sec-
tary; and refund the payments, with inter-
est, if the producer violates the terms of the contract. In return, the Secretary shall agree to pay the producer for the 1996 crops not more than the pro-
jected contract payments under title I, and for 2002 crops not more than 75% of the pro-
jected contract payments. (Section 384)

(62) Flood risk reduction

The Senate amendment establishes a flood risk reduction program for fiscal years 1996 through 2002, under which the Secretary may enter into a contract with a producer having a contract acreage under title I on a farm with land that is frequently flooded. Under the terms of the contract, the Secretary shall agree to pay the producer for the 1996 crops not more than the projected contract payments under title I, and for 2002 crops not more than 75% of the projected contract payments. (Section 384)
The Senate amendment amends the Water-Habitat Incentives Program to promote implementation of various management practices to conserve and enhance private grazing land resources. Subject to the availability of appropriations, the Senators shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local advisory committees, to enable the landowners, managers, and public agencies to voluntarily carry out activities including: maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land; implementing grazing land management technologies; managing resources on private grazing land, including planning, monitoring, and treating private grazing land resources, ensuring the long-term sustainability of private grazing land resources, harvesting, processing, and marketing grazing land resources, and identifying and managing weed, noxious weed, and brush encroachment problems; protecting and improving the quality and quantity of water yields from private grazing land, maintaining and improving wildlife and fish habitat on private grazing land; enhancing recreational opportunities on private grazing land; maintaining and improving the aesthetic character of private grazing lands; and identifying the opportunities and encouraging the diversification of private grazing enterprises. There are authorized to be appropriated for this purpose $20 million for fiscal 1996, $40 million for fiscal 1997 and $60 million for fiscal 1998 and each fiscal year thereafter. (Section 384)

The House bill contains no comparable provisions. The Conference substitute adopts the Senate provisions with an amendment deleting a specific reference to the Natural Resources Conservation Service in the description of the program. (Section 386)

(64) Water-Habitat Incentives Program

The Senate amendment authorizes a Wild- land Habitat Incentives Program to promote implementation of various management practices to conserve and enhance private grazing land resources. The program would receive $10 million in funding annually from the Conservation Reserve Program, with total expenditures of $60 million over the 5-year period. (Section 387)

The House bill contains no comparable provisions. The Conference substitute adopts the Senate provisions with an amendment reducing the total funding to $50 million over seven years. (Section 387)

The Managers intend that the cost-share payments made under WHIP not exceed 75 percent of the total cost to an eligible landowner for developing a wildlife management plan and implementing eligible activities under the plan. The Managers intend that the Secretary, in developing a list of approved activities and projects, take full account of the need to achieve landowner and public purposes including: 1) upland wildlife management measures; 2) wetland wildlife management measures; 3) threatened and endangered species management measures; 4) fisheries management measures, and 5) other activities approved by the Secretary. (Section 387)

(65) Conservation of private grazing land

The Senate amendment amends Section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to stipulate that nothing in the section shall limit any right of ownership of a state to allocate water flows. The Secretary of Agriculture is prohibited from making or authorizing any provision of the operation, use, repair or replacement of an existing water supply facility as a condition of the renewal of a right-of-way granted under Section 12 of the Federal Land Policy and Management Act of 1976. (Section 557)

The House bill contains no comparable provisions. The Conference substitute adopts the Senate position, which deletes the Senate amendment. (Section 557)

(66) Environmental Easement Program

The Senate amendment reauthorizes the Environmental Easement Program through 2000. (Section 355)

The House bill contains no comparable provisions. The Conference substitute adopts the House position, which deletes the Senate amendment. (Section 355)

(69) Water Bank Program

The Senate amendment amends Section 1220 of the Food Security Act of 1985 by adding a provision that acreage currently enrolled in the Water Bank Program authorized by the Water Bank Act shall be considered to have been enrolled in the CRP on the date the acreage was enrolled in the Water Bank program. Payments shall continue at the existing water bank rates. (Section 356)

The House bill contains no comparable provisions. The Conference substitute adopts the House position, which deletes the Senate amendment.

(70) Flood water retention pilot projects

The Senate amendment permits the Secretary to establish pilot projects for 2 years in addition to restore natural water retention areas to control storm water and snow melt runoff within closed drainage systems. Such projects shall provide cost-sharing and technical assistance for the establishment of nonstructural landscape management practices, including agricultural tillage practices and wetland restoration and protection, and creation of wetland characteristics. Funding provided by the Secretary shall not exceed $10,000,000 per project and shall be carried out through the CCC. (Section 357)

The House bill contains no comparable provisions. The Conference substitute adopts the House position, which deletes the Senate amendment.

(71) Watershed Protection and Flood Prevention Act amendments

The Senate amendment amends the Watershed Protection and Flood Prevention Act to include several new priorities for funding, make nonprofit organizations eligible for funding and authorize the Secretary of Agriculture to accept transfers of funds from other federal departments and agencies to carry out the act. (Section 363)

The House bill contains no comparable provisions. The Conference substitute adopts the House position, which deletes the Senate amendment.

(72) Fund for dairy producers to pay for nutrient management

The Senate amendment amends the Agricultural Marketing Agreements Act of 1937 by allowing each milk marketing order to be authorized to provide up to 3 cents per hundredweight to be added to the minimum marketing order price for dairy products for the purpose of improving the environment. (Section 350)

The Conference substitute adopts the House position, which deletes the Senate amendment.

T I T L E IV—N U T R I T I O N A S S I S T A N C E

(1) Disqualification of a state or concern from the Food Stamp Program

The Senate amendment adds new language to the Food Stamp Act to disqualify food

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The House bill contains no similar provision. The Conference substitute adopts the Senate provisions with a technical amendment:

The House bill contains no comparable provisions. The Conference substitute adopts the Senate position, which deletes the Senate amendment. (Section 557)

The Conference substitute adopts the Senate provisions with amendments clarifying that interagency oversight coordination required by the Senate amendment be made to the extent practicable. (Section 391)

The Conference substitute adopts the Senate provisions with amendments clarifying that interagency oversight coordination required by the Senate amendment be made to the extent practicable. (Section 391)
stores from participation in the food stamp program if the stores employ a person found, within the last 3 years, to have traded coupons for firearms, ammunition, explosives or drugs. The amendment also authorizes appropriations for fiscal years 2002 and 2003. The Senate amendment amends the Emergency Food Assistance Program (EFAP) through fiscal year 2002. (Section 403)

The House bill has no comparable provision.

The Senate amendment amends the Hunger Prevention Act of 1988 to reauthorize the Soup Kitchen and Food Bank Program through fiscal year 2002. (Section 404)

The House bill has no comparable provision.

The Senate amendment adopts the Senate provision. (Section 404)

(13) National commodity processing

The Senate amendment amends the Agriculture and Food Act of 1981 to reauthorize the National Commodity Processing Program through fiscal year 2002. (Section 405)

The House bill has no comparable provision.

The Senate amendment adopts the Senate provision. (Section 405)

The Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law, eliminating differences in various state laws and attempting to develop greater opportunity for partnerships between public and non-profit organizations in feeding programs. While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. It was agreed that this subject has ample merit for full Congressional hearings.

TITe V—AGRICULTURAL PROMOTION

SUBTITLE A—COMMODITY PROMOTION AND EVALUATION

The Senate amendment requires that not more than every three years, or three years after enactment of a program, the Secretary shall require that each industry-funded generic promotion program for agricultural commodities shall provide for an independent evaluation of the effectiveness of the program, which may include an analysis of benefits, costs and the efficacy of promotional and research efforts undertaken by the program and is to be provided to the Secretary. The program, which shall be made available to the public. The amendment also requires that the Secretary shall provide annually in the House and Senate Agriculture Committees about the administrative expenses of industry-funded promotion programs. (Section 963)

The House has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 963)

The Conference substitute adopts the Senate provision. (Section 401)

The Conference substitute adopts the Senate provision. (Section 401)

(2) Employment and training in the Food Stamp Program

The Senate amendment continues the requirement that the Secretary allocate $75 million annually to carry out the employment and training program through fiscal year 2002. (Section 401(b))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(b))

(3) Authorization of pilot projects in the Food Stamp Program

The Senate amendment reauthorizes the seven pilot projects, begun in 1981, that pay cash, in lieu of coupons, to households composed entirely of elderly or SSI recipients through fiscal year 2002. (Section 401(c))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(c))

(4) Outreach demonstration projects in the Food Stamp Program

The Senate amendment extends the authority for appropriations through fiscal year 2002 for outreach demonstration projects. (Section 401(d))

The Senate amendment extends the authorization for appropriations for the food stamp program through fiscal year 2002. (Section 401(d))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(d))

(5) Authority for appropriations of the Food Stamp Program

The Senate amendment extends the authorization for appropriations for the food stamp program through fiscal year 2002. (Section 401(e))

The Senate amendment extends the authorization for appropriations of the program through September 30, 1997. (Section 401(e))

The Senate amendment extends the authorization for appropriations for the program through September 30, 1997. (Section 401(e))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to authorize appropriations for the program through September 30, 1997. (Section 401(e))

The Conference substitute adopts the Senate provision. (Section 401(e))

(6) Authorization of Puerto Rico Nutrition Assistance Program

The Senate amendment requires the payment for the Puerto Rico Nutrition Program block grant of $1.143 billion for FY 96, $1.174 billion for FY 97, $1.204 billion for FY 98, $1.236 billion for FY 99, $1.268 billion for FY 20, $1.301 billion for FY 01, $1.335 billion for FY 02. (Section 401(f))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(f))

(7) Funding for American Samoa Nutrition Assistance Program

The Senate amendment adds a provision to provide that the Secretary may pay to American Samoa not more than $5.3 million, each fiscal year, of funds appropriated to carry out the food stamp program to fund a nutrition assistance program through fiscal year 2002. (Section 401(g))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment requiring the Secretary to fund the American Samoa Nutrition Assistance program at up to $5.3 million annually, beginning October 1, 1995. (Section 401(g))

The Senate amendment requires that the Secretary allocate $75 million annually to carry out the employ- ment and training program through fiscal year 2002. (Section 401(g))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(g))

The Conference substitute adopts the Senate provision. (Section 401(g))

The Senate amendment requires that the Secretary allocate $75 million annually to carry out the employment and training program through fiscal year 2002. (Section 401(g))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 401(g))

(8) Commodity Distribution Program; Commodity Supplemental Food Program—Reauthorization

The Senate amendment amends the Agricultural Act of 1993 to authorize appropriations for the Commodity Distribution Program and the Commodity Supplemental Food Program through fiscal year 2002. (Section 402(a))

The Senate amendment continues the reauthorizations for the Food Program, including those of for-profit entities. Grants are authorized for up to three years, acknowledging that new projects or expanding projects may need a planning phase prior to actual implementation of the project. Because the programs funded by this grant authority will be community-based and funded substantially by non-federal sources, it is not expected that any one grant should command a significant portion of the total grant authority. The Managers believe there will be many worthwhile projects applying for grants. Awards in each of the next 7 years, and expect the Secretary to make many awards, each year to the most worthwhile of the grant applicants.

The Conference substitute adopts the Senate provision. (Section 402(a))

(9) Commodity Distribution Program; Commodity Supplemental Food Program—Funding

The Senate amendment authorizes administrative funding for CSFP through fiscal year 2002 and reauthorizes a provision requiring the Secretary to provide a list of the annually appropriated CSFP funds for transfer to CSFP. (Section 402(b))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 402(b))

(10) Commodity Distribution Program; Commodity Supplemental Food Program—Carried-over Funds

The Senate amendment requires that 20 percent of any carried over CSFP funds for food be available for program administration. (Up to 20% of the annually appropriated CSFP funds may be used for administration). (Section 402(c))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 402(c))

(11) Emergency Food Assistance Program

The Senate amendment amends the Emergency Food Assistance Act of 1983 to reauthorize the Emergency Food Assistance Program (EFAP) through fiscal year 2002. (Section 403)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 403)

(12) Soup Kitchen and Food Bank Program

The Senate amendment amends the Hunger Prevention Act of 1988 to reauthorize the Soup Kitchen and Food Bank Program through fiscal year 2002. (Section 404)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 404)

(13) National commodity processing

The Senate amendment amends the Agriculture and Food Act of 1981 to reauthorize the National Commodity Processing Program through fiscal year 2002. (Section 405)

The Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law, eliminating differences in various state laws and attempting to develop greater opportunity for partnerships between public and non-profit organizations in feeding programs. While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. It was agreed that this subject has ample merit for full Congressional hearings.
The Conference substitute adopts the Senate amendment. (Sections 573-582)

T I T L E VI—CREDIT

S U B T I L E A—FARM OWNERSHIP LOANS

(1) Limitation on direct farm ownership loans

The Senate amendment provides that U.S. Department of Agriculture (USDA) direct farm ownership loans are available for farmers and ranchers who have operated a farm or ranch for at least 3 years and who are qualifying beginning farmers or ranchers with less than 10 years farming experience, or have not received a previous direct farm ownership loan, or have not received a previous direct farm ownership loan more than 10 years before the date that a new direct farm ownership loan would be made.

The Senate amendment specifies that the time that a borrower has a youth loan under the farm operating loan program does not count toward the number of years of experience for farm ownership loans. A transition rule provides that existing borrowers who have had direct farm ownership loans for less than 5 years can obtain additional direct farm ownership loans for 10 years from the date of enactment of this Title; those existing borrowers who have had direct farm ownership loans for 5 or more years can obtain additional direct farm ownership loans for 5 years from the date of enactment of the Senate amendment.

The Senate amendment also requires that guaranteed farm ownership loans cannot be restricted solely to borrowers who had loans in 1985. (Section 601)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 603)

The Senate amendment allows a 4 percent interest rate on a direct farm ownership loan that is being made in conjunction with other credit to support such usage as those of the Small Business Administration to fund small business activities and USDA’s rural development and conservation programs to fund waste pollution projects.

(4) Interest rate requirements

The Senate amendment sets a 4 percent interest rate on a direct farm ownership loan that is being made in conjunction with other credit to support such usage as those of the Small Business Administration to fund small business activities and USDA’s rural development and conservation programs to fund waste pollution projects.

(4) Interest rate requirements

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(4) Interest rate requirements

The Senate amendment allows a 4 percent interest rate on a direct farm ownership loan that is being made in conjunction with other credit to support such usage as those of the Small Business Administration to fund small business activities and USDA’s rural development and conservation programs to fund waste pollution projects.

The Senate amendment clarifies that a loan is guaranteed by a new agency, supported by the full faith and credit of the government. (Section 605)
The Senate amendment requires that borrowers have, or agree to obtain, hazard insurance on any property acquired with farm operating loan funds. It also requires the Secretary of Agriculture to determine the appropriate insurance level, including what property should be insured. Furthermore, the Senate amendment allows the Secretary, after a set period, in a nonunsupervised bank account that a borrower can use for farm operating and family living expenses. (Section 612)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with amendments on the hazard insurance requirement. It directs that a new farm operating loan is not to be made after the date that is 180 days after enactment unless the borrower meets the hazard insurance requirement and nonunsupervised bank accounts to provide discretion in placing funds in such accounts, restrict the use of loan funds in such accounts for the basic family needs of the borrower and the borrower’s immediate family, and to restrict the size of such an account to an amount that is equal to either $3,000, $5,000, or the amount needed to provide for basic family needs for three calendar months. (Section 612)

As with farm ownership loan funds, the Mansfield note that while the bill ends the use of farm operating loan funds for various nonfarm purposes, such as funding residential or small business enterprises and for paying for pollution abatement and control projects, other federal programs are available to support such usage.

Additionally, while the bill requires hazard insurance on property acquired by borrowers with USDA farm operating loan funds, it does not require that this insurance be held. In contrast, the Senate amendment specifies that the Secretary should determine the appropriate insurance level and should consider factors such as the nature of the property that is pledged as security for the loan, the value of the security property and the loan amount, the location of a borrower’s farming operation, and the costs and availability of hazard insurance. Also, the Secretary should determine what property should be subject to an insurance requirement.

The Senate amendment repeals the authority to participate in farm operating loans with other lenders. (Section 613)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 613)

(10) Line-of-credit loans

The Senate amendment authorizes direct or guaranteed line-of-credit operating loans for up to 5 years. It also states that each year in which a borrower takes an advance or draws on the line-of-credit counts as one year of eligibility for farm operating loans. (Section 614)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that specifies that the line-of-credit is to terminate if a borrower fails to repay an advance on schedule, unless the Secretary determines that the borrower’s failure to pay was due to unusual circumstances arising from one of the reasons. (Section 614)

The line-of-credit authority is being provided as a means to assist farmers and ranchers by allowing operating plans to be established with a set level of funding as the line-of-credit. The Conference substitute also provides that the line-of-credit loan may be used to finance the production or marketing of an agricultural commodity that is or formerly was eligible for USDA’s price and income support programs. (Section 614)

The Managers want to emphasize that there is an important point regarding loan eligibility with this provision. Specifically, the maximum number of years a borrower can receive direct farm operating loans is set at 7 in section 611 of this Title. The Managers do not intend for the term of a line-of-credit operating loan to apply to a borrower’s 7 years of eligibility. Rather, it is the intent of the Managers that each year in which a borrower takes an advance or draws on a line-of-credit loan is to count as 1 year of eligibility. For example, a 7-year line-of-credit direct operating loan is approved and a borrower draws against this line-of-credit in 4 years, then the borrower has 3 years of remaining operating loan eligibility. Thus, in this example, the borrower would still be eligible to obtain direct farm operating loans in 3 additional years. Furthermore, section 617 of this Title, which is amending section 319 of the Con Act, has limits on the number of years in which a borrower can obtain guaranteed farm operating loans. Furthermore, the Managers recognize that unusual circumstances could result in a borrower being delayed in harvesting due to weather conditions. The Managers want to emphasize that these unusual circumstances should be used only in unusual circumstances and should not become the standard mode of operation, and that USDA should closely monitor borrowers who are granted an exception to ensure they meet their debt obligations.

(11) Insurance of operating loans

The Senate amendment repeals the authority to insure farm operating loans. (Section 613)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 615)

(12) Special assistance for beginning farmers and ranchers

The Senate amendment repeals the special assistance program for beginning farmers and ranchers. (Section 615)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 615)

(13) Limitation on period for which borrowers are eligible for guaranteed assistance

The Senate amendment restates the Con Act limitation on receiving guaranteed farm operating loans after direct guaranteed loans. It also modifies the transition rule to provide that borrowers who, as
of October 28, 1992, had a direct or guaranteed loan in 10 or more years can obtain guaranteed farm operating loans in 5 additional years after October 28, 1992. (Section 637)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 677)

SUBTITLE C—EMERGENCY LOANS

(14) Hazard insurance requirement, credit elsewhere provision with amendment that specifies that real property located on an Indian reservation and pledged as security for a loan can be transferred to the Department of the Interior or to the tribe that has jurisdiction over the reservation rather than USDA. The Senate amendment requires that the Secretary accumulate statistics on the extent of such review requests, including the results of such reviews, and if those reviews adversely impact on selling farm inventory property to farmers and ranchers and disposing of properties from inventory.

Furthermore, the Senate amendment provides that real property located on an Indian reservation and pledged as security for a loan can be transferred to the Department of the Interior or to the tribe that has jurisdiction over the reservation rather than USDA. The Senate amendment requires that the Secretary accumulate statistics on the extent of such review requests, including the results of such reviews, and if those reviews adversely impact on selling farm inventory property to farmers and ranchers and disposing of properties from inventory.

The Senate amendment requires the Secretary to provide for an expedited, higher-level review of a local decision that denies an applicant’s eligibility as a beginning farmer or rancher. The Senate amendment establishes a maximum emergency disaster loan indebtedness of $100,000 or less, and (3) modify another current provision that emergency loans for changes in crop or livestock operations to natural disasters, (Sections 621-623)

As a measure of protection for the farm loan portfolio, individuals must have had hazard insurance on property damaged or destroyed as a condition for getting emergency disaster loan assistance. The Managers intend that the Secretary determine what property should have had insurance coverage. The Managers expect that property subject to such a determination would be fire, storm, or flood insurance and not limited to, farmland, buildings and other structures, equipment, livestock, and other farm items.

(15) Maximum emergency loan indebtedness and date for emergency loan security valuation

The Senate amendment establishes a maximum emergency disaster loan indebtedness at $50,000. (Section 622)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with amendments that (1) require statements submitted by borrowers should be appropriate written financial statements; (2) require the appropriate USDA county or area committee to certify in writing that an annual review of the credit history and business operation of a borrower has been made; that a review has been made of the continued eligibility of the borrower for the loan; (3) extend veterans preference for loans to cover veterans of any war or military service; and (4) the Secretary to provide for an expedited, higher-level review of a local decision that denies an applicant’s eligibility as a beginning farmer or rancher. The Conference substitute also provides that the results of such reviews, and if those reviews adversely impact on selling farm inventory property to farmers and ranchers and disposing of properties from inventory.

The Senate amendment requires the Secretary to notify a borrower when a prospectus is provided to lenders, without borrower approval, a prospectus of a borrower that the borrower cannot recover credit elsewhere and require the Secretary to notify a borrower when a prospectus is provided to lenders. (Sections 633-637)

(19) Sale of property and easements on inventory properties

The Senate amendment modifies guidance on disposing of farm inventory properties. It requires the Secretary to offer to sell farm inventory property, except for any located on an Indian reservation, as follows: to qualified beginning farmers and ranchers at current market value within 75 days of taking farm property into inventory and if an acceptable offer is not received by the 75th day, if the person qualifies as a beginning farmer or rancher. The Senate amendment requires that if more than one qualified beginning farmer or rancher offers to purchase a property, the Secretary is required to select between the qualified applicants on an equal basis. If the Secretary's random selection is not acceptable, the Senate amendment provides that the Secretary must notify a qualified beginning farmer or rancher and require the Secretary to offer the property to the Department incurs in managing these properties. Also, competitive sales could result in increased revenues, which would offset prior loan expenses. If the Secretary offers the property at market value, the managers recognize that the Secretary may be delayed in offering property for sale if such property has been or is suspected of having been contaminated by a hazardous material as defined in applicable federal environmental legislation. Such delay in offering farm properties for sale may be limited to the extent that it is necessary to identify and resolve any contamination issues in accordance with applicable
The Conference substitute adopts the Senate amendment. (Section 640)

(21) Authorization for loans and contracts on security purposes

The Senate amendment provides for making available, the Secretary is to fund the person applying for the property. These revisions are proposed by the Administration and consultation with state and local officials. (Section 639)

The Senate amendment also repeals the provision that calls for the creditworthiness of a borrower who has not restructured to be determined without regard to the restructuring. (Section 638)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 646)

The Managers want to emphasize that the mandatory restructuring process is being revised to increase the cash flow margin (income to expenses) of restructured borrowers so as to place them in a more financially viable position and to end the requirement that such borrowers enter into capture agreements covering any subsequent disposal of property. These changes were proposed by the Administration in its Farm Bill in a way to receive a higher portion of the unpaid debt and to reduce its administrative costs by not having to monitor recapture agreements. In addition, the Managers believe that borrowers who did not act in good faith with the terms and conditions of their loan agreements with USDA should not benefit from USDA's servicing of their delinquent debts. Thus, a "bad faith" exception in the Con Act is being ended.

Furthermore, another current provision that provides that a borrower's future credit-worthiness is to be determined without regard to restructuring is being stricken. It is recognized in "bad faith" exception to restructuring is also being changed to provide that the Secretary is to fund the person applying for homestead rights and for the former owners to apply for the property. These revisions are being made in accord with the passage of P.L. 104-105 on February 10, 1996. (Section 643)

(23) Homestead property

The Senate amendment reduces the time for borrowers to apply for homestead property to 30 days from acquisition by the Secretary of Agriculture, or to within 30 days of enactment for property in inventory. (Section 643)

(24) Restructuring

The Senate amendment removes a provision that prohibits the Secretary of Agriculture from restructured to be determined without regard to the restructuring. (Section 638)

The Conference substitute modifies current guidance covering the direct farm ownership loan security purposes. (Section 310E down payment loan program, if funds are available, the Secretary is to fund the person applying for the property. These revisions are proposed by the Administration and consultation with state and local officials. (Section 639)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 646)

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The House bill has no comparable provision.
The Conference substitute adopts the Senate amendment. (Section 646)

The Managers note that the Secretary is not being required to be reimbursed when transferring to other agencies. The phrase “without reimbursement” is being deleted because it is not necessary.

(26) Implementation of target participation rates

The Senate amendment requires that the Secretary target the amount of loans made to members of socially disadvantaged groups complies with the Supreme Court’s June 12, 1995, ruling in Adarand Constructors v. Pena. (Section 646)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 647)

(27) Delinquent borrowers, short form certification requirement, and credit study

The Senate amendment requires that a borrower pay a portion of the interest that is due as a condition of rescheduling or reamortizing loans that are not serviced under a mandated servicing process; the Secretary is to determine the required payment level. The Senate amendment prohibits direct operating loans to borrowers who are delinquent. The Senate amendment also prohibits direct and guaranteed loans to borrowers whose defaults on farmer program loans resulted in debt forgiveness. An exception permits USDA to guarantee operating loans for paying annual farm or ranch operating expenses that may be made to a borrower who was restructured with debt write-downs.

The Senate amendment limits a borrower to not more than one instance of debt forgiveness under any delinquent debt servicing mechanism that results in USDA incurring direct loan losses.

Furthermore, the Senate amendment requires that the Secretary perform a study on the demand for and availability of credit in rural areas for agriculture, rural housing, and rural development. (Section 641)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that requires USDA to develop a short form for borrowers to use for certifying compliance with loan making statutes and regulations. (Sections 648-650)

The Conference substitute amends the Con Act to eliminate funding by USDA of high-risk agricultural mortgage secondary market programs. (Sections 661 through 699A)

The Conference substitute adopts the Senate amendment regarding the Con Act concerning USDA’s farm loan programs. (Section 651)

The House bill has no comparable provision.

(28) Conforming Amendments

The Senate amendment contains conforming amendments of a technical nature to the Con Act concerning USDA’s farm loan programs. (Section 653)

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment regarding the Con Act technical changes. (Section 661)

(29) Electronic filing of financial statements and effective dates

The Senate amendment contains amendments to the Farm Credit Act of 1971 regarding the Agricultural Mortgage Secondary Market, commonly known as Farmer Mac, and the Farm Credit System. (Sections 661 through 699A)

The House bill has no comparable provisions.

The Conference substitute adopts the House provision deleting the Senate amendments regarding Farmer Mac and the Farm Credit System. Public Law 104-105, which was signed by the President on February 10, 1996, enacted the same Farmer Mac and Farm Credit System provisions. The Conference substitute also amends the Senate provision to allow the electronic filing of financial statements without the signature of the debtor providing State law authorizes such a filing and to provide guidance on the effective dates for the amendments made by this Title, including directing that regulations issued in response to these amendments are to be published as interim final rules. (Sections 662 and 663)

The Managers expect USDA in promulgating the rules to carry out the filing provisions for electronic financing statements to address the concerns of those States that have central filing, but have not yet implemented electronic filing, and will continue to utilize paper transactions. Commercial lenders expressed a great deal of concern and confusion due to the vagueness of the continuation provisions that are related to the financing statements included in the Farm Credit Act. The Managers did not endorse the draft consistency Article IX of the Uniform Commercial Code.
The Senate amendment repeals authority for the Office of Technology Assessment (section 2322 of the FACT Act). The authority is consolidated with all authorized rural water and wastewater technical assistance and training programs in section 306(a)(18) of the Con Act. The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 703)

(4) Telemedicine and distance learning services in rural areas

The Senate amendment reauthorizes and streamlines the Distance Learning and Telemedicine Program. A Treasury-rate loan program is created to assist rural borrowers in making telecommunications and data linkages available. The Senate bill authorizes appropriations of $100,000,000 for each of fiscal years 1996-2002. (Section 704) The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 703)

(6) Monitoring the progress of rural America; demonstration services

The Senate amendment reauthorizes and streamlines demonstration services for Rural Economic and Community Development. The Senate bill extends the authority for a study of the transportation of fertilizer to the Secretary of Agriculture. The introductory text of the Conference substitute contains a provision identical to the purpose of the provision for Corporate Board. (Sections 706 and 707)

(7) Analysis by Office of Technology Assessment

The Senate amendment repeals obsolete authority for the Office of Technology Assessment for study of the effects of information technology on the economy of rural America. (Section 707) The House bill has no comparable provision.

The Conference substitute adopting the Senate provision. (Section 708)

(8) Rural Health Infrastructure Improvement Program

The Senate amendment repeals unfunded authority for a demonstration project for rural health infrastructure improvement. (Section 708) The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 708)

(9) Census of Agriculture; study of transportation of fertilizer

The Senate amendment repeals an obsolete requirement for a 1992 Census question on agricultural accidents and farm safety. (Section 709) The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to repeal authority for a study of the transportation of fertilizer and agricultural chemicals to farmers. (Sections 710 and 711)
of funds for succeeding fiscal year funding of projects. The Board is given discretion to establish bylaws of the Board a policy for individual project monitoring and evaluation. The Board is not required to pay more than 25 percent of the total population for each of fiscal year 1996-2002. (Section 728)

The Senate amendment further provides for the transfer of assets of the Revolving Fund to the Treasury upon expiration of the Corporation's authority. It provides an authorization for an appropriation of $75 million for each of fiscal years 1996-2002. (Section 728)

An executive agency is given authority to impose controls on the activities of the Corporation. The Corporation is subject to oversight by the Secretary. The Senate amendment recognizes that steps are now being taken to approve management controls and measures to allow the Corporation to function effectively. The Managers recognize the need to improve procurement procedures and regulations to allow the Corporation to function efficiently. The Corporation is part owner of many of the companies it supports. The Corporation should divest itself of that ownership as soon as practicable so that invested funds are returned to the revolving fund to be reinvested.

The Managers also recognize the need to improve procurement procedures and regulations to allow the Corporation to function efficiently. The Corporation is part owner of many of the companies it supports. The Corporation should divest itself of that ownership as soon as practicable so that invested funds are returned to the revolving fund to be reinvested.

A new section is added to authorize an executive agency to give a price or technical evaluation preference in procurement practices to products successfully commercialized with assistance provided by the Corporation. (Section 730)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to give the Secretary authority to appoint an additional Corporation board member with financial management expertise, resulting in an eleven-member Corporation Board. (Sections 721-730)

The Managers note that the move to establish the Agricultural Research and Commercialization Center as an independent agency within USDA was the result of concerns that the Center was being "co-opted" into the programming of other USDA business-related agencies. Despite departmental reorganization legislation (P.L. 103-354, subtitle A—General Reorganization Authorities, section 231(m)) which specifically exempted the Center from the reorganization and thus maintained the Center's independence, USDA continued its efforts to turn the Center into a program of the Rural Business-Cooperative Service. Measures have been taken to ensure the Corporation's independence.

As a new program, the Center has experienced "growing pains" over the last 2 years. In March 1995, the Department's Office of the Inspector General (OIG) reported that Board members had not adequately disclosed their financial interests in projects; have operated under policies and procedures contained in an interim manual, not in regulations; and have not required audited financial statements from applicants before approving projects. In addition, the Center exercised its authority to terminate projects. The Managers recognize that steps are now being taken to approve management controls and oversight to remedy these problems. In converting the Center to the Corporation, the Committee is imposing a number of controls on the activities of the Corporation and the Board. The Board is required to establish bylaws, which have to be reviewed and approved by the Secretary. As an agency of the Department of Agriculture, the Corporation is subject to oversight by the Secretary and inspects maintained by the OIG. In addition, the Corporation will be subject to the auditing and budgeting requirements of the Government Corporations Act. Funds authorized to be spent are imposed, and the Secretary is given the authority to remand funding decisions made by the Board if the restrictions are violated. The Secretary is also directed to establish financial disclosure requirements for the Board.

In developing bylaws, the Managers expect the Board to take into consideration how the fund's financial condition, has the financial, technical, and market capability to undertake the project, has a reasonable expectation of success. The Board's decision of funding projects should be based on the feasibility of the project, the ability of the applicant to be successful in commercializing the product, and the ability of the applicant to repay the financial assistance it receives or provide a return on the Corporation's investment. Other considerations are the availability of matching funds, private-sector participation, potential market size, potential for jobs creation, state and local government participation, likelihood of reducing federal commodity support payments, likely impact on resource conservation, and likely impact on the environment. The Managers intend for the Corporation's continued independence to prevent political pressure from influencing the funding decisions of the Board of Directors.

The Managers also recognize the need to improve procurement procedures and regulations to allow the Corporation to function efficiently. The Corporation is part owner of many of the companies it supports. The Corporation should divest itself of that ownership as soon as practicable so that invested funds are returned to the revolving fund to be reinvested.

A new section is added to authorize an executive agency to give a price or technical evaluation preference in procurement practices to products successfully commercialized with assistance provided by the Corporation. (Section 730)

The Managers recognize the strong performance and success of the National Rural Veterinary Medical Education and Training Program in 1995. The Managers believe that with market-driven, technologically advanced, and government support, the Corporation can expand this program to provide a national, comprehensive system of veterinary medical education and training. The Conference substitute adopts the Senate provision. (Section 741)

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made available through a revolving fund of the Agricultural Credit Insurance Fund. (Section 744)
The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 744)

(15) Rural Development Insurance Fund

The Senate amendment eliminates obso-lete authority for insurance and guaranteeing loan programs for constructing or improving subter-minal facilities, eliminates authority to loan funds for sharing telecommunications terminal equip-ment, computers and software with approval of State Rural Economic Development Review Panels, and makes competitive the awarding of passenger transportation serv-ices or facilities grants.

The Senate amendment amends the Rural Cooperative and Technology Development grant program by: 1) narrowing the focus and renaming the program the "Rural Cooperative Development Grant program;" 2) empha-sizing job creation in rural areas through the development of rural cooperatives, value-added processing, and rural businesses; 3) refocusing the efforts of the regional centers on technology research, feasibility studies, training, technology transfer, and technical assistance; 4) targeting the activities of the rural centers to build the capability of rural industries, cooperatives, and agribusinesses; 5) establishing criteria for prefer-ences in the awarding of grants, including a requirement that the grants be on a competi-tive basis; 6) allowing the Secretary to make grants to defray up to 75 percent of the costs incurred by organizations and public bodies to carry out projects under this program; and 7) authorizing an appropriation of $50,000,000 million for each of fiscal years 1996-2002.

The Senate amendment authorizes the Secre-tary to make loan guarantees for the pur-chase of start up stock in a cooperative. To qualify for participation, the farmer must purchase the agricultural commodity that will be processed by the cooperative. (Section 747)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 747)

(17) Rural industrialization assistance programs

The Senate amendment eliminates unused authority to fund facilities for sharing telecommunications terminal equip-ment, computers and software with approval of State Rural Economic Development Review Panels, and makes competitive the awarding of passenger transportation serv-ices or facilities grants.

The Senate amendment amends the Rural Cooperative and Technology Development grant program by: 1) narrowing the focus and renaming the program the "Rural Cooperative Development Grant program;" 2) empha-sizing job creation in rural areas through the development of rural cooperatives, value-added processing, and rural businesses; 3) refocusing the efforts of the regional centers on technology research, feasibility studies, training, technology transfer, and technical assistance; 4) targeting the activities of the rural centers to build the capability of rural industries, cooperatives, and agribusinesses; 5) establishing criteria for prefer-ences in the awarding of grants, including a requirement that the grants be on a competi-tive basis; 6) allowing the Secretary to make grants to defray up to 75 percent of the costs incurred by organizations and public bodies to carry out projects under this program; and 7) authorizing an appropriation of $50,000,000 million for each of fiscal years 1996-2002.

The Senate amendment authorizes the Secre-tary to make loan guarantees for the pur-chase of start up stock in a cooperative. To qualify for participation, the farmer must purchase the agricultural commodity that will be processed by the cooperative. (Section 747)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 747)

(19) Authorization for appropriation

The Senate amendment eliminates direct loan programs under title III of the Rural Development Act of 1996 and grants authority to the Secretary of Agriculture to make direct loans. The amendment also creates a Rural Development Loan program. (Section 750)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 750)

(20) Testimony on congressional committees

The Senate amendment eliminates the re-quirement for the Secretary to testify before both House and Senate Agriculture Commit-tees by February 15th of each year. (Section 750)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 750)

(21) Prohibition on use of loans for certain pur-poses

The Senate amendment gives the Sec-retery authority to approve loans for utilities that cross wetlands. (Section 751)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 751)

(22) Rural Development Certified Lenders Pro-gram

The Senate amendment creates a certified lenders program for the Business and Industry guaranteed loan program and other rural development loan programs under title III of the Con Act. (Section 752)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 752)

(23) System for delivery of certain rural develop-ment programs

The Senate amendment repeals the system of State Rural Economic Review Panels for rural development program delivery. (Sec-tion 753)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 753)

(24) State Rural Economic Development Review Panel

The Senate amendment repeals the duties and structure of State Rural Economic Review Panels. (Section 754)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 754)

(25) Limited transfer authority of loan amounts

The Senate amendment repeals the trans-fer of appropriated funds for water and waste facility direct loan programs to loan pro-grams administered by the State Rural Eco-nomic Review Panels. (Section 755)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 755)

(26) Allocation and transfer of loan guarantee authority

The Senate amendment repeals State Rural Economic Review Panels authority to administer water and waste facility guaran-tee loan programs. (Section 756)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 756)

(27) Water systems for rural and native villages in Alaska; water and waste disposal appli-ca- tion requirements

The Senate amendment provides the Sec-retery with the authority to make grants to the State of Alaska for the benefit of rural and Native villages to develop and construct water and wastewater systems to improve sanitation conditions. To be eligible to re-ceive a grant, the State of Alaska will pro-vide equal matching funds from non-Federal sources. There are authorized to be appro-priated $15 million for each of fiscal years 1998 through 2002. (Section 752)
The House bill has no comparable provision.

The Conference substitute adopts the Sen-ate provision. (Section 752)
The Senators amendment establishes the National Sheep Industry Improvement Center. The purposes of the Center shall be to: (1) promote strategic development activities and collaborative efforts by private and State entities to maximize the impact of Federal assistance to strengthen and enhance the production and marketing of lamb and wool products in the United States; (2) identify and optimize the use of available human capital and resources within the lamb industry; (3) provide assistance to meet the needs of the sheep or goat industry for infrastructure development and marketing and environmental research; (4) build the capacity of the U.S. sheep or goat industry to respond to the special needs of the lamb and wool industries on both a regional and national basis; and (5) adopt flexible and innovative approaches to solving the long-term needs of the U.S. sheep industry.

The Senate amendment expects that the Secretary shall have the authority to determine the allocations for the Sheep and Goat Industry Improvement Center based on the Secretary's determination of the need in the sheep and goat industry for such center.

The Senate amendment permits the Secretary, in consultation with the Senate Committee on Agriculture, to consider the complexity of rural areas which are to be served by the sheep or goat industry, the geographical extent of the sheep or goat industry, and the extent to which the needs of the sheep or goat industry are being met by other Federal, State, and local programs.

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In section 381F, the Secretary shall reserve not more than 10 percent of the total funds appropriated for the RCAP to establish a national office reserve for rural development purposes. The Secretary shall reserve matching funds for emergencies, for incentive awards, or for performance-oriented demonstration projects. A three percent reserve shall be established specifically for grant decisions that are not recommended by the Community Development Directors. The Secretary shall ensure that the percentage for each State is no less than the percentage of the average of the total funds obligated for programs in each State in fiscal years 1993 and 1994. The minimum allocation constitutes a "hold harmless" provision. Funds allocated under this section are for Federal rural development programs within a State, and are not granted directly to the State.

The Senate amendment establishes a State RCAP grant in section 381G. It allows a State to request a grant of not more than 5 percent of the sums allocated to the State in any fiscal year. In addition, each State may receive an additional 5 percent from the State allocation if the State provides non-Federal matching funds equal to 200 percent of the grant amount. The State is required to maintain the grant funds and any non-Federal matching funds in a separate account. State RCAP grant funds shall be used in rural areas where the purposes are as funds appropriate for the programs included in the three function categories. The grant funds must be used in accordance with the strategic plan for the State.

The Senate amendment requires participating States to provide assurances that the grant funds will be used to supplement, not supplant, the amount of Federal, State, and local funds committed to rural development. States are prohibited from using grant funds for administrative purposes.

The Senate amendment establishes a guaranteed loan program in section 381H to give States the ability to leverage RCAP grant funds. The loan guarantee is authorized to guarantee loans made by States or other eligible public entities for financing rural development projects with the RCAP funds. The maximum amount of the loan guarantee is limited to 5 times the amount of the RCAP State grant. The cumulative total of outstanding obligations guaranteed by the Secretary cannot at any time exceed amounts authorized to be appropriated in any fiscal year for all RCAP rural development programs.

The Senate amendment in section 381I permits the establishment of voluntary pooling arrangements among States, and regional and subregional funds.

The Senate amendment directs the Secretary in section 381J to assume responsibility for establishing an interagency working group chaired by the Secretary. The working group shall establish policy, provide coordination, make recommendations, and evaluate the performance of all Federal rural development programs.

In section 381N, the Senate amendment requires Rural Development State Directors to: ensure that the State strategic plan is implemented to support community development objectives; establish links between State, local, and USDA field office program administrators; ensure recipient communities comply with applicable State and Federal laws and requirements; and integrate state development programs with assistance under the RCAP.

The Senate amendment requires the Secretary to use electronic transfer in section 381O for RCAP funds as soon as practicable.

The House bill has no comparable provisions. The Managers intend that there be an automatic waiver excusing the Rural Economic and Community Development Administration, the Rural Utilities Service, and the Rural Business and Community Development State Office Director from compliance with the national or state caps if there is no approval application in the function category from which the transfer is to be made. The Secretary is required to determine that the community that would benefit from the transfer has a smaller population and a lesser per capita income than any community that would benefit from the project in the function category from which the funds are to be transferred.

The House amendment makes grants both to community facilities or infrastructure project receive a certification of support from each affected general purpose local government.

The Senate amendment in section 381P requires that rural development projects involve mitigation of any Federal, State, or local environmental constraints.

The Senate amendment requires the Secretary to ensure that the State strategic plan is implemented to support community development objectives; establish links between State, local, and USDA field office program administrators; ensure recipient communities comply with applicable State and Federal laws and requirements; and integrate state development programs with assistance under the RCAP.

The Senate amendment requires the Secretary to use electronic transfer in section 381Q for RCAP funds as soon as practicable.

The House bill has no comparable provisions. The Managers intend that there be an automatic waiver excusing the Rural Economic and Community Development Administration, the Rural Utilities Service, and the Rural Business and Community Development State Office Director from compliance with the national or state caps if there is no approval application in the function category from which the transfer is to be made. The Secretary is required to determine that the community that would benefit from the transfer has a smaller population and a lesser per capita income than any community that would benefit from the project in the function category from which the funds are to be transferred.

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The Senate amendment in section 381P requires that rural development projects involve mitigation of any Federal, State, or local environmental constraints.
Managers intend that a State Rural Economic and Community Development Director exercise the flexibility granted under this subsection in a manner that amounts allocated under this title are used to address the State's rural development needs.

The Managers intend that any application for funds under this title include documented evidence of significant community support contained in the application and any extraneous evidence confirming or denying such support to ensure that Federal dollars are only used to address rural development needs.

The Managers further intend that any application for funds under this title for community infrastructure projects must be certified by the affected State or local government or the managers.

The Managers intend that the applications submitted to this requirement include, but are not limited to, those made under the water and waste disposal loan and grants programs, the community facilities loan and grant programs, the management grant program, the water and waste technical assistance and training program, and the emergency community water assistance program.

The Managers agree that the program funds received by the federally recognized Indian tribes to be targeted to communities or reservations in Indian country in economic distress or with significant percentages of residents living in poverty. Indian tribes are expected to comply with the requirement of preparing a strategic plan.

The Managers agree that a wide range of factors should be considered in setting allocations to reflect the diverse needs of rural America. In addition, the Department consider outmigration, cost of living, housing affordability, and financial need in developing the formula for allocation to the states under the RCAP.

The Managers encourage the States to use their State grant funds to accomplish and local rural development objectives. Suggested uses for grant funds include, but are not limited to, revolving loan funds, matching grants, and guaranteed loans. The Managers intend that the State RCAP guaranteed loan program allow for the use of community development banks and other financial institutions to establish banks and other financial institutions to demonstrate strong business relationships with corporate investors, and other sources of private sector capital to finance business development activities. Investments from private sector capital will be pooled by the participating organization into a Rural Business Investment Pool, and USDA will guarantee up to 30 percent of the pool’s value against loss. The Committee expects that most if not all of the pools will earn money over the term of the investments. Any pool losses on the guarantee shall be paid out of the national office reserve fund.

An organization wishing to participate in this program must submit a plan that describes how the funds will be raised and guarantee. USDA guarantee will help raise money. Each applicant will be asked to describe the need for venture capital in its area, the types of businesses that will be targeted for investments, the process by which investments will be chosen, and the likely forms of investment. The Secretary is also expected to ensure that organizations have procedures in place to avoid conflicts of interest, mismanagement, and fraud.

The Senate amendment authorizes the Secretary to continue the demonstration program to demonstrate the utility of the program in rural areas. The Secretary is required to guarantee not more than 30 percent of the total funds in a pool against loss. The Secretary is authorized to issue guarantees covering not more than $15 million for any fiscal year. The term of a guarantee may not exceed 10 years.

The Managers intend that the demonstration program to demonstrate the utility of the program in rural areas. The Secretary is required to guarantee not more than 30 percent of the total funds in a pool against loss. The Secretary is also expected to ensure that organizations have procedures in place to avoid conflicts of interest, mismanagement, and fraud. The Secretary is also expected to ensure that organizations have procedures in place to avoid conflicts of interest, mismanagement, and fraud.

The Conference substitute adopts the Senate amendment to the Rural Electric Modernization Act, and the Committee expects that most if not all of the funds will be used to purchase new equipment and will be subject to the requirements of section 502c of the act.

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technological, and regulatory matters affecting the condition and progress of electric and telecommunications service and economic development in rural areas. An obsolete provision requiring the issuance of regulations is deleted. (Section 771)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 771)

(34) Authorization of appropriation; Reconstruction Finance Corporation

The Senate amendment eliminates references to the Reconstruction Finance Corporation obsolete funding mechanism for RE Act programs, and annual state allotments of funds based on farms not receiving central station electric service. The authorization of appropriations is retained. (Section 772)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 772)

(35) Loans for electrical plants and transmission lines

The Senate amendment eliminates authority for 2 percent loans for electrical plants and transmission lines. (Section 773)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 773)

(36) Loans for electrical and plumbing equipment

The Senate amendment repeals authority for loans for wiring and plumbing which has not been funded since 1969. (Section 774)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 774)

(37) Testimony on budget requests

The Senate amendment eliminates a requirement that the Secretary testify before the House and Senate Agriculture Committees to justify the budget request. (Section 775)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 775)

(38) Transfer of functions of administration

The Senate amendment repeals an obsolete provision that allowed the President to transfer the responsibilities of the ERA to the Secretary in 1935. (Section 776)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 776)

(39) Annual report

The Senate amendment repeals the requirement for the Secretary to submit an annual report to Congress summarizing RUS activities. (Section 777)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 777)

(40) Prohibition on restricting water and waste facility services to electric customers

The Senate amendment prohibits the "tying" of water and waste facility financing to the purchase of electric service from RUS borrowers, duplicating a provision that governs water and waste programs under the Consolidated Farm and Rural Development Act. (Section 778)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 778)

The Secretary publish implementing regulations within 60 days of enactment. (Section 778)

The Senate amendment eliminates a provision that allows telephone borrowers to determine the term of a telephone loan. (Section 779)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 779)

(41) Telephone loans terms and conditions

The Senate amendment repeals a provision for an electric loan prepayment plan for Alaska electric cooperative. (Section 780)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 780)

(42) Rural business incubator fund

The Senate amendment repeals authority for the Rural Business Incubator Fund. (Section 781)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 781)

(43) Interest rate formula

The Senate amendment authorizes the Secretary to reestablish the interest rate for the Resource Conservation and Development loan program and the Watershed loan program. (Section 791)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 791)

(45) Grants for financially stressed farmers, displaced farmers, and rural families

The Senate amendment eliminates unfunded authority for a grant program that targets financially stressed farmers, displaced farmers, and rural families. (Section 792)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 792)

(46) Funds for rural rental housing assistance

The Senate amendment creates an account called the Fund for Rural America. The Secretary is given authority to transfer from the Commodity Credit Corporation into the account $50 million in fiscal year 1996, $125 million in fiscal year 1997, and $150 million in fiscal year 1998. (Section 793)

The Secretary may use funds for the following rural development program activities authorized in:

The Housing Act of 1949: direct loans to low-income borrowers pursuant to section 502; loans for financial assistance for housing for domestic farm laborers pursuant to section 514; and grants and contracts for mutual and self-help housing pursuant to section 520(d)(1)(A);

The Commodity Credit Corporation Act and Rural Housing Preservation pursuant to section 533; and

Rural Rental Assistance pursuant to section 521. In addition, all rural development programs including those authorized under the Consolidated Farm and Rural Development Act; specified sections of the Food, Agriculture, Conservation, and Trade Act of 1990, and grants pursuant to section 204(e) of the Agricultural Marketing Act of 1949.

The Secretary shall use one-third of the funds made available to the Fund for a fiscal year for rural development activities and one-third of the funds made available to the Fund for a fiscal year for competitive research activities. The remaining one-third may be used for either rural development or research at the discretion of the Secretary.

The Conference substitute adopts the Senate provision with an amendment to change the name of the Under Secretary for Rural and Economic Development. An obsolete provision for an electric loan prepayment plan for the Secretary of the Interior for Alaskan electric cooperatives is deleted. (Section 794)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision, except as follows:

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The Conference substitute adopts the Senate provision, except as follows:

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advantaged farmers and ranchers pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990, and grants pursuant to section 204(e) of the Agricultural Marketing Act of 1949.

Up to one-third of the funds from the account may be used to fund competitive research grants. Grants may be used for reseach, extension, and education to increase international competitiveness, efficiency, and farm profitability.
reduce economic and health risks; conserve and enhance natural resources; develop new crops, new crop uses, and new agricultural applications of biotechnology; enhance animal agriculture; ensure water resource protection; and animal germplasm; increase economic opportunities in farming and rural communities; and expand locally owned value added processing.

The Secretary may make a grant to colleges and universities, including land grant colleges and universities with established programs of agricultural research, extension, education, Federal research agencies and national laboratories, and private research organizations with established and demonstrated capability to perform research or technology transfer.

A grant made under this paragraph may be used by a grantee for one or more of the following uses: outcome-oriented research at the discovery end of the spectrum to provide breakthrough results, exploratory and advanced development and technology with well identified outcomes, national, regional, or multi-State programs oriented primarily towards extension programs and education programs demonstrating and supporting the competitiveness of United States agriculture.

Not less than 15 percent of the amounts made available under this section for a fiscal year shall be awarded to entities ranking in the lower one-third on the basis of Federal research funds received from sources other than Federal funds.

The Secretary shall establish criteria for allocating grants based on the priorities for uses of funds in consultation with the Advisory Board. The Secretary shall seek and accept proposals for grants; determine the relevance and merit of proposals through a system of peer and advisory board review; and award grants on the basis of merit, quality, and relevance to advancing the national research and extension purposes.

Research grants shall be awarded on a competitive basis. A grant shall have a term that does not exceed 5 years.

The Secretary shall require the funding of the grant with equal matching funds from a non-Federal source if the grant is for applied research that is commodity specific, and is not of national scope.

The Secretary shall administer this section in cooperation with the National Research, Education, and Extension Service of the Department of Agriculture.

Funds shall be available for obligation for a 2 year period, except the Secretary may make available under this paragraph allocations in a manner to provide additional funds to appropriate acts.

Research Component
It is the intent of the Managers that the uses of the fund could include consideration of genome mapping projects which may lead to increases in international competitiveness.

The Managers support high-quality, peer reviewed biotechnology research with practical applications carried out by consortia of public and private universities and companies and selected through a competitive process. The Managers intend that such a competitive process will provide grants for assistance under the research component of the Fund for Rural America.

The managers intend that the eligibility for National Laboratories to compete for grants under the Fund for Rural America is an outgrowth of the Memorandum of Understanding (MOU) signed between the Departments of Agriculture and of Energy in November, 1995. The managers encourage the National Laboratories to continue their efforts in a cooperative and participatory manner to achieve the objectives stated above. It is the intent of the managers that the USDA and DOE continue their efforts to meet the objectives outlined in the recent MOU.

Further, it is the intent of the Managers that the independent review by the advisory board should take into account the following issues:
(1) Federal Advisory Committee Act Exemption
(2) National Agricultural Research, Extension, and Education Act
(3) Title VIII—Agricultural Research, Extension, and Education Title
(4) Subtitle A—Modification and Extension of Activities under the 1977 Act
(5) Purposes of Agricultural research, extension, and education.

The Senate amendment amends Section 1409A of NARETPA of 1977 to exempt groups composed of state cooperative institution officials and employees and full-time Federal employees from FACA coverage. Meetings of such groups shall be open to the public. The Senate amendment revises the list of purposes of federally supported agricultural research, extension, and education in Section 1409A of NARETPA of 1977. (Section 801)
The Conference substitute adopts the Senate provision with an amendment to add public universities and postsecondary institutions. (Section 803)

The Managers intend that employees of Hispanic-Serving Institutions can participate in cooperative efforts concerning agricultural research, extension or education which are exempt from FACA.

(4) Coordination and Planning of Agricultural Research, Extension and Education

The Senate amendment requires the Secretary to develop a system to monitor and evaluate research and education conducted or supported by the Federal government.

For the activities of the Department that relate to human, animal, or plant health, research, education, or technology transfer, the Secretary may transfer up to 5 percent of funds to an agency reporting to the Under Secretary for Research, Education, and Economic to address imminent or emerging threats to food safety and animal and plant health.

Any committee, board, commission, panel, or task force established solely to review proposals for funding under any competitive research, extension, or education program is exempt from the Federal Advisory Committee Act requirements. (Section 807)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to require an analysis of state of the art information technology systems, require that the system be designed to permit public access, and provide an authorization for appropriations. The Conference substitute also strikes the proposal on 5% transfer authority. (Section 804)

It is the intent of Congress that the Current Research Information System (CRIS) and other program information tracking systems used by Research, Extension and Education be integrated into a Management Information System (MIS) that tracks all research, extension and education programs that receive funding from the USDA. This system will include information about the goals, objectives, scope and current status of these programs in a format that can be used to report to Congress and that is consistent with the requirements of the Government Performance and Results Act of 1993. This MIS must be structured so that the findings and accomplishments of USDA-funded research and extension programs are accessible by the general public through online access, with full search and retrieval capabilities. Another component of this MIS shall be designed so that researchers, extension agents and specialists will be able to search and retrieve detailed information on all USDA-funded research and extension activities across the country, with the capacity to search for projects and findings that are pertinent and derived from the University of Agriculture and its land-grant colleges and universities. The Secretaries of Agriculture and Education should make grants, competitive grants, and special research grants to policy research centers for research and education programs regarding the implications of public policies on the farm and agricultural sector; the environment; families; and economies; and consumers, food and nutrition. State agricultural experiment stations, colleges and universities, and other institutions, and other entities are eligible to receive grants. Funds may be used for research and education. There are authorized to be appropriated such sums as are necessary for fiscal years 1996 through 2002. (Section 808)

The House bill contains no comparable provision.

(7) Policy research centers

The Senate amendment authorizes the Secretaries to make grants, competitive grants, and special research grants to policy research centers for research and education programs concerning the implications of public policies on the farm and agricultural sector; the environment; families; and economies; and consumers, food and nutrition. State agricultural experiment stations, colleges and universities, and other institutions, and other entities are eligible to receive grants. Funds may be used for research and education. There are authorized to be appropriated such sums as are necessary for fiscal years 1996 through 2002. (Section 809)

The House bill contains no comparable provision.

(8) Human Nutrition Intervention and Health Promotion Research Program

The Senate amendment extends Section 808 of NARETPA of 1977 to permit the Secretary to provide funding for the current research initiative on human nutrition intervention and health promotion. There are authorized to be appropriated such sums as are necessary for fiscal years 1996 through 2002. The Conference substitute modifies this provision with an amendment to add for this research.

The House bill contains no comparable provision.

(9) Food and Nutrition Education Program

The Senate amendment extends the authorization for appropriation of $38 million for the Expanded Food and Nutrition Education Program (EFNEP) through 2002. (Section 812)

The Conference substitute modifies this provision with an amendment to change the amount for this purpose to $36 million.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change the amount for this purpose to $36 million.

The Managers also note that policy analysis must be clear about what it does and does not demonstrate. For example, an analysis which describes the effect of a proposed policy change on the incomes of agricultural producers, but does not attempt to estimate the same policy change's effect on input suppliers, processors, rural employment or total economic activity, is a waste of resources. The Conference substitute requires that in addition to reviewing proposals and applications for the purpose of evaluating them and making award recommendations, entities that are exempted from FACA, pursuant to this section also may render to the Secretary program advice derived from such review process.

The Conference substitute adopts the Senate provision with an amendment to change the amount for this purpose to $36 million.
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(10) Purposes and findings relating to animal health and disease research

The Senate amendment amends Section 1429 of NARETPA of 1977 to add food safety and animal well-being to the list of purposes of animal health and disease research. (Section 813)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 810)

Society periodically amends how it acts and reacts to particular considerations. New terminology emerges over time attempting to capture new trends, new thoughts, and new considerations when describing a social condition. With respect to interactions between the terms "animal welfare" and "animal well-being" has emerged replacing "animal welfare" to various degrees in literature and language of the day.

The Managers recognize that the term "animal well-being" can have slightly different interpretations. Therefore the term "animal well-being" for the purposes of this Act shall represent the basic efforts to assure proper care, treatment and shelter of animals, and the elimination of unnecessary cruel or painful treatment. However, the defining criteria shall include efforts to include more specific clinical criteria such as the evaluation of appetite, growth rate, reproduction and production levels. In other words, utilize tangible physical indicators or measurements to interpret how the animal can "communicate" a status of well-being to their human stewards.

(11) Animal health and disease continuing research

The Senate amendment extends the authorization of appropriation of $25 million through 2002. The formula for allocating funds among the States is amended to include the value of land and income from agriculture. (Section 819)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 811)

(12) Animal health and disease national or regional research

The Senate amendment clarifies that research under section 1434 of NARETPA of 1977 is for research and development of new products that deal with food safety and animal well-being. The authorization for appropriation is extended through 2002 at a level of $35 million. State agricultural experiment stations, colleges and universities, and other organizations and institutions are eligible for grants. Pre-harvest and on-farm food safety and animal well-being are added to the list of problems that the Secretary is required to prioritize annually. Any panel or board created solely for research purposes under this section is exempt from the Federal Advisory Committee Act. (Section 816)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 812)

This section also may render to the Secretary program advice derived from such review process.

(13) Grant program to upgrade agricultural and food sciences facilities at 1890 land-grant colleges

The Senate amendment provides an authorization of appropriation of $15 million through 2002 for the acquisition and improvement of facilities, equipment, and libraries used for agricultural and food sciences at 1890 institutions. (Section 818)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision to change 2002 to 1997. (Section 813)

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 819)

(14) National Research and Training Centennial Centers Programs, programs for Hispanic-serving institutions, and international agricultural research and training centers

The Senate amendment extends the authorization for appropriation of $12 million for competitive grants for five national research and training centers located at 1890 colleges including Tuskegee University through 2002. (Section 819)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 818)

The Senate amendment clarifies that the research program under this section the amendment of facilities, equipment, and libraries used for agricultural and food sciences at 1890 institutions. (Section 816)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 815)

(15) Authorization of Appropriations for Agricultural Research and Development Programs

The Senate amendment extends authorization for appropriation of $850 million for agricultural research (Agricultural Research Service, animal health and disease, and supplemental and alternative crops) through 2002. The authorization for appropriation of $310 million for formula funds (Hatch Act funds) for state agricultural experiment stations is extended through 2002. (Section 821)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 817)

(16) Authorization of appropriations for extension education

The Senate amendment extends authorization for appropriation of $460 million for Extension Service funding through 2002. (Section 822)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 818)

(17) Supplemental and alternative crops research

The Senate amendment extends authorization for appropriation of such sums as are necessary for research to develop supplemental and alternative crops through 2002. Subsections (b) and (c) of section 1473D of NARETPA of 1977 are amended to include in the research program under this section the development of new commercial products derived from natural plant materials for industrial, medical and agricultural applications. The development of new commercial products derived from natural plant materials is a necessary step toward the establishment of a national program of research, development, and production directed to the development of quality products for use in the food, agricultural and related industries. (Section 819)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 823)

(18) Aquaculture Assistance Programs

The Senate amendment repeals the requirement for the Director to issue a report to the Secretary by the Secretary to Congress. The authorization for appropriation of $7.5 million for aquaculture assistance programs, including research and regional centers, is extended through 2002. The authorization for appropriation of $800,000 for each of two specific institutions for research and development of systems for recirculating aquaculture systems is extended through 2002. (Section 824)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997 and to add ornamental fish to the definition of aquaculture in section 1404(3) of NARETPA of 1977. (Section 820)

(19) Authorization of appropriations for range land research

The Senate amendment extends the authorization for appropriation of $10 million for range and research through 2002. (Section 825)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 821)

(20) Water quality research, education, and coordination

The Senate amendment repeals Subtitle G of Title XIV of the Food, Agriculture, Conservation and Trade Act of 1990. This subtitle of the Conservation title authorized funds for the development and implementation of a national aquatic research and development network and comprehensive intra-agency program to protect waters from contamination from agricultural chemical and production practices, but was never funded. (Section 821)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to extend the authorization through 1997. (Section 831)

(21) National Genetics Resources Program

The Senate amendment extends the authorization for appropriation of such sums as are necessary for the National Genetics Resources Program through 2002 and allows the Secretary to make genetic material available to other countries. (Section 834)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1999. (Section 832)

(22) National agricultural weather information system

The Senate amendment extends the authorization for appropriation of $55 million for the National Agricultural Weather Information System through 2002. (Section 835)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 833)

(23) Livestock Product Safety and Inspection Program

The Senate amendment extends the authorization for appropriation of such funds as is necessary for the livestock product safety and inspection program through 2002. (Section 836)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 834)

(24) Plant Genome Mapping Program

The Senate amendment repeals unused authority for a plant genome mapping program for 1998 through 2000. (Section 837)

The House bill contains no comparable provision.
The Conference substitute adopts the Senate provision with an amendment to retain authority for the program. (Section 835)

(25) Certain Specialized Research Programs

The Senate amendment repeals authority for specialized research projects. The projects authorized under this section were not funded under this authority. (Section 844)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to retain authority for specialized research projects. The projects authorized under this section were not funded under this authority. (Section 844)

(26) Agricultural Telecommunications Program

The Senate amendment extends the authorization for appropriation of $12 million to encourage the development of an agricultural communications network to facilitate and strengthen education, extension, research, and domestic and international marketing through 2002. (Section 841)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 837)

(27) National centers for agricultural product quality research

The Senate amendment extends the authority for appropriation of such sums as necessary for grants to centers for research, development, and education programs on food safety and wholesomeness through 2002. (Section 842)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997 and to modify purposes and delete requirement for submission of plan to Congress. (Section 838)

It is the intention of Managers that this section be broadly interpreted to establish a competitive, applied research grants program, facilitating industry partnerships and supporting a broad spectrum of research, development, and education programs to enhance agricultural improvements in product quality and competitiveness. Through this program, the Managers seek to stimulate public and private investment in productive and competitive segments of agriculture and to maximize the cost effectiveness of that research.

(28) Red meat safety research center authorization and turkey research center

The Senate amendment repeals authority for a turkey research center which has not been funded. (Section 843)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to add an authorization for a red meat safety research center. (Section 839)

The United States has the safest food supply in the world. However, the managers recognize the need for red meat safety research. Currently the Department of Agriculture supports several high quality research centers. It is the intent of the Managers that a facility, dedicated to red meat safety research, be competitively established at an existing facility or a new facility and that it augment, not duplicate, current research already being done on red meat safety.

The Managers are also particularly interested that this facility have the ability to interact with national organizations and private livestock packing plants in carrying out their research.

(29) Indian Reservation Extension Agent Program

The Senate amendment reauthorizes the Reservation Extension Agent Program, established under Section 1677 of the Food, Agriculture, Conservation and Trade Act of 1990 through 2002. On a determination by the Secretary that a program has been satisfactorily administered for two years, the Secretary shall implement a reduced application process in order to reduce regulatory burdens on participating university and tribal entities. (Section 840)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to strike the 2002 authorization date since the program is permanently authorized. (Section 840)

(30) Assistive Technology Program for farmers with disabilities

The Senate amendment extends the authorization for appropriation of not less than $5 million for grants to support programs providing on-farm educational assistance and assistance to individuals with disabilities who are engaged in farming through 2002. The authorization for appropriation of $1 million for competitive national grants for technical assistance, training, and information dissemination is extended through 2002. (Section 846)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 841)

(31) National rural information center clearinghouse

The Senate amendment extends the authorization for appropriation of $500,000 for the National Rural Information Center Clearinghouse within the National Agricultural Library through 2002. (Section 848)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997 and to modify purposes. (Section 842)

(32) Global climate change

The Senate amendment extends the authorization for appropriation of such sums as necessary for a global climate change program is extended through 2002. (Section 849)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 841)

(33) Subcommittee on Food, Agricultural, and Forestry Research

The Senate amendment repeals authority for the Subcommittee on Food, Agricultural, and Forestry Research of the Federal Coordinating Council for Science, Engineering, and Technology. (Section 850)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 851)

(34) Joint Council on Food and Agricultural Sciences Authority for the Joint Council on Food and Agricultural Sciences is repealed. (Section 853)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 852)

(35) Agricultural Science and Technology Review Board

The Senate amendment repeals authority for the Agricultural Science and Technology Review Board. (Section 855)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 854)

(36) Animal Health Science Research Advisory Board

The Senate amendment repeals authority for the Animal Health Science Research Advisory Board. (Section 814)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 855)

(37) Resident Instruction Program at 1890 Land-Grant Colleges

The Senate amendment repeals Section 1469A of NARETPA of 1977 which provides for grants for teaching programs at 1862 institutions. This section was never funded. (Section 817)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 855)

(38) Rangeland Research and Composting Research and Extension Program

The Senate amendment repeals the requirement for an annual rangeland research report. The authority for the Rangeland Research Advisory Board is repealed. (Section 825)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 855)

(39) Program administration regarding sustainable agriculture research and education

The Senate amendment repeals authority for the National Sustainable Agriculture Advisory Council and a requirement for an annual report. (Section 833)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 859)

(40) Program administration regarding sustainable agriculture research and education

The Senate amendment repeals authority for the National Sustainable Agriculture Advisory Council and a requirement for an annual report. (Section 833)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 859)

(41) Program administration regarding sustainable agriculture research and education

The Senate amendment repeals authority for the National Sustainable Agriculture Advisory Council and a requirement for an annual report. (Section 833)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 859)

(42) Research regarding production, processing, handling, and storage of agricultural products

The Senate amendment repeals Subtitle E of Title XVI of the Food, Agriculture, Conservation and Trade Act of 1990. The food safety research and grant program authorized by this subtitle has not been funded. (Section 836)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 861)

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(43) Plant and animal pest and disease control program, specialized research programs, and commission on agricultural research facilities.

The Senate amendment repeals Subtitle F of title XVI of the Food, Agriculture, Conservation and Trade Act of 1990. Integrated pest management (IPM) research authorized under this subtitle has not been funded under other authorities. (Section 837)

The House bill contains no comparable provision. The Conference substitute adopts the Senate provision. (Section 871)

(51) Human nutrition research

The Senate amendment repeals a requirement for an annual report on human nutrition research activities. (Section 869)

The House bill contains no comparable provision. The Conference substitute adopts the Senate provision. (Section 872)

(52) Grants to upgrade 1890 land-grant college extension facilities and Indian subsistence farming demonstration program grant

The Senate amendment repeals obsolete authority for a program to upgrade 1890 land-grant college extension facilities. (Section 871)

The House bill contains no comparable provision. The Conference substitute adopts the Senate provision with an amendment to remove the reference to Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act. (Section 863)

(53) Critical agricultural materials research

The Senate amendment extends the authorization of appropriation for the Critical Agricultural Materials Act through 2002. The requirement for an annual report is eliminated. (Section 861)

The House bill contains no comparable provision. The Conference substitute adopts the Senate provision with an amendment to change 2002 to 1997. (Section 881)

(54) 1994 institutions

The Senate amendment extends the authorization of appropriation for the Critical Agricultural Materials Act through 2002. The requirement for an annual report is eliminated. (Section 861)

The House bill contains no comparable provision. The Conference substitute adopts the Senate provision, striking the Senate provision. (Section 881)

(55) Memorandum of agreement regarding 1994 institutions

The Senate amendment states that by January 1, 1997, the Secretary shall develop and implement a Memorandum of Agreement with the 29 tribally controlled colleges and institutions (referred to as 1994 institutions) through 2002. The authorization of appropriation of $1.7 million for institutional capacity building grants for 1994 institutions is extended through 2002. (Sections 861 and 871)

The House bill contains no comparable provision. The Conference substitute adopts the House provision, striking the Senate provision. (Section 881)

(56) Agricultural Research Facilities

The Senate amendment amends the Research Facilities Act. Section 1 is the short title. Section 2 contains new definitions for “Agricultural Research Facility” and “Food and Agricultural Sciences”.

Section 3 establishes the process for reviewing proposals for agricultural research facilities. Subsection (a) requires all proposals to be submitted to the Secretary and the Secretary is required to review proposals in the order in which they are received. Subsection (b) requires the Secretary to establish the application procedure in consultation with the Senate and House Appropriations Committees. Subsection (c) requires all proposals for new funding for agricultural research facilities at colleges, universities or non-profit institutions to be reviewed by USDA to determine whether they meet the following criteria: the availability of at least a 50% non-federal match in cash; the facility must not be duplicative of existing facilities; the facility must serve the national research priorities established in section 1402 of NARETPA of 1997 and regional needs; the college, university, or non-profit institution supporting the facility must demonstrate the commitment to long-term support for operating the facility and conduct research; and the facility must reflect the strategic plan for federally supported research facilities established in section 5. Subsection (d) requires the Secretary to review proposals within 90 days and report the results of the evaluation and assessment to the Senate and House Appropriations Committees.

Section 4 requires the Secretary to develop a ten-year strategic plan for the development, construction, modernization, consolidation, and closure of federally supported research facilities. The plan should reflect the need to increase the productivity and to enhance the competitiveness of the U.S. agricultural and food industry. It should also reflect the findings of the National Academy of Sciences with respect to programmatic and scientific priorities relating to agriculture.

Section 5 exempts panels or board created solely to review proposals from the Federal Advisory Committee Act.

Section 6 authorizes the appropriation of such sums as necessary for fiscal years 1996 through 2002 for the study, plan, design, structure and related costs of such facilities. Administrative costs are limited to 3 percent of the cost of the project.

The new review process would not apply to projects for which funds were appropriated under this Act for any phase of the project prior to October 1, 1995, but such projects would be included in the strategic
The Conference substitute adopts the Senate provision with an amendment to permit the transfer of the Southeastern Fish Culture Laboratory in Marion, Alabama to USDA and to direct the Administrator of NASA to work together to provide farmers with timely information through remote sensing. (Sections 890, 891, and 892)

In addition to NASA, the managers encourage the Secretary to continue cooperative efforts with the Department of Energy (DOE). The managers support the Memorandum of Understanding that was signed between the Department of Agriculture (USDA) and DOE in November 2001 to achieve the intent of the managers that the cooperative efforts of the DOE and USDA continue.

(63) Study of Agricultural Research Service

The Senate amendment directs the Secretary to request the National Academy of Sciences to conduct a study on the role and mission of the Agricultural Research Service. The study is to review the mission of federal research conducted by ARS, evaluate the strength of ARS science and its relevance to national priorities, and examine how the agency’s work relates to the capacity of the U.S. agricultural research, extension and education system overall. The report is to be completed within 18 months of the date of enactment. The Secretary is directed to make not more than $1 million of ARS funds available for the report. (Section 875)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision, deleting the Senate provision.

(64) Sense of the Senate regarding methyl bromide and general funding authority for research, extension and education

The Senate declares that the Department of Agriculture should continue to mimic methyl bromide alternative research and extension activities a high priority of the Department and that the Department of Agriculture, the Environmental Protection Agency, producer and processor organizations, environmental organizations and state agencies should continue their dialogue on the risks and benefits of extending the 2001 phaseout deadline. (Section 877)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to provide general funding authority for research, extension and education programs. (Sections 893, 897 and 898)
The conference agreement includes provisions that, for fiscal years 1998 through 2002, would direct the Secretary to conduct such research, education, and extension activities as are authorized in the current acts, and that would authorize the appropriations of such sums as are necessary to carry out such activities and initiatives. As indicated in the Managers, the Managers have agreed that each of the authorizations of appropriations for research, extension, and education programs or activities contained in this title shall be extended only through fiscal year 1997. The Managers intend that these combined actions will provide Congress and the Executive branch a fresh approach to conduct a thorough and comprehensive review of the federal agricultural research, extension and education programs and authorities. Our purpose is to re- vise these programs and authorities as necessary to ensure that the needs of the nation, and in particular the agriculture sector, are met as we transition into a new era. The Managers intend that this review be completed and that comprehensive legislation be enacted by the end of fiscal year 1997.

(65) Miscellaneous research concerns

The Managers recognize the importance of maintaining the ability to conduct alternative research to Bangladesh used by the grass seed industry.

The Managers believe that research and education to enhance soil quality and thus human and animal health are important. These research and education efforts should begin to address our understanding of the interrelationship between soil quality, food quality and overall health.

In recognizing that our nation's soil re- sources are a priority, the Managers are seeking to develop standardized field and laboratory methods to measure and interpret changes observed in soil quality indicators across fields, farms and watersheds.

The Managers recognize that there have been exciting and promising advances made in agricultural areas including perennial grass systems; high yields; production, water and air pollution, food quality and natural resource enhance- ment as well as human and animal health, the Managers intend that the research continues to develop standardized field and laboratory methods to measure and interpret changes observed in soil quality indicators across fields, farms and watersheds.

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(3) Agricultural quarantine and inspection and meat and poultry inspection

The House bill amends the agricultural quarantine and inspection fees provisions in section 2509 of the Food, Agriculture, Conservation, and Rural Development Appropriations Act, 2000 to provide that, for the fiscal years 1996-2002, funds in the user fee account in excess of appropriated amounts shall be available until expended. Besides, the bill funds in the user fee account shall be available without fiscal year limitation. This section also provides an exemption from the full time equivalent positions for positions attributable to the provision of agricultural quarantine and inspection services. (Section 502)

The Senate provision and adding an amendment striking the Senate provision. (Section 504)

The Conference substitute adopts the House provision with an amendment requiring the Secretary to report to Congress within 90 days indicating the steps necessary to allow interstate shipment of state-inspected meat and poultry and requiring the establishment of a Safe Meat and Poultry Inspection Panel. (Section 917 and 918)

The Managers are concerned that because of escalating budget pressures and consistent emphasis on accredited and commercial air travel, the Agriculture Quarantine Inspection (AQI) services are negatively impacted. It is provided that the amount necessary from the appropriations process will be frozen at $100 million between fiscal years 1996 and 2002. Furthermore, the Managers have provided the funding necessary to make all funds collected by APHIS in excess of $100 million available to the Secretary for the purpose of AQI services. As provided in this legislation, the Managers expect that the Agriculture Quarantine Inspector fee user fund be no longer subject to appropriation starting in fiscal year 2003. The Managers further expect that all funds collected after fiscal year 2002 be deposited in a dedicated account at the U.S. Treasury for the express purpose of covering the costs of Agriculture Quarantine Inspection. The managers expect the Secretary to have sole discretion over the disbursement and use of these funds for AQI.

The Managers have observed that virtually every debate regarding the current operation and future modernization of the federal meat and poultry inspection system concludes with a call for an increase in the role of the Packers and Stockyards Act of 1921 and the Meat and Poultry Inspection Act. The Managers have thus provided the Secretary to report to Congress with in 90 days indicating the steps necessary to allow interstate shipment of state inspected meat and poultry and requiring the establishment of a Safe Meat and Poultry Inspection Panel. (Section 917 and 918)

(4) Reimbursable agreements

The Conference substitute adopts the Senate provision. (Section 939)

(5) Overseas tort claims

The Senate amendment authorizes the Secretary to pay tort claims when claims arise outside the U.S. for services performed for the U.S. military by persons for whom the services are performed to be reimbursed by the Secretary for the services. (Section 942)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 939)

(6) Graduate School of the U.S. Department of Agriculture

The Senate amendment states the purpose of this section is to authorize extended education and training of graduate students at the Graduate School of the U.S. Department of Agriculture. The managers expect the Secretary to report to Congress with in 90 days indicating the steps necessary to allow interstate shipment of state inspected meat and poultry and requiring the establishment of a Safe Meat and Poultry Inspection Panel. The Managers have thus provided the Secretary to report to Congress with in 90 days indicating the steps necessary to allow interstate shipment of state-inspected meat and poultry and requiring the establishment of a Safe Meat and Poultry Inspection Panel. (Section 917 and 918)

The Managers are concerned about the burden borne by the State of Hawaii as a result of the agriculture quarantine covering that entire state for the benefit of agricultural products originating in the continental United States. The Managers expect that the Agriculture Committees will give further consideration to the establishment of a state quarantine for agricultural products to industries to provide for and receive inspection in the U.S. during a one-year period after enactment. Protection would be limited to a total of 20 years, including the time protected in another country. (Sections 911, 912, and 913)

The Managers have observed that virtually every debate regarding the current operation and future modernization of the federal meat and poultry inspection system concludes with a call for an increase in the role of the Packers and Stockyards Act of 1921 and the Meat and Poultry Inspection Act.
School may provide educational activities to federal agencies, employees, nonprofit organi-
zations, other entities, and members of the public. The Graduate School may charge rea-
sional fees for its activities based upon the cost of providing the service and may retain
those fees rather than depositing them in the United States Treasury. The Graduate School
is authorized to operate under its current name or may adopt another name.

Subsection (d) provides that the General Administration Board appointed by the Sec-
retary of Agriculture for the activities of the Graduate School in accordance with the Sec-
retary's regulations. The Board would be re-
sponsible for determining the policies by which
it is authorized to operate. It may take steps
necessary to assure that the re-
sponsibilities are carried out, including the
selection of a Director and other officers.
The Board may authorize the Director to
borrow money on the credit of the Graduate
School.

Subsection (e) authorizes the Director to
carry out the activities of the School, sub-
ject to the direction and oversight of the
Board. The Board may authorize the Direc-
tor to invest funds held in excess of the cur-
rent operating requirements as a reasonable
reserve.

Subsection (f) states that the director and
Board are responsible for assuring that those
personally liable for any loss or damage that may ac-
crue to the funds of the Graduate School as a
result of a discretionary act in carrying out
their duties.

Subsection (g) states that Graduate School
employees shall not be considered federal
employees.

Subsection (h) states that the Graduate
School shall not be considered a federal
agency for purposes of the Federal Tort
Claims Act, the Federal Advisory Committee
Act, the Freedom of Information Act or the
Privacy Act.

Subsection (i) prohibits the Graduate
School from accepting gifts from interested
parties.

Subsection (j) authorizes the Graduate
School to accept gifts of money and property
made for the benefit of the Graduate School.
This subsection authorizes the Graduate
School to acquire, maintain, and control real
property. It also authorizes the Graduate
School to enter into contracts without re-
gard to any law prescribing procedures for
the procurement of property or services and
to dispose of real or personal property with-
out regard to the Federal Property and Ad-
ministration Act. This subsection also authorizes the Graduate School to con-
tinue to use the facilities and resources of
the Department in carrying out its functions if
the costs are reimbursed out of the fees
collected or other income earned by the
Graduate School. (Section 548)

The House bill contains no comparable pro-
vision.

The Conference substitute adopts the Sen-
ate provision. (Section 921)

(7) Student internship program and conveyance of personal property

The Senate amendment authorizes use of
appropriated or user fee funds to pay
transportation, subsistence, and lodging ex-
penses of student interns. Student interns are
organizations who are bona
fide students of accredited colleges or
universities pursuing courses related to
the field in which the person is employed by
the Department. (Section 549)

The House bill contains no comparable pro-
vision.

The Conference substitute adopts the Sen-
ate provision with an amendment to author-
ize the Secretary to enter into cooperative
agreements on an annual basis with one or
more associations of colleges and univer-
sities for the purpose of providing for USDA
participations in the student internship programs
for graduate and undergraduate students who
are selected by such associations from stu-
dents attending member institutions of such
associations and other colleges and universi-
ties and an amendment authorizing the
Secretary of Agriculture to convey title to
excess personal property to any 1994 Institu-
tion, Hispanic-Serving Institution or 1890 in-
stitutions for research purposes with or
without monetary compensation. (Section
922 and 923)

(8) Conveyance of land, sale of land, designa-
tion of research center, and Washington
area strategic plan

The Senate amendment provides for con-
veyance of land to the Board of Trustees of
the University of Arkansas to be used in the
White Oak Cemetery. The land would revert
to the United States if not used in the ceme-
tery. (Section 550)

The House bill contains no comparable pro-
vision.

The Conference substitute adopts the Sen-
ate provision with an amendment authoriz-
ing the Secretary to convey the Walk of Faith
Tract"; renaming the Agricultural Research
Service Small Farms research facility lo-
cated near Booneville, Arkansas as the Dale
Bumpus Small Farms Research Center; and
authorizing funding for improvement of
roads at Beltsville as part of the USDA
Washington Area Strategic Space Plan. (Sec-
tions 924, 925, 926 and 927)

The Managers expect USDA to continue to
evaluate the Washington Area Strategic
Plan in light of Department streamlining and
workforce reduction. Furthermore, the
Managers expect the Secretary to work
closely with the House and Senate Agri-
culture Committees in identifying the most
effective option for renovating
the South Building. It is important that USDA
brief the Agriculture Committees on a regu-
lar basis about progress in this regard.

The House bill states that it is the intent of
Congress that recipients of assistance under
this Act shall purchase only Amer-
ican-made equipment and products. (Section
508)

The Senate amendment contains no com-
parable provision.

(9) Amendment of the Virus-Serum Toxin Act

The Conference substitute adopts the Sen-
ate provision, striking the House provision.

(10) Amendment of the Virus-Serum Toxin Act of
1913

The Senate amendment amends the Virus
Serum Toxin Act of 1913 to increase the
criminal penalty from a maximum of $1,000
to a maximum of $30,000, upon conviction,
for each violation. This section also author-
izes the assessment of civil penalties of up to
$5,000 for each violation of the Act or regula-
tions. A person must "knowingly" violate
the Act or regulations to be subject to a
criminal or civil penalty. Knowing forg-
ing, counterfeiting, or without permission of
the Secretary of Agriculture, using, altering,
defacing, or destroying any certificate, permit,
license, or other document will be considered
a violation of the Act. The Secretary is
required to provide notice and an opportunity
for an agency hearing before issuing an order
for a civil penalty. The total amount of civil
penalties assessed against a violator shall
not exceed $300,000 for all such violations ad-
judicated in a single proceeding. In the course
of an investigation of a suspected vi-
olation, the Secretary may issue subpoenas
requiring the attendance and testimony of
witnesses and the production of evidence
that relates to the matter under investiga-
tion. (Section 546)

The House bill contains no comparable pro-
vision.

The Conference substitute adopts the
House provision, striking the Senate provi-
sion.

(11) Equine piroplasmosis

It is the intention of the Congress that the
Secretary of Agriculture be directed to pro-
tect the United States and its domestic
horse population against equine piroplasmosis
by taking all actions necessary to ensure
that the disease does not become established
in the United States or spread to the domes-
tic horse population.

Congress finds that the U.S. Department of
Agriculture and the Georgia Department of
Agriculture plan to provide conditional waiv-
er from Federal and State health require-
ments for a limited number of foreign horses
testing positive for equine piroplasmosis to
enter the U.S. and compete in the 1996 Cen-
tennial Olympic Games.

Although careful conditions have been im-
posed on such admissions, there is a mini-
 mum risk that this disease could become es-
established in the U.S. Therefore, the twenty
point plan that has been agreed to by the Eu-
ropean Union, the Georgia Department of
Agriculture, and the Department of Ag-
riculture must be relaxed and the condi-
tions must be followed and administratively
enforced.

PAT ROBERTS, BILL EMERSON,
STEVE GUNDERSON, THOMAS W. EWING,
BILL BARRETT, WAYNE ALLARD,
JOHN BOEHNER, RICHARD POMBO,
E DE LA GARZA, CHARLIE ROSE,
CHARLIE STENHOlm, GARY CONDIT,
Managers on the Part of the House.

RICHARD G. LUGAR,
BOB DOLE,
JESSE HELMS,
THAD COCHRAN,
MITCH MCCONNELL,
LARRY E. CRAIG,
PATRICK LEAHY,
HOWELL HFEFLIN,
Managers on the Part of the Senate.
Mr. CRANE.
Mr. LIGHTFOOT.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 26, 1996, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

2290. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy’s proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 96-22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2291. A communication from the President of the United States, Transmitting the fourth report on the continuing deployment of United States Armed Forces to Haiti (H. Doc. No. 104-100); to the Committee on International Relations and ordered to be printed.

2292. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska Committee on Resources. H.R. 2824. A bill to authorize an exchange of lands in the State of Utah at Snowbasin Ski Area (Rept. 104-493). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee of Conference. Conference report on H.R. 2954. A bill to modify the operation of certain agricultural programs (Rept. 104-494). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 3074. A bill to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone (Rept. 104-495). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Ways and Means. H.R. 3103. A bill to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes; with an amendment (Rept. 104-496, Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 3070. A bill to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, and to simplify the administration of health insurance; with an amendment (Rept. 104-497, Pt. 1). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 995. A bill to amend the Employee Retirement Income Security Act of 1974 to provide new average for employees of small employers through fair rating standards and open markets; and for other purposes; with amendments (Rept. 104-498, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker

H.R. 995. Referral to the Committee on Commerce extended for a period ending not later than March 29, 1996.

H.R. 3070. Referral to the Committees on Economic and Educational Opportunities, the Judiciary, and Ways and Means for a period ending not later than March 29, 1996.

H.R. 3103. Referral to the Committees on Economic and Educational Opportunities, Commerce, and the Judiciary for a period ending not later than March 29, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII,

Mrs. MEYERS of Kansas (for herself, Mr. POSHARD, Mr. TORKILDSEN, and Mr. LAFALCE) introduced a bill (H.R. 3158) to amend the Small Business Act to extend the pilot Small Business Technology Transfer Program, and for other purposes; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 324: Mr. MILLER of California and Mr. MINGE.
H.R. 833: Ms. HARMAN.
H.R. 2599: Mr. McCrery.
H.R. 3032: Mr. FATTAH.
H.R. 3082: Mr. GUTKNECHT.
H.R. 3067: Mr. HERGER and Mr. MARKEY.
H.R. 3142: Mr. MATSUI, Mr. HALL of Ohio, and Mr. HALL of Texas.

H. Con. Res. 145: Mr. ZIMMER.
The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Rev. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for this new day in which we can glorify You in the crucial work You have called us to do. Through Your goodness we can say with enthusiasm, "Good morning, Lord," rather than with exasperation, "Good Lord, what a morning."

Thank You for giving us expectation and excitement for what You have planned for us today. Help us to sense Your presence in the magnificent but also in the mundane. Give us a deep sense of self-esteem rooted in Your love so that we may exude confidence and courage as we grasp the opportunities and grapple with the problems we will confront. Make us sensitive to the needs of the people around us. May they feel Your love and acceptance flowing through us to them. Guide our thinking so we may be creative in our decisions. We humbly acknowledge that all that we have and are is a gift of Your grace. Now we commit ourselves to You to serve our beloved Nation. Dear God, bless America through our leadership today. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of calendar No. 300, H.R. 1296, regarding certain Presidio properties. Senator MURKOWSKI will offer his substitute amendment today. How-ever, no rollover votes will occur during today’s session of the Senate. If other Senators have amendments to this legislation, they are encouraged to come forward and offer those amendments today with the understanding that any votes ordered will occur during Tuesday’s session. Also, it may be necessary to file a motion to invoke cloture today on H.R. 1296, therefore, a cloture vote may occur on Wednesday on the Presidio legislation.

Other items possible for consideration, in fact, necessarily, probably, as the week goes by, are the omnibus appropriations conference report, the debt limit extension, the farm bill conference report, and the line-item veto conference report.

Mr. President, I yield the floor.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will now proceed to the consideration of H.R. 1296, an act to provide for the administration of certain Presidio properties, which the clerk will read.

The legislative clerk read as follows:

A bill (H.R. 1296) to provide for the administration of certain Presidio properties at a minimal cost to the Federal taxpayer.

The Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

The Congress finds that—

(a) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America’s great natural and historic sites;

(b) the Presidio is the oldest continuously operated military post in the Nation dating from 1776, and was designated a National Historic Landmark in 1962.

(c) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(d) the Presidio, in its entirety, is part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589.

(e) as part of the Golden Gate National Recreation Area, the Presidio’s significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(f) removal and/or replacement of certain structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(g) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 2. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR.

(a) INTERIM AUTHORITY.—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Act. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 1341 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.
SEC. 3. ESTABLISHMENT OF THE PRESIDIO TRUST

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter in this Act referred to as the “Trust”).

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area A on the map entitled “Presidio Trust Property Survey Plan, December 1,” dated December 7, 1995, the Secretary shall transfer such parcel to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundary depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 192 as the Secretary deems essential for use as a visitor center. The building shall be named the “William Penn Mott Visitor Center.” Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection within the boundary of the Golden Gate National Recreation Area.

(2) Within 60 days after the first meeting of the Board of Directors of the Trust, the Trust shall establish, in cooperation with the National Park Service, Department of the Interior, the Program Plan for the Presidio Trust.

(c) BOARD OF DIRECTORS.—(1) In general.—The powers and management of the Trust shall be vested in a Board of Directors of the Trust (hereinafter referred to as the “Board”) consisting of the following 7 members:

(a) The Secretary of the Interior or the Secretary’s designee; and

(b) six individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, real estate development, and resource conservation. At least one of these individuals shall be a veteran of the Armed Services. At least 3 of these individuals shall reside in the San Francisco Bay Area. The Trust shall make the appointments referred to in this paragraph not later than 180 days after the enactment of this Act and shall ensure that the fields of city planning, finance, real estate development, and resource conservation are adequately represented.

(2) Terms.—Members of the Board appointed under paragraph (1)(B) shall each serve for a term of 4 years, except that the members first appointed, shall serve for a term of 2 years. Any vacancy in the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which such member was appointed. No appointed member may serve more than 8 years in consecutive terms.

(3) Quorum.—A majority of the Board shall constitute a quorum for the conduct of business by the Board.

(4) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(5) LIABILITY.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(6) MEETINGS.—The Board shall meet at least three times per year in San Francisco and at least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues throughout the Golden Gate National Recreation Area Advisory Commission.

(7) STAFF.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates, except that no officer or employee may receive a salary which exceeds the salary payable to officers or employees of the United States classified in the General Schedule.

(8) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(9) TAXES.—The Trust shall own all properties administered by the Trust, shall be exempt from all taxes and special assessments of every kind by the State of California, and the city and county of San Francisco.

GOVERNMENT CORPORATION.—(A) The Trust shall be a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). (B) The Trust shall be regulated and managed by the Secretary, and shall be audited annually in accordance with section 9105 of title 31 of the United States Code.
To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the authority, subject to the Federal Credit Reform Act of 1990, to (A) enter into loan agreements for the purchase of land or other properties, and (B) guarantee the credit of any loan guarantee agreement entered into by the Trust, provided that (A) any such loan guarantee agreement shall expire at the end of 15 years after the date of the enactment of this Act, and that the authority to issue obligations to the Secretary of the Treasury, but only if the Secretary for the operation of areas within the administrative jurisdiction of the Trust pursuant to section (3)(b) of this Act shall be transferred to the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be eligible for additional federal grants. The Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, in the absence of Senator MURKOWSKI, his staff indicated that it would be appropriate for me to go ahead and make my
close the United States Park Police at the Presidio in accordance with appropriated funding that will achieve, at a minimum, self-sufficiency for the Trust within 15 fiscal years after the enactment of this Act, and that may be necessary and appropriate to carry out its duties and responsibilities under this Act. The Trust shall give notice of the adoption of such rules and regulations by publication in the Federal Register. (j) The Trust shall require that all lessees and contractors procure property insurance against all loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary. (k) INSURANCE.—The Trust shall bring all properties under its administrative jurisdiction into compliance with Federal regulations governing the use and occupancy within 10 years after the enactment of this Act to the extent practicable. (m) LEASING.—In managing and leasing the properties owned by the Trust or leased to the Trust, the Trust shall (A) take into consideration the cost-effective preservation of historic buildings through their reuse of such buildings; (B) include in the terms and conditions of such leases the extent to which lessees shall be authorized to contribute to the activities of the Trust, in addition to its other authorities, shall have the authority, subject to the Federal Credit Reform Act of 1990, to (A) enter into loan agreements for the purchase of land or other properties, and (B) guarantee the credit of any loan guarantee agreement entered into by the Trust, provided that (A) any such loan guarantee agreement shall expire at the end of 15 years after the date of the enactment of this Act, and that the authority to issue obligations to the Secretary of the Treasury, but only if the Secretary for the operation of areas within the administrative jurisdiction of the Trust pursuant to section (3)(b) of this Act shall be transferred to the General Services Administration to be disposed of in accordance with the procedures outlined in the Defense Authorization Act of 1990 (104 Stat. 1809), and any real property so transferred shall be eligible for additional federal grants. The Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, in the absence of Senator MURKOWSKI, his staff indicated that it would be appropriate for me to go ahead and make my...
statement at this point, so I would like to do so.

Mr. President, I want to make a few initial observations about where we are with respect to this bill and where I hope we will end up. Almost every park and public land bill reported from the Energy and Natural Resources Committee in this Congress is included in the Murkowski substitute to be introduced today. Most of these bills are noncontroversial and were reported by the committee unanimously; some have cleared the Senate already but are held up in the House; some have passed the House and could go to the President, but for the fact that they are included in this package; others have had no action in either body.

While packaging these bills in this manner is not unprecedented, this particular package is unusual in at least two respects. First, for almost 1½ years we have been unable to move any of these bills through the Senate. This gridlock has prevented us from doing business. Second, the addition of the Utah wilderness bill to this package has transformed an effort to end procedural gridlock and enact a number of essential noncontroversial bills into a major battle over a very contentious wilderness proposal. The inclusion of the Utah wilderness bill in this package of otherwise relatively noncontroversial bills is a hostage on a filibuster here in the Senate and a veto threat from the administration.

I have indicated to my colleagues from Utah that I plan to support them in their efforts to get a Utah wilderness bill enacted. At the same time, I do not want to see the committee’s efforts of the last year and a half wasted by passing a bill that does not pass or cannot pass the House and will almost certainly be vetoed.

Since the Utah wilderness bill was introduced, the delegation from Utah has agreed to modify it significantly. Wilderness acreage has been added and a number of significant changes in the management and land exchange provisions have been made. While I know that the changes do not go far enough for some of my colleagues, I think it is clear that the Utah delegation is serious about crafting a bill that can pass the Senate.

For example, with respect to one of the most contentious provisions of the bill, the so-called release language, the substitute before the Senate today contains language very similar to an amendment which I offered in the committee on this subject and which, though it failed on a 10 to 10 vote, had bipartisan support and, as I recall, the Democrats of the committee were united on that subject. So, in effect, Senators BENTZ and HATCH have agreed to modify the position in the committee on that subject.

The substitute no longer contains language requiring that release lands, that is, lands not designated as wilderness, be managed for nonwilderness multiple uses. Likewise, the substitute does not prohibit the BLM from managing these release lands in a manner that protects their wilderness character. Thus, this new language now satisfies the primary objective that my amendment in the committee addressed.

Under the language as introduced, the BLM would have been unable for any reason to manage released lands, that is, lands not designated as wilderness, for anything but nonwilderness purposes. In addition, the BLM would have been precluded from adopting any management option that had the effect of protecting the wilderness character of these released lands. I was concerned that this language would preclude management for many legitimate purposes, such as dispersed recreation, protection of wildlife habitat or watersheds, the protection of scenic, scientific, or historical values or similar purposes.

Like the language offered, which was supported by virtually all the Senators on my side, the substitute now clearly permits these management options and only prohibits the BLM from managing these lands as wilderness study areas for the expressed purpose of protecting their suitability for future inclusion in the National Wilderness Preservation System.

While I recognize that there is still a serious objection in the view of some of my colleagues, this current formulation is significantly narrower in scope than the bill introduced and illustrates the willingness of the Utah delegation to compromise on some of these very difficult issues. I hope that both sides will make the very serious effort over the next several days to reach an accommodation on this bill.

I might say, Mr. President, Senator BENTZ, a former member of our committee and now Governor of Alaska, has argued in this Senate his willingness to be reasonable, not to be extreme in any way, and try to work to a bipartisan solution. I do not know the details of all the land in Utah. In fact, I count myself as being unlucky because I have only been to Utah once and that was to the Salt Lake City airport. I am advised that it is a magnificent State with very beautiful lands. I cannot tell you about which lands are which in Utah. However, I support the position of my colleague from Utah, Frankly, as an indication of my confidence in their fairness and their reasonableness in picking these lands and because I think the two Senators from the State ought to, in all but very extreme circumstances, have the ability to deal with wilderness matters in their State.

Now, having said that, I can tell my colleagues from Utah that they are up against very strong and persuasive opposition and that any opposition you can get is a veto threat from the President. I offer to them and to my colleagues on this side of the aisle whatever services I can give in trying to find a common solution so that we can work out a bill that not only passes the Senate, gets past the filibuster, but can avoid the veto threat of the President.

They have shown already, as I just indicated, on the release language, their willingness to substitute in order to get a substitute version of purpose. I hope we can find a way to do that here on this floor so we can do more than just pass a bill in the Senate or get a majority of the votes in the Senate for a bill that does not become law and, even if it does, that becomes law and settles this very contentious issue in a good way for the people of this country, as well as the people of the State of Utah.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to offer a substitute amendment.

AMENDMENT NO. 3564

(Purpose: To offer an amendment in the nature of a substitute to H.R. 1296, a bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes)

Mr. MURKOWSKI. Mr. President, I seek to offer a substitute amendment and ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3564.

Mr. MURKOWSKI. Mr. President, I am happy to offer a substitute of the amendment of the President of the Senate for the consideration of this body.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today’s RECORD under “Amendments Submitted.”)

Mr. MURKOWSKI. Let me acknowledge my friend from Louisiana, the ranking member of the Energy and Natural Resources Committee, for his statement of support on the Utah wilderness bill. As we both know, serving on the committee, this particular phase of this package of legislation has been worked long and hard. We will hear from the representatives from Utah with regard to the specifics, but I think we have a good package here.

I want to remind my colleagues, of the 56 or so titles of this bill, there is virtually something in it for almost every Member of this body in the sense of it affecting his or her individual State. I encourage my colleagues to recognize the importance of staying together on this package, because once we start to take it apart by motions to strike, it will lose its base of support in
Mr. MURkowski. Mr. President, I ask unanimous consent that Michael Meng be permitted privilege of the floor for the duration of the debate of H.R. 1296, the Presidio legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURkowski. Mr. President, the legislation under consideration today is probably the largest and, in my opinion, one of the most balanced environmental packages we have addressed in the Senate, at least in this Congress. This major legislative effort does, really, a number of things. It is proenvironment, it is profuture. I think it is important that basically everybody wins. The bill represents a balance between protection of our parks and our public lands and the welfare of families and the economic well-being of the Nation and many local communities.

Furthermore, Mr. President, it is a very reasonable attempt to fulfill a multiple-use concept and add to the wilderness some 2 million acres. Now, acreage, in the eyes of many, does not relate to the face of the earth and perhaps I can put it in perspective. The State of Delaware is about 1 million acres. We are proposing to add 2 million acres in Utah. It is fair to say 2 million acres is about three times the size of the State of Rhode Island; 2 million acres of wilderness is about half the size of the State of New Jersey.

Let me put this in a further perspective, Mr. President, as we address wilderness and what it means. In the State of New Jersey, there are 1.3 million acres of wilderness. With this bill, we would be adding to Utah’s 800,000 acres of wilderness another 2 million, making it 2.8 million, approximately.

Another State that comes to mind in comparison is Arkansas. There are 127,000 acres of wilderness in the State of New York. By this legislation, we would be adding 2 million in the State of Utah, again making it 2.8 million.

My friend from Louisiana has 17,046 acres on State lands in his state of Louisiana. I am not going to talk too much about my State of Alaska but will just mention in passing, we have 57 million acres of wilderness in the State of Alaska. We are proud of that wilderness. I think it is important in this debate that we keep this in a proportional comparison, because with New Jersey at 10,341, one wonders why there is not a little more wilderness in New Jersey. I will leave that to the Senator from New Jersey to explain.

Mr. President, this bill contains over 50 measures affecting our parks, our national forests, and public lands. It is really a bipartisan endeavor. It addresses legislation introduced by Members on both sides of the aisle and represents a broad spectrum of interests from legislation dealing with everything from the Olympic games in Utah to the Sterling Forest in New York, to land exchanges in California, to boundary adjustments in the Commonwealth of Virginia.

The legislation contains expanded authorities for the National Park Service which will contribute to more cost-effective management and add additional parklands for the protection and enjoyment of all Americans now and in the future.

There are several land exchange proposals that will add environmentally sensitive lands to the Nation’s public land inventory, as well as having the effect of rearranging scattered Federal land areas into manageable units that will be protected well into the future.

The amendment starts with the Presidio, San Francisco. The title is a result of lotty hours of negotiation and compromise. I made a visit to this military post on the San Francisco peninsula. The committee has been presented with a major challenge, and I am pleased to report to you that we, I think, have a realistic method to save this valuable historic asset. Let me recognize Representatives from the House, as well as those Members from the California delegation of the Senate, DIANNE FEINSTEIN and BARBARA BOXER. I know how much this particular legislation means and how we have been working with them to try and reach an accord.

Mr. President, under this legislation, and over a period of time, the Federal appropriated dollars that made this park the most expensive operation in the National Park System. I am pleased, will be reduced over a period of time to basically zero. Federal dollars will be replaced with money and expertise from the private sector, and the private sector is willing and able to accomplish this.

Mr. President, following the provisions affecting the Presidio, we have some 32 additional titles covering 53 separate measures, and now there have been three more for a total of 56. I trust that the staffs are responding this morning because I am going to go through the various titles and identify the States because, again, I want to emphasize that there is virtually an interest by each State in this package of titles.

Here is the list of titles: Yucca House National Monument boundary adjustment (Colorado); Zion National Park boundary adjustment (Utah); Pictured Rocks National lakeshore boundary adjustment (Michigan); Independence National Historic Park boundary adjustment (Pennsylvania); Craters of the Moon National Monument boundary adjustment (Idaho); Hagerman Fossil Beds National Monument boundary adjustment (Idaho); Wupatki National Monument boundary adjustment (Arizona); New River Gorge National River (West Virginia); Gauley River National recreation area (West Virginia); Bluestone National Scenic River (West Virginia); Kaloko-Honokohau National Historical Park (Hawaii); Women’s Rights National Historical Park (New York); Boston National Historical Park (Massachusetts); Cumberland Gap National Historic Park (Kentucky, Virginia, Tennessee); William O. Douglas outdoor classroom (California); Limitation on park buildings (National Park service-wide); Appropriations for transportation of children (National Park service-wide); Federal burros and horses (National Park service-wide); Authorities of the Secretary relating to museums (National Park service-wide); Volunteers in the parks increase (National Park service-wide); Hope agreements for research purposes (National Park service-wide); Carl Garner Federal lands cleanup day (Federal lands-wide); Fort Pulaski National Monument (Georgia); Laura C. Hudson visitor center (Louisiana); United States Civil War Center (Louisiana); Title III—Robert J. Lagomarsino Visitor Center (California); Title IV—Rocky Mountain National Park Visitor Center (Colorado); Title V—Corinth, Mississippi Battlefield Act (Mississippi); Title VI—Walnut Canyon National Monument Boundary Modification (Arizona); Title VII—Delaware Water Gap (Pennsylvania, New Jersey); Title VIII—Targhee National Forest Land Exchange (Idaho, Wyoming); Title IX—Dayton Aviation (Ohio); Title X—Cache La Poudre (Colorado); Title XI—Giplin County, Colorado Land Exchange (Colorado); Title XII—Butte County, CA. Land Conveyance (California); Title XIII—Carl Garner Federal Lands Cleanup Day (Federal lands-wide); Title XIV—Anaktuvuk Pass Land Exchange (Alaska); Title XV—Alaska Peninsula Subsurface Consolidation (Alaska); Title XVI—Sterling Forest (New York, New Jersey); Title XVII—Taos Pueblo Land Transfer (New Mexico); Title XVIII—Ski Fees (National Forest System-wide); Title XIX—Selma to Montgomery National Historic Trail (Alabama); Title XX—Utah Wilderness (Utah); Title XXI—Fort Carson-Pinon Canyon (Colorado); Title XXII—Snowbasin Land Exchange Act (Utah); Title XXIII—Colonial National Historical Park (Virginia); Title XXIV—Women’s Rights National Historical Park (New York); Title XXV—Franklin D. Roosevelt Family Land (New York); Title XXVI—Great Falls Historic District (New Jersey); Title XXVII—Rio Puerco Watershed (New Mexico); Title XXVIII—Columbia Basin (Washington); Title XXIX—Grand Lake Cemetery (Colorado); Title XXX—Old Spanish Trail (New Mexico, Colorado, Utah, California)
Mr. President, within the non-controversial issues, as I have indicated, there are a host of minor boundary adjustments and small operational changes in authorizations requested by the Department of Interior. There are authorizations for historic trail studies, building and naming national park visitor centers, expansion of historic parks, and equal value land exchanges for the Department of Agriculture. We have also addressed survey problems, and we authorize the citizens of Grand Lake, CO, to maintain their own town cemetery. It just happens to lie inside the boundaries of the Rocky Mountain National Park. There are other non-controversial measures, each benefiting one or more segments of our society.

Mr. President, by far, the most controversial component of the package that we are considering is the title dealing with the Utah wilderness. Mr. President, it is suggested that if Winston Churchill were a Member of this body, he would have said, “Never have so few done so much to confuse so many.” It is our collective responsibility, I think, to look past the smoke screen that has been framed by extreme elitist types on the Utah wilderness issue.

Under the provisions of this bill, the Nation gains some 2 million acres of new wilderness. The lands under consideration meet the legislatively mandated definition of what wilderness should be. These are truly land masses that retain their primeval character and their influence, without permanent improvements or human habitation, with the imprint of man’s work substantially unnoticeable, just as the act tells us the requirements must be. We have the benefit of extensive studies and efforts poured into defining exactly what lands should and should not be included in the wilderness system for Utah.

This whole issue was initiated by an act of Congress under the terms and conditions contained within the Federal Land Planning and Management Act. The effort was carried out by professional subject matter experts working for the Federal Government, not political appointees. In other words, Mr. President, this was done by professionals working for the Federal Government, and independent of the political influences associated with political appointees. That is not the case on the current recommendations that are coming from the other side to increase this wilderness in the area of 5 million acres.

Mr. President, the Bureau of Land Management study and final report cost the taxpayers of this country in excess of $10 million. It took more than 15 years to complete. This process, which was carried out in the full light of the public land planning process, included input from some 16,000 written comments, and there were over 75 formal public hearings on this question of Utah wilderness. The study processed was open to every citizen of the United States. It was well-defined criteria, and well documented. Appeals and protests rights were well publicized and used by groups of people on both sides of the issue. At the culmination of this process, those independent professionals recommended the inclusion of 1.9 million acres. This legislation recommends 2 million acres on the nose.

Those Federal employees in that open process spoke basically for every citizen in this country who participated in the Utah wilderness process. The process followed the rules that, I remind my colleagues, are extensively articulated in both the Wilderness Act of 1964 and the Federal Land Planning and Management Act.

Mr. President, unfortunately, the Secretary of the Interior, Secretary Babbitt, seems to want to ignore the advice of his own professional managers. Here is the record of decision, Mr. President, the Utah Statewide Wilderness Study Report that substantiates the recommendations that it be 2 million acres. So the Secretary has decided to ignore that.

I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Bureau of Land Management, Oct. 1991]

**UTAH STATEWIDE WILDERNESS STUDY REPORT, VOLUME I—STATEWIDE OVERVIEW**

**THE SECRETARY OF THE INTERIOR, Washington, DC, October 18, 1991.**

**RECORD OF DECISION**

The following are the wilderness recommendations for 95 wilderness study areas (WSAs) in the State of Utah. These recommendations were developed from the findings of a 15-year wilderness study process by the Department of the Interior and Bureau of Land Management. The wilderness studies considered each area’s resource values, present and projected future uses of the areas, public input, the manageability of the areas as wilderness, the environmental consequences of designating or not designating the areas as wilderness, and mineral surveys prepared by the U.S. Geological Survey and Bureau of Mines.

Based on our review of those studies, I have concluded that 1,958,339 acres within 69 study areas should be designated as part of the National Wilderness Preservation System and that 1,299,911 acres within 63 study areas should be released from wilderness study for uses other than wilderness. The acreage recommendations for each WSA, with which I concur, are listed in the following table. The Wilderness Study Report accompanying this decision includes a detailed discussion of the recommendations and maps showing the boundaries of each area.

**MANUEL Lujan, Jr., Secretary of the Interior.**

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**UTAH WILDERNESS RECOMMENDATION**

(For Utah Statewide EIS WSAs/WSAs)

<table>
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<tr>
<th>WSA/WSA name</th>
<th>Study</th>
<th>WSA number</th>
<th>Acres recommended for wilderness</th>
<th>Acres recommended for non-wilderness</th>
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### UTAH WILDERNESS RECOMMENDATION—Continued

#### (Utah Statewide EIS WSA/ISA)

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<tr>
<th>WSA/ISA Name</th>
<th>Study</th>
<th>WSA number</th>
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<th>Acres recommended for nonwilderness</th>
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<tr>
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### UTAH WILDERNESS RECOMMENDATION

#### (Utah WSAs studied by other States)

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<tr>
<th>WSA Name</th>
<th>Study</th>
<th>WSA number</th>
<th>Acres recommended for wilderness</th>
<th>Acres recommended for nonwilderness</th>
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<tr>
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</table>

1 N.A.—Natural area.
Mr. MURKOWSKI. I thank the Chair. Mr. President, it is important to note that throughout the committee deliberations on this issue the Secretary did not offer one constructive comment—not one single comment—not did he direct his legions to put forth an alternative. He was silent except for his exchanges with the media.

So here we have a Secretary that objects to this even after some $10 million and 15 years, and comes up with no suggested alternative. That brings me to the point which I find very, very disturbing. I personally received from the Secretary, not directly but through the news media, a letter. This letter contains the passage that if the Utah wilderness provision contained in this bill prevails he would recommend that the President veto the entire bill. This did not come in the mail. Mr. President. Again, the Secretary offered no other constructive alternative to the wilderness proposal. I do not know. Maybe he wanted to save stamps and figured that the media would deliver his message. Well, they did deliver his message. I put a copy that we filed with the Library of Congress, the RECORD. I ask unanimous consent that it be printed. I add that this did not come in the mail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SECRETARY OF THE INTERIOR.**
Washington, DC, March 15, 1996.

Hon. Frank Murkowski,
Chairman, Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey the Administration’s position on the Omnibus Parks Bill, due before the full Senate shortly. If the Utah Public Lands Management Act is part of an omnibus bill sent to the President, I would recommend that he veto the entire package.

The Administration is prepared to support the omnibus park bill if the Utah wilderness provision is deleted and with the qualifications mentioned below.

With regard to the President, I have continued to work with the Committee to arrive at acceptable language. I am prepared to recommend that the President support this provision, assuming the Senate includes language authorizing the Trust to transfer properties surplus to its needs and open space areas under the Secretary (as provided for in the House-passed bill), deletes the Davis-Bacon waiver (again as in the House bill), deletes the exemption from the Anti-Deficiency Act, and clarifies that the National Park Service may continue short-term use and occupancy agreements until the Trust is established.

As to the remaining titles, we are, in general, of the view that the Senate’s approach is preferable to the House. However, the Alaska Peninsula Subsurface Consolidation title is problematic. It would establish a new appraisal methodology that would result in the overvaluation of Konig subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Konig subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Konig subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Konig subsurface rights, at the expense of the taxpayer. In addition, the National Park Service does not believe that Konig subsurface rights, at the expense of the taxpayer.

Institutional fortitude to get up and find out what the facts are, I hope they will search them out with regard to this package that is so important to the lands in the United States.

It is true that some of these lands in the State of Utah that they are going to receive in the exchange authorized under this legislation may be developed, but very little. It will not be developed irresponsibly. I think we can trust the people of Utah in that regard. The moneys generated from some of these lands go to Utah schools and institutions. Some opponents of the legislation suggest that the land will be ruined and developed beyond recognition. I know that my colleagues are aware of all of the safeguards that are still in place under both Federal and State laws, and they are almost too numerous to mention, Mr. President. But I think it is important that we recognize just what the significance of these checks and balances are because they are numerous.

To suggest that somehow Utah will lose the flexibility to responsibly develop this land defies logic, Mr. President. I am going to submit for the RECORD legislative authorities involving the Bureau of Land Management, the General Public Lands Management Act, the general environmental laws. They consist of the Federal Land Policy Management Act, Classification of Multiple Use Act, Federal Advisory Committee Act, Coastal Zone Management Act, National Environmental Policy Act, Clean Air Act, Federal Water Pollution Control Act, Safe Drinking Water Act, Noise Control Act, Solid Waste Disposal Act, Environmental Quality Improvement Act, Hazardous Materials Transportation Act, Comprehensive Environmental Response, Oil Pollution Act, National Environmental Education Act, on and on and on.

I ask unanimous consent that they be printed in the RECORD. There being no objection, the material was ordered to be printed in the RECORD, as follows:

**LEGISLATIVE AUTHORITIES INVOLVING BLM**

2. Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

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**Total Utah WIsAs studied by other States**

<table>
<thead>
<tr>
<th>Study</th>
<th>WSA/SA Name</th>
<th>WSA number</th>
<th>Acres recom mended for wilderness</th>
<th>Acres recom mended for nonwetness</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,160</td>
<td>11,204</td>
<td>1,938,319</td>
<td>1,299,911</td>
<td>1,299,911</td>
</tr>
</tbody>
</table>
28. Food Security Act of 1985 (Farm Bill), 7 U.S.C. 146f (control of grasshoppers & monarch butterflies on federal lands)

VI. WATER RESOURCES AND RELATED PROBLEMS

10. The Clean Water Act, as amended by the Water Quality Act of 1987
11. The Safe Drinking Water Act Amendment of 1977
12. The National Dam Inspection Act of 1977

VII. RECREATION, HERITAGE AND WILDERNESS PROGRAMES


VIII. FINANCE

3. Act of June 17, 1902, as amended, 13 U.S.C. 536 (Prudently known as the Reclamation Act or the National Irrigation Act of 1902)
5. Technical Services
   b. Act of April 8, 1864, as amended, 16 U.S.C. 176 (Survey of Indian Reservations)
   c. Law Enforcement and Fire Protection
      c. Act of February 25, 1885, as amended, 43 U.S.C. 1061 et seq. (Popularly known as the Unlawful Inclosures of Public Lands Act or the Unlawful Occupancy of Public Lands Act)
   h. Volunteers in the Parks Act of 1969, as amended, 16 U.S.C. 18g–18h
   i. The Federal Uniform Crime Reporting Act 1988

IX. ADMINISTRATIVE

   d. Whistleblower Protection Act, 5 U.S.C. 1201–1227
   j. The Paperwork Reduction Act of 1980
   k. The Computer Security Act of 1987
   l. The Civil Service Reform Act of 1978
   m. The Civil Rights Act of 1964, as amended

MAJOR ENVIRONMENTAL LAWS ENVFORCED BY THE STATE OF UTAH ON STATE AND PRIVATE LANDS

The State of Utah, through State Law has the authority to enforce the following Federal Laws on State and private lands.

Surface Mining Control and Reclamation Act

Federal Water Pollution Control Act

Endangered Species Act

CARPET LEASING ACT

Surface Mining Control and Reclamation Act

White Horse and Burro Act

Endangered Species Act

Federal Noxious Weed Act

National Historic Preservation Act

Wilderness Act

American Indian Religious Freedom Act

Comprehensive Environmental Response, Compensation, and Liability Act of 1980

The Nature American Graves Protection Act

The State of Utah, through State Law has the authority to enforce the following Federal Laws on State and private lands.

Surface Mining Control and Reclamation Act

Federal Water Pollution Control Act

Endangered Species Act

Surface Mining Control and Reclamation Act

National Historic Preservation Act

Resource Conservation and Recovery Act

Safe Drinking Water Act

Fish and Wildlife Management Laws

The State of Utah, through State Law has the authority to enforce the following Federal Laws on State and private lands.

Surface Mining Control and Reclamation Act

Federal Water Pollution Control Act

Endangered Species Act

Surface Mining Control and Reclamation Act

National Historic Preservation Act

Resource Conservation and Recovery Act

Safe Drinking Water Act

Fish and Wildlife Management Laws
health of our citizens and the communities within which they live. Economic well-being enhances the environment. It certainly does not destroy it. I think you have to have good schools, well-educated young Americans, and good job opportunities. They can truly achieve and the knowledge to meet our environmental responsibilities. You do not do it in a vacuum.

Again, Mr. President, the Nation gains some 2 million acres of pristine national forests. The residents of Utah gain schools, education, and a protected environment. In my opinion, there is no better quid pro quo.

We are going to have an extended debate here, Mr. President. But there are a couple of other things that I would like to add to the opening statement that I think make reference to the realities that we are facing.

There has been a suggestion by some in the media and some of my colleagues on this side of the aisle that there have been delays in putting this legislation together and that somehow the responsibility should rest with those of us on this side of the aisle.

Mr. President, I would like to remind my colleagues that the bills in this package have been held in limbo for several months. The end result of this inaction has produced a logjam of legislative proposals that have been collecting sawdust around here. But the reality of this logjam is the fact that Senate passage of one bill will not occur until there is an action on another and then another and so on down the line.

The bottom line is everyone gets something or everyone gets nothing. That is where we are with this package today. As I have indicated, there are some 56 areas that are affected here. If we can take this package together and move it forward and be accepted in the House of Representatives and move on to the President. But if we start unwinding, I can assure you that set of facts is not going to prevail.

The bottom line is that you cannot send the Presidio to the House minus the provisions concerning Utah. I guess we could sit around here today and tomorrow rearranging the deck chairs all we want, but if the Titanic leaves port without that deck chair the results are predictable. Presidio will die and all of the other titanic bills will die. I am going to be specific because I think it is appropriate relative to the concerns that are going to be expressed today in the extended debate.

I wish to talk specifics about the Utah wilderness bill. I know my colleagues from Utah will go on at great length, but my good friend from New Jersey has made a point of indicating his dissatisfaction with the proposed resolve of 2 million acres being added to the public lands of Utah, and he has made the point in his press releases that our public lands belong to all Americans. I certainly agree with that.

But he goes on to say that they should never be given away to a few special interests.

Mr. President, I do not consider the people of Utah “a few special interests.” While I am a Senator from Alaska, I happen to have a little spot in Utah where occasionally I go skiing, so you might say I have my own vested interest in Utah. I am a taxpayer there. I do not pretend to have the expertise of my colleagues who are going to speak later, but by the same token I think I can bring expertise to that of my friend from Utah.

I do not consider the people of Utah a special interest. The residents of Utah are represented by their elected officials. I have a letter which shows that 26 of the 29 Utah senators support the provisions of this bill. The letter from the house chamber of the Utah State Legislature shows that 64 out of 75 house members support the designation of wilderness in this bill.

Finally, I have a letter which shows that all of the county officials, all of the officials in 26 out of the 29 counties support the legislation as written. It is interesting to note that in the 27th county, five out of seven commissioners support the bill. The letter contains over 300 signatures of county elected officials.

Mr. President, I ask unanimous consent that the letters to which I just referred be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

**Utah State Legislature**
Salt Lake City, UT, February 14, 1996.

Hon. Orrin G. Hatch,
U.S. Senate,
Washington, DC.

**Dear Senator Hatch:** As legislative leader, we want to reaffirm the position taken by the Fifty-first Legislature of the State of Utah as it relates to the amount of BLM land designated as wilderness in Utah.

HCR 12, Resolution Supporting Wilderness in Utah, unanimously passed by the Utah State House of Representatives and move on to the President. But if we start unwinding, I can assure you that set of facts is not going to prevail.

The bottom line is that you cannot send the Presidio to the House minus the provisions concerning Utah. I guess we could sit around here today and tomorrow rearranging the deck chairs all we want, but if the Titanic leaves port without that deck chair the results are predictable. Presidio will die and all of the other titanic bills will die. I am going to be specific because I think it is appropriate relative to the concerns that are going to be expressed today in the extended debate.

I wish to talk specifics about the Utah wilderness bill. I know my colleagues from Utah will go on at great length, but my good friend from New Jersey has made a point of indicating his dissatisfaction with the proposed resolve of 2 million acres being added to the public lands of Utah, and he has made the point in his press releases that our public lands belong to all Americans. I certainly agree with that.
After the county officials made their recommendations, the Governor and Congressional Delegation, held five regional hearings around the state. The environmental community, both in and outside of Utah was well organized and paid its partisans to testify. They even rented buses and vans to transport these people from location to location. They also gave their baseless emotion and not the requirements of the Wilderness Act itself. Their testimony ignored the professional recommendations of the BLM, Carson City, that now strongly opposed the original proposals on the criteria of the 1964 Wilderness Act.

The Governor and Congressional Delegation on March 25, 1996 is now bringing the Omnibus package, S. 884. Many in Utah believe it contains too much acreage. It represents more than was recommended by the elected county officials who hold the people of Utah public hearings. It represents more than the State Legislature has recommended at least twice in the last four years by nearly unanimous votes.

The people of Utah live in a state with approximately 67% federal land ownership and another 13% state ownership, but managed under the federally enacted State Enabling Act. Utah already has millions of acres in Five National Parks, two National Recreation Areas, four National Monuments, thirteen Forest Service wilderness areas, and BLM Areas of Critical Environmental Concern (ACEC). The elected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and security to the people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this omnibus bill. We want it passed and enacted into law.

Sincerely,

John Hansen, Millard County Auditor; Linda Carter, Millard County Recorder; Ed Phillips, Millard County Sheriff; LeRay Jackson, Millard County Attorney; John Henrie, Millard County Commissioner; Donavan Daleo, Mayor, Delta Utah; Merrill Nelson, Mayor, Lyndy, Utah; Phil Lovell, Mayor, Leamington, Utah; B. DeLyle Carling, Mayor, Moroni, Utah; Terry Hill, Mayor, Kanosh, Utah; Mont Kimball, Councilman, Kanosh, Utah; Roger Philips, Councilman, Kanosh, Utah; Robert Dickerson, Councilman Delta, Utah; Gary Sullivan, Beaver County Commissioner; Ross Marshall, Beaver County Commissioner.

Chad Johnson, Beaver County Commissioner; Howard Pryor, Mayor, Minersville Town; Louise Liston, Garfield County Commissioner; Clare Raab, Garfield County Commissioner; Guy Thompson, Mayor, Henrieville Town; Shannon Allen, Mayor, Antimony Town; John Matthews, Mayor, Cannonville Town; Julee Lyman, Mayor, Boulder Town; Robert Gardner, Iron County Commissioner; Thomas Cardon, Iron County Commissioner; Marvin Duff, Mayor, Eureka City; Dennis Stowell, Mayor, Parowan City; Norm Carroll, Kane County Commissioner; Stephen Crosby, Kane County Commissioner; Viv Adams, Mayor, Kanab City.

Scot Goulding, Mayor, Orderville Town; Gayle Aldred, Washington County Commissioner; Russell Gallian, Washington County Commissioner; Gene Van Wagoner, Mayor, Hurricane City; Chris Blake, Mayor, Ivins Town; Rick Hafen, Mayor, Santa Clara City; Paul Beatty, Mayor, New Harmony Town; Terrill Cline, Mayor, Washington City; Don Zenger, Mayor, Zylinderdale City; Herb Hunt, Juab County Commissioner; Martin Jensen, Piute County Commissioner; Joseph Bernini, Juab County Assessor; J. B. Lencistensen, Sanpete County Commissioner; Eddie Cox, Sanpete County Commissioner; Rolly Okerlund, Sevier County Commissioner; Don Duff, Wayne County Commissioner; Stanley Alvey, Wayne County Commissioner; Kevin Young, Mayor, Beaver County.

Steve Buchanan, Mayor, Gunnison, Utah; Roger Cook, Mayor, Moroni, Utah; Mary Day, Millard County Treasurer; James Thomas, Millard County Assessor; Lawrence Whicker, Millard County Clerk; Luna Moon, Millard County Commissioner; Tony Dearden, Millard County Commissioner; Ken Talbot, Mayor, Hinkley, Utah; Eloy Porter, Mayor, Oak City, Utah; Keith Gillins, Mayor, Fillmore, Utah; Barry Monroe, Mayor, C.R. Charlesworth, Mayor, Holden, Utah; Vicky McKees, Daggett Clerk Treasurer; Bob Nafus, Councilman, Konosh, Utah; Dave Phillips, Councilman, Konosh, Utah.

Chad Johnson, Beaver County Commissioner; Samantha Robinson, Mayor, Beaver City; Max Wanger, Mayor, Milford City; Maloy Dods, Garfield County Commissioner; Jean Seiler, Mayor, Tropic Town; Lava Sawyer, Mayor, Hatch Town; Wade Barney, Mayor, Escalante, Utah; Elaine Baldwin, Mayor, Paunui, Utah; Roy Irie, County Commissioner; Bill Weymouth, Mayor, Kanarraville Town; Harold Shirley, Mayor, Cedar City; Constance Robinson, Mayor, Pro-Tem, Paragonah; Joe Judi, Kane County Commissioner; Geraldine Rankin, Mayor, Big Water; Eric Brinkerhoff, Mayor, Glendale Town; Orval Palmer, Mayor, Alton Town; Jerry Lewis, Washington County Commissioner; Daniel McArthur, Mayor, City of St. George; A. Morley Wilson, Mayor, Enterprise City; Ray Scott, Mayor, Moab; Robert Leavitt, Mayor, Price City; James T. Wadley, Mayor, Price City; Robert Allred, Mayor, Spring City, Utah; Neil Breinholt, Carbon County Commissioner; Bill Krockover, Garfield County Commissioner; Dale Mosher, Grand County Commissioner; Don Ballantyne, Grand County Commissioner; Frank Nelson, Grand County Commissioner; Steve Bringhurst, Price City Commissioner; Joe Piccolo, Price City Commissioner; Tom Stocks, Mayor, City of Moab; Judy Ann Scott Mayor, Green River City; Art Hughes, former Commissioner, Green River City.

Gary R. Pryor, Mayor, Clawn Town; Marvin Thayne, Councilman Elmo Town; Dale Roper, Mayor, Town of Ferron; Garth Larsen, Ferron Town Council; Paul Kunze, Recorder, Ferron Town; Don Gordon, Huntington City Commissioner; Jackie Wilson, Huntington City Council; Howard Tuttle, Councilman, Orange City; Dixon Peacock, Councilman, Orange City; Roger Warner, Mayor Castle Dale City; Kent Peterson, Grand County Commissioner; Raul A. Lunes, Grand County Commissioner; L. Paul Clark, Mayor, East Carbon City; Darlene Fivescot, Councilwoman, East Carbon City; Barbara Fisher, Councilwoman, East Carbon City.

Grant McDonald, Mayor, Sunnyside City; Nick Donnelly, Councilman, Sunnyside City; Bernie Christensen, Councilwoman, Monticello City; Mike Dalpiaz, Helper City; Lee Allen, Box Elder County Commissioner; Royal K. Norman, Box Elder County Commissioner; Jay E. Hardy, Box Elder County Commissioner; Darrel G. Gibbons, Cache County Commissioner; Chet Oden, Cache County Commissioner; Gene Ray Pulsipher, Cache County Commissioner; James Briggs, Daggett County Commissioner; Sharon Walters, Daggett County Commissioner; Chad L. Reed, Daggett County Commissioner; Curtis Dastrup, Duchesne County Commissioner.

Larry Ross, Duchesne County Commissioner; John Swasey, Duchesne County Commissioner; Dale C. Wilson, Morgan County Commissioner; Ted Turner, Morgan County Commissioner; Jeff D. London, Morgan County Commissioner; Kenneth H. Brown, Rich County Commissioner; Blair Wethar, Rich County Commissioner; Robert D. Johnson, Rich County Commissioner; Ty Lewis,
CONGRESSIONAL RECORD — SENATE

March 25, 1996

San Juan County Commissioner; Bill Redd, San Juan County Commissioner; Mark Maryboy, San Juan County Commissioner; Sheldon Richins, Summit County Commissioner; Howard Brown, Tooele County Commissioner; William Howard, Utah County Commissioner; Robert H. Killpack, District 44, Utah State Representative; Melvin R. Brown, District 45, Utah State Representative; Brian R. Allen, District 46, Utah State Representative; Ray A. Bealta, District 47, Utah State Representative; Greg J. Curtis, District 49, Utah State Representative; Lloyd Frandsen, District 50, Utah State Representative; Shirley V. Jensen, District 51, Utah State Representative; R. Mont Evans, District 52, Utah State Representative; David D. Kenney, District 53, Utah State Representative; James L. Valentine, District 58, Utah State Representative.

Doyle Mortimer, District 59, Utah State Representative; Norm Nielsen, District 60, Utah State Representative; R. Lee Ellertson, District 61, Utah State Representative; Jordan Tanner, District 63, Utah State Representative; Byron L. Harward, District 64, Utah State Representative; J. Brent Landram, District 65, Utah State Representative; Tim Moran, District 66, Utah State Representative; Bill Wright, District 67, Utah State Representative; Michael Styler, District 68, Utah State Representative; Tom Mathews, District 69, Utah State Representative; Bradley T. Johnson, District 69, Utah State Representative; Keele Johnson, District 71, Utah State Representative; Demar "Bud" Bowman, District 72, Utah State Representative; Tom Hatch, District 73, Utah State Representative.

Bill Hickman, District 75, Utah State Representative; William Black, District 2, Utah State Senator; Blaze D. Warhon, District 3, Utah State Senator; Howard Stephenson, District 4, Utah State Senator; Brent Richard, District 5, Utah State Senator; Leonard L. Yarrow, District 6, Utah State Senator; David L. Buhler, District 7, Utah State Senator; Robert S. Ellertson, District 9, Utah State Senator; L. Alma Mansell, District 10, Utah State Senator; Eddie P. Mayne, District 11, Utah State Senator; George M. Marsh, District 12, Utah State Senator; Craig A. Peterson, District 14, Utah State Senator; LeRoy McAllister, District 15, Utah State Senator; Jim Hart, District 16, Utah State Senator; Nathan Tanner, District 18, Utah State Senator; Robert F. Montgomery, District 19, Utah State Senator; Joseph H. Steel, District 21, Utah State Senator; Craig L. Taylor, District 22, Utah State Senator; Lance Beattie, District 23, Utah State Senator; John P. Holmgren, District 24, Utah State Senator; Lyle W. Hillyard, District 25, Utah State Senator; Alarik Myrka, District 26, Utah State Senator; Mike Dmitrich, District 27, Utah State Senator; Leonard M. Blackburn, District 28, Utah State Senator; David L. Watson, District 29, Utah State Senator.

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Whereas the Bureau of Land Management (BLM) has issued its final Environmental Impact Statement and recommended designating approximately 1.9 million acres of land in Utah as wilderness; and whereas the state is willing to cooperate with the United States government in the designation process and in protecting Utah's environment; and whereas designating lands as wilderness affects many communities and residents of the state by permanently protecting certain kinds of economic development; and whereas a federal reservation of water could seriously affect the potential for development in growing areas of the state; and whereas the designation of wilderness would deprecate the value of state holdings and adjacent state lands, reduce mining and mineral resource extraction, and fund the education of Utah's schoolchildren; and whereas it is the state's position that there should be no new private lands and no increase in federal ownership as a result of wilderness designation; and whereas lands that may be designated as wilderness are subject to federal uses and uses under current law, such as mining, timber harvesting, and grazing; and whereas the BLM has extensively studied public lands in Utah for the purpose of determining similitude for wilderness designation; and whereas it is vitally important for Utah to maintain the ability to develop its mineral resources, such as the Kaparowits Coal Field, for the economic and financial well being of the state, its trust lands, and counties; and whereas much of Utah's industrial, and agricultural water supply comes from public lands, requiring continued management and maintenance of vegetation, resources, and pipelines; and whereas the definition of wilderness lands established by Congress in the 1964 Wilderness Act should be used to determine the designation of wilderness lands; now, therefore, be it resolved that the Legislature of the state of Utah, the Governor, the Lieutenant Governor, and the Governor's appointees do hereby resolve that the Legislature and Governor do hereby resolve that the designation of wilderness lands in Utah be limited to the areas specified in this resolution; and whereas the BLM has extensively studied public lands in Utah for the purpose of determining similitude for wilderness designation; and whereas it is vitally important for Utah to maintain the ability to develop its mineral resources, such as the Kaparowits Coal Field, for the economic and financial well being of the state, its trust lands, and counties; and whereas much of Utah's industrial, and agricultural water supply comes from public lands, requiring continued management and maintenance of vegetation, resources, and pipelines; and whereas the definition of wilderness lands established by Congress in the 1964 Wilderness Act should be used to determine the designation of wilderness lands; now, therefore, be it resolved that the Legislature of the state of Utah, the Governor, the Lieutenant Governor, and the Governor's appointees do hereby resolve that the Legislature and Governor do hereby resolve that the designation of wilderness lands in Utah be limited to the areas specified in this resolution.
Each of these designations offer a host of protected measures. To suggest that the residents of and visitors to Utah will desecrate these lands or to imply that the Federal managers will turn their eyes when this destruction descends upon us is simply a gross exaggeration of facts. One only has to visit Utah, view the lands, look at the national parks and the forests and the State lands that have been set aside to know that they are about protecting these lands long before the elitists arrived on the scene. For those lands which might be developed, and there will be some, there are additional protections.

To suggest the enactment of this bill would destroy 20 million acres contributes little fact to this debate and only brings it up to a hysterical level. The list of Federal laws and State laws I previously submitted for the RECORD still must be complied with. If these lands will not afford protection, why do we have them?

Further, much has been made of the holds on this legislation and the consequences associated therewith. I have worked with the Senator from New Jersey from time to time, and we have reached accords from time to time, not necessarily all the time by any means. But I noticed a "Dear Colleague" the Senator from New Jersey sent around was joined by some 17 Members of this body, and it states:

Many of us have provisions important to our respective States within the omnibus parks legislation.

The letter goes on to say: They need to be uncopied from the Utah wilderness provision.

The majority of these bills were placed on the calendar of the Senate on April 7, 1995, almost a year ago. They have been on the calendar almost a year. The Senator from New Jersey could have brought all of these environmental bills, land bills, make their way to the House and to the President months ago. Unfortunately, for reasons of his own, he chose not to do so. The direct result of those actions is this package. The Senator from New Jersey, by his own actions, is the ghost writer of this bill that we are considering. So as we look at where to finger the delay and why there is a package, I think we should ask the Senator from New Jersey why he would pursue a hold on virtually every bill of this nature coming through the process starting back to when it was introduced and placed on the calendar in 1995.

I have accommodated many times the Senator from New Jersey on issues of his, certainly on the Sterling Forest, a bill, I might add, that is not totally without some controversy, and, in my opinion, there is reason that he should attempt to accommodate others. When this bill passes, Mr. President, the Congress will designate an additional 20 million acres of new wilderness, and there is nothing in this legislation that will prevent another Congress from adding another 20 million acres in Utah to the wilderness inventory.

I think it is appropriate that we take this discussion a little further and find out just who and what and why this onslaught of well-financed propaganda by a select group of elitists is directed at this bill. This has come up in the forms of expensive full-page ads, calls from telephone banks, multicolored brochures, posters, a raft of letter writing campaigns.

The letter was an editorial from the San Francisco Examiner, one example, suggesting that I am the guy who caused the Presidio bill to be held hostage and added on the riders.

I am not the guy, Mr. President. It suggested that this bill is a Christmas tree of special goodies, including, the inference was, opening up ANWR, the Alaska Arctic oil reserve. This bill does not have anything to do with Alaskan oil. It is not even mentioned in the bill and the San Francisco Examiner should know that. But they choose to make an issue and draw a parallel, when none existed. I think that is irresponsible reporting.

I am attempting to get these bills moved. We have to fight for these lands and the Senator from New Jersey from time to time, and we have worked with my good friend from New Jersey would occupy the Senate floor for the next month defending their rights, and I would admire that, against the intervention of a delegation from another State who represents only a few special interests. So let us keep this in perspective, Mr. President. New Jersey has 10.341 acres of wilderness, Arkansas has 127,000, and Utah, with this provision, will have 2.8 million acres of wilderness.

Further, reference has been made by the Senator from New Jersey in a press statement dated March 22 saying that "20 million acres of Utah lands cannot never be designated as wilderness in the future."

He then goes on to say: "If it becomes law, it would permit the transformation of these lands from wilderness to strip mines, roads and commercial development.

Come on, Mr. President. These statements are scare tactics. They are untrue. They are unrealistic. Congress, as the Senate from New Jersey knows, can at any time revisit this issue and designate additional wilderness. The field professionals after 15 years of study, review and court cases, found that 20 million acres do not meet the strict definition of wilderness. Under the act, these lands are not wilderness but many do qualify under other designations. The BLM is already using other management schemes on much of this acreage, including designated areas of critical environmental concerns, outstanding natural areas, national trails, wild and scenic rivers, national trails, primitive areas, visual resource areas, management class 1 areas, and additional lands in Utah to the wilderness inventory.
Then you go to the National Wildlife Federation. Let us just look at the fund balances: $13 million; World Wildlife Fund, $39 million; Greenpeace, $23 million; Sierra Club, $14 million; the Sierra Club Legal Defense Fund, $5.9 million; National Audubon Society, $81 million; Environmental Defense Fund, $118 million; Natural Resources Defense Council, $31 million; Wilderness Society, $14 million; National Parks and Conservation Association, $769,000; Friends of the Earth, they are not doing too well looks like; Izaak Walton League of America, $414,000.

If we just look these up we will get an idea of the significance of these organizations, in their totality. The revenue, $659 million; expenses, they expend about $556 million. Their assets, what they own, $1.2 billion. That would be among the Fortune 500. Fund balances, over $1 billion.

Let us look at some of the salaries paid, because I think, here again, this reflects the magnitude of these organizations. I wish I had a third chart to show, but I am going to have it printed in the RECORD from the report of the Center for the Defense of Free Enterprise entitled, “Getting Rich, the Environmental Movement’s Income, Salary, Contributor, and Investment Patterns, With an Analysis of Land Trust Transfers of Private Land to Government Ownership.”

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center for the Defense of Free Enterprise]

GETTING RICH—THE ENVIRONMENTAL MOVEMENT’S INCOME, SALARY, CONTRIBUTOR, AND INVESTMENT PATTERNS, WITH AN ANALYSIS OF LAND TRUST TRANSFERS OF PRIVATE LAND TO GOVERNMENT OWNERSHIP

INTRODUCTION

The environmental movement is arguably the richest power and pressure center in America. This report examines the question, “What is the public paying for with its money for the environment?” It profiles the twelve richest and best-known environmental organizations in the United States, including two subgroups, one within Greenpeace, one related to the Sierra Club. It focuses on their internal finances, how they spend the money the public gives them—usually a well-guarded secret even though the law requires non-profit organizations to make full public disclosure.

Simply put, where does the money go? Certainly environmental group money goes to programs that “protect the environment from the ravages of humanity.” None of the environmental groups examined here fail to expend substantial funds on their publicly announced programs. However, none of the groups examined here announce how their executives spend the huge amounts paid for staff wages and pensions, or the donations spent playing Wall Street in professionally managed investment portfolios. And few loudly advertise their gifts from large corporations.

In addition, many environmental groups have fallen under control of the nation’s richest private foundations. Private foundations have forced their own social-change agendas on many environmental organizations through “grant driven projects,” with ominous implications for the unwitting public.

This report also focuses on the most troublesome aspects of a citizen movement grown powerful: the ability of wealthy land trusts to funnel private property into the federal government at prices above the approved appraisal value, to “lowball” prices paid to private owners based on inside information provided by federal agencies, and to persuade congressional allies to put their properties at the top of the list for federal payments.

ACKNOWLEDGMENTS

This report was sponsored by the Center for the Defense of Free Enterprise, which is solely responsible for its content. Ron Arnold, Executive Vice President, managing editor. Fact checking, Janet Arnold. Data gathering and compilation were performed by numerous organizations and individuals in the Wise Use Movement, including American Land Rights Association, Charles S. Cushman, Executive Director, Putting People First; Kathleen Marris, Executive Director, William Wewer; Erich Veyhl; Motherlode Research; Henry Batsel. All raw data used in this report were obtained from public records, including IRS Form 990 reports, and annual financial filings required by the States of New York, Virginia, and California. Statistical and political analyses were performed by the Center for the Defense of Free Enterprise.

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THE TWELVE TOP ORGANIZATIONS


Tax Status: (501)(c)(3).

Headquarters: 1615 North Lynn Street, Arlington, Virginia 22209, Phone: (703) 841–5366, Fax: (703) 841–1283.


Tax Status: (501)(c)(3).

Headquarters: 1400 16th Street, NW, Washington, D.C. 20006, Phone: (202) 797–6670 Fax: (202) 797–6646.


Members: 1 million members.

Tax Status: (501)(c)(3).

Headquarters: 1250 24th Street, NW, Washington, D.C. 20037, Phone: (202) 293–4800 Fax: (202) 293–9211.


Tax Status: (501)(c)(3) [Greenpeace, Inc. is a (501)(c)(4)].

Headquarters: 1436 U Street, NW, Washington, D.C. 20009, Phone: (202) 462–1177 Fax: (202) 462–4507.


Members: 550,000 individuals.

Tax Status: (501)(c)(4); Sierra Club Legal Defense Fund is 501(c)(3).

Headquarters: 730 Polk Street, San Francisco, California 94109, Phone: (415) 776–2211, Fax: (415) 776–6350, and 408 C Street, NE, Washington, D.C. 20002, Phone: (202) 797–6800, Fax: (202) 797–6646.


Staff: 315 total.

Members: 542,000 individuals.

Tax Status: (501)(c)(3).

Headquarters: 765 Third Avenue, New York, New York 10022, Fax: (212) 832–3200, Phone: (212) 593–6254, and 801 Pennsylvania Avenue

Washington, D.C. 20009, Phone: (202) 462–1177, Fax: (202) 462–4507.


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Staff: 315 total.

Members: 542,000 individuals.

Tax Status: (501)(c)(3).

Headquarters: 765 Third Avenue, New York, New York 10022, Fax: (212) 832–3200, Phone: (212) 593–6254, and 801 Pennsylvania Avenue
### ENVIRONMENTAL ORGANIZATION INCOMES

<table>
<thead>
<tr>
<th>Organization</th>
<th>Revenue</th>
<th>Expenses</th>
<th>Assets</th>
<th>Fund balances</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Nature Conservancy (fiscal 1993)</td>
<td>$787,407,634</td>
<td>$219,284,534</td>
<td>$194,456,491</td>
<td>$855,115,125</td>
</tr>
<tr>
<td>World Wildlife Fund (fiscal 1993)*</td>
<td>$2,169,190,900</td>
<td>$3,726,182,400</td>
<td>$1,125,864,700</td>
<td>$1,240,447,100</td>
</tr>
<tr>
<td>Greenpeace Fund, Inc. (1993)</td>
<td>$26,089,110</td>
<td>$5,103,110</td>
<td>$24,146,810</td>
<td>$12,553,850</td>
</tr>
<tr>
<td>World Wildlife Fund (fiscal 1992)</td>
<td>$26,089,110</td>
<td>$5,103,110</td>
<td>$24,146,810</td>
<td>$12,553,850</td>
</tr>
<tr>
<td>Sierra Club</td>
<td>$16,975,580</td>
<td>$3,267,580</td>
<td>$17,290,850</td>
<td>$15,918,300</td>
</tr>
<tr>
<td>Sierra Club Legal Defense Fund</td>
<td>$16,975,580</td>
<td>$3,267,580</td>
<td>$17,290,850</td>
<td>$15,918,300</td>
</tr>
<tr>
<td>Environmental Defense Fund</td>
<td>$16,975,580</td>
<td>$3,267,580</td>
<td>$17,290,850</td>
<td>$15,918,300</td>
</tr>
<tr>
<td>Natural Resources Defense Council (fiscal 1993)</td>
<td>$16,975,580</td>
<td>$3,267,580</td>
<td>$17,290,850</td>
<td>$15,918,300</td>
</tr>
<tr>
<td>Wilderness Society (fiscal 1993)</td>
<td>$16,975,580</td>
<td>$3,267,580</td>
<td>$17,290,850</td>
<td>$15,918,300</td>
</tr>
<tr>
<td>National Parks and Conservation Association (1993)</td>
<td>$12,930,190</td>
<td>$2,948,490</td>
<td>$11,013,390</td>
<td>$12,930,190</td>
</tr>
<tr>
<td>Friends of the Earth (1993)</td>
<td>$1,887,258</td>
<td>$187,564</td>
<td>$23,661</td>
<td>$414,969</td>
</tr>
<tr>
<td>total</td>
<td>$63,034,090</td>
<td>$5,259,986</td>
<td>$1,324,824,567</td>
<td>$1,030,377,841</td>
</tr>
</tbody>
</table>


### EXECUTIVE COMPENSATION

<table>
<thead>
<tr>
<th>Organization</th>
<th>Executive</th>
<th>Title</th>
<th>Salary</th>
<th>Benefits</th>
<th>Expense account</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Nature Conservancy</td>
<td>John Sawhill</td>
<td>President and Chief Executive</td>
<td>$185,000</td>
<td>$17,119</td>
<td>None</td>
</tr>
<tr>
<td>National Wildlife Federation</td>
<td>Jay Hare</td>
<td>Executive Director</td>
<td>249,080</td>
<td>14,155</td>
<td>$23,663</td>
</tr>
<tr>
<td>World Wildlife Fund</td>
<td>Kathleen Fuller</td>
<td>Executive Director</td>
<td>139,000</td>
<td>16,450</td>
<td>None</td>
</tr>
<tr>
<td>Greenpeace Fund</td>
<td>Barbara Dudley</td>
<td>Executive Director Acting*</td>
<td>65,000</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Greenpeace Fund</td>
<td>Stephen D’Esopo</td>
<td>Executive Director</td>
<td>82,880</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Sierra Club</td>
<td>Carl Pope</td>
<td>Executive Director</td>
<td>77,780</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Sierra Club Legal Defense Fund</td>
<td>Walker Parker</td>
<td>Executive Director</td>
<td>106,500</td>
<td>10,650</td>
<td>None</td>
</tr>
<tr>
<td>National Audubon Society</td>
<td>Peter A. Beren</td>
<td>President</td>
<td>178,000</td>
<td>21,285</td>
<td>None</td>
</tr>
<tr>
<td>Environmental Defense Fund</td>
<td>Fred Krupke</td>
<td>Executive Director</td>
<td>193,558</td>
<td>17,216</td>
<td>None</td>
</tr>
<tr>
<td>Natural Resources Defense Council (fiscal 1993)</td>
<td>John H. Adams</td>
<td>Executive Director</td>
<td>145,526</td>
<td>13,214</td>
<td>None</td>
</tr>
<tr>
<td>Wilderness Society</td>
<td>Karen Sheldon</td>
<td>Acting President</td>
<td>90,896</td>
<td>22,724</td>
<td>None</td>
</tr>
<tr>
<td>National Parks and Conservation Association</td>
<td>Paul C. Pritchett</td>
<td>President</td>
<td>185,531</td>
<td>26,173</td>
<td>None</td>
</tr>
<tr>
<td>Friends of the Earth</td>
<td>Jane Perkins</td>
<td>President</td>
<td>74,504</td>
<td>2,812</td>
<td>None</td>
</tr>
<tr>
<td>izak Walton League of America</td>
<td>Martin Sharpe</td>
<td>Executive Director</td>
<td>76,952</td>
<td>5,617</td>
<td>None</td>
</tr>
<tr>
<td>total</td>
<td>$1,887,258</td>
<td>$187,564</td>
<td>$23,661</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Greenpeace: Stephen D’Esopo subsequently took the position of head of Greenpeace International in Belgium, leaving Barbara Dudley as executive director of both Greenpeace Fund, Inc. and Greenpeace, Inc., according to the Washington office.

### OFFICER INCOMES, STAFF WAGES AND BENEFITS

<table>
<thead>
<tr>
<th>Organization</th>
<th>Officer and director compensation</th>
<th>Other salaries and wages</th>
<th>Pension plan contributions</th>
<th>Other employee benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Nature Conservancy</td>
<td>$1,786,432</td>
<td>$45,824,545</td>
<td>$1,913,453</td>
<td>$3,832,110</td>
</tr>
<tr>
<td>National Wildlife Federation</td>
<td>421,730</td>
<td>8,258,420</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Greenpeace Fund, Inc. (1993)</td>
<td>$278,497,634</td>
<td>$151,146,543</td>
<td>$135,047,761</td>
<td>$123,947,953</td>
</tr>
<tr>
<td>World Wildlife Fund (fiscal 1993)*</td>
<td>$60,791,945</td>
<td>54,663,771</td>
<td>32,496,808</td>
<td>39,460,024</td>
</tr>
<tr>
<td>Sierra Club (fiscal 1993)</td>
<td>37,966,268</td>
<td>38,586,239</td>
<td>5,437,231</td>
<td>6,216,000</td>
</tr>
<tr>
<td>Sierra Club Legal Defense Fund</td>
<td>4,170,644</td>
<td>39,801,902</td>
<td>27,674,344</td>
<td>16,491,595</td>
</tr>
<tr>
<td>National Audubon Society</td>
<td>8,579,084</td>
<td>9,466,214</td>
<td>5,614,782</td>
<td>5,601,050</td>
</tr>
<tr>
<td>Environmental Defense Fund</td>
<td>30,081,681</td>
<td>36,203,770</td>
<td>10,073,312</td>
<td>3,600,106</td>
</tr>
<tr>
<td>Natural Resources Defense Council (fiscal 1993)</td>
<td>$19,920,315</td>
<td>22,824,050</td>
<td>12,384,584</td>
<td>8,372,490</td>
</tr>
<tr>
<td>Wilderness Society (fiscal 1993)</td>
<td>16,093,764</td>
<td>16,480,668</td>
<td>3,320,183</td>
<td>4,191,419</td>
</tr>
<tr>
<td>Friends of the Earth (1993)</td>
<td>23,467,775</td>
<td>2,382,772</td>
<td>694,386</td>
<td>120,759</td>
</tr>
<tr>
<td>izak Walton League of America (1992)</td>
<td>2,036,838</td>
<td>2,074,694</td>
<td>1,362,975</td>
<td>414,969</td>
</tr>
<tr>
<td>total</td>
<td>$62,164,487</td>
<td>$141,384,084</td>
<td>$4,169,152</td>
<td>$10,423,614</td>
</tr>
</tbody>
</table>

### MAJOR CORPORATE CONTRIBUTORS

<table>
<thead>
<tr>
<th>Organization</th>
<th>Donor corporation or corporate foundation</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Wildlife Federation</td>
<td>Amoco, ARCO, Coca-Cola, Dow Chemical, DuPont, Exxon, General Electric, General Motors, BNG Miller Brewing, Mobil Oil, Morgan, Pembina, others.</td>
</tr>
<tr>
<td>Greenpeace Fund</td>
<td>is a lobbying group not eligible for tax deductible donations.</td>
</tr>
</tbody>
</table>
### INVESTMENT SUMMARIES, MARKET VALUE

<table>
<thead>
<tr>
<th>Organization</th>
<th>U.S. Government obligations</th>
<th>Common stocks</th>
<th>Bonds, all types</th>
<th>Other</th>
<th>Total investments</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Nature Conservancy</td>
<td>$49,017,000</td>
<td>$138,508,000</td>
<td>$27,262,000</td>
<td>$65,597,600</td>
<td>$245,322,000</td>
</tr>
<tr>
<td>National Wildlife Federation</td>
<td>6,739,754</td>
<td>4,592,752</td>
<td>1,426,093</td>
<td></td>
<td>12,758,599</td>
</tr>
<tr>
<td>World Wildlife Fund</td>
<td>2,704,914</td>
<td>*27,362,002</td>
<td>*6,216,714</td>
<td>*6,790,767</td>
<td>42,955,393</td>
</tr>
<tr>
<td>Greenpeace Inc</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Club Legal Defense Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Audubon Society</td>
<td>12,366,647</td>
<td>34,237,474</td>
<td>9,640,927</td>
<td>830,425</td>
<td>57,075,473</td>
</tr>
<tr>
<td>Environmental Defense Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Resources Defense Council</td>
<td>2,139,751</td>
<td>155,245</td>
<td>*1,461,377</td>
<td>5,395,167</td>
<td>7,991,440</td>
</tr>
<tr>
<td>Wilderness Society</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Parks and Conservation Association</td>
<td>1,808,092</td>
<td>*3,913,949</td>
<td>None</td>
<td>180,000</td>
<td>5,950,957</td>
</tr>
<tr>
<td>Friends of the Earth</td>
<td>1,227,342</td>
<td>*728,255</td>
<td>511,889</td>
<td>369,137</td>
<td>2,836,623</td>
</tr>
<tr>
<td>Izaak Walton League of America</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total | 78,473,980 | 209,398,477 | 46,591,656 | 80,563,456 | 396,137,173 |

World Wildlife Fund. Common stock entry is listed on Form 990 as "Equities." Bonds entry as "Corporate obligations." Other entry as "Cash and cash equivalents." Greenpeace Inc. Note 1: Greenpeace Inc. claims to have no investments. Sierra Club Legal Defense Fund Note 1: See Investment Analysis on page 14 for details. Natural Resources Defense Council-owned corporate obligations may include instruments other than bonds. "Wilderness Society: $3,191,949 is entered as cash equivalents on the balance sheet. The Wilderness Society also maintains a financial reserve called The Wilderness Fund with a 1993 market value of $3,800,819. National Parks and Conservation Association: Stocks includes preferred and common stock. Bonds: includes corporate notes and bonds. Other: See analysis. Friends of the Earth Note 1: DOE claims to have no investments. Izaak Walton League of America owns only these investments in bonds according to their Form 990.

### INVESTMENT ANALYSIS

#### THE NATURE CONSERVANCY

(Fiscal 1993 Form 990, Part IV—Investments Securities, Statement 7)

<table>
<thead>
<tr>
<th>Description</th>
<th>Beginning of year</th>
<th>End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Obligations</td>
<td></td>
<td>$49,017,000</td>
</tr>
<tr>
<td>Bonds</td>
<td></td>
<td>27,017,000</td>
</tr>
<tr>
<td>Endowment Investments</td>
<td></td>
<td>$138,508,000</td>
</tr>
<tr>
<td>Planned Giving Investments</td>
<td></td>
<td>2,704,914</td>
</tr>
<tr>
<td>Current &amp; Land Acquisition</td>
<td></td>
<td>1,808,092</td>
</tr>
<tr>
<td>Common Stock</td>
<td></td>
<td>1,227,342</td>
</tr>
<tr>
<td>Preferred Stock</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Mutual Funds</td>
<td></td>
<td>None</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>286,060,559</td>
</tr>
</tbody>
</table>

(Nota: The classification of beginning-of-year figures is different from end-of-year figures in order to reflect groupings previously reported). The Nature Conservancy refused to release its list of investments in corporate stocks.

### NATIONAL WILDLIFE FEDERATION

(Taxable Year Ended July 31, 1993—Form 990, Part IV—Investments Securities, Schedule 9)

<table>
<thead>
<tr>
<th>Description</th>
<th>Book value FY 1993</th>
<th>Book value FY 1992</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Government and Agency Securities</td>
<td>$6,739,754</td>
<td>$8,216,943</td>
</tr>
<tr>
<td>Corporate Stock</td>
<td>4,592,752</td>
<td>4,425,880</td>
</tr>
<tr>
<td>Corporate Bonds</td>
<td>2,704,914</td>
<td>1,426,093</td>
</tr>
<tr>
<td>Total</td>
<td>12,758,599</td>
<td>15,984,216</td>
</tr>
<tr>
<td>Investments—Other Schedule 10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Merrill Lynch Investment Portfolio Government Plus</td>
<td>0</td>
<td>206,999</td>
</tr>
<tr>
<td>Merrill Lynch Cash Management Account</td>
<td>378,059</td>
<td>554,666</td>
</tr>
<tr>
<td>Total</td>
<td>378,059</td>
<td>761,665</td>
</tr>
</tbody>
</table>

Note: The National Wildlife Federation refused to release its list of investments in corporate stock and corporate bonds.

### World wildlife fund

1993 Form 990, Part IV, Line 54-Investments:

- Cash and cash equivalents: $6,760,904
- Government Securities: 2,704,914
- Corporate obligations: 6,216,714
- Equities: 27,262,002

Total: 42,955,393

Notes to Financial Statements as of June 30, 1993.

Note 1: Summary of Significant Accounting Policies.

Cash and Investment: Investments are recorded in the financial statements at the lower of cost or market value. Investments received as contributions are recorded at their fair market value at the date of donation. Market value of cash and investments at June 30, 1993 and June 30, 1992 were approximately $47,972,000 (1993) and $40,971,000 (1992). The World Wildlife Fund refused to release its list of investments in corporate obligations and equities.
At December 31, 1991, investments consist of:

<table>
<thead>
<tr>
<th>Current investments</th>
<th>Amortized cost</th>
<th>Market value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificates of deposit</td>
<td>$860,009</td>
<td>$860,009</td>
</tr>
<tr>
<td>U.S. Government securities</td>
<td>1,173,070</td>
<td>1,112,051</td>
</tr>
<tr>
<td>Other</td>
<td>103,765</td>
<td>105,154</td>
</tr>
<tr>
<td>Total current investments</td>
<td>$1,916,216</td>
<td>$1,937,205</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Long-term investments</th>
<th>Amortized cost</th>
<th>Market value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificates of deposit</td>
<td>90,000</td>
<td>90,000</td>
</tr>
<tr>
<td>U.S. Government securities</td>
<td>1,279,703</td>
<td>1,318,342</td>
</tr>
<tr>
<td>Municipal Bonds</td>
<td>95,138</td>
<td>95,213</td>
</tr>
<tr>
<td>Other</td>
<td>137,965</td>
<td>141,767</td>
</tr>
<tr>
<td>Total long-term investments</td>
<td>$1,916,216</td>
<td>$1,937,205</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total investments</th>
<th>Amortized cost</th>
<th>Market value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3,523,023</td>
<td>$3,582,527</td>
</tr>
</tbody>
</table>

### SIERRA CLUB

#### [1992 Form 990, Page 3, Part IV, Line 54—Investments—Beginning of Year: $7,979,267; End of Year: $8,886,605; Analysis of 1992 Not Available; Most Recent Analysis Available, Year Ended: 09/30/90—Statement 9]

<table>
<thead>
<tr>
<th>Interest rate</th>
<th>Description</th>
<th>Balance 09/30/89</th>
<th>Balance 09/30/90</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.75</td>
<td>Stripped Coupon Treasury Bonds</td>
<td>$470,867</td>
<td>$470,867</td>
</tr>
<tr>
<td>11.25</td>
<td>Stripped Coupon Treasury Bonds</td>
<td>$65,128</td>
<td>$65,128</td>
</tr>
<tr>
<td>8.75</td>
<td>U.S. Treasury Note</td>
<td>$251,187</td>
<td>$201,187</td>
</tr>
<tr>
<td>8.875</td>
<td>U.S. Treasury Note</td>
<td>$246,765</td>
<td>$246,765</td>
</tr>
<tr>
<td>8.975</td>
<td>U.S. Treasury Note</td>
<td>$248,679</td>
<td>$248,679</td>
</tr>
<tr>
<td>8.975</td>
<td>U.S. Treasury Note</td>
<td>$241,211</td>
<td>$241,211</td>
</tr>
<tr>
<td>8.975</td>
<td>U.S. Treasury Note</td>
<td>$244,414</td>
<td>$244,414</td>
</tr>
<tr>
<td>8.875</td>
<td>U.S. Treasury Note</td>
<td>$295,875</td>
<td>$295,875</td>
</tr>
<tr>
<td>7.15</td>
<td>HLB</td>
<td>$154,754</td>
<td>$154,754</td>
</tr>
<tr>
<td>6.5</td>
<td>HLB</td>
<td>$301,078</td>
<td>$267,493</td>
</tr>
<tr>
<td>6.5</td>
<td>HLB</td>
<td>$294,122</td>
<td>$294,122</td>
</tr>
<tr>
<td>7.15</td>
<td>HLB</td>
<td>$301,078</td>
<td>$267,493</td>
</tr>
<tr>
<td>6.5</td>
<td>HLB</td>
<td>$304,973</td>
<td>$267,493</td>
</tr>
<tr>
<td>7.15</td>
<td>HLB</td>
<td>$301,078</td>
<td>$267,493</td>
</tr>
</tbody>
</table>

#### Note: S.C.C.O.P.E. is the Sierra Club Committee on Political Education, a Political Action Committee.

### SIERRA CLUB LEGAL DEFENSE FUND, INC.

#### [Taxable Year Ended July 31, 1993—Form 990, Part IV—Investments]

<table>
<thead>
<tr>
<th>Description</th>
<th>Fair market value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonds</td>
<td>$14,150</td>
</tr>
<tr>
<td>Mutual Beacon Fund, Inc</td>
<td>$7,973</td>
</tr>
<tr>
<td>Mutual Qualified Fund</td>
<td>$1,928</td>
</tr>
<tr>
<td>Brown Brothers Harriman</td>
<td>$3,374,107</td>
</tr>
<tr>
<td>Mentor Mortgage Corp—GNMA</td>
<td>$19,564</td>
</tr>
<tr>
<td>U.S. Trust Company</td>
<td>$90,648</td>
</tr>
<tr>
<td>Franklin Trust Company</td>
<td>$322,586</td>
</tr>
<tr>
<td>Total</td>
<td>$4,870,716</td>
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</tbody>
</table>

### NATIONAL AUDUBON SOCIETY

#### [Form 990, Part IV, Line 54—Investment Securities—6/30/92]

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
<th>Market</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Government and Agency obligations</td>
<td>$12,716,026</td>
<td>$14,273,514</td>
</tr>
<tr>
<td>Money Market Funds</td>
<td>$830,425</td>
<td>$830,425</td>
</tr>
<tr>
<td>Corporate Bonds</td>
<td>$9,267,238</td>
<td>$9,640,927</td>
</tr>
<tr>
<td>Corporate Stock</td>
<td>$28,811,560</td>
<td>$34,237,474</td>
</tr>
<tr>
<td>Total</td>
<td>$50,698,396</td>
<td>$57,075,473</td>
</tr>
</tbody>
</table>

### Environmental defense fund

#### [Fiscal 1992 Form 990, Part IV—Investments—Securities, Line 54]

Total investments, End of Fiscal Year at September 30, 1992: $2,744,086.

Investments include the following:

- Morgan Fixed Fund, Endowment $8,658
- Morgan Fixed Fund, Board Designated Endowments $40,558
- Vanguard Fund—GNMA $820,493
- Short Term, Vanguard Fund—GNMA $823,773
- Vanguard GNMA—Endowment $65,923
- Other Investments—Line 56—Form 990.
EDF has invested a portion of its endowment funds in a limited partnership. During the fiscal year ended September 30, 1992, the market value of the partnership investment decreased from $527,882 to $480,454. The assets reported in the financial statements reflect the September 30, 1992 market value.

**NATURAL RESOURCES DEFENSE COUNCIL**

[Fiscal 1993 Form 990, Part IV—Investments—Securities, Statement 7]

<table>
<thead>
<tr>
<th>Description</th>
<th>Beginning of year</th>
<th>End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Money Market Funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Government and Agency Obligations</td>
<td>2,011,634</td>
<td>2,139,751</td>
</tr>
<tr>
<td>Corporate Obligations</td>
<td>1,085,222</td>
<td>1,461,277</td>
</tr>
<tr>
<td>Common Trust Funds</td>
<td>951,016</td>
<td>1,079,183</td>
</tr>
<tr>
<td>Common Stocks</td>
<td>355,245</td>
<td>355,245</td>
</tr>
<tr>
<td>Total</td>
<td>4,585,844</td>
<td>5,091,440</td>
</tr>
</tbody>
</table>

The Natural Resources Defense Council refused to release its list of investments in corporate obligations and common stocks.

**WILDERNESS SOCIETY**

[Investment in Securities (Most recent year available)]

<table>
<thead>
<tr>
<th>Cost</th>
<th>Market value</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,000,000</td>
<td>199,688</td>
</tr>
<tr>
<td>$196,250</td>
<td>197,000</td>
</tr>
<tr>
<td>$176,948</td>
<td>173,185</td>
</tr>
<tr>
<td>$353,169</td>
<td>351,133</td>
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<tr>
<td>$1,130,502</td>
<td>1,095,276</td>
</tr>
<tr>
<td>$46,058</td>
<td>44,175</td>
</tr>
<tr>
<td>$49,688</td>
<td>47,008</td>
</tr>
<tr>
<td>$95,746</td>
<td>91,383</td>
</tr>
<tr>
<td>$41,560</td>
<td>30,438</td>
</tr>
<tr>
<td>$26,431</td>
<td>25,850</td>
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<tr>
<td>$67,991</td>
<td>56,288</td>
</tr>
<tr>
<td>$1,395</td>
<td>87,815</td>
</tr>
<tr>
<td>$366</td>
<td>23,424</td>
</tr>
<tr>
<td>$1,761</td>
<td>111,239</td>
</tr>
<tr>
<td>$26,092</td>
<td>25,200</td>
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<tr>
<td>$37,546</td>
<td>38,000</td>
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<tr>
<td>$37,169</td>
<td>38,675</td>
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<tr>
<td>$33,809</td>
<td>34,600</td>
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<tr>
<td>$22,919</td>
<td>24,463</td>
</tr>
<tr>
<td>$15,373</td>
<td>15,278</td>
</tr>
<tr>
<td>$25,180</td>
<td>25,315</td>
</tr>
<tr>
<td>$23,131</td>
<td>24,700</td>
</tr>
<tr>
<td>$20,872</td>
<td>23,175</td>
</tr>
<tr>
<td>$15,570</td>
<td>16,400</td>
</tr>
<tr>
<td>$25,596</td>
<td>25,863</td>
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<td>$52,524</td>
<td>46,908</td>
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<td>$35,196</td>
<td>39,094</td>
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<tr>
<td>$35,537</td>
<td>37,597</td>
</tr>
<tr>
<td>$24,872</td>
<td>22,925</td>
</tr>
<tr>
<td>$44,869</td>
<td>47,799</td>
</tr>
<tr>
<td>$34,307</td>
<td>34,613</td>
</tr>
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<td>$26,076</td>
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<td>$26,081</td>
<td>26,875</td>
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<tr>
<td>$24,128</td>
<td>24,925</td>
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<td>$27,512</td>
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<td>7,029</td>
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<tr>
<td>$23,424</td>
<td>25,750</td>
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<tr>
<td>$39,272</td>
<td>39,600</td>
</tr>
<tr>
<td>$23,176</td>
<td>36,750</td>
</tr>
<tr>
<td>$21,784</td>
<td>27,475</td>
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<tr>
<td>$23,825</td>
<td>23,975</td>
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<tr>
<td>$23,198</td>
<td>27,900</td>
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<tr>
<td>$44,988</td>
<td>34,370</td>
</tr>
<tr>
<td>$18,275</td>
<td>20,700</td>
</tr>
</tbody>
</table>
### Permanent Financial Reserve, The Wilderness Fund, Assets at September 30, 1993, Consist of the Following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Beginning of year</th>
<th>End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Government securities</td>
<td>737,467</td>
<td>1,227,342</td>
</tr>
<tr>
<td>Corporate notes and bonds</td>
<td>684,814</td>
<td>511,889</td>
</tr>
<tr>
<td>Short term securities</td>
<td>None</td>
<td>369,137</td>
</tr>
<tr>
<td>Cash value of life insurance</td>
<td>397,876</td>
<td>397,876</td>
</tr>
<tr>
<td>Total</td>
<td>4,287,690</td>
<td>4,774,697</td>
</tr>
</tbody>
</table>

The Wilderness Society has not filed for public inspection a list of investments in securities as displayed above since 1989 in any state jurisdiction investigated (New York, California, Virginia) nor with the IRS.

### NATIONAL PARKS AND CONSERVATION ASSOCIATION

#### (Fiscal 1993 Form 990, Part IV—Investments—Securities—Statement 7)

<table>
<thead>
<tr>
<th>Description</th>
<th>Beginning of year</th>
<th>End of year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash equivalents</td>
<td>3,913,994</td>
<td>3,913,994</td>
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<tr>
<td>Certificates of Deposit</td>
<td>100,000</td>
<td>100,000</td>
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<tr>
<td>Endowment Fund</td>
<td>1,808,092</td>
<td>1,843,776</td>
</tr>
<tr>
<td>Investments in securities as displayed on balance sheet, Exhibit A:</td>
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<td></td>
</tr>
<tr>
<td>Mutual Funds</td>
<td>2,144,923</td>
<td>2,614,602</td>
</tr>
<tr>
<td>Charitable remainder units</td>
<td>30,488</td>
<td>32,217</td>
</tr>
<tr>
<td>Cash value of life insurance</td>
<td>44,118</td>
<td>44,118</td>
</tr>
<tr>
<td>Total</td>
<td>3,047,420</td>
<td>3,890,898</td>
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</tbody>
</table>

See next pages for NPCA’s Capital Gains and Losses.

### NATIONAL PARKS AND CONSERVATION ASSOCIATION (Form 990, Page 1, Part 1, Line 7—Capital Gains and Losses)

<table>
<thead>
<tr>
<th>Shares</th>
<th>Security</th>
<th>Date acquired</th>
<th>Date sold</th>
<th>Cost basis</th>
<th>Proceeds</th>
<th>Gain (loss)</th>
</tr>
</thead>
<tbody>
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<td>6</td>
<td>General Electric</td>
<td>03/09/93</td>
<td>154.50</td>
<td>513.73</td>
<td>(359.23)</td>
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</tr>
<tr>
<td>40</td>
<td>New York Times</td>
<td>03/09/93</td>
<td>1,077.00</td>
<td>467.83</td>
<td>(609.17)</td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>JAT</td>
<td>03/09/93</td>
<td>1,000.00</td>
<td>1,519.03</td>
<td>519.03</td>
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</tr>
<tr>
<td>100</td>
<td>Amerada Hess</td>
<td>03/09/93</td>
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<td>5,124.82</td>
<td>124.82</td>
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</tr>
<tr>
<td>100</td>
<td>Tays R &amp; L</td>
<td>03/09/93</td>
<td>4,207.00</td>
<td>4,246.85</td>
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<tr>
<td>25</td>
<td>Paramount Comm</td>
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<td>1,162.50</td>
<td>1,192.26</td>
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<tr>
<td>180</td>
<td>FNP International</td>
<td>03/09/93</td>
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<td>6,096.00</td>
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<tr>
<td>18</td>
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<tr>
<td>1</td>
<td>Rockwell International</td>
<td>03/09/93</td>
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<tr>
<td>1</td>
<td>Philip Morris</td>
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<tr>
<td>35,000</td>
<td>Fed Farm Cr Bk Co</td>
<td>03/30/93</td>
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</tr>
<tr>
<td>300</td>
<td>Citicorp</td>
<td>03/30/93</td>
<td>3,091.00</td>
<td>4,584.00</td>
<td>1,494.00</td>
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<tr>
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<tr>
<td>200</td>
<td>COMTYS</td>
<td>03/30/93</td>
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</tr>
<tr>
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<td>Federal Home Ln Bk Co</td>
<td>03/30/93</td>
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<td>9,075.00</td>
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</tr>
<tr>
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<td>03/30/93</td>
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</tr>
<tr>
<td>200</td>
<td>General Electric</td>
<td>03/30/93</td>
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<td>13,715.00</td>
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</tr>
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<tr>
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<td>United States Treasury</td>
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<td>100,000.00</td>
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</tr>
<tr>
<td>100</td>
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<td>100,000.00</td>
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</tr>
<tr>
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<td>ARIA Research Inc</td>
<td>03/30/93</td>
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</tr>
<tr>
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<td>ARM Corp Ltd</td>
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<td>17,815.00</td>
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</tr>
<tr>
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<tr>
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<tr>
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<td>Dade Holdings</td>
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<tr>
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<td>0.00</td>
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</tr>
<tr>
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<td>National Health Labs</td>
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<td>7,545.00</td>
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</tr>
<tr>
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<td>National Health Labs</td>
<td>03/30/93</td>
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<td>7,545.00</td>
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<tr>
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<tr>
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<td>United States Treasury</td>
<td>03/30/93</td>
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<td>100,000.00</td>
<td>0.00</td>
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</tr>
<tr>
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<td>United States Treasury</td>
<td>03/30/93</td>
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<td>17,850.00</td>
<td>17,850.00</td>
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</tr>
</tbody>
</table>
Documents show that Surdna Foundation made contributions of $35,000 to Environment Now, an environmental organization that held training seminars teaching activists group leaders how to file appeals to stop federal timber harvest plans. Surdna Foundation grant recipients known to have filed Timber Harvest Plan appeals include Sierra Club ($300,000), Oregon Natural Resources Council, Wilder- ness Society ($50,000), and other partners. No appeals were filed on the State Timber Harvest Plans submitted by Surdna Foundation under California law. The sequence of events of Surdna Foundation’s grantmaking history shows that they made no grants to groups involved in restricting federal timber sales in Northern California during 1987-88; during 1988-89 they made a grant to The Nature Conservancy; in 1989-90, grants went to Conservation Law Foundation, 1990 Friends of Oregon, Natural Resources Defense Council, Project LightHawk, Sierra Club, Audubon Society and Western Ancient Forest Campaign; during 1991-92, grants went to Americans for the Ancient Forest, National Audubon Society, Environment Now, Conservation Law Foundation, Natural Resources Defense Council, Oregon Natural Resources Council, Eco Trust, 1990 Friends of Oregon, Western Ancient Forest Campaign, and the Wilderness Society.

Two Northern California residents filed numerous Timber Harvest Plan appeals on behalf of several groups, and also occupied leadership positions: Linda Blum, leader positions: Western Ancient Forest Campaign; Friends of Columbia; Sierra Nevada Alliance; and Wilderness Society; Erin Noel, leader positions: Western Ancient Forest Campaign; Friends of Plumas; Sierra Nevada Issues Group. During 1992-93 Surdna Foundation realized $2.7 million income from its Northern California timberlands.

A substantial effort to control major non-profit environmental organizations through...
the power of the purse was discussed in the 1992 annual retreat of the:


Budget: $40,000.

Staff: 1, operated by Rockefeller Family fund dba EGA, 1290 Avenue of the Americas, New York, New York 10019, Phone: 212-373-4200 FAX: 212-315-0996.

Pam Maurath, Assistant Coordinator. The environmental Grantmakers association is a coalition of 160 private foundations that provide most of the $340 million in environmental grants each year. The annual retreat are strategy planning sessions during which grantmakers lay their plans for the coming year. The following dialog was transcribed verbatim from tapes of a session titled “Legislative Reform” led by Skloot and Hooper Brooks of Surdna Foundation spoke during this panel.

Chuck Clusen [American Conservation Association]: A number of us have been involved in this, Anne. Yeah. There’s definitely a feeling that’s part of the not-for-profit organizations that in cases of some of the campaigns that the Ancient Forests Campaign and the Defense of Free Enterprise. Verbatim transcriptions of major discussions are available from the Center for the Defense of Free Enterprise.

Non-profit land trusts serving private land to governments

There are presently more than 900 non-profit land trusts serving private land to governments. These land trusts commonly buy property from individual private owners with the understanding that the land will be kept in trust for environmental purposes by the non-profit purchaser. Many non-profit land trusts, in addition to keeping these private purchases in private trusts, also sell purchased private land to government agencies.

Many individual private land owners have complained about non-profit land trust practices and cite numerous abuses that should spring from Congress and wide public attention. The most commonly cited abuses are:

• Failure to advise the individual private seller that his or her land will in turn be sold to a government agency.

• Individual land owners are underpaid by non-profit trusts.

• Individual land owners are not advised that they may sell directly to the government.

Non-profit land trusts receive inside information from government agencies about “approved appraised value” of individual privately owned parcels in advance of purchase, promoting underpayment.

Government agencies secretly request non-profit land trusts to buy desired properties and hold them until congressional appropriations are available to pay for government purchase.

Government agencies pay non-profit land trusts prices above approved appraisal values.

Government agencies pay non-profit land trusts additional “carrying costs” including interest, taxes, property insurance, appraisal and survey costs, title premiums, closing costs, property taxes owed, and overhead.

• Non-profit land trusts commonly retain all mineral rights and gas and oil rights to properties they sell to the government.

Government agency employees who have arranged favorable purchases for non-profit land trusts for years then accept employment by those non-profit land trusts often takes the property off the tax rolls, harming local and country government revenues.

Sales of non-profit land trust property to government centralizes power and feeds an addiction to keeping these private purchases in private trusts, also sell purchased private land to government agencies.

Conservation Through Private Action.

The switch: The Nature Conservancy sells private purchases to the federal government without the prior knowledge of the private land seller.

Often at secret government request, using privileged, tapmetric natural world.

Each day in the U.S. we invest in over 1,000 additional acres of critical habitat for the survival of rare and endangered species.

—Through creative techniques like debt-for-nature swaps, we are also saving millions of acres of tropical rainforest throughout Latin America and the Caribbean.

—The Conservancy recently purchased 25,000 acres of migratory waterfowl return each year. Trout return to the streams. Antelope return to the grasslands. And in many areas plant and animal species previously driven to the brink of extinction are now returning to the brink of extinction. “Join us, and make an investment in our natural heritage. Future return, isn’t that what investment is all about?”

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Without the prior knowledge of the private land seller.

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—Above “approved appraisal values”:

—Paying “lowball” prices below “approved appraisal values” by offering tax breaks to the seller because of TNC’s non-profit tax status.

—Keeping the mineral and oil and gas rights; taking land off the tax rolls.

—Obtaining influence within federal agencies for Congressional appropriations to pay for TNC purchases.

—$76,318,014 income from government sales in fiscal 1993.

—All at taxpayer expense.

—Conservation Through Private Action.

Other non-profit land trusts selling private land to governments

The Conservation Fund

Staff: 19 professionals on contractual basis.

Non-profit land trust: 1830 N. Kent Street, Suite 1120, Arlington, Virginia 22209, Phone: (703) 522-8000 Fax: (703) 258-4360

Total revenue, 1992, $13,886,902.


Vice President: David Sutherland. Salary: $148,500, Benefits $16,542.

Chief Operating Officer: John Turner, Salary: $76,318,014 income from government sales in fiscal 1993.

Assistant Treasurer: Joann Porter, $64,500

Secretary: Kiku Hoagland Hanes, $55,000

Board Chair: Charles Hordan, $15,000.

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TNC’s non-profit tax status.
In March 25, 1996

Compensation of Officers and Directors, $400,000.
Other Salaries and Wages, $1,084,714.
Pension Plan Contributions, $64,160.
Other Employee Benefits, $96,318.

American Farm and Trust
Total revenue, 1995, $22,744,704.
Total expenses, $21,283,591.
Fund balances at end of year, $27,539,148.
Compensation of officers, $1,621,300.
Other salaries and wages, $4,057,727.
Pension plan contributions, $237,343.
Other employee benefits, $1,516,784.
Investments—securities, $15,182,446.
Total assets, $35,840,830.
Grants and conveyances of properties to government and private groups, $4,544,270.
Legal fees, $402,389.
Telephone, $328,335.
Travel and meetings expenses, $726,702.

[Letter from the Deputy Regional Director of the U.S. Fish and Wildlife Service to The Nature Conservancy on March 25, 1996.]

Dear Dennis: We are appreciative of The Nature Conservancy’s continuing effort to assist the Service in the acquisition of lands for the Connecticut Coastal National Wildlife Refuge. As a result of your assistance and cooperation, the tract of land you gave us is 90% of the acreage identified in the enabling legislation for the Milford Point property. As a result of your assistance, the Milford Point property was acquired at a cost of $73,000. The tract on Sheffield Island has been completed and we are currently awaiting funding prior to making an offer on the property. We understand that the proposed federal purchase will be for an even smaller parcel of the property to the Service will in turn, be used to purchase the 8-acre Milford Point tract.

Since the availability of additional funding is not currently known, we request that The Nature Conservancy continue their preservation efforts and acquire the Milford Point tract. We will make every effort to purchase the property when funds become available. It is understood that our purchase price will be based on the Service approved value plus an amount, to be agreed upon, which will cover your overhead, financing, and handling charges in excess of the approved appraisal value. If we are not able to purchase this property within a reasonable period of time, it is further understood that The Nature Conservancy may recover its investment by a sale on the open market.

Your offer to purchase property on Milford Point and to hold for subsequent conveyance to the Service are greatly appreciated.

Sincerely yours,

[Signature]

Deputy Regional Director.
ports filed by the respective organizations under examination. Other sources include financial statements prepared by the environmental organizations and provided to the Senate Special Committee on the Division of Consumer Affairs of the Commonwealth of Virginia and the Attorney General's Office of the State of California. Lists of investments were obtained from these sources, or from California Attorney General's Office filings on Form CT-2. Many organizations do not file their list of investments with any public agency. In such cases, the authors of this report requested such lists by telephone directly from the environmental organization in question and solicited for investment information refused to divulge it.

Information on Foundation Control of Environmental Groups came from tape recorded discussions among foundation staff and officers at the Environmental Grantmakers Association 1992 Annual Review at Rosario Resort in Washington State. Documentation of the Surdna Instance came from U.S. Forest Service timber harvest plans, Form 990 filings, California state filings, and internal documents discovered in public filings. Major documentation of Non-Profit Land Trust abuses was obtained from the U.S. Fish and Wildlife Service through the Freedom of Information Act. Additional documentation was obtained from individual land owners in personal interviews or through third-party correspondents.

The Center for the Defense of Free Enterprise is the sole author of this report, and is solely responsible for the accuracy of the data here presented.

Mr. MURKOWSKI. Mr. President, as I indicated, out of necessity, these organizations have to consume their funds, and one of their causes, and one of their causes currently is one of their causes. We have seen their efforts in mining reform, just last week in grazing reform, and the week before the forest issue. Now they have turned their efforts to Utah wilderness. I do not mind constructive input. It is invaluable in the development of quality legislation. It is good for everyone, but this type of big business, well-financed campaigns that they establish are really not constructive. It is a case of 'are you going to do it for yourselves whether it is good for you or not, but we're going to do it at your own expense.'

Mr. President, I think it is time to get real. I would like to chat a little bit about Sterling Forest, because while I support the proposal of my friend from New Jersey, it is not without some exceptions. The purpose of title XVI is to protect. What it does is protect. If title XVI is from that State, he is held responsible by his constituents, and he ought to know what is best for his State and, as a consequence, I am going to support the Sterling Forest, as I have indicated. I do not think it is just a home run or a couple of free throws. The Federal funds may only be used for the procurement of conservation easements along the Appalachian Trail, which is Park Service administered but privately owned. But does it run through Sterling Forest but not in the same watershed that they are trying to protect.

So, Mr. President, we have a situation where the watersheds are not the same. I think we live in Utah wilderness, last week it was Arizona and this week it is Utah wilderness, and Utah wilderness currently is a debate about the merit of adding 2 million acres of new wilderness to the national inventory. This is really a battle between some of the well-financed elitists and the people who live in Utah State as I do.

Would the world be better off with 2 million acres of wilderness? I believe it would. Would we be better off with an additional 3 million acres that did not meet the definition of wilderness? I think not.

Unfortunately, the playing field does not happen to be level. We find ourselves being tied up by a group of elitists. This debate is really a difference of opinion between the well-financed elitist lobby who wants all or nothing and the rest of us who are looking for resource protection and balance and trying to represent the people of the affected States. As I have indicated, the chart shows, this is a well-financed lobby. Environmentalism is big business, as the chart shows, and, as a consequence, it does show that environmental money does go for the purpose of protecting the environment, while at the same time it shows that little goes to achieve balance, compromise or resolution.

As I have indicated, the environmental community does need a cause for additional membership, for added dollars. As I have indicated, this week it is Utah wilderness, last week it was grazing, before that timber.
MODIFICATIONS TO AMENDMENT NO. 3564

Mr. MURKOWSKI. Mr. President, I send a modification of my amendment to the desk. I ask that each of the measures be added at the appropriate place, and the titles and section numbers be replaced by an appropriate number.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. MURKOWSKI. Mr. President, it would add provisions for the Big Thicket in Texas. The Big Horn County school district in Wyoming, a right-of-way in Wyoming, the Tallgrass prairies in Kansas. I think that takes it up to nearly 60, Mr. President. I do not think further reading is required.

The PRESIDING OFFICER. The amendment is so modified.

The modifications follow:

At the appropriate place, insert:

TITLE —

SECTION 1. FINDINGS.

The Congress finds that—

(a) under the Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46), Congress increased the size of the Big Thicket National Preserve through authorized land exchanges.

(b) such land exchanges were not consummated by July 1, 1995, as required by Public Law 103-46; and

(c) failure to consummate such land exchanges by the end of the three-year extension provided by this Act will necessitate further intervention and direction from Congress concerning such land exchanges.

SEC. 2. TIME PERIOD FOR LAND EXCHANGE.

(a) Extension.—The last sentence of subsection (d) of the first section of the Act entitled ‘‘An Act to establish the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes’’, approved October 11, 1974 (16 U.S.C. 698(d)), is amended by striking out ‘‘two years after date of enactment’’ and inserting ‘‘five years after the date of enactment’’.

(b) Independent Appraisal.—Subsection (d) of the first section of the Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: ‘‘The Secretary, in considering the values of the private lands to be exchanged, shall consider independent appraisals submitted by the owners of the private lands.”

(c) Limitation.—Subsection (d) of the first section of the Act (16 U.S.C. 698(d)), as amended by subsection (b), is further amended by adding at the end the following: ‘‘The authority to exchange lands under this subsection shall expire on July 1, 1998.”

SEC. 3. REPORTING REQUIREMENT.

Not later than six months after the date of the enactment of this Act and every six months thereafter until the consummation of the exchange or July 1, 1998, the Secretary of the Interior shall file for recordation in the real property records of the United States a map depicting the exchange, and shall submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the exchange authorized by the amendments made by Big Thicket National Preserve Addition Act of 1993 (Public Law 103-46).

SEC. 4. LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.

If, within one year after the date of the enactment of this Act—

(a) the owners of the private lands described in subsection (b)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

(b) Liberty County, Texas, agrees to accept

the transfer of the Federal lands described in subsection (b)(2), the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in the Federal lands described in subsection (b)(2).

SEC. 5. LANDS DESCRIBED.—

(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitling Big Thicket Lake Estates Access—Proposed.

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 3.38 acres of lands located in Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

SEC. 6. ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under this section shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

At the end of the amendment, add the following:

SEC. 01. CONVEYANCE OF CERTAIN PROPERTY TO THE BIG HORN COUNTY SCHOOL DISTRICT NUMBER 1, WYOMING.

The Secretary of the Interior shall convey, by quit claim deed, to the Big Horn County School District Number 1, Wyoming, all right, title, and interest of the United States in and to the following described lands in Big Horn County, Wyoming: Lots 19-24 of Block 22, all within the town of Frannie, Wyoming, in the 8S-TW4/W4 and 3S-TW4/W4 of Section 31 of T. 58N. R. 97 W., Big Horn County.

At the appropriate place, insert:

SECTION 1. RELINQUISHMENT OF INTEREST.

(a) IN GENERAL.—The United States relinquishes all right, title, and interest that the United States may have in land that—

(i) was subject to a right-of-way that was granted to the predecessor of the Chicago and Northwestern Transportation Company under the Act entitled “An Act granting to railroads the right of way through the public lands of the United States,” approved March 3, 1875 (43 U.S.C. 934 et seq.), which right of way the Company has conveyed to the city of Douglas, Wyoming; and

(ii) is located within the boundaries of the city limits of the city of Douglas, Wyoming, or between the right-of-way of Interstate 25 and the city limits of the city of Douglas, Wyoming, as determined by the Secretary of the Interior in consultation with the appropriate officials of the city of Douglas, Wyoming.

(b) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall file for recordation in the real property records of Converse County, Wyoming, a deed or other appropriate form of instrument conveying to the city of Douglas, Wyoming, all right, title, and interest in the land described in subclause (i) above.

At the appropriate place in the amendment, insert the following:

TITLE —TALLGRASS PRAIRIE NATIONAL PRESERVE

SEC. 01. SHORT TITLE. This title may be cited as the “Tallgrass Prairie National Preserve Act of 1996.”

SEC. 02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—
in the appropriate offices of the National Park Service of the Department of the Interior.

SEC. 05. ADMINISTRATION OF NATIONAL PRESERVE.

(a) In General.—The Secretary shall administer the Preserve in accordance with this title, the cooperative agreements described in subsection (b), and the provisions of law generally applicable to units of the National Park System, including the Act entitled ‘‘An Act to establish a National Tallgrass Prairie Preserve in Kansas’’, approved August 23, 1916 (16 U.S.C. 1, 2 through 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) APPLICATION OF REGULATIONS.—With the consent of a private owner of land within the boundaries of the Preserve, the regulations issued by the Secretary concerning the National Park Service that provide for the proper use, management, and protection of persons, property, and natural and cultural resources shall apply to the private land.

(c) FACILITIES.—For purposes of carrying out the duties of the Secretary under this title relating to the Preserve, the Secretary may, with the consent of a landowner, directly or by contract, construct, reconstruct, rehabilitate, or develop essential buildings, structures, and related facilities including roads, trails, fences, and other real property that is not owned by the Federal Government and is located within the Preserve.

(d) LIABILITY OF LANDOWNERS.—Notwithstanding any other provision of law, no person that owns any land or interest in land within the Preserve shall be liable for injury to, or damages suffered by, any other person that is injured or damaged while on land within the Preserve if—

(1) the injury or damages result from any act or omission of the Secretary or any officer, employee, or agent of the Secretary or of a person other than the owner, a guest of the owner, or a person having business with the owner; or

(2) the injury or damages are suffered by a visitor to the Preserve, and the injury or damages are not proximately caused by the wanton or willful misconduct of, or a negligent act (as distinguished from a failure to act) of, the person that owns the land.

(e) USE OF PARK SYSTEM.

The Preserve shall be a unit of the National Park System for all purposes, including the purposes specified in section 6904(a) of that title.

(f) AGREEMENTS AND DONATIONS.—

(1) AGREEMENTS.—The Secretary may expend Federal funds for the cooperative management of private property within the Preserve, as defined in section 04(b).

(2) AGREEMENTS.—The Secretary may accept, retain, and expend donations of funds, property (other than real property), or services from individuals, foundations, corporations, or public entities for the purposes of providing programs, services, facilities, or technical assistance that further the purposes of this title.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than the end of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, with the cooperation of the program committees on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, prepare a general management plan for the Preserve.

(2) CONSULTATION.—In preparing the general management plan, the Secretary, acting through the Director of the National Park Service, shall consult with—

(A) appropriate officials of the Trust; and

(B) adjacent landowners, appropriate officials of nearby communities, the Kansas Department of Wildlife and Parks, and the Kansas Historical Society, and other interested parties.

(3) CONTENT OF PLAN.—The general management plan shall provide for the following:

(A) Maintaining and enhancing the tallgrass prairie within the boundaries of the Preserve.

(B) Public access and enjoyment of the property that is consistent with the conservation and proper management of the historical, cultural, and natural resources of the ranch.

(C) Interpretive and educational programs covering the natural history of the prairie, the cultural history of Native Americans, and the legacy of ranching in the Flint Hills region.

(D) Provisions requiring the application of applicable State law concerning the maintenance of adequate fence boundaries of the Preserve. In any case in which an activity of the National Park Service requires fences that exceed the legal fence standards otherwise applicable to the Preserve, the National Park Service shall pay the additional cost of constructing and maintaining the fences to meet the applicable requirements for the Preserve.

(E) Provisions requiring the Secretary to comply with applicable State noxious weed, pesticide, and animal health laws.

(F) Provisions requiring compliance with applicable State water laws and Federal and State waste disposal laws (including regulations) and any other applicable law.

(G) Provisions requiring the Secretary to honor each valid existing oil and gas lease and permit for lands within the boundaries of the Preserve (as described in section 04(b)) that is in effect on the date of enactment of this Act.

(H) Provisions requiring the Secretary to offer to enter into an agreement with each individual who, as of the date of enactment of this Act, holds rights for cattle grazing within the boundaries of the Preserve (as described in section 04(b)).

(I) HUNTING AND FISHING.—The Secretary may allow hunting and fishing on Federal lands within the Preserve.

(5) FINANCIAL ANALYSIS.—As part of the development of the general management plan, the Secretary shall prepare a financial analysis indicating how the management of the Preserve may be fully supported through fees, private donations, and other forms of non-Federal funding.

SEC. 06. LIMITED AUTHORITY TO ACQUIRE.

(a) In General.—The Secretary shall acquire by donation, not more than 180 acres of real property within the boundaries of the Preserve (as described in section 04(b)) and improvements on real property.

(b) PAYMENTS IN LIEU OF TAXES.—For the purposes of payments made under chapter 69 of title 31, United States Code, the real property described in subsection (a) shall be deemed to have been acquired for the purposes specified in section 6904(a) of that title.

(c) PROHIBITIONS.—No property may be acquired under this section without the consent of the owner of the property. The United States may not acquire fee ownership of any lands within the Preserve other than lands described in this section.

SEC. 07. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established an Advisory Committee, known as the ‘‘Tallgrass Prairie National Preserve Advisory Committee’’.  

(b) DUTIES.—The Advisory Committee established by section 07 shall be responsible for—

(1) advising the Secretary on the general welfare of the Preserve; and

(2) reviewing the general management plan for the Preserve developed under section 05 of this title.
(b) Duties.—The Advisory Committee shall advise the Secretary and the Director of the National Park Service concerning the development, management, and interpretation of the Preserve. In carrying out those duties, the Advisory Committee shall provide timely advice to the Secretary and the Director during the development of the general management plan under section 1201(a). The Advisory Committee shall consist of 15 members, who shall be appointed by the Secretary as follows: (1) Three members shall be representatives of the Trust. (2) Three members shall be representatives of local landowners, cattle ranchers, or other agricultural interests. (3) Three members shall be representatives of conservation or historic preservation interests. (4)(A) One member shall be selected from a list of persons recommended by the Chase County Commission in the State of Kansas. (B) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas. (C) One member shall be selected from a list of persons recommended by appropriate officials of Strong City, Kansas, and Cottonwood Falls, Kansas. (D) Four members shall be appointed, one from paragraphs (1), (2), (3), and (4) of subsection (a), to serve for a term of 3 years, except that the initial members shall be appointed as follows: (A) Members appointed to fill vacancies shall serve until the expiration of the term for the position from which the vacancy occurred. (B) Members appointed to fill vacancies shall serve until the expiration of the term for the position from which the vacancy occurred. (C) A majority of the members of the Advisory Committee shall serve without compensation, except that while engaged in official business of the Advisory Committee, the member shall be entitled to travel expenses, including per diem in lieu of subsistence in the same manner as persons employed by the Government service under section 5703 of title 5, United States Code. (i) Charter.—The rechartering provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS. Nothing in this title shall give the Secretary authority to regulate lands outside the land area acquired by the Secretary under section 1201(a).

Mr. MURKOWSKI. Mr. President, I have concluded my remarks. I think the Senator from New Jersey may want to be heard from. If not, there are a couple more of us. That is a President. Who seeks recognition? Mr. BRADLEY addressed the Chair. The PRESIDING OFFICER. The Senator from New Jersey is recognized. Mr. BRADLEY. Mr. President, I think the distinguished Senator from Alaska for his statement, and I thank the distinguished Senators from Utah for their strong advocacy of one of the provisions in this bill. I know how much they care about this legislation. I know that they have worked on it. We have a basic disagreement, which I will try to explore in as much depth as I can for the next—I do not know how long it will take, but I want to do it with comprehensive explanations so they can then respond to what I have to say.

I would only make one point with regard to this bill as a package. As one Senator, I am prepared to have virtually every one of the 33 titles, maybe with 2 or 3 exceptions, moved through the Senate right now. I do not oppose those sections. What I have a problem with is the Utah wilderness bill, which I will get to, to explain. So I want the Senate to know that all of the other provisions in this bill I have no objection to. The one vote with the exception of two or three, maybe four maximum, of the titles in the underlying bill.

It is clearly the chairman’s prerogative to put these together in a package. I am not sure, if I were someone who was interested in a particular provision—I might say that this bill has several provisions that I want for my State—that it would be the wisest course if the President actually does veto that bill and that it is put back down and consider several months only to find that the President has vetoed not only Utah land, the wilderness bill, but he has vetoed all of the other smaller provisions that are totally noncontroversial that could move through the Senate today and, in some cases, through the House easily.

I think that ought to be established. I think the wiser course here would be to detach from this package the Utah wilderness bill and to have some more time to talk about that, and then move the other elements of this bill. I know there are a number of Senators who are interested in their particular provisions. I have no objection to moving them.

What I would like to do if I could this morning is take my time to really talk a little bit about the history of public lands. I would like to focus on Federal lands in the United States. I would like to focus on the economic development pressures in Utah. I would like to talk about sustainable development. I would like to put this bill in the context of how we got here, and I hope it does in relation to the concept of sustainable development. Then I would like to talk about the effect on the rest of the country, and why I think that the Utah wilderness bill is clearly a national bill in a very, very deep sense. I say that with great respect for the knowledge and the commitment of the Senators from Utah, whom I know care as deeply about their State as any Senator in this body cares about his or her own State. So I make these comments with respect for their position and at the same time with a very profound disagreement.

Mr. President, the idea that America has public land, public patrimony that belongs to all of us, really began in 1778, when the small State of Maryland leased a tract against the notion that land that had made vast claims of territory west of the Appalachian Mountains, our original frontier.

Under their royal charters, Virginia had laid claim to territory reaching to the Mississippi and up to what is now Michigan, and Massachusetts claimed much of what remained in the then United States. The Senators, Congressmen, the statesmen from Maryland had a different idea. They said that the land, which was the defining feature of the new Nation, should be owned and used in common. And Maryland refused to sign the Articles of Confederation until this idea of common land won respect.

Passing the Act of 1802, the young Nation had taken 233 million acres for the public good between the Thirteen Colonies and the Mississippi River, and with the Louisiana Purchase, and over the next 51 years, the common domain grew to more than 1.4 billion acres of public land. While the Nation came together around Maryland’s idea of public land, the question of what to do with it remained.

The fundamental conflict between diverse provisions expressed by Thomas Jefferson and Alexander Hamilton dominated this debate, as it did so many others. Jefferson believed that land should be put in the hands of small farmers even if it meant giving it away, while Hamilton believed that land sales could be the “richest source of income for the Nation.” With the oppressive debt from the Revolutionary War, the Hamilton view prevailed. And the principle for most of the first half of the 19th century was that “lands were to be sold, and the proceeds appropriated toward shrinking or discharging the debts.” That was a quote. But the land being what it is,
Jefferson was also correct in his prediction that Americans looking for open space "would settle the lands in spite of everybody."

Land sales never made up more than 10 percent of the Federal revenue because people simply laid claim to the lands they occupied. With the passage of the Preemption Act of 1841, the Jeffersonian view prevailed, giving the land away, in hope that it would extend across the continent a nation of small farmers.

The Homestead Act followed in the 1860's with its promise of 160 acres for a family, a blessing in the fertile ground of the Great Plains—160 acres. Beyond the 100th meridian, the north-south line running roughly from Minot, ND, to Laredo, TX, the 160 acres was almost useless. As Senator William Borah said of the Homestead Act, "The Government bets 160 acres against the filing fee that the settlers cannot live on the land for 5 years without starving but the settler’s vision of the country of independent, self-sufficient young farmers passing their modest legacy of land from generation to generation, renewing themselves by tilting the land. Neither vision, the sale of the land or the Homestead Act, really lived up to either of the Founders' idea.

Instead, mining interests lured the first claim to the land. Every single major mining strike in the history of the West—gold in California, Colorado, and Montana, silver in Idaho, Nevada—was made on public land. Then ranchers who had quickly exhausted the capacity of the public land of the high plains, moved West, taking vast acreage of thin, fragile grassland in the north and blighting it in to keep homesteaders out.

Mr. President, about this time Americans finally began to really look at their land. The reports of the great surveyors, Ferdinand V. Hayden, George M. Wheeler, and John Wesley Powell, these reports came East, along with the photographs of William Henry Jackson and the paintings of Thomas Moran. Tales of great geyers and Yellowstone's vivid descriptions of a canyon opening like a beautiful portal to a region of glory led to a popular campaign to protect something of this legacy.

As the new century approached, the advocates of a return to the free-for-all of the past used their power in Congress and the appealing image of the brave, solitary westerner, like to quote from what one person said that that. That person is Charles Wilkinson, a professor at the University of Colorado. He says:

"Kaiparowits Plateau in southern Utah, an extraordinary place, is one of the most remote places in the United States. I would like to quote from what one person said that that.

The advocates of a return to the free-for-all of the past used their power in Congress and the appealing image of the brave, solitary westerner—a man who is certain to protect something of this legacy.

The creation of Yellowstone National Park, the first national park, in 1872, was a moment of great national pride. The true reflection of our view toward our national lands, our public lands, in that same year was the passage of the General Mining Act of 1872, setting fees of $2.50 an acre for a permanent mining claim, an error at the time and an outdated disgrace today.

As this country approached the parks movement accelerated and the country finally escaped the old question, "Should we sell it or should we give it away?" In 1891, the National Forest System was created. By 1907, nearly 10 percent of the Nation's land had been rescued from the cycle of transfer and destruction. The great barbecue, as the historian C. Vernon Harrington called the abuse of the land under the Homestead Act, ended, but the struggle had really only begun.

Miners, ranchers, farmers, and timber interests began a long fight to reestablish the task of the using interests. Copper, grasslands, water, and tall trees which had been given away for so long that they had convinced themselves that they had earned them. In Charles Wilkinson's phrase, the "Lords of Yesterday, the interests and ideas that pull us back toward the 19th century, grew and grew in Washington, especially after Theodore Roosevelt left the White House and Gifford Pinchot left the Interior Department.

In 1921, the Mineral Leasing Act gave oil companies access to petroleum reserves on public lands, even national forests. But the Teapot Dome scandal led President Hoover to ban the oil reserves from exploitation. And the dust storms of the 1930's, which blackened the face of the American West, by the New Deal economist Rexford Tugwell declared "the day on which the President signed the Taylor Grazing Act of 1934 which closed 142 million acres of public land and was called "the Magna Carta of conserva- tion" by Montana's Senator Ewing.

Tugwell's analysis was seriously premature. The land policy of the 19th century has not yet been buried. Indeed, only 35 percent of the claims ever lived up to full ownership, with the rest left to be assembled in very large parcels.

As just as selling the land did not fulfill Hamilton's vision, giving it away did not fulfill Jefferson's vision of a country of independent, self-sufficient young farmers passing their modest legacy of land from generation to generation, renewing themselves by tilling the land. Neither vision, the sale of the land or the Homestead Act, really lived up to either of the Founders’ idea.

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but there are many more—there has been little surveying, except near some of the mine sites. From Kaiparowits you are given staring Plateau vistas in all directions, vivid views of the earth if the windows are cleared out the haze, views as encompassing as those from the southern tip of Cedar Mesa, the east flank of Boulder Mountain, the House Rock Village, the stretching expanses of sacred country. If you climb the rocky promontories on top of Kaiparowits, you can see off to Boulder Mountain, San Rafael Reef, Black Mountain, the Kaibab Plateau, the Vermillion Cliffs.

The languid stillness of Kaiparowits turns your heart and gently and slowly to wondering about time, to trying to comprehend the long, deep time all of this took, from Cretaceous, from back before Cretaceous, and to comprehend, since Lake Powell and the seventy-story stacks of Navajo Generating Station also now play part of the vista, how it is that our culture has so much might and how it is that we choose to exert it so frantically, with so little regard of the time that you can see, actually see, from here. Perhaps somehow by taking some moments now, here, this fine jonquil-roofed land place, here in this farthest-away place, a person can nurture some of the fibers of constancy and constraint that our people possess in the face of the might. The silence is stunning, the solitude deep and textured.

Kaiparowits makes you decide on the value of wildness and remoteness. Kaiparowits is where the dreams for the West collide. Coal, jobs growth. Long vistas, places to get lost in, places to find yourself in.

The BLM wild lands teach us, also, about the people who once lived and worked and loved and worshipped for such a long time in what has been called BLM land for such a short time.

Last year, my son Seth, then twenty, and I took a long, home-from-college trip to the canyon country. We hiked most of one day up to our calves in a creek that over the course of some seven million years has cut a thousand feet down through the fiery, aeolian Wingate Sandstone and the layers of rock above it.

In a rare wide spot in the canyon, behind a cluster of junipers, we found a panel of pictographs on the Wingate. The artisan painted this single white image—supernatural and life-size—two thousand years ago, perhaps more. The three stolid figures had wide shoulders, narrow waists. We could see through them, the round staring eyes, and the eyes could see through us. We called it “Dream Panel.”

It would be so contemptuous of time to deal away Kaiparowits and Dream Panel. Perhaps the states would protect these and other wild places of national worth as well as they are protected now. But do we want to risk it?

Mr. President, until the 1960’s, none of the public lands were fully protected for mining, automobiles, construction, and other uses. The concept of wilderness did not exist, not only on the BLM lands, but even in the national parks and forests.

As a way of preserving public land, the idea of wilderness really owes its origin to Arthur Carhart, a landscape architect hired by the Forest Service in 1919 and sent to design a road encircling Trappers Lake in Colorado’s San Isabel National Forest. Instead of laying out the road, he bombarded his bureaucratic supervisors with memos urging that they abandon the project and retain some area “to which the lover of the outdoors can return without being confronted by a settlement, a country store, telephone pole, or other sights of civilization.” After Carhart built a friendship and alliance with Aldo Leopold, the great naturalist and author of “A Sand CountyAlmanac,” the Forest Service accepted his idea and made Trappers Lake the first development project it had ever denied because of the threat to the natural integrity of the land.

The legacy of Carhart and Leopold fell to Robert Marshall, a slightly eccentric man, who during college decided to walk 30 miles in every State of the Union, covering that distance in a single day in each State. Once he covered 62 miles in a day. Well, Marshall joined the Forest Service in 1930 and advocated not just protection of some land as wilderness, but the importance of sheer size—vast tracts of wilderness rather than small parks in every State. He sketched his dream into a very short time. And he said, “If you cut up the ‘Mona Lisa’ into little pieces one inch square and distribute them among the art galleries of the world so millions might see it, where hundreds now see it, neither the millions nor the hundreds would get any genuine value.”

The point here is that wilderness has a size factor that is itself valuable. Although Marshall rose to a high position in the Forest Service, his greatest legacy came when he left to found the Wilderness Society. The Society became into its own with the successful fight against a plan to build two major dams on the grounds of Dinosaur National Monument in Utah. Instead of moving from flight to fight against this development or that, the society developed the idea of permanently classifying some portion of the public lands to be protected from development. When Senator Hubert Humphrey introduced such a bill in 1957, not only the Congressmen and the western Senators and Congressmen, but even the Park Service and Forest Service were flatly opposed. Above all, they were offended by the idea that citizens from the areas affected should participate in the decisions about what should be protected.

Senator Arthur Watkins of Utah argued that a permanent wilderness designation would “hamstring economic development,” but at the same time, like opponents of the Velvet Valley in the 1870’s, he insisted that “millions of acres are already preserved in the wilderness state and probably always will be.”

The bill which finally passed in 1964 contained the following definition of wilderness:

A wilderness, in contrast to those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and the community of life are underlaid by natural conditions as if they were untrammelled by man, and where man himself is a visitor who does not remain.

That is the definition of wilderness in the 1964 act. It ordered the agencies that manage Federal land to review their own holdings and recommend those that qualify for wilderness designation—wilderness, a “community of life untrammelled by man, where man himself is a visitor who does not remain.”

But this review omitted the over 300 million acres managed by the BLM. Those lands came under the purview of the Wilderness Act only in 1976. At that time President James Watt took the reins of the Department of the Interior and in the long tradition of deliberately crippling the bureaucracy at BLM moved the deadline up from 1991 to 1984—one would assume not in an effort to protect the land quickly but to overwhelm the agency and destroy the review. And so it is that the BLM was sup-posed to take 15 years of careful, painstaking, accurate analysis of public land under the control of BLM with designation of specific wilderness was now contrasted into a very short time. And it is the legacy of that action that brings us to where we are today in consideration of the Utah lands bill.

The Wilderness Act, if it is allowed to work as intended, can be the final step in the escape from the lords of yesterday—the compulsion to transfer lands and to let their soil and mineral resources, their trees and their vistas to be exploited for short-term gain rather than preserved for future generations. The legacy of that action that brings us to where we are today in consideration of the Utah lands bill.

The Wilderness Act is allowed to work.

The United States and in Utah? The Federal Government currently owns approximately 650 million acres, or nearly 30 percent of the 2.3 billion acre land area of the United States. However, this is far less than the Government has owned in the past. Since 1775 the Federal Government has acquired through purchase and war over 1.8 billion acres, and at various times in U.S. history has held nearly 80 percent of the Nation’s total area. Nearly two-thirds of the land once owned by the Federal Government has been transferred to the States, or to private interests.

Where did the land come from? Well, the original 13 and the land that used to be over to the Mississippi is about 236 million acres. If you add the Louisiana Purchase, you add 529 million acres. If you take the Oregon compromise, you add 163 million acres. If you take the secession from Mexico at the end of the Mexican-United States war, you add 338 million acres. If you take the Alaska purchase, you add 378 million acres.
Those are the main places that the land came from.

How were the Federal lands disposed of? During the 19th century a number of Federal laws encouraged transfer of Federal lands to homesteaders; as I said, earlier, the Homestead Act of 1862 to miners, the Mining Act of 1872, and to railroads and to others. In general, the purpose of the act was to encourage development and settlement of the West. Lands were also sold to raise money, and granted to States for specific purposes—funding for education, for example.

As a result of the land acts, over 1.1 billion acres have been transferred out of Federal ownership in the following ways. Homesteaders got 287 million acres. Railroad companies got 94 million acres. As a frame of reference, that is the equivalent of all of the land of Washington and Oregon given to railroads, and the land of 94 million acres. As a frame of reference, that is the equivalent of all of the land of Washington and Oregon given to railroads, and to others. In general, the purpose of the act was to encourage development and settlement of the West. Lands were also sold to raise money, and granted to States for specific purposes—funding for education, for example.

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A study by Prof. Thomas Power, chairman of the department of economics at the University of Montana, found that extractive industries such as mining are playing a decreasing role in Utah's economy and that "wilderness protection does not in any significant way threaten the ongoing development of the Utah economy.

Wilderness protection is not a threat to the Utah economy. In fact, Power finds that the most likely economic effect of additional wilderness protection will be positive, not negative. While alternative natural beauty, a beauty which draws tourists from around the world. According to Power, 69,000 jobs and the $3.35 billion they travelers in Utah accounts for roughly the most important industry. Spending by

Utah's population has also undergone rapid expansion in the last 25 years. While the population as a whole in the United States increased by 29 percent, Utah enjoyed an 80-percent jump. Much of this was directly attributable to the attraction of the State's largely unspoiled environment. For example, St. George grew by 35 percent just in the last 10 years due to people moving in from California, and I can understand why. It is a beautiful, beautiful place—not so far from the Zion National Park.

Utah's greatest asset is its unique natural beauty, a beauty which draws tourists from around the world. According to Power, lands with wilderness qualities are a relatively scarce resource that has significant alternative uses and can satisfy human needs and desires. Wildlands provide a broad range of benefits that make the lives of Utah residents more satisfying and fulfilling in at least the same way that most of their purchases in commercial markets do.

In the competition to attract new businesses and residents, the quality of natural and social environments will be particularly important. Power views wilderness designations themselves as a sort of advertisement that the natural beauty of the State will remain available for future generations.

Preservation of public lands also has direct and measurable economic benefits. Tourism has grown to be Utah's most important industry. Spending by travelers in Utah accounts for roughly 69,000 jobs and the $3.35 billion they spend generates some $247 million in direct tax impact for State and local governments in Utah. The Governor's Office of Planning and Budget expects the State's tourism industry to continue as the fastest growing segments of Utah's economy.

Utah's special attractions lured about 15 million tourists including 1 million foreigners to the State in 1994. Visitation to the State's dozen national parks has increased more than 20 percent in the past 5 years; there has been a corresponding increase in visitation to the surrounding BLM lands, most of which would not be protected if S. 884 were to pass. The 98 counties with lands under consideration for inclusion in the wilderness system, tourism provides over 60 percent of total jobs.

Wilderness designation has little of the claimed negative effects cited by its most vigorous opponents. When 3.2 million acres were set aside in the wilderness study areas through the BLM's inventory process, agriculture accounted for 1.3 percent of the income earned in Utah. Ten years later the figure was virtually the same. The protection afforded by wilderness management in the study areas had made no change in Utah's agricultural economy.

The same neutral or beneficial effect is also true according to a University of Arizona study published in the Journal of Range Management, in designated wilderness in Arizona, forage allocation for grazing has actually increased. And wilderness designation allows a continuation of existing grazing uses.

But even if designation had a significant impact on grazing, the Federal grazing lands in Utah currently contribute just eight hundredths of 1 percent of the State's economy. With mining, too, the impact of wilderness designations is less than might be assumed. Since lands currently being mined are not suitable for wilderness designation, designation will not result in any losses of existing mining jobs.

Oil and gas drilling are also declining contributors to the State's economy. Utah has the second highest drilling cost per barrel for any State containing significant oil and gas reserves, as a result of difficult access and complex geology. Small decreases in global oil prices have phased-out exploration and production in many parts of Utah. Utah's demonstrated coal base is significantly smaller than Montana, Wyoming's, Colorado's, and even North Dakota's. Significant advances in longwall mining technologies has increased productivity in Utah's underground coal mines, thereby decreasing the size of coal mining work forces. Thus, while productivity is at its highest the share in high-skill industries in the United States coal industry is at its lowest.

Then there is uranium. Huge deposits of uranium ore have been opened in Australia and Canada and Russian uranium may also be coming on to the U.S. market in significant quantities. U.S. production is more likely to come from the lowest-cost uranium reserves in Wyoming, Utah, Nevada, and northern Arizona, not from wilderness deposits in Utah.

These figures show, extractive industries are not going to provide, I think, a stable future for the State, that is, simply looking at the data, looking at the materials, looking at where the economic growth has come, looking at where the employment has come. One might conclude, simply looking at the data, that extractive industries are not going to provide a stable future for the State of Utah. For Washington County, which is Utah's fastest growing, total and per capita personal income are rising in the region as a direct result of growth in the service sector.

Preservation of public lands also has a sort of advertisement that the natural beauty of the State will remain available for future generations. This natural beauty, a beauty which draws tourists from around the world, that is, simply looking at the data, looking at the materials, looking at where the economic growth has come, looking at where the employment has come. One might conclude, simply looking at the data, that extractive industries are not going to provide a stable future for the State of Utah. For Washington County, which is Utah's fastest growing, total and per capita personal income are rising in the region as a direct result of growth in the service sector.

The conservation of 3.2 million acres by the BLM as wilderness study areas in 1980 did not devastate the affected county economies. Growth that occurred in each of these counties through the 1960's and 1970's continued through the 1980's. Despite the negative economic effects caused by the drop in energy prices.

Yet even with the decline in extractive industries and their decreasing impact on the State's economy, the notion of new, large damaging projects among how speculative or damaging, was the principal reason many important areas were dropped from consideration for wilderness designation under S. 884. Boundaries seemed to be altered and mitigations only permitted new, large damaging projects which would fuel yet another cycle of economic boom and bust...
Unfortunately, these projects proposed for the Colorado Plateau look familiar. They are the same types that have failed in the past because of unfavorable world commodity prices, lack of demand, or simply the high cost of doing business in a remote and forbidding area. While it is unlikely that most of them would ever be completed or economically viable, even preliminary site work, such as road building, would destroy their wilderness qualities forever.

So, what is it that I see is the economic circumstance in Utah. The extractive industries declining both as a percent of the State economic product and the numbers in employment, and this bill going in the direction of trying to keep that future available, to the great detriment of the fastest growing areas, the service sector, and in particular tourism, that is growing every year as more people want to come and see and experience these remarkable lands on the Colorado plateau and in the Basin Range.

The way to look at Utah's future, from my own view, and this is just my view, and the role that this bill will play in that future, is not from an absolutist perspective, however, not from an absolutist perspective that elevates environmental values above economic growth. Development is not wrong, and it has a place in both the publicly held and private lands of Utah. The principle that it must apply, in my view, is that of sustainable development.

Mr. (Drew) assumed the chair.)

Mr. BRADLEY. Sustainable development is not pure abstraction, but a real plan for action with a specific definition. The definition endorsed by the President's Council on Sustainable Development, in a report issued last month, is as follows:

Sustainable development means:

To meet the needs of the present without compromising the ability to meet the needs of future generations to meet their own needs.

It is a concept with an imperative behind it that is much like the imperative to balance the Federal budget, only much broader. It brings together the idea of a growing economy in which every adult has the opportunity to earn a living and support a family with the promise of a healthy life and high quality of life for this and future generations.

What does sustainable development mean in the American West? Charles Wilkinson, a law professor and historian of Western lands, puts it well. He says:

Good science, good laws, good economics, and good communities come together in the idea of sustainability. At its core are the responsibilities lodged in the idea of intergenerational equity which has been described as the principle that “every generation must respect and use the natural and cultural legacy in trust from its ancestors and holds it in trust for its descendants.” Development cannot wear the land and waters down but rather must use it wisely. A workable theory of sustainability encompasses a practical and phased-in, but still rigorous and comprehensive, program of conservation so that consumption can be reduced. But the obligation to provide for the next generations also includes the duty to maintain a vital economy. Sustainability recognizes the need for development.

The first step in approaching sustainable development is to what must be addressed—what is called the “natural and cultural legacy” that we have received and must pass on. Traditional extractive development in the West has focused on use of resources being extracted. Water projects, for example, were designed to meet only the demand for water, which was meant water as a commodity, for ranching, energy development, and industrial, municipal and, domestic use. Any other benefits, such as the blue-ribbon trout stream on the Navajo Dam on the San Juan River, were purely secondary and often accidental. Avoidance of negative effects, such as loss of the salmon runs, was largely a matter of convenience, which were viewed as nearly infinitely sustainable in those simpler times.

But our thinking has evolved. In many national forests, a broader view of sustainability is not being achieved. Only the specific resources being extracted—commercial timber during the summer, fish during the winter—are taken into account to achieve true sustainability, are in jeopardy. The health of certain fish and wildlife populations, soil on steep slopes, the recreation economy, species diversity, the ancient forests, views, beauty, glory, awe, sustainability is measured not by board feet but by the whole forest.

Unless you disagree with the concept of sustainable development, that we owe our descendants the legacy we have received from our ancestors, it is imperative to compare the Utah wilderness bill with this idea. Before I go into great detail about the specifics of the bill, I want to briefly consider the question, Does the bill live up to the idea of sustainable development?

First, the bill elevates one set of resources, both within and without the areas designated wilderness. Grazing, mining, timber sales and commercial development are protected. The wilderness designation boundaries creep carefully around the sites of planned development. The wilderness value is secondary and incidental to the other aims, and appears to be almost accidental. All evidence suggests, as I will show later, that the “using interests” of Utah, and their friends, have asked the question: “What areas don’t we want for mining and development?” before they asked “What areas do we want protected for the future?”

Second, the uses that are given priority are not those which will lead Utah to a sustainable, prosperous future. Minerals, timber, water, and grasses are not infinite resources, and cannot be sustained without limits. Mining and agriculture add up to about $800 million of the total income of the State in 1980 and steadily declining. The rest of the Utah economy, all that earned from other sources, has grown from $20 to $30 billion at the same time. So mining and agriculture, from $1.1 billion to $20 billion, the rest of the economy growing from $20 billion to $30 billion at the same time. In extractive industries, it costs more and more to bring fewer and fewer returns as resources are exhausted. The values of tourism, quality of life, nonextractive industries, such as software development, high technology, grow and grow as more is invested in them.

Third, the bill not only fails to preserve and capture the natural and cultural legacy, it affirmatively denies them the right to protect it for themselves, and that is the section on managing it for suitability for wilderness.

Fourth, there is yet another component which Wilkinson describes as part of sustainable development in the West: the idea that a community can best determine for itself how to preserve its legacy for its children. He writes:

After identifying all economic, environmental, cultural and abstract (or spiritual) elements that need to be sustained, [I envision] a community coming together: identifying problems; setting goals—a vision—for a future; designing and adopting a program to fulfill those goals; and modifying the program as conditions change.

The process that led to this bill was the opposite of this idea. Instead, an agency in Washington, crippled by political and corporate interests, decided on its own which elements needed to be sustained. It ignored, denounced, and shouted down the county commissioners and citizens who had other thoughts. Finally, the process brought us a plan that cannot be altered if conditions change.

So now, Mr. President, I want to put the bill in some context. I have already spent some time this morning talking about the history of public lands in our country and how government’s stewardship of our Nation’s environmental heritage has evolved over the years. I think this history provides the context within which to address the situation that faces us today: how do we achieve a balanced, reasonable plan for conserving America’s natural heritage while providing opportunity for economic growth and development across our public lands? This is the challenge we face today as we consider the Utah Public Lands Management Act.

This bill—I have not seen all of the changes that were in the modification that was sent to the desk, so I would add a couple other hundred thousand acres here or there—but this bill would designate between 1.8 and 2 million acres of wilderness in Utah. It would release approximately 20 million BLM acres of land that are not designated as wilderness areas. It would allow the State to exchange land with the Federal Government. It would deny Federal rights to areas that are currently designated as wilderness. It would provide new management directions for the designated wilderness areas, some of
which are exceptions to the standards established in the Wilderness Act of 1964 that would allow military overflights and allow motorized access. It will allow motor boat access in designated areas. The legislation, in my view, failed to strike the balance between the wilderness and the natural resources which is the right of all U.S. citizens as stakeholders in a common heritage, and abusing natural resources which are the shared heritage of the entire people of the country.

The Wilderness Act designates too little of Utah's spectacular landscape as wilderness. Of the almost 22 million acres of BLM land in Utah, only about 1.8 to 2 million, less than 10 percent, would be designated as wilderness. Vast tracts of America's most magnificent public lands would be left open to development; the wilderness that is designated by the act would be managed in a manner contrary to the protections afforded by the Wilderness Act, and development would proceed in such areas. In addition, in the 1980's, the BLM removed an area of wilderness that was five times the size of my own State of New Jersey from wilderness consideration. This move left just 2.6 million acres protected, which was later increased to 3.2 million acres after criticism from conservationists. Finally, in 1991, the Utah BLM delivered its final recommendation of lands to be designated wilderness areas—and that figure was a mere 1.9 million acres. This low-ball figure was derived as a result of the BLM inventory process that was, I think, much too sensitive to the developmental interests.

The history of the BLM inventory is crucial, and it is a crucial part of the story of public lands in Utah. We need to understand the history of the BLM wilderness inventory because they faced a 30-day deadline, and a single one of the appeals often required filings that were 2,000 pages, several hundred photographs, and over 100 affidavits. It was clear that the BLM inventory process was seriously flawed was shared by congressional committees that held oversight hearings on the process. In 1984 and 1985, House Public Lands Subcommittee Chairman John Seiberling held a series of oversight hearings on the BLM inventory because they faced a 30-day deadline, and a single one of the appeals often required filings that were 2,000 pages, several hundred photographs, and over 100 affidavits. Spurred on by the realization that the Utah BLM's erroneous work would result in millions of acres of wild lands being subject to the possibility of development, Utah citizens conducted their own inventory. Their work took years, requiring thousands of hours of field work. Unlike the BLM, these citizens walked every one of the roadless areas on foot and determined that there were actually 5.7 million acres of remaining wilderness. Their work was published in a 400-page book entitled "Wilderness at the Edge." There was a bill that their proposal recommended that was introduced in 1989 by Congressman Wayne Owens. When he left the House, Representative MAURICE HINCHEY reintroduced H.R. 1500.

Now, Mr. President, now that I have had the opportunity to chronicle the controversy that has surrounded the development of this legislation, I want to discuss the specific flaws in the bill. S. 884 suffers from several major flaws, each of which merits serious consideration.

First, and most alarming, is the hard release language. Not only the 4 million acres which Utahans seek immediate designation, but also the additional 16 million acres of Utah BLM lands. As I heard the modification, the
The bill has been modified, and it has been improved. The change is helpful, but I will argue later why that change is not sufficient, and how it is in its present structure, a back-door way for doing the exact thing that the original bill had intended to do, while at the same time doing it a little more skillfully.

Second, the bill leaves nearly 4 million acres of America’s Red Rock Wilderness open for development. These 4 million of our most magnificent national treasures, landscapes that would no longer be protected for our future generations, include Fish and Owl Creek Canyons on the east side of Cedar Mesa, that is the home to 1,500-year-old Anasazi cliff dwellings; the wild country of the Kaiparowits Plateau that I talked about earlier; the heart of the Dirty Devil canyon system; the slopes of the Beaver Dam Mountains; the White Canyon, with its important habitat for desert bighorn sheep and lands adjacent to Zion National Park; and countless others in the basin range region. I will save for another day the discussion of the basin range proposals.

Third, the bill transfers a large chunk of the Kaiparowits Plateau Wilderness out of Federal ownership to the State of Utah for the development of a coal mine, with no regard for its outstanding actual quality or value.

The Kaiparowits, as I described earlier, is inhabited by a wide variety of wildlife species, including mule deer, mountain lions, coyotes, foxes, and over 300 kinds of birds. Several areas on the Kaiparowits contain examples of the marine and terrestrial fossils found nowhere else in the world. If the Kaiparowits were to become State land, the national public would have no voice in how the land is managed.

Mr. President, S. 884 would designate no wilderness in the half-million-acre Kaiparowits region of south central Utah between a slice of Fifty Mile Mountain to the east and a slice of Paria River on the west. Instead, more than 50,000 acres in the heart of this omitted region would be turned over to the Federal Government.

The BLM, looking at it all, said that the State of Utah for the development of a coal mine, with no regard for its outstanding actual quality or value.

Fourth, the bill expressly denies a water right to wilderness areas designated by this act. In the two most recent BLM wilderness bills enacted—for California and Arizona, and I think also in Nevada—Congress reserved a quantum sufficient to accomplish all the purposes of the act, which is protecting lands designated as wilderness areas. This bill would deny the right to water for lands that are protected under this act, thereby preventing protecting water for the very water which gives it life. Ironically, one of the reasons for granting protection to desert wild lands in Utah is to shelter relatively rare riparian ecosystems. Protecting the lands which contain the habitat of species such as the banks of rivers and lakes without protecting the water which sustains these same systems is shortsighted, to say the least.

Fifth, the bill includes provisions permitting the State of Utah to exchange State land within or adjacent to wilderness areas for Federal lands in other locations, so long as the lands exchanged are of approximate equal value. This would benefit both parties. However, Sylvia Baca, Deputy Assistant Secretary, Land and Minerals Management, at the Department of Interior has testified that “equal value” is misleading. The tracts proposed to be obtained by the State have high economic value for mineral, scientific, and archaeological development. The fair market value of the lands may be 5 to 10 times more than the value of the lands that would be transferred to the Federal Government.

Mr. President, S. 884 also permits partial exchanges that would allow the State to acquire desirable Federal land in exchange for whatever land the State wants the State gets to arrange, in other words, both sides of the transaction. It identifies both the lands it wants to dispose of and the lands it wants to acquire. The Federal Government must approve the transaction, once the lands are of approximate equal value.

Sixth, this bill makes broad exceptions to the Wilderness Act of 1964, dangerous precedents, which the act affords protections that preserve the unique and spectacular wilderness qualities of public lands. These exemptions would allow and in some circumstances even encourage new non-wilderness activities in designated wilderness areas.

For example, passage of this bill would restrict the Secretary of Interior’s authority to control motorized vehicles in wilderness, even on new routes; allow new dams to be constructed under the guise of modifying existing small spring catchments; allow new water users to dry up wilderness streams; allow the construction of permanent buildings and roads and wilderness to be converted into cultural resources; allow the military to construct new communication sites in wilderness; and include special unnecessary overbreadth language permitting low-level military flights and the establishment of new special-use airspace over wilderness; and provide livestock permittees an argument for special treatment on allotments in wilderness.

Mr. President, those are what I consider to be the major flaws in this bill. I know that some of my colleagues will argue that preservation of Utah’s unique national heritage is a matter best left to the State’s own delegation. We have seen this before in the cupboard and considerable talent. In this case, I have to disagree. Wilderness is a gift we give to our children and grandchildren, a gift that once destroyed can never be re-constructed. The children of New Jersey revere it, the children of California or Colorado.

As a Southwestern poet, Ann Weilern Walka, has written of southern Utah, this beautiful, vast, unique area of the world:

Why not acknowledge that there is something here more important to our beleaguered society than a marginal mine, an overgrazed permit? A great American myth has told us that lands, and it is myth, ultimately, that holds this country together.

The bits of this continent, too formidable to penetrate by road the last of what drew our ancestors to North America, be it ten or ten thousand years ago, an opportunity to do it in a little more skillfully. The scraps of Eden still afford us awe in an age of cynicism, steady us when human affairs are dizzyingly complicated, reaffirm our essential sense of American innocence and courage.

Places like these, places to get lost, to become grounded, to meet our Maker, to rediscover our forebears’ resourcefulness and grit, to take heart, are promised in our most abiding stories.

I might close my opening statement with a quote from the Oakland Tribune that reminds us that “The battle over public lands in the West is a battle between two philosophies: one that says federal land is inherently valuable to all Americans, from those who use it for solitude and recreation to those who simply enjoy knowing that there are still pockets of nature left on the continent; and one that says all lands, including those owned by the public, should be put to work in one way or the other.” These public lands belong, I believe, to the former group, and so do I.

I yield the floor.

Mr. HATCH. Mr. President, I have been intrigued by the comments and remarks of my colleague from New Jersey. But I have to say that during the course of this debate, we are going to show a number of those remarks to be in error. Let me mention a couple of things right off the top of my head. He mentioned the beauties of the Kaiparowits Plateau, which I have tramped on and been around.

I might add that, in this bill, if you include just Fifty Mile Mountain in that area and the Paria-Hackberry area, you are talking about 220,628 acres out of that area that are going into wilderness. The implication is that we are not doing anything about wilderness. My figure is almost 221,000 acres. With the Dirty Devil area, which was mentioned, we are designating more than 75,000 acres. We are talking about 2 million acres here. Since the BLM began studying this issue almost 10 years ago, more than $10 million has been spent, countless hearings held, town meetings scheduled—many efforts to bring people together. The affected county people are upset, many not wanting any acres at all in wilderness. Then, there is the other extreme wanting 5.7 million acres.

The BLM, looking at it all, said that the only acres that even came close to qualifying for true wilderness are 3.2 million. That is the study area. Nobody in their right mind expected that whole
study area to become wilderness. Everybody knows that once it is designated wilderness, it is used only basically for backpacking. You can walk on it, and that is about it.

The people of Utah and everybody else would basically freeze out from using any mechanization, including a bicycle, on the property. So even if you assume that the whole 3.2 million acres might qualify for wilderness and that the entire amount should be taken, that still is all there would be. These people who are so extreme want 5.7 million acres.

Keep in mind, the definition of wilderness is this. Section 2 of the Wilderness Act of 1964 says: ‘‘A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the Earth and its community of life are untrammeled by man and where man himself is a visitor who does not remain.’’

Further, it is defined as:

An area of undeveloped Federal land retaining its primeval character and influence without permanent improvements or human habitation, which is protected by law against deterioration or encroachment and includesPixel text here.

On the factual aspect of public involvement, Mr. Parker provided the following information:

During the 15 years it took to complete this wilderness process in Utah, more than 16,000 written comments were received, analyzed, and incorporated into the decision process. More than 75 formal public meetings and hearings were held by BLM, and hundreds of face-to-face discussions and workshops where thousands of pages of documentation were prepared, printed, and distributed for public review and comment, and countless briefings were held and questions responded to. For the draft environmental impact statement alone, 16 separate hearings were conducted, over 700 people testified, and over 6,000 people commented in writing. The resulting EIS fills 10 large books and consists of 7 volumes, plus analysis of public input and agency response.

Let me make the point that the people arguing against us, have produced a beautiful book that contains their recommendation in this book here. That is their work, I give them credit for it. It is a beautiful book and there is a lot of good information. But this is just part of the study of the Federal Government and the BLM. Here are some more parts of the study, that you see, the Government has gone through. That is what we have gone through, not just the study in the interests of a few, but the interests of everybody.

I am glad that we have done that. The fact is there has been a lot of study there. There has been some suggestion here that the BLM development process was flawed. Let us see what Mr. Parker had to say. We are not quoting some liberal, environmentally-oriented group who does not even live in Utah. We are talking about the head of the Utah State BLM Office.

I came to the conclusion that, while it was not a perfect process, it was carried out in a thorough, professional, and orderly manner. The criteria had been adhered to and procedures had been followed.

Just look at it right here.

There was extensive documentation of the decision process. Just look at it. It is enough to blow your mind.

There had also been a great deal of oversight in testing the decisions by higher level management of the Department of the Interior, and by special interest groups on both sides of the issue through the appeals and judicial challenges. I believe that the professional staff of BLM and the other agencies involved—

It was not just BLM; there are a number of Federal agencies involved in all these studies, involved in both Utah and in the headquarters level in Washington.

Let us get with it. People here in Washington are not going to let us make mistakes here. The people out there are not going to let us make mistakes. Both areas are environmentally oriented, almost to the extreme in some areas. But Mr. Parker says, I believe that the professional staff of BLM and the other agencies involved in both Utah and at the headquarters level in Washington and elsewhere did a very credible job in carrying out the mandate.

In the process pursued by the Utah congressional delegation to develop S. 884—remember, this is the head of BLM in Utah, former Associate and Assistant Director of BLM and former BLM State Director for Utah on this process pursued by our Utah congressional delegation, Mr. Parker described it as current as they might be but they do provide protection for the resources. These plans, along with other laws and regulations, provide many options for land managers to use to protect the land and their resources. While allowing for appropriate authorized use and enjoyment of the public lands, no lands in Utah would be unprotected, nor will they be open to uncontrolled development if they are not designated as wilderness.

That says it all. These lands are not going to be ripped off. These lands are not just automatically developed. There are not going to be shopping centers everywhere. The fact is they will be subject to the environmental rules and laws in existence today. Mr. Parker also has written the following in a recent newspaper article about H.R. 1500, the bill which apparently our colleague from New Jersey supports as well: ‘‘All of Utah’s public lands are under some Federal Government and BLM management. In addition, the other agencies involved in both Utah and the Headquarters level in Washington, D.C..’’
environmental organizations that are very sincere in what they are doing, but on this issue they are sincerely wrong:

This ill-conceived proposal—

Mr. Parker is talking about H.R. 1500, the environmental bill that would have 5.7 million acres—

This ill-conceived proposal includes in its boundaries private homes and buildings, cultivated fields, chained areas, thousands of acres of private and school trust lands, and other areas that cannot be designated as wilderness. It also includes hundreds of miles of roads.

In this study book of theirs we have placed a tab demonstrating where there exist many miles of roads. They try to say these roads are abandoned or not used, and so forth—some of them may be. The fact of the matter is that hundreds of miles of roads have been included in their proposed wilderness areas. We have gone over many of those areas. A lot of it is low-lying sagebrush land along highways. That is how ridiculous this is. Mr. Parker goes on to say:

Also included are—

Mr. Parker criticizing H.R. 1500, the environmental bill or I should say the environmentally extreme bill.

Also included are oil and gas wells, hundreds of mineral leases and mining claims, rights of ways, et cetera, all of which would conflict with wilderness designation. Many of the areas in the proposal lack the 5,000-acre minimum specified by the Wilderness Act and are “cherry stemmed” in the extreme leaving narrow necks of land that would make them totally unmanageable as wilderness.

That is what a lot of this stuff is. I would prefer to go with these things. I do not always agree with what the Federal Government has done in all of these wilderness studies, but we have spent millions getting to the point where people together began all over the State of Utah and, frankly, from all over the country, to achieve what we have been trying to do.

So you have a study area of 3.2 million acres that is well studied, well documented. It is misleading to indicate that the BLM did not do its job here. In fact, we thought that it did too good of a job. Many people in Utah did.

After reviewing the 3.2 million acres, the BLM in its final recommendation, after all of this work, concluded that we should have 1 million acres. That would be the right figure. This bill as originally filed proposed 1.8 million acres, 100,000 acres less than the 1.9 million that the BLM called for. To accommodate our colleagues here in the Senate, because we know that our colleagues are sincere in wanting more wilderness acres, we have gone from 1.8 to 2 million.

Let us take a look at what 2 million acres equals, just so people realize how vast this amount is, and why we are so upset, but certain groups are coming into our State and telling us what we can and cannot do in our own State.

And, all this after Senator BENNETT, I, and the Members of Congress in the House have worked on this issue for, in my case, 20 years, to get to this point where we can resolve this matter. I should point out that both sides on this issue are mad at us most of the time—announcing the date and those who want everything, like our friend from New Jersey. The affected counties wanted just over 1 million acres, that is all. They did not want any more, and in some area they did not want anything to do with you. They really want zero, especially in the mainly affected counties. But, at the most, we finally got them to agree to 1 million acres.

To those who have never hiked from 5.7 million acres, not one acre, we propose an amount of 2 million acres, which is 100,000 above that recommended by the BLM. Look at what it means. Just so you get the idea of what this is, this is 2 million acres is equal to 100 percent of the whole State of Delaware—they only have 1.2 million acres in Delaware; 63 percent of the whole State of Connecticut, which is only 3 million acres; 41 percent of Senator BRADLEY—in other words, our 2 million acres is almost half of his State—he has 4.8 million acres in New Jersey; 41 percent of the whole State of Massachusetts; 35 percent of the whole State of New Hampshire; and 24 percent of the whole State of Vermont.

I think people ought to stop and look at this. We live in Utah. We believe it is the most beautiful State in the Union. There is no question about it. We think many people will confirm that. We think all States have much beauty in them. But the fact of the matter is that after all these years of study, all of these years of conflict, this is a two million acres of having both sides mad at the congressional delegation, with some wanting none and always the environmentalists wanting at least 5.7 million, if not more, since Wayne Owens originally filed the bill to settle this matter. Representative Owens' bill totaled 5.2 million, by the way, as I recall. The New York Congressman, who at the time he filed his bill had never stepped foot inside of Utah, introduced legislation that designated 5.7 million acres, and that becomes the battle cry for these people. It is an extreme battle cry.

At the outset, my colleagues should understand one very important fact. We in Utah love our State. We love and cherish our land, which is comprised of some of the most beautiful and picturesque scenery in the world. I am going to get into it in just a few minutes as to what we have done.

When we talk about the Kaiparowits Plateau, we have 220,000 acres in there, and of the other areas cited by my friend from New Jersey, there are 75,000 acres of the Dirty Devil, and 18,000 acres of the Fish and Owl Creek. Even this proposal is being criticized as well. Mr. President, I really cannot say how disappointed I am that some of the Members of this body have chosen not only to oppose the Utah wilderness provisions of this bill but also to engage in such questionable debate about it.

My friend from New Jersey, Senator BRADLEY, issued a press release on Friday announcing that he is trying to block the Utah wilderness legislation from passing. He has a right to do that if he wants to. Actually, for those of us involved, this is not big news. The Senator from New Jersey has done a pretty good job of blocking the fact that most of the rest of the bills in this amendment, since last April. It is because he has that Chairman MUKOWSKI has included our wilderness bill in this overall package, knowing that it is the just thing to do. It just seems to me that this press release is a public way of throwing down the gauntlet and, believe me, I am sincerely sorry for that. The Senator from New Jersey has announced that he intends to take down legislation that is critical to our State. What am I to say? What would any Member of this body do if he or she found himself or herself in our shoes? If anyone here does not know the answer to that question, he or she does not belong in the Senate.

I have heard all these conflicting stories about Utah land belonging to the Nation as a whole. And it may surprise some of my colleagues to hear that to a certain degree I agree with that. I believe certain problems and concerns affecting some States must be addressed. But let us get one thing straight. The impact of this legislation, and in fact the adverse impact of failing to pass this bill, is going to fall on Utahns only—not on New Jerseyites, but on Utahns.

It will not matter to the average Illinoisan who the Senator from New Jersey is. It will not matter to the average Ili-noisian that the town of Summit, UT, faces a water crisis because existing water rights have not been respected in the second driest State in the Union.

Just who do my colleagues think is going to bear the heaviest consequences of our decision with respect to the Utah wilderness issue? In all honesty, this press release sounds like it could have been written by the lobbyists for the National Resources Defense Council. I simply cannot believe Senator BRADLEY would have personally approved its content. It says that "the current Senate Utah wilderness legislation would direct that 20 million acres of Utah lands can never be designated as wilderness in the future."

Now, where on Earth did this come from? Not from Senator BENNETT and I filed nor the substitute says any such thing. Moreover, the BLM has never even identified 20 million acres of land as wilderness worthy, as I have pointed out earlier. This figure represents 91 percent of the BLM's total landownership in Utah.

(Mr. KYL assumed the chair.)
Mr. HATCH. My friend from New Jersey, Senator BRADLEY, knows the difference between the BLM inventory and the study areas, which is why I really do not believe he really approved of this press release. He goes on to say that "if the bill becomes law, it would permit privatization of these lands from pristine wilderness to strip mines, roads and commercial development."

Now, Mr. President, these statements are not only premature. Someone in the Senator's office has been grossly misled, and unfortunately these untruths are being distributed to the press as though they are truths. In essence, these are the facts. First, the upper number of acreage involved in this debate is over 5 million, not 20 million. Second, nowhere in our bill does it say that no more wilderness can ever be designated in the future.

Third, the land not designated as wilderness is still managed and controlled by the BLM. If the debate is in conflict with Federal land policy laws and regulations, I feel very safe in saying that there will be no environmentally irresponsible activity taking place on these lands now or in the future.

Fourth, there has not been a new strip mine in Utah in many years, even decades, and there will not be even after this bill passes. Yet the opponents of this bill know that using the term "strip mine" conjures up all sorts of horrible images. Its use in this debate is simply not justified.

In the same press release from Senator BRADLEY's office, he states that he will continue fighting for legislation to protect 17,500 acres along the New Jersey-New York border, the so-called Sterling Forest bill. The Senator from New Jersey is quite correct that the Sterling Forest bill passed the Senate without an objection. As public lands policy, I do not think the Sterling Forest bill is any less than the congressional debate we had in the passage of the Senator from New Jersey, New York, and surrounding areas wanted it. They represent their States. This legislation, the Sterling Forest legislation primarily affects New Jersey. If both Senators from New Jersey believe this legislation is in the best interest of their State and the country, I am going to defer to their judgment. Ditto the legislation for the Presidio and the Taos Pueblo land exchange and the Arkan-sas-Oklahoma land exchange, et cetera, et cetera.

So I am a little annoyed, when Senator BENNETT and I propose legislation that has the support of our Governor, our legislature, our Utah association of counties, our educators throughout the State, and thousands of individual Utahns, that we are being second-guessed by Senators who do not represent this State.

Keep in mind, look at how much acreage was put in and how it relates to the States in the northeast where a lot of the complaints are coming from. The fact is that we are being sandbagged not so much by our colleagues but by a well-orchestrated and well-financed campaign staged by huge, huge national environmental lobby who are pursuing their own national agenda.

Guess what. Their agenda is too much for the rural areas of my State. It would override. We cannot support their agenda. And guess what else. The citizens of rural Utah and their local representatives cannot even afford to fight back. The National Resources Defense Council ran a half-page ad in The Wall Street Journal that I believe $54,000. Good form. For that amount Kane County School District could pay three school teachers. And that is only one of dozens of full-page ads in newspapers in this area and I guess other areas as well.

Actor Robert Redford has been a spokesperson for the environmentalists. I admire Bob Redford's convictions, but let us face it; what TV station would not want an interview with Robert Redford? The deck is surely stacked against rural Utah. It is an area small in population and small in influence with respect to tourism, and they have to provide the tax base to provide for all the emergency services—the helicopter services, the hospital services, the law enforcement services, et cetera—in some areas where they just do not have the monies to do it.

I urge my colleagues not to let these Utahns become victims of election-year politics, and I hope the President is not trying to show how committed he is to the environment on the backs of rural Utahns. I suggest to my friends in these other States that you are going to have peculiar problems in your States that you are going to have to deal with and you are going to have to have good-faith help from other Senators, from the House, in helping you resolve them. And we will try to help you resolve them as we Utah Senators always have.

If we allow our rural States to be abused in this manner, if we allow this to happen, then the integrity of this body will have been brought to a new low. We will have allowed the Senate to become a blatant instrument for electioneering. While I am not so naive as to think that political speeches will not be given or that politics does not play a part, I cannot remember a time when the interests of a specific State on a parochial issue were sacrificed in that way. So I really urge my colleagues to support the Utah wilderness provisions in the substitute amendment offered by Senator MURKOWSKI.

Let me, at this point, have printed the press release, so people can read it for themselves. I ask unanimous consent that the press release from Senator BRADLEY's office be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[For immediate release: Mar. 22, 1996]

BRADLEY PREPARING TO BLOCK ENVIRONMENTALLY DESTRUCTIVE UTAH WILDERNESS BILL

WASHINGTON, DC.—Senator Bill Bradley (D-NJ) said today he is ready to take the floor on Monday and point out all of the problems with the Utah Wilderness Bill, if it is offered as part of an omnibus lands package.

"The battle to preserve America's wilderness legacy has been joined. The Utah Wilderness Bill is so basement that I will pursue any possible way of stopping it. It contains unprecedented anti-environmental language that must be debated at length," Bradley said.

Bradley pointed out that the current Senate Utah Wilderness legislation would direct that 20 million acres of Utah lands can never become wilderness in the future. If it becomes law, it would permit the transformation of these lands from pristine wilderness to strip mines, roads and commercial development.

"It is unfortunate that this bad Utah wilderness provision is being folded into a package of less controversial and much needed legislation such as the already-passed Sterling Forest measure and a bill for the Presidio in the San Francisco Bay area. If passed with the Utah Wilderness legislation, the package would set a horrible precedent by making drastic changes to our precious lands policies."

As for Sterling Forest, the Senator was firm in his refusal to give up on the measure that would protect 17,500 acres along the New Jersey-New York border as it would protect 20 million acres of Utah lands.

"If Sterling Forest is included in a bill along with this destructive Utah Wilderness measure, I believe President Clinton will veto it. If we are to do it right, we must stop the packaging of these bills, which is no more than an attempt to get us to accept a bad public lands bill by wrapping it up in shiny paper."

Mr. HATCH. Mr. President, much has been made about Utahns and how they feel about these issues. But my colleagues might say they do not know what Secretary Babbitt has to say about our proposal. That makes 100 of us, because, frankly, I do not know. I do not know what specific problems the Secretary has with our bill. I do not know what his specific thinking is on the water language, the military overflight section, the section dealing with cultural and archeological sites found within designated areas on the State's school trust land exchange, proposed in the bill. I do not know how he might modify them. Honestly, I do not know. The table was also evident during consideration of the budget. It seems to be typical of the Clinton administration across the board.
To date, the Interior Department has not even sent us the letter in which Secretary Babbitt says he will recommend a veto of the omnibus package if the Utah wilderness bill is included. I suppose the Secretary assumed that we would have the privilege of reading his letter to the newspaper, which of course we have. I do not know why the Secretary has not tried to work with us in order to come to an agreement on the many critical issues contained in this measure. We have been working on it, just as he measure alone, for the last 20 years; but, in particular, writing it for the last 15 months. The Secretary has not attempted to contact me or to have his staff contact my staff to discuss how certain boundaries for designated areas might pose management problems for his agency, the application of wilderness criteria, the special management directives, or any other concerns he has with this legislation.

It is true that last July, during the Energy Committee’s hearing on our bill, the Deputy Assistant Secretary for Land and Minerals Management for the Department of Interior, presented testimony on behalf of the Department and the Secretary on the bill as it was introduced. She included the following statement in her written testimony: “If the bill were presented to the President in its current form, Secretary Babbitt would recommend that he veto it.” What is even more amazing to me is that Ms. Baca’s explanation for this position is based on the Interior Department’s noninvolvement in the wilderness issue. The Department admitted that it has been AWOL on this issue, which is so important to our State.

When Senator Hatch asked her why the Department did not agree with the 1991 BLM recommendation for wilderness and why there was no attempt by the Department to contact us to discuss how certain boundaries for designated areas might pose management problems for his agency, the application of wilderness criteria, the special management directives, or any other concerns he has with this legislation.

Fortunately, my colleagues in the Senate have been more helpful and more sincerely interested in resolving this matter. They have offered constructive suggestions for changes, many of which we have incorporated in this bill. These changes address some of the areas criticized by the distinguished Senator from New Jersey. Apparently he has not read the bill yet, at least the substitute, but I hope he will.

The bill before us today is not the same bill that was discussed last July. The bill we are debating today is a much changed bill. I am not sure it is better, but for those on the other side of this issue, on the environmental side, it is a better bill. It is fair. It is reasonable. And, above all, it is balanced. And we are trying to bring together everybody in Utah, not just one side of the equation.

The Secretary now thinks this issue of such import that he is threatening a veto of this entire package of public land legislation. This does not square with Ms. Baca’s testimony that the Department has just been too busy to focus on this issue. But, in fact, we have been focusing on it for 2 decades. We have forged ahead in the 104th Congress, to attempt to resolve this issue once and for all. I would like to have the Secretary with us. I really would. I would have been pleased to work with him every step of the way. I really would.

I know Senator BENNET feels the same way. But, even as other Senators have offered amendments in the Energy Committee and during informal discussions, Secretary Babbitt is content to be silent except for a veto threat. His position today is the same as it was in July, when Ms. Baca testified for the Clinton administration. This is a little like a country threatening the use of nuclear weapons without bothering to tell the world why it is attacking.

It is time to move ahead with this legislation. The question of wilderness in Utah has gone on long enough. It has been studied to death. We are tired of it. It is time to designate new wilderness in Utah and to remove millions of acres from the regulatory limbo that they have been in. Let us give them legal status as wilderness, or responsibly manage them for other uses. I hope the Secretary will determine this is an important objective, because it is. Let me also tell you that many of my colleagues have posed to me over the past few years and certainly in recent months and that is: Where are the citizens of Utah on this issue? Over the last several days we have seen advertising in the Post, New York Times, Rolcall and the Hill magazine, claiming several things. First, there is the claim that 3 out of 4 Utahns support the so-called citizens proposal, that would designate 5.7 million acres of land as wilderness.

Second, it is claimed that Americans are opposed to our program by a margin of 9 to 1.

This first statement refers to the process the Utah congressional delegation and Governor Leavitt followed last year to obtain input from our local citizens. During our statewide regional hearings we requested that any further comments and proposals on the wilderness issue be submitted in writing or by telephone to Governor Leavitt’s office. The Governor’s office made a tally of these letters and phone calls. The inaccurate claims made in these newspaper advertisements are supported by the opponents of this bill stem from the summary report developed by Governor Leavitt’s office on these additional calls and letters. Rather than explain this discrepancy to my colleagues, I have asked Governor Leavitt to tell us in his own words the truth about the comments and calls in his office. His letter says this:

DEAR SENATOR HATCH: As you know, there has been substantial confusion about the public sentiment in Utah on the BLM wilderness issue. Please accept this letter as an explanation of the public response to the additional comments that were received on this issue. Personnel in the Governor’s Office of Planning and Budget read, recorded, and responded to each of the 3,631 individual letters that were received and categorized the 551 individual public testimonies received at the public hearings held in Utah last spring and summer.

In examining this information, 51% of these letters and testimonies were in favor of no wilderness designation whatsoever or something less than the 5.7 million acre proposal.

Certain groups throughout the state have publicly stated that support for 5.7 million acres of wilderness has increased from 70% at a minimum, to upwards of 75%. In Utah and throughout the country, these numbers have been quoted in numerous newspaper stories and in various correspondence, yet no one has ever contacted my office for verification of the numbers. As is evident by the above numbers, this is most definitely a misrepresentation of actual public sentiment.

In addition, there have been numerous surveys conducted on the wilderness issue over the last year. These surveys showed that a significant number of these respondents supporting 5.7 million acres have varied from 19% to 36% depending on how the survey was structured and the way in which the questions were asked. In surveys given to non-random samples, 29% to 60% favored 2 million acres or less, depending on survey structure and format.

It is important that lawmakers in Washington have factual information when making decisions as important as this. The information supporting the numbers I have offered is all on file in the Governor’s Office of Planning and Budget and available for anyone with questions or concerns. Thank you for your commitment in this Senate and for the work you have done in the pursuit of the resolution of the wilderness debate.

Mr. President, this letter is clear enough. The figure utilized by the opponents of our measure misconstrues the management of the Governor’s office. It is interesting to note, this figure has mysteriously risen during this debate. First I saw a report that indicated the figure was 68 percent. Then it went to 70 percent. These recent adds have the total at 75 percent and one ad indicated it was 3 out of 4 Utahns, or 75 percent. Where are they getting these numbers?
The second statement that Americans oppose the Utah wilderness bill by a ratio of 9 to 1 comes from a straw vote conducted by USA Weekend. This feature in many of the weekend’s Sunday papers asked me to present my position on wilderness opposite Robert Redford. This is no surprise; Redford owns the Sundance ski resort, which is located by the way, among some of the most beautiful acres in the world.

At the conclusion of the article, the editors asked readers to write, phone or e-mail their votes for which position they supported.

Similar to the barrage of advertisements, letters and phone calls and mailers my colleagues are receiving, the USA Weekend was bombarded with responses. In fact, the responses were 9 to 1 against the wilderness proposal.

But USA Weekend was careful to point out that this is not a scientific poll. It was self-selected, which is a nice way of saying that people could vote for reasons of politics. The results of this call-in were, of course, skewed by those who responded to the urgings of national environmental organizations that they call in. In fact, just one of these groups, the Wilderness Society, has members as Senator BENNETT and I have constitutents. Think about that, four times as many members as Senator BENNETT and I have constituents in our whole State. To their credit, they can mobilize these members and the President’s actions are what they have been doing on this matter for months—for years now—but certainly over the past few weeks and certainly during that particular USA Weekend article.

Let us talk about real polls. Dan Jones & Associates, Utah’s most prominent and well-respected pollster, who has a tremendous record for accuracy, has conducted several surveys on this matter for months—what they have been doing on this for months. Later in the year, in May 1995, Dan Jones conducted a poll for the Deseret News, which revealed the following: Survey for Representative WALDHOLTZ, April 26, 1995—Dan Jones & Associates: 36 percent were for 1 million acres; 24 percent for 2.0 million acres. We are a little over 2 million acres in the substitute bill that is in the substitute amendment. 23 percent of those polled wanted 5.7 million acres. In other words, a lot more people were for 1.2 million acres or 2.0 million acres than those who wanted 5.7 million acres, which was approximately 29 percent, 17 percent of those polled were not reported.

Later in the year, in May 1995, Dan Jones conducted a poll for the Wilderness Education Project, and the results were generally the same: 21 percent preferred 1 million acres; 16 percent, for 1.2 million acres; 20 percent for 1.9 million acres; 15 percent for 2.8 million acres; 19 percent for 5.7 million acres. It actually had gone down; 8 percent did not know.

In June of last year, Dan conducted a poll for the Deseret News, which had the following results: 4 percent for zero acres, which means 4 percent did not want any wilderness at all in Utah: 18 percent were for 1 million acres; 26 percent for 1.8 million acres; 36 percent for 5.7 million acres; 7 percent for other, and 8 percent did not know. The highest percentage it has ever been for 5.7 million acres has been 36 percent, and that is from the Hatch-Ben- net proposal which has been the most heavily publicized and advertising campaign done by these environmental organizations who have more money than anybody in Utah, certainly more than anybody on our side, and certainly more than the poor little local folks do.

The rural people, for the most part, do not want any or at least want very little acreage, but they have agreed to 1 million acres. And, now reluctantly they have gone along with the delegation—some of them have gone along with the delegation—for the 2 million acres but are very upset about it.

In addition to these polls, KUTV Channel 2 and the Coalition for Utah’s Future conducted a poll in May. Their results were generally the same. Dan Jones conducted a poll for the USA Weekend was bombarded with responses. In fact, the responses were 9 to 1 against the wilderness proposal. But USA Weekend was careful to point out that this is not a scientific poll. It was self-selected, which is a nice way of saying that people could vote for reasons of politics. The results of this call-in were, of course, skewed by those who responded to the urgings of national environmental organizations that they call in. In fact, just one of these groups, the Wilderness Society, has members as Senator BENNETT and I have constitutents. Think about that, four times as many members as Senator BENNETT and I have constituents in our whole State. To their credit, they can mobilize these members and the President’s actions are what they have been doing on this matter for months—for years now—but certainly over the past few weeks and certainly during that particular USA Weekend article.

Let us talk about real polls. Dan Jones & Associates, Utah’s most prominent and well-respected pollster, who has a tremendous record for accuracy, has conducted several surveys on this matter. Later in the year, in May 1995, Dan Jones conducted a poll for the Utah wilderness proposal now before the Senate. Early in 1995, the Governor of Utah and all members of the Utah Congressional Delegation specifically tasked the elected county officials in each county where wilderness is being proposed, to hold hearings and from those public hearings, develop a proposal for wilderness designation on the Bureau of Land Management lands in the affected counties. Numerous hearings were held in every county where lands were proposed for wilderness designation. The county officials then designated their proposals for designating lands as wilderness from the public hearings. In every county where lands were proposed for wilderness designation, the county officials made their recommendations based on what they heard at the hearings. Many county officials recommended more acreage than they knew their citizens wanted, but they knew they had to do so in order to make a bill acceptable to Congress. Some of those county officials had a dear political price for their recommendations.

I can certainly assert that. After the county officials made their recommendations, the Governor and Congressional Delegation held five regional hearings around the State. The environmental community, both in and outside Utah, was well organized and paid its partisans to testify. They even rented buses and vans to transport these people from location to location.

And I can testify to that. We had almost the same people at every location, demanding to testify, saying the same things each time, and making it look like they had more numbers than they really did.

The testimony they gave was based on emotion and not the requirements of the Wilderness Act itself. Their testimony ignored the professional recommendations of the BLM which based its proposals on the criteria of the 1964 Wilderness Act.

The Governor and Congressional Delegation then developed what is now title XX of omnibus package S. 884. Many in Utah believe it contains too much acreage. It represents more than was recommended by the elected county officials who held the local public hearings. It represents more than the State legislature has recommended at least twice in the last 4 years by nearly unanimous votes.

The people of Utah live in a State with approximately 67 percent Federal land ownership and another 13 percent State ownership, but managed under the Federally enacted...
State Enabling Act. Utah already has millions of acres in five National Parks, two National Recreation Areas, four National Monuments, 13 Forest Service wilderness areas, and BLM areas of Critical Environmental Concern. The unelected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and stability to people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this bill. We want it passed and enacted into law.

As I said, there are 300-som Demo- crat and Republican elected officials who have endorsed this letter. I ask unanimous consent that this letter and the attachments thereto be printed in the RECORD.

There being no objection, the mate- rial was ordered to be printed in the RECORD, as follows:

THE TRUTH ABOUT UTAH WILDERNESS

MARCH 25, 1996

DEAR SENATOR: You recently received a letter dated March 15, 1996 from a group of twenty county and town officials. "The Truth About Utah Elected Officials," asking the "Utah Congressional Delegation to withdraw S. 884 and reconsider the direction they have taken on wilderness."

The letter states that Utahns oppose S. 884. It represents more than was recommended by the elected county officials who held the local public hearings. It represents more than the BLM has recommended. It represents twice in the last four years by majority votes.

The people of Utah live in a state with approximately 67% federal land ownership and another 13% state ownership, but managed under the federally enacted State Enabling Act. Utah already has millions of acres in five National Parks, two National Recreation Areas, four National Monuments, thirteen Forest Service wilderness areas, and BLM Areas of Critical Environmental Concern (ACEC). The unelected State Director of the BLM manages more of Utah than does its elected Governor.

The BLM wilderness debate in Utah has dragged on for more than 15 years at a cost to taxpayers of over $10 million. We believe it is time to end the debate, pass the balanced Hatch-Bennett proposal and bring some peace and stability to the people of Utah who must live daily with results of this debate. We the undersigned are a few of the elected officials in Utah who support Title XX of this omnibus bill. We want it passed and enacted into law.

Sincerely,

John Hansen, Millard County Auditor
Linda Carter, Millard County Recorder
Ed Phillips, Millard County Sheriff
LeRay Jackson, Millard County Attorney
John Henry, Millard County Commissioner
Donovan Dafoe, Mayor, Delta Utah
Merrill Nielsen, Mayor, Lyndy, Utah
Jerry Lovel, Mayor, Leamington, Utah
B. DeLyle Carling, Mayor, Meadow, Utah
Terry Higgs, Mayor, Kanosh, Utah
Mont Kimball, Councilman, Beaver County Commissioner
Robert Painter, Councilman, Kanosh, Utah
Robert Decker, Councilman, Delta, Utah
Gary Sullivan, Beaver County Commissioner
Rod Hall, Marshall, Beaver County Commissioner

Chad Johnson, Beaver County Commissioner
Howard Pryor, Mayor, Milford Town; Gayle Aldred, Garfield County Commissioner
Clare Ramsay; Garfield County Commissioner
Guy Thompson, Mayor, Hildale Town; Shannon Allen, Mayor, Antimony Town; John Matthers, Mayor, Cannonville Town; Julee Lyman, Mayor, Boulder Town; Robert Gardner, Iron County Commissioner; Thomas Cardon, Iron County Commissioner; worth Grimshaw, Mayor, Enoch City; Dennis Stowell, Mayor, Parowan City; Nelson L. Bell, Mayor, Payson City; Stephen Crosby, Kane County Commissioner; Viv Adams, Mayor, Kanab City; Scot Goulding, Mayor, Orderville Town; Gayle Aldred, Washington County Commissioner; Russell Gallatin, Washington County Commissioner; Gene Van Wagner, Mayor, Moroni; Chris Blake, Mayor, Ivins Town; Rick Hafen, Mayor, Santa Clara City; Paul Beatty, Mayor, New Harmony Town; Terrill Clove, Mayor, Washington City; David Zitting, Mayor, Hildale City; Ike Lunt, Juab County Commissioner; Martin Jensen, Flute County Commissioner; Joseph Bernini, Juab County Commissioner; J. Keller Christensen, Sanpete County Commissioner; Edie Cox, Sanpete County Commissioner; Ralph Okerlund, Sevier County Commissioner; Meeks Morrell, Wayne County Commissioner; Stanley Alvey, Wayne County Commissioner; Kevin Young, Mayor, Mona, Utah.

Steve Buchanan, Mayor, Gunnison, Utah
Roger Cook, Mayor, Hatch, Utah
Mary Day, Millard County Treasurer; James Talbot, Millard County Assessor; Marlene Whicker, Millard County Clerk; Lana Moon, Millard County Commissioner; Tony Deardall, Millard County Commissioner; Ken Talbot, Mayor, Hinkley, Utah; Elzo Porter, Mayor, Oak City, Utah; Keith Glines, Mayor, Fillmore, Utah; Barry Monroe, Mayor, Scipio, Utah; C. R. Charlesworth, Mayor, Holden, Utah; Victor McKe, Mayor, Panguitch, Utah; Bob Nafus, Councilman, Kanosh, Utah; Roger Phillips, Councilman, Kanosh, Utah.

Chad Johnson, Beaver County Commissioner
James Robinson, Mayor, Beavuer City; Mary Wiseman, Mayor, Millard City; Maloy Danov, Garfield County Commissioner; Jean Seiler, Mayor, Tropic Town; Laval Sawyer, Mayor, Hatch Town; Wade Barney, Mayor, Escalante, Utah; Elaine Baldwin, Mayor, Panguitch, Utah; Roy Urie, Iron County Commissioner; Bill Weymouth, Mayor, Kanarraville Town; Harry Shute, Mayor, Enterprise City; Constance Robinson, Mayor, Pro-Tem, Paragonah; Joe Judd, Kane County Commissioner; Garaldine Ranklin, Mayor, Big Water.

Eric Brinkerhoff, Mayor, Glendale Town; Orval Palmer, Mayor, Alton Town; Jerry Lewis, Washington County Commissioner; Daniel McCarthy, Mayor, City of St. George; A. Morley Wilson, Mayor, Enterprise City; Raymond Jack, Mayor, LaVerkin City; David Everett, Mayor, St. George Town; Brent DeMille, Mayor, Leed Town; Joy Hendler, Mayor, Virgin Town; Gordon Young, Mayor, Pine View Commissioner; Paul Morgan, Pute County Commissioner; Don Juander, Pute County Commissioner; Robert Besser, Sanpete County Commissioner; Tex Olsen, Sevier County Commissioner; Peggy Mason, Sevier County Commissioner; Bliss Brinkerhoff, Wayne County Commissioner; Lyle Inman, Mayor, Nephi, Utah; Connie Dubinsky, Mayor, Levan, Utah; Kent Larsen, Mayor, Manti, Utah; Chesley Christensen, Mayor, Mt. Pleasant; Gayle Aldred, Garfield County Commissioner; Gayle Aldred, Washington County Commissioner; Russell Gallatin, Washington County Commissioner; Gene Van Wagner, Mayor, Moroni; Chris Blake, Mayor, Ivins Town; Rick Hafen, Mayor, Santa Clara City; Paul Beatty, Mayor, New Harmony Town; Terrill Clove, Mayor, Washington City; David Zitting, Mayor, Hildale City; Ike Lunt, Juab County Commissioner; Martin Jensen, Flute County Commissioner; Joseph Bernini, Juab County Commissioner; J. Keller Christensen, Sanpete County Commissioner; Edie Cox, Sanpete County Commissioner; Ralph Okerlund, Sevier County Commissioner; Meeks Morrell, Wayne County Commissioner; Stanley Alvey, Wayne County Commissioner; Kevin Young, Mayor, Mona, Utah.

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James Robinson, Mayor, Beavuer City; Mary Wiseman, Mayor, Millard City; Maloy Danov, Garfield County Commissioner; Jean Seiler, Mayor, Tropic Town; Laval Sawyer, Mayor, Hatch Town; Wade Barney, Mayor, Escalante, Utah; Elaine Baldwin, Mayor, Panguitch, Utah; Roy Urie, Iron County Commissioner; Bill Weymouth, Mayor, Kanarraville Town; Harry Shute, Mayor, Enterprise City; Constance Robinson, Mayor, Pro-Tem, Paragonah; Joe Judd, Kane County Commissioner; Garaldine Ranklin, Mayor, Big Water.
Gary Petry, Mayor Emery County; Dennis Worwood, Councilman, Ferron City; Brenda Bingham, Treasurer, Ferron City; Ramon Martinez, Mayor, Hunting- 
man County; Garry Cordes, Councilman, Huntington City; Lenna Romine, Pinto County Assessor; Tom Balser, Councilman, Orangeville City; Rich- 

John Black, Councilman, Monticello City; Grant Warner, Mayor, Glenwood, Utah; Grant Stubs, Mayor, Salina, Utah; Alfon Morgan, Mayor, Circleville, Utah; Ronald Bushman, Mayor, Marysvale, Utah; Eugene Blackburn, Mayor, Loa, Utah; Robert Albright, Mayor, Spring City, Utah; Neil Breinholt, Carbon County Com- 

Gary Price, Mayor, Clawson Town; Murray D. Anderson, Council- 

Leo G. Kanel, Beaver County Attorney; Monte Munns, Box Elder County Assess- 

Gary Price, Mayor, Clawson Town; Marvin Thyane, Councilman Elmo Town; Gary Price, Mayor, Town of 

Mr. HATCH. Just last Sunday we heard the other major large paper in the State has editorialized 

Nick DeGiulio, Councilman, Sunnyside City; Bernie Christensen, Council- 

Jan K. Turner, Morgan County Com- 

San Juan County Commissioner; Sheldon Richins, Summit County Com- 

J. Reese Hunter, District 40, Utah State Representative; Brian R. Allen, District 46, Utah State Rep- 

Mr. HATCH. Just last Sunday we read comments that one large newspaper in the State has editorialized against this. That is true. There is no doubt that they are very sincere in what they are doing. We have respect for them. But the other large newspaper, the other large major newspaper in Utah—we have a quite large—but the other major large paper in Utah that has written on this said, “Let’s get off dead center on the Utah
wilderness debate.” This is the Deseret News editorial. I will just read a little bit of it and then put it in the RECORD as well.

Politics is supposed to involve the art of compromise. But that sensible notion seems to be lost on members of Congress when it comes to deciding how much public land in Utah should be designated as wilderness.

Consequently, unless some key figures in Washington can be persuaded to change their minds, more federal foot-dragging seems likely even though this controversy has persisted for two decades without a final decision.

The latest development centers on Senator Bill Bradley of New Jersey. Bradley so strongly opposes the 1.8-million-acre proposal drafted by Utah’s Republican-dominated congressional delegation that he may seek to scuttle an omnibus parks bill containing it even though such a move would thwart a pet project of his to protect the Sterling Forest along the New York-New Jersey border.

If the Utah proposal survives that challenge, Interior Secretary Bruce Babbitt is threatening to recommend that President Clinton veto it.

But then there’s nothing particularly new about the extent and intensity of the emotions aroused by the Utah proposal and the opposing plan offered by environmentalists—behind which the BLM will continue to manage 3.2 million acres of diverse landscapes ranging from high alpine ranges of the Rocky Mountains, red rock wonderlands of the Colorado Plateau, deserts of the Great Basin and rich river valleys. But whichever way the vote goes, let us bring this long debate to an end and get on to other matters.

Mr. President, I ask unanimous consent that the full editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FROM THE DESERET NEWS, MAR. 23, 1995

LET’S GET OFF DEAD CENTER ON UTAH WILDERNESS DEBATE

Politics is supposed to involve the art of compromise. But that sensible notion seems to be lost on some members of Congress when it comes to deciding how much public land in Utah should be designated as wilderness.

Consequently, unless some key figures in Washington can be persuaded to change their minds, the wilderness controversy seems likely even though the controversy has persisted for two decades without a formal decision.

The latest development centers on Sen. Bill Bradley of New Jersey. Bradley so strongly opposes the 1.8-million-acre proposal drafted by Utah’s Republican-dominated congressional delegation that he may seek to scuttle an omnibus parks bill containing it even though such a move would thwart a pet project of his to protect the Sterling Forest along the New York-New Jersey border.

If the Utah proposal survives that challenge, Interior Secretary Bruce Babbitt is threatening to recommend that President Clinton veto it.

But then there’s nothing particularly new about the extent and intensity of the emotions aroused by the Utah proposal and the opposing plan offered by environmentalist groups, which insist that 5.7 million acres be designated as wilderness.

Washington is supposed to resolve such controversies, not let them fester. For that to happen, more flexibility is in order—flexibility that can be found by letting the BLM study public land it was ordered to be printed in the RECORD earlier this year.

Mr. President, I ask unanimous consent that all of those be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY, UT, MARCH 14, 1996

HON. ORRIN G. HATCH, U.S. SENATOR, SACRAMENTO, WASHINGTON, DC

DEAR SENATOR HATCH: Utah is a beautiful and unique state. It comprises 55 million acres of diverse landscapes ranging from high alpine ranges of the Rocky Mountains, red rock wonderlands of the Colorado Plateau, deserts of the Great Basin and rich river valleys. Utahns feel blessed with what we have been entrusted to care for.

These beautiful lands are attracting millions of visitors and tens of thousands of new residents annually. Utah is also experiencing an era of robust economic growth. During this time of growth and prosperity it is more evident than ever before that it is our responsibility to preserve and carefully manage these diverse landscapes and eco-systems for current
and future generations of Utahns and all Americans.

Of Utah’s 55 million acres, some 37 million acres, or over 67%, is owned or controlled by the Federal Government. Most of these federal lands are managed by the Forest Service, National Park Service and Bureau of Land Management. Much of this public land is already set aside for future generations. Two million acres have been set aside as National Parks, Monuments and Recreation Areas. Another one million acres have been set aside as Forest Wilderness plus wildlife refuges. However, we do believe that an additional 2 million acres should be protected for future use.

Wilderness is certainly one important way in which we can and should protect land for the future. However, it is not the only way. Other protection includes designation as: Areas of Critical Environmental Concern, Wild and Scenic Rivers, National Areas, Primitive Areas or withdrawals for specific purposes. Also, the State of Utah has cooperated with organizations such as the Nature Conservancy, the Rocky Mountain Elk Foundation and private land trusts to preserve state and private lands for wildlife habitat and watershed. We believe that land preservation and management must utilize all available tools and be a cooperative process among all local and state agencies as well as involving the general public.

I believe we can all agree that Wilderness is one important tool for protecting public land. However, it should be protected as Wilderness is more difficult. The process of determining how much BLM land in Utah should be preserved as Wilderness has taken more than 17 years, at a local and state cost of more than $10 million in federal dollars. Many more millions, yet unquantified, have been spent by state and local governments, businesses, and the general public. Literally hundreds of hearings have been held and thousands upon thousands of comments written, read and heard.

During the last year along more than 50 public meetings were held in Utah. Seven public meetings were attended by me and members of Utah’s Congressional Delegation. Also, two field hearings were held in Utah by the House Subcommittee on National Parks, Forests and Lands. I have received more than 20,000 comments on the issue in my office alone.

What is evident from the discussion over the last year and the last 17 years is that all Utahns care deeply about the land. Yet, some citizens of Utah, whose heritage and economic roots are tied to the lands, are opposed to any Wilderness designation. Yet some citizens of Utah’s urban areas would likely protect an additional 5.7 million acres.

Over the last year, Utah’s Congressional Delegation and I have attempted to develop a Wilderness proposal which balances these differing points of view. The result is S 884, “Utah Public Lands Management Act of 1995,” which has been introduced by Senators Orrin Hatch and Robert Bennett. Senators Hatch and Bennett have worked long and hard with me and many Utahns of diverse opinions to develop this proposal. They deserve a great deal of credit for their diligence.

S 884 is an honest approach to resolving this issue and proposes over 50 Wilderness areas, more than 22,000 comments on the issue in my Office. The process put in place that made the original recommendation. Furthermore, we believe the addition of more land would be tantamount to rhetoric which is without a rational or factual basis.

The Fifty-first Legislature has spoken clearly on BLM wilderness designation. To allow a state to act unilaterally in an area where 80 percent of the land area is subject to some form of government restriction and control is a policy which lacks sensitivity and foresight. This policy blind spot is simply inappropriate. To shackle future generations in this state with the unbendable restrictions wilderness designation imposes is nothing more than a taking of the hopes and dreams of Utahns whose heritage and economic roots are tied to these lands. These lands are not threadbare and wildemess will not provide any additional protection that is already provided for by law governing the management of those lands.

For more than 100 years, there has been a harmony between the land and the land user. A dependence on the part of both has grown up with a healthy mutual respect. Questionable science has been injected into the wilderness decision-making process by those who are opposed to these areas they claim to befriend.

We reaffirm our position on wilderness designation articulated in the last legislative session and as that you consider it to be the best solution for the United States government in the designation process and in protecting Utah’s environment.

In this case, the designation lands as wilderness affects many communities and residents of the state by permanently prohibiting certain kinds of economic development.

Whereas a federal reservation of water could seriously affect the potential for development in growing areas of the state.

Whereas the designation of wilderness would deprecate the value of state and local water rights, reducing the value of a precious resource and reducing an important source of revenue for the education of Utah’s schoolchildren.

Whereas it is the state’s position that there should be no new state or private lands and no increase in federal ownership as a result of wilderness designation.

Whereas lands that may be designated as wilderness are subject to existing rights and uses under current law, such as mining, timber harvesting, and grazing.

Whereas the BLM has extensively studied public lands in Utah for the purpose of determining suitability for wilderness designation.

Whereas it is vitally important for Utah to maintain the ability to develop its mineral resources, such as the Kaiparowits Coal Field, for the economic and financial well being of the state, its trust lands, and counties.

Whereas much of Utah’s municipal, industrial, and agricultural water supply comes from public lands, requiring continued management and maintenance of vegetation, reservoirs, and pipelines, and

Whereas the definition of wilderness lands established by Congress in the Wilderness Act should be used to determine the designation of wilderness lands.

Now, therefore, be it RESOLVED that the Legislature of the state of Utah, at the Governor concurs therein, encourage the Congress to enact at the earliest possible opportunity a fair and equitable Utah wilderness bill regarding BLM lands, with the Legislature’s and Governor’s support of the bill contingent upon its containing the following provisions:

(1) That the BLM land designated as wilderness must meet the legal definition of wilderness lands as contained in the 1964 Wilderness Act.

(2) That all lands not designated as wilderness be released from Wilderness Study Area status and that the BLM be directed to manage those released lands under multiple use guidelines and be prohibited from making or managing further study area designations in Utah without express authority from Congress.

(3) That no new water right be granted or implied in any BLM wilderness bill for Utah inasmuch as federal agencies are able to apply for water through the state process when BLM has been granted water rights.

Sincerely,

MELVIN R. BROWN, Speaker
R. LANE BRATIE, President.
(4) that federal agencies be required to cooperate with the state in exchanging state lands that are surrounded by or adjacent to or adversely affected by wilderness designation for federal lands of equivalent value; and additionally, because designation of wilderness lands is a federal action, that federal funds be appropriated to pay for appraisals of state lands and federal lands to be exchanged;

(5) that every effort be made to ensure that there be no net loss of state or private lands and no increase in federal ownership as a result of wilderness designation in Utah;

(6) that the designation of wilderness not result in the conversion, either formally or informally, of buffer zones and management zones around, contiguous, or on lands affected by wilderness designation;

(7) that all valid existing rights and historical uses be allowed to be fully exercised without undue restriction or economic hardship on lands designated as wilderness as provided in the Wilderness Act of 1964; and

(8) that management of vegetation, reservoirs, and similar facilities on watershed lands designated as wilderness be continued by state or private means.

Be it further RESOLVED that the Legislature and the Governor conclude that elected councils of the state own extensive public domain, that development of wilderness proposals and the conditions for acceptable designation of wilderness lands within their respective counties constitute the aggregate of those respective county recommendations constituting the basis of the state proposal for BLM wilderness designation in Utah. The county officials, and the members of the directing and coordinating committee, should be consulted regarding any changes to their respective county recommendations.

Be it further RESOLVED that copies of this resolution be sent to President Clinton, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of Interior, the governor of the state, the directors of both the state and federal offices of the Bureau of Land Management, and Utah’s congressional delegation.

UTAH CONGRESS OF PARENTS AND TEACHERS, INC.
Salt Lake City, UT, March 20, 1996.
Hon. Orrin G. Hatch, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: This letter is to reaffirm the support of the Utah Farm Bureau Federation for Senate Bill 884, the Utah Wilderness bill introduced by you and Senator Bennett, with a companion bill in the House. The Utah Farm Bureau Federation has nearly 22,000 member families, spread across the entire state with members in every single county of the state. It is responsibly estimated that there are about 93,000 citizens of Utah in these 22,000 families. A large majority of the farms and ranchers in Utah are members of Farm Bureau. Also, we have members who are not currently farming or ranching, but who may be absentee owners of farms or ranches or who are sons and daughters or grandchildren of active farmers.

The basic provisions of this bill have been the subject of widespread discussion among our members. Some would have liked an even smaller total acreage than the 1.8 million in the bill. But we recognize this is a good compromise between the radical 5.7 million acre bill proposed by some groups, and the zero wilderness position of some. We are particularly pleased with the release language, the effort to protect vitally important federal lands from the interception against de-facto buffer zones, and the overall attempt in the bill to comply with the original intent of Congress in the 1964 Wilderness Act. Above all, it is important that we end this long, divisive and very costly debate over what is and what is not formally designated wilderness in Utah. Public lands are absolutely essential to the economic viability of rural Utah. We need to get this issue settled.

We compliment you and other sponsors of this legislation. We assure you of our support and urge every effort to obtain passage of the bill.

Sincerely,
LINDA M. PARKINSON,
Public Education of Utah

RESOLUTION No. 95-05
Whereas, legislation currently pending in Congress, H.R. 1745 and S. 884, would designate wilderness areas on Bureau of Land Management lands in the State of Utah; and

Whereas, the designated wilderness areas would encompass school and institutional trust lands; and

Whereas, said legislation provides for the exchange of the included school and institutional trust lands for federal lands; and

Whereas, the federal Mineral Leasing Act provides that the State of Utah shall receive fifty percent (50%) of the revenues from the leasing or production of minerals on those lands; and

Whereas, the valuation which the School and Institutional Trust Lands Administration has placed upon the lands to be exchanged is not supported by the Utah Congressional delegation.

BE IT RESOLVED That the Senate affirms the support of the Utah Farm Bureau Federation for Senate Bill 884, the Utah Wilderness bill, introduced by Senator Hatch, with a companion bill in the House. The Utah Farm Bureau Federation has nearly 22,000 member families, spread across the entire state with members in every single county of the state. This is responsibly estimated that there are about 93,000 citizens of Utah in these 22,000 families. A large majority of the farms and ranchers in Utah are members of Farm Bureau. Also, we have members who are not currently farming or ranching, but who may be absentee owners of farms or ranches or who are sons and daughters or grandchildren of active farmers.

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We compliment you and other sponsors of this legislation. We assure you of our support and urge every effort to obtain passage of the bill.

Sincerely,
C. BOOTH WALLENTINE,
Chief Administrative Officer.
Mr. HATCH. Mr. President, I have taken it upon myself to try to do this needed to be done. I realize that many people on the other side of the issue are very sincere people. I happen to believe in the environment myself. But I also know if we do not worry about the economic development, there will not be an environment in the end, because sooner or later someone is going to rise up and an extremist on the other side is going to take control if we act like you cannot have balance on these matters.

All the sincerity in the world does not make it right. I think we have done a very good job of crafting a bill here that brings the vast majority of all people together, while leaving the extreme positions at us; but even then they will die down once the bill is passed, just like the two ends of the extremist spectrum who moaned and groaned about the Utah Forest Service wilderness proposal.

I went through this with that bill, too, when we came up with 800,000 acres. Once it was passed, the screaming basically went away. Everybody understood that it was a good bill. Today, people are bragging about it all over because the elected leaders and environmentalists are because we did a good job. I was here. I worked on it. I worked on it with Senator Garn and Congressman Hansen, and others. The fact is, we worked hard to get it done. That is what we have done here. I hope our colleagues will give some credibility to that.

Perhaps the most misunderstood aspect of this bill has been the so-called release language. Let me take a moment to explain it in greater detail. The release language in the bill would release those public lands not designated wilderness by this legislation from any further wilderness study or review by the BLM. In other words, they would fall back into the pool of lands the BLM manages for various purposes but without the official status of wilderness. It would still be managed by the BLM. We would still be subject to the environmental rules and regulations. It just would not be wilderness, which means that it would not be land that only backpackers could walk on. There would be some reasonable use of the land, but very, very stringently controlled by the BLM.

This is an important point. The land is still managed by the BLM. It does not go into private hands. Some would have you believe we are going to build a shopping center on every acre of that land.

Under section 603 of the Federal Land Policy and Management Act of 1976, the Secretary of the Interior studies those roadless areas of 5,000 acres or more and roadless islands of public lands for their wilderness characteristics and reports to the President on the suitability or unsuitability for each designation of wilderness. The President submits a recommendation to the Congress, and a designation of wilderness shall become effective only if as approved by an Act of Congress.

There was supposed to be a beginning of the study process—initiated by the BLM—and an end. The Wilderness Act of 1964, together with FLIPMA, provides the recipe for designating wilderness. This was not a process designed to go on in perpetuity, causing the BLM or the Forest Service to manage lands as if they were wilderness forever, which is what we have been living with in Utah.

Our bill follows the plan for designations set out under these laws. It is a plan that allows lands to be protected for their wilderness values and characteristics and at the same time brings closure and finality to the process.

The conception of releasing lands not chosen for wilderness designation has never been controversial. The Congress has made it through countless bills to designate wilderness. When I have been a Senator. Each time a bill is passed into law, the lands not designated were released. That is the normal process. Why is release in this bill such a lightning rod issue? I suspect it is because the lands in the study areas have been managed as wilderness for almost 20 years. In addition, the lands included in H.R. 1,500, the so-called environmentalist bill—or at least, the environmentalist extreme bill—have been managed as de facto wilderness in recent years.

All it takes for all of this land to be de facto wilderness is to let this process go on forever. Face it, it is hard to act against it when you once you have it. Environmentalists are loath to pass legislation designating less land in the wilderness than what is already basically wilderness now or de facto wilderness. I am not unsympathetic to their motives, but I see the result. It holds millions of acres in legal limbo, some in illegal limbo; in Utah alone some.

Our bill contains release language that would have prevented BLM land managers, the on-the-ground professionals, from being able to manage non-designated lands for their wilderness value and character.

Our concern was the Federal managers continue to manage land as wilderness even though Congress has made a conscious decision that certain land did not have the wilderness characteristics and values meriting formal designation. We included the term "nonwilderness" multiple use in our bill which we believed would accomplish this goal.

As my colleagues know, that phrase in and of itself caused more concern to be expressed about losing, or possibly any other section in our bill. In fact, it led to a lively debate last December during the full committee markup on our bill.

That was then. This is now.

In today’s proposal before this body that term has been eliminated. Our release provision has been modified substantially. The new release language which is contained in the substitute amendment is simple and straightforward.

It simply states that the BLM lands located in Utah have been properly studied for their wilderness characteristics, and that those not designated as wilderness by our bill need not be studied or pursued any further by the Secretary.

In addition, these lands will be managed for the full range of multiple use as defined in section 103(c) of FLIPMA in accordance with land management plans adopted by the BLM pursuant to section 202 of the Federal Land Policy and Management Act of 1976.

What this says to the Federal managers is that, now that wilderness has been designated, assuming this bill passes, the balance of the land should be managed under existing laws and regulations where there is not a signal to the morphological line of bulldozers to start their engines, as some might say, because it simply does not leave these lands unprotected.

I repeat, it will not leave non-designated lands open for unrestrained and uncontrolled development. There are other designations available to the BLM other than wilderness to protect our natural resources from this occurring. These designations are proposed, evaluated and eventually undertaken through the land use planning process outlined in section 202 of FLIPMA.

To give comfort to those who remain convinced that our language will not afford these lands the protection they deserve, let me recount the criteria to be reviewed by the Secretary when developing and revising land use plans. In subsection (c) of section 202, the Secretary shall:

(1) use and observe the principles of multiple use and sustained yield;

(2) coordinate the land use inventory, planning, and management activities for such lands with other Federal departments and agencies and the States and local governments within which they are located.

Just look at these Bureau of Land Management special designations to which we will be subject to. It is not that the lands are going to be just...
opened up for any kind of use. Look at the list of these various things they will be subject to.

Subsection (f) directs the Secretary to provide an opportunity for Federal, State, and local governments and the general public to comment upon and participate in the formulation of plans and programs relating to the management of public lands.

Certainly my colleagues would agree that there is no better way to manage these nondesignated lands than by the book and in accordance with FLPMA. There is not any better way. That is what our release language does. It provides they be managed the way FLPMA says they will be managed.

In Utah, all of the public lands are covered by land use plans developed pursuant to section 202 of FLPMA. I understand some of the plans in Utah are not as current as they might be; but, nevertheless, they provide protection for the resources, particularly those not designated as wilderness. Within each plan, the BLM will consider the resources present in an area and what protection they need.

Last week, I asked the Utah State BLM director to provide me with a summary of special designations that can be developed through the land use planning process for Federal managers to protect specific resources. I have produced these two charts that list those special designations and a brief summary of what each designation is for. These designations include:

- Areas of critical environmental concern—for those areas that have special unique or rare values;
- Outstanding natural areas—to protect unusual natural characteristics for education and recreational purposes;
- Visual resources management designations—that are utilized to maintain a landscape that appears unaltered, to retain the existing character of a landscape, and to manage activities that may lead to modifications in that landscape;
- Coal management designations—indicating where coal leasing and development can occur and the types of methods that can be used. I might mention in that regard, Utah is the Saudi Arabia of coal. By the way, it is environmentally sound, high-moisture content, low-sulfur content coal that will be necessary to keep the rest of the country environmentally clean.

Continuing with the designations:

Designations for locatable energy and nonenergy leasable minerals—indicating where the mining laws are open or closed.

Off-highway vehicle designations—I am only listing a few—indicating where such use is open and closed.

These are just a few of the special management designations available to the local BLM manager that can be used to protect this country’s resources and our State’s resources.

If a designation is made and a particular activity is inconsistent with this designation, it will not occur. The only “golden arches” dotting the protected Utah landscape will be the ones covered by the elements over centuries. While I may not always agree with them, I have faith that our local BLM managers will use these designations in the manner intended, establishing their merit through the proper public process.

Again, the substitute bill does not exempt nondesignated wilderness lands from being designated as wilderness. Within each plan, the BLM will consider the resources present in an area and what protection they need.

In addition to all of these designations, there is a plethora of environmental laws that can be used to manage our public lands must adhere. These are Federal laws that involve BLM activities, to which the BLM must adhere. These designations are located on the two charts I have produced here. I emphasize that these lists are not full lists. I have listed these legislative authorities which I thought more pertinent to this debate than others. I have not prioritized them in any particular fashion, other than to place them in groups according to their particular management emphasis. I will mention a few that are on this list for the benefit of my colleagues. I understand Senator Murkowski has submitted this list for the Record in his remarks, but I will mention these for the Record in highlights, but I will mention these for the Record in highlights.

- National Environmental Policy Act, or NEPA; Clean Air Act; Federal Water Pollution Control Act, or Clean Water Act; Safe Drinking Water Act; Solid Waste Disposal Act; Resource Conservation and Recovery Act; Superfund; Mining Law; Mineral Leasing Act; Federal Coal Leasing Amendments; Surface Mining Control and Reclamation Act, or SMCRA; Energy Policy Act of 1992; Public Rangelands Improvement Act; Endangered Species Act; Wild and Free-Roaming Burro Act; Act for protecting Bald and Golden Eagles; Toxic Substances Control Act; Migratory Bird Conservation Act; Federal Insecticide, Fungicide, and Rodenticide Act; Water Resources Development Act; Soil and Water Resources Conservation Act; National Historic Preservation Act; Wild and Scenic Rivers Act; Wilderness Act; Archaeological Resource Protection Act; and Antiquities Act.

This is just to mention a few. It is mind boggling. I am sure my colleagues will agree that this is a “Who’s Who” list of environmental laws, and the activities that occur on public lands not designated wilderness by our plan will be subject to each and every one.

I will repeat what I said a moment ago in relation to this list of environmental laws. Our bill does not exempt nondesignated wilderness lands—any of those lands released for regulated multiple use under the substituents in any provision contained in any of these laws and their corresponding regulations.

Our release language does contain a sentence that has raised questions. This sentence says: “Such lands shall not be managed for the purpose of protecting their suitability for wilderness designation.” What does this mean? This means that Federal managers will not manage a tract of land for the purpose of its possible inclusion by Congress within the National Wilderness Preservation System. As my colleagues will note from the chart listing the special designations available for BLM managers, “Future wilderness designation” is not listed because it does not exist. There is no designation or direction from Congress to the agency, outside of section 603(c) of FLPMA, that says you should manage land for the purpose of its future designation as wilderness. There is no such rule or law.

But we have told the agency that we want lands protected for their unique geographical and geological traits, for their special and rare topographical values and qualities, historical values, and so forth.

The way to do this is through the existing authorities and designations available to the BLM.

This sentence in the substitute does not foreclose a Federal manager from managing an area of land to protect its character, but it does not foreclose a future Congress, and we do not bind a future Congress, and we do not bind a future Congress from revising this issue and designating additional lands as wilderness. We cannot bind a future Congress, and we do not bind a future Congress from revising this issue and designating additional lands as wilderness. We cannot bind a future Congress, and we do not bind a future Congress from revising this issue and designating additional lands as wilderness.
During last year's markup on our bill, there was lively discussion regarding our release language. On two separate votes, the committee voted to keep our release language in the bill.

However, it was clear from the statement by the Chairman that the markup would be followed by a vote. And, therefore, the committee members hoped we would address the issues that they raised during the markup.

We have done that with this language. As I said, the term "non-wilder- ness" multiple use has been removed, and there is no language preventing the agency from managing lands to protect their wilderness character.

I want to thank all the members of the Senate Energy Committee, particularly Senators JOHNSTON and BUMPERS, for their constructive criticism of our original language and for their suggestions for ways to amend it. The amendment offered by Senator Johnston at the December markup of the committee provided the impetus for this change.

I must say I agree wholeheartedly with the comment Senator JOHNSTON made prior to the vote on his amendment. He said that the effect of his amendment was to "do away with what is a present practice, which is also offending, which is managing for the purpose of some future designation as wilderness."

That also is the effect of our language. We think it is a worthwhile effort.

Now, I know I have taken enough time. But this is an important issue—one of the most important issues in my whole time in the U.S. Senate. I am hopeful that our colleagues will help Senator BENNETT and myself to get this through. Should it be that they do not, it is going to come back and come back and come back again because we have to get this problem solved in our State.

Frankly, I do not mean to disparage anybody who feels otherwise about this, as there are very sincere people on both extremes of this issue. We have tried to achieve a compromise in the middle, where the vast majority of people can agree. I think people of good will who realize what we are trying to do will agree. I think we have given reason for every one of our colleagues here to consider the hard work we have done and the pain we have been through, and the efforts that we have made to get this done.

In that regard, I want to pay particular tribute to my colleague and my friend from Utah, Senator BENNETT. When he was on this committee, he did yeoman work with other members to apprise them of this matter. Since he has not been on the Energy Committee, he has worked very close with his former colleagues on that committee to help get this done. We have worked side by side and we are going to continue working side by side. We both have tried to be reasonable in every way in this Congress as we serve here in the Senate. We are going to continue to try and be reasonable.

I want to pay tribute to him because he has been a voice of reason on this issue—an intelligent voice of reason. I personally believe that, when this passes, we will be able to confer a great deal of the credit, as will our dear friend and colleague, Congressman HANSEN, in the House, who has carried this proposal very strongly over there. Some in the media have said that this cannot pass, but the House, if we pass it, it will pass the House whenever the vote comes.

I am hopeful that our colleagues will give some consideration to the efforts we have made. I believe that what we have shown, and the fact that we believe we are representing our State and the Nation in the very best way on this very critical issue to this. This is a very, very important Utah wilderness bill.

I yield the floor.

Mr. CAMPBELL addressed the Chair.

Mr. CAMPBELL. Mr. President, I would like to start by saying how much I admire Senators HATCH and BENNETT for working on this bill—particularly Senator HATCH, who has worked on some form of this bill for almost two decades. Having worked 10 years on the Colorado wilderness bill, I know of the difficulty of doing it, because they are all highly charged, emotional debates.

I think the American public may not know how in the balanced budget amendment or with health care, but, believe me, they all know what they want when it comes to their land. All of them own the public lands, the areas in or without wilderness, either one. But some want to hunt on it, or run their off-road vehicles on it, and some want to graze on it, and some want to fish or take pictures, or dig for gold and use timber. And they would like everybody else off of it.

Coming from a western state, the Presiding Officer certainly knows the difficulty we get between the special interest groups, who understand that it belongs to everybody, but would prefer that their particular interest gets a priority in using that public land. But it does not happen that way.

For 3½ hours, we have been talking about one section of this bill, really the whole omnibus bill, not the Utah wilderness bill. Utah Wilderness is just 1 title of 33. There are 33 titles in this bill, and all of them are very important. In just title II alone, in fact, there are 16 different areas that pass, he will deserve a great deal of because they are not as controversial as the Utah wilderness bill, which is just 1 title. Certainly, when we are something like 30 years behind on finding the money to purchase land that we have already authorized to go into the Park Service, it has over 20 years behind on the appropriations for building the buildings in the parks, those are all just as important as any other section.

Mr. President, I rise today to call attention to several bills within the Omnibus package that are of particular interest to me and my home State of Colorado. Each of these bills deserves distinction in its own right, being crafted with years of collaborative hard work and dedication. I am going to make brief comments on each of them, and urge my colleagues to support these noncontroversial bills in final passage.

One little section under section 224, "Volunteers in Parks Increase." I do not think anyone has a doubt that in this day of fiscal responsibility that we are supposed to be trying to save some money. But the importance of volunteers throughout America is going up. That probably will not get into the debate today and tomorrow. But there are many others.

Over 50 Senators, it is my understanding, either have sponsored or cosponsored some of these titles, and many of them are extremely important.

The Corinth, MS, Battlefield Act, the Walnut Canyon National Monument Boundary Modification, Greens Creek Land Exchange, Butte County Land Exchange, on and on. Title XXIII, Colonial National Historical Park—all extremely important. And yet, because the Utah wilderness bill, which is just one section, is so controversial, it seems to be getting all of the debate so far.

Let me just talk a little bit about the things that we have worked so hard for in Colorado that are also part of this bill.

Title IV, Rocky Mountain National Park Visitor Center is one of the largest and most visited in America. This bill provides the authority for the National Park Service to use appropriated and unappropriated funds to construct a visitor center outside of the boundary of Rocky Mountain National Park.

We worked on this a number of years. And it is a good bill. But it is only one part of the bigger omnibus bill.

The Park Service has an opportunity to provide a visitor service outside the park boundaries. This legislation would simply make this type of partnership possible for the Park Service. This type of private-public opportunity is exactly what the Federal Government should be taking advantage of these days, and I am encouraged by the proposal for the Fall River visitor center that has been put forth. This center will help the thousands of visitors that flock to the park each year, and would save the Government millions in taxpayer dollars.

Title X: Cache La Poudre

This bill would designate approximately 35,000 acres between the cities
of Fort Collins and Greeley, CO, as the Cache La Poudre River National Water Heritage Area.

Senator Brown, my colleague from Colorado, has worked almost 20 years since he has been in the House and on the Senate side to get that bill passed. It is just one section of this larger omnibus bill.

The headwaters of the streams that flow into this river tell the story of water development and river basin management. The westward expansion of the United States. This historical area holds a special meaning for Coloradans, and we feel that it deserves national recognition as a heritage area. In addition to the designation, this title will help establish a local commission to develop and implement a long term management plan for the area.

This bill holds great distinction for me, for I have been working on it for many years with my good friend and colleague, the junior Senator from Colorado. The good Senator has been trying to get this bill enacted into law for over 20 years now, and each revision of the bill has been a more worthy product than the last. There are always a couple of bills hold special meaning for us personally, and the Cache La Poudre is a good example of one that the senior Senator from Colorado has a particular interest in. I urge my colleagues to support this worthy bill, and see to it that it is enacted into law before the senior Senator from Colorado retires from our Chamber.

**TITLE XI: GILPIN COUNTY, COLORADO LAND EXCHANGE**

This bill is a simple, straightforward land exchange bill that will convey 300 acres of Bureau of Land Management lands in Gilpin County, CO, for the acquisition of 8,733 acres of equal value within the State.

I do not think there is any doubt that the Federal Government and the taxpayers of this country get the best of that trade. They are going to get 8,733 acres for just 300 acres of BLM land.

The bill seeks to address a site-specific land management problem that is a result of the scattered mining claims of the 1800’s. The Federal selected lands for conveyance are contained within 133 scattered parcels near the communities of Black Hawk and Central City, most of which are less than 1 acre in size. These lands would be exchanged to the States or Black Hawk and Central City to help alleviate a shortage of residential lots.

In return for these selected lands, the Federal Government will receive approximately 8,773 acres of offered lands, which are anticipated to be of approximately equal dollar value to the selected lands. These lands are in three separate locations, described as follows:

1. Circle C Church Camp: This 40-acre parcel is located within Rocky Mountain National Park along its eastern boundaries, and lies approximately 5 miles south of the well known community of Estes Park. This acquisition can provide additional public camping sites and address a current shortage of employee housing in the popular national park.
2. Quillan Ranches tract: This 3,993-acre parcel is located in Colorado County in southern Colorado. This land has excellent elk winter range and other wildlife habitat, and borders State lands, which are managed for wildlife protection.
3. Bonham Ranch—Cucharas Canyon: This 4,700-acre ranch will augment existing BLM land holdings in the beautiful Cucharas Canyon, identified as an area of critical environmental concern [ACEC]. This ranch has superb wildlife habitat, winter range, riparian areas, raptor nesting, and fledgling areas, as well as numerous riparian areas, raptor nesting, and fledgling areas.

Any equalization funds remaining from this exchange will be dedicated to the purchase of land and water rights pursuant to Colorado water law for the Blanca Wetlands Management Area, near Alamosa, CO.

It is clear that the merits of this bill are numerous. Moreover, the bill is noncontroversial, and while it may not have dramatic impact for people outside of the State of Colorado, it represents a tremendous opportunity for citizens within my State. Due to the time-sensitive and fragile nature of the various components of this bill, I would urge my colleagues to expeditiously and support this legislation.

**TITLE XVIII: SKI FEES**

For years a number of us in the west have supported legislation that tries to find some common sense and reason for the administration of Forest Service ski area permits. This title will take the most convoluted, subjective, and bizarre formula for calculating ski fees, developed by the Forest Service, and replace it with a simple, user friendly formula in which the ski areas will be able to figure out their fees with very little effort. We think this is important.

The current formula utilized by the Forest Service is encompassed in 40 pages and contains hundreds of definitions, rulings, and policies. It is simply government bureaucracy at its worst. For the ski industry, this formula is a monstrous burden, and with the expansion and diversification of many ski resorts, this burden grows increasingly more complex each year.

Mr. President, in the 5 years that I have worked on this issue I have heard virtually no opposition to this bill. It enjoys broad bipartisan support, and I hope that my fellow Senators will act swiftly and resoundingly in supporting it.

**TITLE XXXIX: GRAND LAKE CEMETERY**

Mr. President, this title simply directs the Secretary of the Interior to authorize a permit for the town of Grand Lake, CO, to permanently maintain their cemeteries which happen to fall within the boundaries of Rocky Mountain National Park. This cemetery has been in use by the town since 1892, and continues to carry strong emotion and sentimental attachments for the residents. This is a little, tiny cemetery near Grand Lake that started over 100 years ago—104 years ago. For 104 years that little cemetery has been in effect, and this cemetery has been held by the town. This portion of the omnibus bill will give the town a long-term permit to maintain that little cemetery.

Currently, the cemetery is operated under a temporary special use permit, which is set to expire this year. By granting permanent maintenance authority to the town, this title creates lasting stability to this longstanding issue. It is completely noncontroversial, and widely supported by both the community and the Park Service.

**TITLE XXXI: OLD SPANISH TRAIL**

This bill was just introduced a year ago. So it has not been worked as some others have been nearly so long. But I think it is important and age when everybody is trying to preserve the cultural parts of America which is fast declining and going under concrete.

Mr. President, the last bill in this package that I would like to speak on today is another bill that holds special meaning for me. I have been working on this legislation for many years now, and I am pleased to see that this title has seven different cosponsors from both sides of the aisle.

This title would designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for study for potential addition to the National Trails System as a national historic trail.

The Old Spanish Trail has rightly been called “the longest, crookedest, most arduous pack mule route in the history of America.” It is that, and more. The Old Spanish Trail tells a dramatic story that spans two centuries of recorded history and originated in prehistoric times. This trail was used by the Spanish, Spaniards, Mexicans, and American trappers, explorers, and settlers, including the Mormons. Its heyday spans the development of the West, from the native on foot to the mounted Spaniard to the coming of the transcontinental railroad. Few routes, if any, pass through as much relatively pristine country. It is time to recognize and celebrate our common heritage, and I would request that my colleagues support this title.

These bills are all noncontroversial and somewhat parochial. They may not mean a whole lot to many Members in this Chamber, but they mean a great deal to me and my constituents. I am not sure what course this will take, or even what role I will have in the next few days. But I would like to say for the RECORD. Mr. President, these bills that I have highlighted in my speech today are worthy of passage and worthy to be embodied into law.

Let us not forget the elements of this debate that may not be as star-studded, but are equally important.
Mr. President, I wanted to take a moment to try to add a little bit of perspective to what this bill is all about. It is very complicated. It is tremendously difficult. But the vast majority of the 33 titles have been worked out and have no opposition at all. Very few of these provisions have been argued over on the floor, and all of the time on one on which I think the majority of the disagreements have been worked out already—which is perhaps the Utah wilderness bill—I think is going to be time consuming and not very productive.

So I wanted to add my voice to those who are saying there is more to this bill than just Utah wilderness. Utah wilderness is extremely important. But through the work that Senator HATCH and Senator BENNETT have done I think they have gotten a pretty good compromise. I know from the years that we worked on the Colorado bill that it does not make any difference how much land you put into a wilderness bill. People will say that it is not nearly enough, and that it should be twice the size, or three times the size, or four times the size.

That is what we have gone through in virtually every wilderness bill that we have worked on this chamber.

I want to compliment Senator BENNETT and Senator HATCH for the work that they have already done on it, and to tell my other colleagues that hopefully we will keep this in perspective and recognize there is an awful lot of other important parts of this omnibus bill.

Thank you, Mr. President. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Utah.

Mr. BENNETT. Mr. President, I want to thank my colleague from Colorado for giving us that perspective which I think perhaps we needed.

If any of our colleagues are watching in their offices, they may think that the Utah wilderness bill is the only issue and that we are involved in overkill, perhaps. However, there are some things that I think appropriately should be said in this circumstance. And I will do my best not to repeat what has been said by my colleagues, Senator MURkowski, and Senator HATCH.

I would also like to take the opportunity to thank Senator JOHNSTON, my colleague from Louisiana, for his kind words at the beginning of this debate. He provided a tremendous amount of help on this issue when it was before the committee. And, as he said accurately, it was his proposal backed unanimously by all of the Democrats on the committee that became the basis for the final wording of the bill in terms of the release language.

I agree with Senator HATCH—that many of us who are not attacking the bill in newspaper advertisements and elsewhere have not read that language and need to understand that they are attacking a bill that no longer exists. I know that does not meet their needs because their political needs require them to attack the very worst possible bill. I do not happen to think our first proposal was the worst possible bill. But they do, and they can keep the emotion up, if they continue to attack that which we have long since abandoned.

Mr. President, I have a different view perhaps of this issue. And I apologize if this is unduly personal. But this is the only way I can really describe how I came to this conclusion.

I am a city slicker. That is a term used perhaps in some places. But I grew up in a city, went to school in a city, and raised my family in a city. I knew little or nothing about these issues until I decided to run for the Senate. I came with the perspective of somebody for whom wilderness meant a drive in the country on a Sunday afternoon.

My opponent for the Senate was the author of H.R. 1500, the bill that called for an additional 200,000 acres of wilderness in Utah. He was lionized by all of the same groups that are now buying the full-page ads in national publications to attack the bill that we are debating here today.

It was interesting to me to follow him around the State of Utah and see him back away from his original proposal the more exposure he had to real voters.

It is also interesting that now that the voters of Utah decided to retire him from public life that he has become the chairman of the Southern Utah Wilderness Alliance, the group that has been paying for these advertisements around the country. I do not know how much they spent. I would guess it would be millions of dollars, knowing what I do know about the cost of advertisement—perhaps even in the tens of millions of dollars. We will never know. The group will never tell us. The group does not tell us where their financial support comes from. The group does not tell us who is behind their efforts. But they have mounted this effort and run these ads in attack of this bill.

As I say, I am a city slicker. I came to this issue really with no preconceptions one way or the other. I was forced into it by virtue of the fact that my campaign was against Wayne Owens who was the primary mover of this effort, and who continues, as I say, today, as one of the primary forces behind it.

I decided I had better learn something about the issue. I know that strikes some people as a little strange in politics. But I decided that I was not going to be able to run on discussion of this issue if I did not know anything about it. So this is what I did to try to find out about it. The first thing I did was talk to the people who live on the land.

I went out to the land, and I sat down with the people who live there, and I asked them to tell me about it. I will not bore you with all the things they told me, but one conversation sticks in my mind. A woman down in southeastern Utah walked out with me. We had been in an area where we had been having dinner with a group of people. We walked out into the open air, and she said, "Boo, look around. What do you see?" Well, I did not know what I supposed to see, so I had to make up some kind of comment. I did not know what I was looking for. But she said, "Look around at this land. What do you see?"

I shrugged my shoulders a little, and I said, "It's pristine." She said, "It's pristine." And I said, "Yes, that's right. It's pristine." That's what I said. She said, "Boo, my family and I have been making our living off this land for five generations. Tell me we don't love it and we can't take care of it properly."

So that was the first experience I had as I went out and talked to people who live there and have their feeling of stewardship for the land. It was very real. I submit to the Senator from New Jersey that it is as real as his sense of stewardship or that of anybody else who sends in their subscriptions to the various environmental groups but who has never had the privilege of living on the land from generation to generation.

These people are not despoilers. These people are not exploiters. These people are stewards, and they are good stewards, of the land. The reason the land is in the condition it is in that we can can talk about it as needing to be preserved for our children is that these people have preserved it in that condition for five generations and more.

All right. That is the first thing I did. I talked to those who live on the land. Then I decided, well, I better talk to the professional managers, the people who make their living managing this land for the Federal Government. As Governor Leavitt pointed out in his letter that Senator HATCH quoted, the professional managers run more of the State of Utah than the elected Government. The Bureau of Land Management in Utah geographically has wider sway than the Governor and the State legislature put together.

So I went and talked to these professional managers, and I asked them to tell me about this wilderness thing, what it does, help me understand it. They looked at me, they said, "You have to take these people for a little while. They had to decide whether I was really serious about trying to get their view. When they finally decided that I was serious about wanting to know without any preconception, they said, "Senator"—by this time I had been elected so they used that term. They said, "Senator, we can't manage 5.7 million acres of wilderness. You give us 5.7 million acres as wilderness, and we are going to have all kinds of incursion into that land because there is law enforcement force to keep people off land that they have been traditionally entering for many, many years. We are finding it
already in the study areas; the 3.2 million acres that are being studied cannot in perpetuity be managed as wilderness. We are already seeing incursions that we can’t control.”

They said, “One of the reasons that BLM proposed the 5.7 million acres of wilderness is that we decided that was the maximum amount we could effectively protect as wilderness. The rest of it simply could not be managed.”

They gave me this example of why some acreage is not appropriate for wilderness. They said that 5.7 proposal talks about land that comes right up to the highway. They said, “Senator, we cannot stop people out there along the highway from parking their cars on the side of the highway and picnicking on that land.”

Now, the land has no wilderness characteristics in the terms of the bill as Senator HATCH has described; that is, the original Wilderness Act. The reason it is included in the 5.7 is that these people from land for the wilderness area that is 5.7 million acres is 20 miles away. So they have taken the wilderness area that is 20 miles away from the highway and decided that in order to protect it, in their view, they are going to protect wilderness designation right up to the highway itself.

They said, “Now, Senator, stop and think about it. Are you getting the wilderness experience in an area trammelled by man when you are standing 50 feet away from an interstate highway?”

That is not the kind of solitude that the Senator from New Jersey waxed so lyrical about earlier this morning. That land does not qualify in any sense for a wilderness designation, and yet, according to these professional managers, it is included in some of the proposals that we have.

So I thought, well, OK, I have talked to the people who live there. I have talked to the managers. Maybe I ought to go see the land myself. So I went out to see the land, and I discovered something that as a city slicker I would never have known, something that I think is being ignored in this debate, something that has been ignored in this Chamber, and something that I would like to talk about as being crucial to this issue, and that is this. I discovered that human beings do not automatically degrade the quality of the environment. Indeed, I discovered that circumstances favoring human beings improve the quality of the environment.

Is that not a radical notion? Everything we have been hearing about preserving wilderness is that we have to preserve it in its pristine, magnificent quality, or something really worthwhile will be lost and we will get in place of it something terrible that comes from human beings.

Let me show you some pictures. Mr. President, here we have brought together and some that I saw for the first time as I was presiding the other night when the Senator from Wyoming was talking about grazing. Let us take first some of the pictures from the Senator from Wyoming because I think there is a significant point to make. I will not go through all of them as he did.

It so happens that in 1870 a photographer got loose in Wyoming, and he went around and took some pictures of areas that he thought were particularly significant. The picture on the top is in Jackson. It was taken on August 12, 1870. In 1976, a little over 100 years later, as going over these magnificent old photographs decided they wanted to go back to the same place and take a picture of exactly the same scene. So they did.

What do you see between 1870 on the top and 1976 on the bottom? You see a lush environment. You see more trees, more vegetation, healthier grass than you saw 100 years ago. What is the difference? The difference is that for the preceding 100 years, the stewardship by human beings has been practiced on that land, and environmentally it has gotten better and not worse.

We have another one by the same process, same photographers. This is also in Wyoming. I wish I had some pictures like this of Utah. I have one that I will get to.

Again, Jackson, August 20, 1870, on the top. You see the kinds of things that get caught about overgrazing and the range in terrible condition and the grasses having been destroyed, and so on. Now you look at it 100 years later with wise management and you see trees in the riparian area; you see lusher grass; you see healthier plants because human beings have exercised wise stewardship.

Now let us go to the one in Utah. The Senator from Wyoming had a whole series of these and built his whole presentation around them. I was tremendously impressed.

This one is not 100 years. This one is only about 50. I picked this one because the Escalante River is one of the areas of high controversy in this wilderness debate. The top photograph was taken in 1949. It shows the Escalante River. The bottom photograph was taken in 1992. What do you see in the bottom photograph? You see lush vegetation through the riparian area, so lush you can almost see the river through because there is so much foliage there. And where did that come from? That came from human intervention into the area. That came, primarily, from cattle.

We have heard so much about how terrible cattle are for the environment. We heard from the Senator from New Jersey the basic assumption that when cattle get into an area, there is automatic overgrazing. As I said, I walked the land myself. This city slicker went out and went over some land and didn’t consider that I would never have learned, growing up in Salt Lake City, UT. I had a guide who took me through it and he showed me two tracts of land, side by side. We walked over both. The one tract of land had cattle grazing on it on a regular basis. The vegetation was healthy. The watershed was good. The grasses were healthy and strong and lush.

We then went to another area, which, incidentally, was BLM land where permits had been denied. The first piece of land was private land, right next to it a piece of BLM land where permits had been denied. Here the land was beginning to turn to desert. There were dead grasses. It hits this caked-over land, and it runs off and does not get in below the surface to nurture anything, unless something comes along to break through the surface of that land.”

He said, “The something that most often comes along that can do the land most good is a cow.”

When a cow comes along, every time it steps, before a rainstorm, afterward there is a little puddle of water in every one of those steps where the cow goes by. And then the seeds are coming through the air as the wind blows along. And where do those seeds get caught? They get caught in those little indentations made by the places where the cattle have stepped. And if there is a rain there and some then fertilization—the cow carries that process with it and drops it along the way—you begin to get what you see in this patch of land, strong plants and lush grass, rather than the desert effect that you get in this patch of land where the cattle have been kept away.

That is exactly what has happened in the Escalante River. Yet, in the name of protecting the environment and doing what is best for the environment, there are people who would say the top photograph is a better than the bottom photograph. The top photograph represents something we must preserve for our children and our grandchildren, and the bottom photograph represents exploitation and despoilation of our natural resources.

That is a moral judgment that I cannot make. I do not find any moral superiority in deserts over vegetation. Some people might be able to make that moral judgment. I cannot.

So I came away from that experience, talking to the people who lived on the land, finding them to be good stewards who loved the land every bit as much as anybody who ever sent off his card to the Sierra Club, talking to the
managers who run the process and finding them to be conscientious and intelligent people who want to do the right thing for the land, and then finally walking the land myself and going through this process, I came away with the conclusion there is no single magic bullet for us to solve our environmental problems, such as slapping a wilderness designation on a map and then saying nature will take care of this and human beings, stay away forever ever.

Let me give another example of why it is the people of Utah are so concerned about this question. Why do we care? Why do we care whether land is designated as wilderness or left in BLM inventory? What big difference does it make? Let me give one example in Juab County, UT, where there is a little town called Mona.

I have driven through Mona. I would like to tell you of the activities that are grandjacent in and allowed to go on. If you have a grazing permit, according to the act, you can continue to graze. If you had a mining permit, according to the act, you can continue to mine. In fact, we know of something that is so significant that we have closed it as a wilderness, but you can still go into that area. You can still go into that area, but you cannot drill for oil. You cannot drill for oil. But you can still go in and allow all this. You can allow all this.

As Senator Hatch pointed out, the BLM started the study here. I should point out for the sake of partisan clarity that the decision as to what would be studied and what would not be made by Jim Watt. It was made during the Carter administration by those environmentally friendly folks who President Carter appointed to the Department of the Interior. They did their study, they came up with their conclusion, and then they opened it up for standard appeals, comments and so on. The Utah Wilderness Association, a group not to be confused with the Southern Utah Wilderness Alliance, protested that the Department of the Interior and the BLM had missed some very significant areas. Their protest was not only heard; it was upheld. Some 900,000 acres were added to the BLM's inventory. I have driven through Mona. I would like to tell you of the activities that are grandjacent in and allowed to go on. If you have a grazing permit, according to the act, you can continue to graze. If you had a mining permit, according to the act, you can continue to mine. In fact, we know of something that is so significant that we have closed it as a wilderness, but you can still go into that area. You can still go into that area, but you cannot drill for oil. You cannot drill for oil. But you can still go in and allow all this. You can allow all this.

The reason I felt I didn't have to listen to her is because I had heard the same testimony from her four times and I thought I knew what it was she was going to say."

It was interesting to me that when we were through with this process, we came up with roughly the same result that the BLM had produced in their 15 years of activity. We did not try to do that. We did not try to do that. We did not try to do that. We did not try to do that. We did not try to do that. We did not try to do that. We did not try to do that.
The other green that you see here in the yellow area is the wilderness that is included in our bill. This is the 2 million acres that we have been talking about, and the various places where it will be, including—yes, including—the Kaiparowits Plateau that we heard so much about at the beginning of the debate. Mr. President, I put that out because, again, I am a city slicker. I did not know this until I came to the Senate. I had no understanding of the way the land is in Utah and owned until I came to the Senate and got into this debate. I love to go out into the wilds. I love to go out and commune with nature and have the kinds of experiences that Senator BRADLEY quoted the professor from Colorado was having. “The silence is stunning,” he said. I have had that kind of experience in Utah. I have gone off by myself and had that kind of tremendously uplifting experience. I did not know at the time I had the experience where I was in the wilderness and I have gone back and checked. I was on BLM land. I was on land exploited. Why? Because some cattle had been through there. I did not know that. I had my experience without knowing that.

I guess I am deficient somehow in that I do not require the knowledge that nobody else has ever set foot on the land for me to have that kind of experience on the land. The vast majority of the people who come to Utah to have that kind of experience have it in the green areas, that is, the national forest. We have 8 million acres of national forest in the State of Utah.

The only difference, from my perspective, is that the national forest and the other lands that we are talking about setting aside as wilderness is that you can get to the national forest. I can go to the national forest in my automobile. There is no way in the world I am going to be able to go to these areas as wilderness in an automobile. That is fine. So 2 million acres; it meets the criteria of the Wilderness Act. I agree that that ought to be set aside, primarily for ecological reasons.

But most people who are talking about wanting more wilderness have the mistaken impression that what they are talking about is pretty country. They are saying we want to keep the country pretty and keep away the strip malls, the hamburger stands and so on. There are 8 million acres where there will never be a strip mall or a hamburger stand or any other kind of commercial exploitation in the State of Utah. There are 8 million acres right now in national forests. You add to that the 2 million acres that we have of national parks, I am surprised at how many of my constituents think wilderness means national parks—add the 2 million acres that we are proposing in wilderness, taken off the 2 million acres that we have 12 million acres of Utah set aside that can never ever be used for any kind of commercial exploitation, plus 20 million acres left to be managed in the way that we saw in the first photograph I showed of Escalante Canyon.

There are 20 million acres left to be exploited, the way that picture on the bottom indicates it is exploited, plus 12 million acres where we have forever be commercial activity of any kind. That comes to 32 million acres. I think that is enough. That all meets the standard of what the law has said that gives us all the legacy that we need to pass on to our children.

The first one has to do with the issue that Senator BRADLEY raised with respect to Kaiparowits. As Senator HATCH very appropriately pointed out, our bill protects hundreds of thousands of acres in Kaiparowits. The real issue is that those corporations, foreign corporations have never ever been used for any kind of commercial activity of any kind.

You see the full page ads that talk about ripping out all of this magnifi- cent scenery so that coal can be ripped from the Earth, flung around the world, and as the final statement in the mining statement of the foreign corporation gets all of the profits, and Utah is left with a hole in the ground.”

In the first place, the particular foreign corporation that they are talking about happens to be a very good corporate citizen of the State of Utah and has been mining coal in the State of Utah for close to 100 years.

But, quite aside from that, let us talk about it from the environmental impact standpoint. The Senator from New Jersey talked about, long-wall technology in coal mining. I have been down in a coal mine in Utah. I have seen long-wall technology. I say to anybody who has not had that experience, it is one of the most fascinating experiences you are going to have in your life because you cannot conceive, or at least I could not conceive, how any engineer would ever be bright enough to sit down and figure out how that whole thing works. It is just abso- lutely stunning.

With the long-wall technology that now occurs in coal, it will be possible for the mining company to go into the coal seam at Kaiparowits and take out virtually all of the available coal through a single mine opening. We are not trying to set up gas wells here. We are not talking about tearing the top off of the Kaiparowits Plateau. We are talking about a hole on the side of a mountain roughly the size from that door to that door in this Chamber and maybe 16 to 20 feet high. That is about all the bigger the hole has to be.

How much coal are we talking about? You figure you have a good seam of
Now, Mr. President, in conclusion, I know those are very welcome words, and for most of the people who are listening, I go back to the comment made by the Senator from New Jersey in his conclusion. He quoted an editorial from a newspaper: the editors of which, I would guess, have little or no personal experience with any of these issues we have been talking about. The editorial says there are two philosophies, and we have a clash between the two philosophies. You have the right kind of Chemical makeup and also the efficient and economic use of the coal. But there are two philosophies. One is the philosophy that we should protect the environment, and the other is the philosophy that we should use the coal. And for that 40 acres which we are talking about, how big a philosophy? How big a platform? If only that one shoal, you are not standing closer than about 100 feet from the edge of the canyon, you cannot see it. How many areas are we talking about? How big a platform! How big a platform is it going to be that you can place on the land when this thing is fully operative? Forty acres, Mr. President.

At the bottom of this circular canyon, virtually hidden by the nature of the way the canyon was formed, 40 acres will be filled with buildings that are not particularly pretty to look at. 40 acres will be filled with sheds and equipment. And for that 40 acres which cannot be seen anywhere on the Kaiparowits Plateau—I stood on the Kaiparowits Plateau and looked at it directly myself—for that 40 acres that cannot be seen anywhere on the Kaiparowits Plateau, we could produce enough coal to burn the energy for several Western States for the next 100 years.

Now, in this book, “Wilderness at the Edge,” where we see the whole 5.7 million acres in all their glory, it is magnificent, and it is glory—they tell us all of the places we ought to designate as wilderness that we do not have as wilderness. There is an interesting little suggestion. One of the places they designate as wilderness happens to have a railroad tunnel running underneath it. The railroad tunnel is already in. The trains are already going back and forth. They say it should still be designated wilderness because the activity beneath the surface does not detract from the glorious wilderness experience on top of it.

I say to those who wrote this book, what is the difference between coal mining that is going on underneath the surface and providing the billions of feet below the magnificent scenery up above, and railroad cars going back and forth? If you can live with railroad cars, saying that does not detract from the experience on the surface, I tell you, you are not able to live with the coal mining, particularly with the long wall technology to which the Senator from New Jersey referred.
with the land managers, the true lovers of
the environment will come to agree
with us that our bill for wilderness
in the State of Utah is the proper envi-
ronmental response.

The PRESIDING OFFICER (Mr.
Brown). The distinguished senior Sen-
ator from Utah.

Mr. HATCH. Mr. President, I want to
compliment my colleague for his very
good remarks and his ability to put
into prosaic and also simple terms just
what is involved here.

In fact, both of us have been fighting
for this for a long time. It is a mod-
erate, reasonable approach. We really
appreciate our colleagues who coop-
operated to help us on this, because it is
not going to go away for us or for any-
body else until we get it resolved.
It is a reasoned, moderate, decent ap-
proach.

Mr. President, I ask unanimous con-
sent to speak as in morning business.

The PRESIDING OFFICER. Without
objection, it is so ordered.

JUDICIAL SELECTION

Mr. HATCH. Mr. President, I rise to
address an issue that I have discussed
recently before the Senate: judicial se-
lection. As I have said before, dif-
fences in judicial philosophy can
have real and profound consequences
for the safety of Americans in their
neighborhoods homes and workplaces.

For the safety of Americans in their
living rooms and garden centers, for the
safety of Americans in their offices and
workplaces.

For the safety of Americans in their
homes and workplaces.

For the safety of Americans in their
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Judges are every bit as much a part
of the Federal anticrime effort as are U.S.
attorneys and FBI and DEA agents.

In my last speech, I drew attention
to two Federal district judges ap-
pointed by President Clinton—Judges
Harold Baer, Jr., and James Beaty.
These two judges rendered decisions fa-
forable to criminal defendants based
on legal technicalities that had noth-
ing to do with their guilt.

Judge Baer sparked outrage through-
out the country when he suppressed evi-
dence seized during the stop of an auto-
mobile by police who had witnessed
four men drop off two bags in the trunk
at 5 a.m., without speaking to the driv-
er, and who then rapidly left the scene
when they saw a police officer looking
at them. The bags turned out to con-
tain about 80 pounds of drugs. Judge
Beaty has received similar criticism
for releasing a man who murdered his
parents in their own bed because a
juror had gone to look at a tree where
they can do even more damage
to them where they are instead of pro-
moting them to the appellate courts,
where they do not reverse himself. But
President Clinton has called
upon Judge Beaty to resign. Instead,
he is rewarding Judge Beaty by promot-
ing him. He has nominated Judge Beaty
to the fourth circuit. While the President
cannot force activist, soft-on-crime
judges to resign, he can choose to keep
them where they are instead of pro-
moting them to the appellate courts,
where they can do even more damage
to the law and to our communities.
Will President Clinton regret Judge
Beaty's soft-on-crime decisions if they
start to issue from the fourth circuit?
Will he then suggest that Judge Beaty
resign? Perhaps he ought to withdraw
his nomination. It is in his power to
do so, removing the heat, as it were.

To be sure, Republican appointed
judges can make erroneous rulings.
And, I understand the Clinton admin-
istration is on a desperate damage con-
trol mission to mention such rulings.
That is fine. But I cannot ignore
the more information about the track records
of Republican and Democratic appointed
judges, the better.

I hardly agree with every decision of
a Republican appointed judge. Nor do I
disagree with every decision of a Democ-
ratic appointed judge.

Nevertheless, there can be little
doubt that judges appointed by Repub-
lucan Presidents will be generally
tougher on crime than Democratic ap-
pointees. As I will explain in this and
subsequent speeches, on the whole
judges appointed by Democrat Presi-
dents are invariably more activist and
more sympathetic to criminal rights
than the great majority of judges ap-
pointed by Republican Presidents.

I do see little good to ask these judges
to resign or to chastise them after they
have inflicted harm upon the law and
the rights of innocent citizens to protect
themselves from crime, vio-

ence, and drugs.

President Clinton's momentary resignation gesture is only
the latest example of this administra-

tion's eagerness to flip-flop wherever it
meets a stiff breeze of public dis-
approval of its actions.

And what excuse, Mr. President, does
President Clinton have for the nomina-
tion of Judge J. Lee Sarokin of the
U.S. Court of Appeals for the Third Cir-
cuit, and Judge Rosemary Barkett of
the U.S. Court of Appeals for the Elev-
enth Circuit? These are two of the
most activist friends of criminal rights
on our Federal courts of appeals. Their
judicial track records were crystal
clear at the time President Clinton
appointed them. Did he nominate
Judges Sarokin and Barkett with
full knowledge of their records?
I will have more to say about these
two judges in the future, but let me re-
mind the Senate and the American peo-
ple that I led the opposition to these
two nominees because of their activist,
soft-on-crime approach. The Clinton
administration fought hard to get
these nominees through the Judiciary
Committee and through the Senate,
which confirmed both Judge Sarokin
and Judge Barkett in 1994.

I regret to say that my predictions
about these two judges have been proven
correct. Judge Sarokin has repeat-
edly come down on the side of crimi-
nal defendants in a series of cases,
and he recently voted to overturn the
death sentences of two Delaware men
who, in separate cases, killed several elderly people. Not to be outdone by
her New Jersey colleague, Judge
Barkett has continued her tolerant at-
titude toward drugs in our society and
her suspicion of the police. Just last
month she argued in an opinion that
could not conduct random road-
blocks to prevent traffic violations and
to look for drugs. In her words the
searches were "intolerable and unreas-
sonable."

Luckily, in both of the cases that I
have just mentioned, Reagan and Bush
appointees formed a majority of the
court and ensured that Judges Sarokin
and Barkett's views were made known
as dissents. But if Judges Sarokin and
Barkett and other Clinton nominees
had formed a majority on those courts,
they would have put the criminals
back on the street. If President Clinton
had been faced with a second ap-
point a majority of the judges on the
Federal courts of appeals. Judges
Barkett and Sarokin provide a clear
example of what we can expect from the Federal courts should President Clinton appoint judges for 4 more years.

Can the administration name any Reagan or Bush appellate judges who have ruled so consistently in favor of elevating criminal rights above the right of the community to protect itself? I don’t think they can. In fact, the record indicates that the current administration has nominated several judges who have ruled in favor of criminals or prisoners clearly and consistently. When they are right, that is fine. In most of these cases they are wrong.

For example, let me tell the American people about the case of United States v. Hamrick, [45 F.3d 877 (CA4 1995) (en banc)]. While serving time in Federal prison for threatening to kill President Reagan, defendant Rodney Hamrick built several improvised bombs, threatened to destroy a Federal building, shot other inmates with improvised guns, and threatened to kill Federal judges. While serving his various sentences, Hamrick built a letter bomb of materials available in prison that, in the words of Judge Michael Luttig of the fourth circuit in arguing that because the bomb lacked an igniter, it could not be called a dysfunctional bomb, as the majority concluded, but instead, was, in the dissent’s phrase, an “incomplete bomb,” and hence could not be a dangerous weapon under the statute. Goodness gracious. What if it had been a real bomb?

Mr. President, I imagine that Judge Ervin and Judge Michael also would think that if a defendant pointed a gun at you or me and pulled the trigger, but the gun is defective and doesn’t fire, the defendant would not be guilty of attempted murder because he used an incomplete gun. Such sophistic word games demonstrate the eagerness of Judge Michael and his dissenting colleagues to protect criminals at the expense of law enforcement.

Even once the criminals are convicted and sent to prison, the judges nominated by President Clinton continue to adopt a tolerant attitude. These judges are determined to defend the rights of society to incarcerate convicted criminals and to run orderly prisons before they start wringing their hands about how unfair a punishment it is to be in jail.

On this score, let me just identify one decision out of many that exemplifies the willingness of some activist Clinton judges to protect those who have harmed and attacked our society. Let me tell the American people about Giano versus Senkowski, a case in which an inmate brought a Federal civil right suit against a prison that refused to allow inmates to possess sexually explicit photographs of spouses or girlfriends. The plaintiff somehow felt that his first amendment rights were violated. It is a demonstration of how far activist judges have already expanded the laws that a prisoner can even bring a lawsuit on such a frivolous claim.

The majority, Judges Joseph McLaughlin and Dennis Jacobs, both Bush appointees, properly rejected the prisoner’s amazing claim that this policy violated his first amendment rights. Under Supreme Court precedent, courts are to uphold prison regulations if they are reasonably related to a legitimate penological interest. This was the case here, especially in light of the fact that in the Pentagon Papers case, as examples of instances in which the courts courageously resisted scare tactics in the absence of proof.

What the first amendment’s plain words (Congress shall make no law abridging the freedom of speech, or of the press)—has to do with convicted prisoners possessing sexually explicit pictures is beyond me.

Judge Calabresi argued that the case should have been sent back for factfinding—what this factfinding would be I do not want to know—because he thought it possible that these pictures might diminish violence by mollifying prisoners. Gee. What reasoning. Judge Calabresi also saw fit to suggest several alternative policies, such as allowing inmates to be sent photographs but providing that the pictures may be seen only at appointed places, or allowing photographs to be received and seen for a brief time before they must be destroyed.

It is exactly this intrusiveness that demonstrates the activist stance of the Clinton judiciary. Here we have a Federal judge of the Second Circuit Court of Appeals deciding what policies a prison ought to have to protect society from sexually explicit photographs. The judge wants factfinding conducted to produce evidence about the link between such photographs and violence. He has ideas about how the pictures are to be produced and used. I am sorry, but this seems like a job for prison administrators, who are expert at these issues and who are accountable to the people. It is the people, after all, who must pay for the costs of incarceration and who ultimately must fund the fanciful policies Judge Calabresi would impose.

Why is this so important? As a practical matter, we in the Senate give the President deference in confirming judicial candidates nominated by the President.

No one can say that I have not been at the forefront to give deference to this President. I like him personally. I want to help him. I certainly believe he was elected and I believe he has a right to nominate these judges. I might say, though, that a Republican President would not nominate the same judges that a Democrat would and vice versa.

Indicia of judicial activism or a soft-on-crime outlook are not always provided and used. I am sorry, but this seems like a job for prison administrators, who are expert at these issues and who are accountable to the people.

We also now can view the products of the President’s choices. We do not just have two trial judges, Judges Baer and Beatty, who have trouble understanding the role of the Federal courts in law enforcement and in the war on crime. President Clinton has sent judicial activists to Federal appellate courts as examples of instances in which the courts courageously resisted scare tactics in the absence of proof. What the first amendment’s plain words (Congress shall make no law abridging the freedom of speech, or of the press)—has to do with convicted prisoners possessing sexually explicit pictures is beyond me.

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must live under the permissive rules set by these liberal judges when they attempt to rid our streets of crime and drugs.

The judicial philosophy of nominees to the Federal bench generally reflects the philosophy of the Senate occupying the Oval Office. We in Congress have sought to restore and strengthen our Nation’s war on crime and on drugs and to guarantee the safety of Americans in their streets, homes, and workplaces. For all of the President’s tough-on-crime rhetoric, his judicial nominations too often undermine the fight against crime and drugs.

This is an important issue. It may be the single most important issue in the next Presidential campaign. Frankly, I hope everybody in America will give some thought to it because I for one am tired of having these soft-on-crime judges on the bench. I for one am tired of having people who, as activists, do not understand the nature and role of judging, which is that judges are to interpret the laws that are made by those who are elected to make them. Judges are not elected to anything. They are nominated and confirmed for life. Hope and prayer will be removed from the pressures of politics and will be able to do what is right. I have to say that many of these judges are very sincere. They are kind-hearted, decent, honorable people who, as activists, do heart the people just do not see why we have to punish people because of the crimes they commit, or why we have to be as tough as we have to be. But those of us who really study these areas know that if a person is put in jail—a violent criminal—until they are 50 years of age there is a very high propensity that they will never commit violence after 50. But if we have them going in and out of the doors in those early years when they are violent criminals, they just go from one violent crime to the next, and society is the loser. We understand that here in the District of Columbia, which is sometimes known as “Murder Capital U.S.A.” and “Drug Capital U.S.A.” That needs to be cleaned up.

That is why I put $20 million in a recent bill to give directly to the chief of police here so that they can acquire the necessary cars and weapons and ammunition and other facilities that they need to run a better police force. Consider that it was the best police force in the Nation 20 years ago; today it is the worst in the Nation. So we put our money where our mouth is, at least as far as the Senate is concerned. I hope that money stays in in the District of Columbia.

We have to pay attention where judges are concerned, too. We have to get people who really are going to make a difference against the criminal conduct in our society. I am fed up with our streets not being safe. I am fed up with our homes not even being safe. We are becoming a people who have to lock the doors every time we turn around, and I for one think it is time to stop it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The bill clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. MURKOWSKI. Mr. President, this provision of the bill from New Jersey reflected a little history of public lands. I listened intently, and while I appreciate his point of view, I suggest there are two points of view relative to the history of public lands and the transition that has occurred in this country.

Under the Northwest Ordinance, which, as a matter of fact, predated the Constitution, the prevailing philosophy was simply to dispose of lands either to the States for the territories or to private individuals. And as the several States obtained their inheritance, they for obvious reasons began to lose interest in further Federal transfers. In other words, they had achieved what they wanted.

Mr. President, this goes back to the period of about 1788 when this Northwest Ordinance prevailed. So they lost the incentive once they received their land and further Federal transfers simply were not necessary. The State of Arkansas obtained over 11 million acres from the Federal Government, over one-third of its total acreage. Only about 3 percent of New Jersey currently is in Federal ownership.

So the history of public lands is a history of those States, mainly the Western States, that have already obtained the lands needed for their schools, their roads, their economy, and other purposes. Then we have the Western States and territories that basically remain the Federal Government and the interests of those Eastern States. The definition of “West,” as we all know, steadily moved west. It moved from what was West, in 1790, Ohio, to Utah and my State of Alaska in 1984.

According to the 1984 BLM public lands statistics, Florida obtained over 24 million acres from 1803 to 1984 out of a total of 34 million acres in that entire State. Arkansas, as I mentioned, obtained over one-third of its entire acreage now, there was a time when the State of New Jersey looked at the western lands as a source of raising money for needs in New Jersey—roads and docks, the harbors, other public works in New Jersey—and there was a time when New Jersey wanted the western lands basically to feed its industry.

It was a concept that is not unknown to us, Mr. President. The Eastern States had the capital base, and where did they look? They looked to the West to put that capital to work in investments that could generate a handsome return because the money centers at that time were in the East, as they are today for the most part. So the eastern at that time, I think it is fair to say, elitists chose to invest in the West and generate a return, and they could continue to live in the more luxurious lifestyle that existed in the East because the West was considered pretty much a frontier. So States like New Jersey and New York invested in western lands to feed, if you will, the fruits associated with the productivity of the West.

Now we have seen a change in that, a rather remarkable change. It is not unrealistic to be realistic and recognize New Jersey and other States now want western lands not necessarily as a return on the investment that was initially generated there, although some of it is fourth and fifth generation. We look at the West as a playground, a recreation area for themselves and others of that elitist group.

If the State of Utah is unable to use its school lands to fund education, that is? They want western lands for. There would be a considerable difference if New Jersey as a State were 63 percent owned by the Federal Government, like Utah, but it is not. The State of New Jersey is only 3 percent owned by the Federal Government, so it has the luxury to assume that two-thirds of Utah is, one might interpret, for the private pleasure of the residents of New Jersey.

Those of us who are westerners question when is enough enough. There has been no change in the policy of some of these eastern seaboard States and many of the other original States from 1790 until now. What has changed is that they want western lands for. Now we have seen a change in that, a rather remarkable change. It is not unrealistic to be realistic and recognize New Jersey and other States now want western lands not necessarily as a return on the investment that was initially generated there, although some of it is fourth and fifth generation. We look at the West as a playground, a recreation area for themselves and others of that elitist group.

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We can get into a long discussion over whether conservation measures mentioned by the Senator from New Jersey, but I think the Senate should remember that the primary purpose of the national forests—a lot of us seem to have forgotten this—the primary purpose of the national forests, when they were withdrawn from public domain, was simply to ensure a steady supply, a renewable supply, of timber. That is almost seen as a joke today, but that was the concept; the forests were to be conserved, used, and managed to provide a steady supply of timber.

The Wilderness Act, speaking of history, was originally intended to set
aside pristine areas, untrammeled areas where mankind was not evident. Now, in our zealous efforts, we seem to be ready to put almost anything into wilderness—roads, structures. Whatever the objective, a wilderness designation is not to preserve pristine areas where some organization or group wants to prevent.

So, I hope, as we reflect on history, we do reflect on this dichotomy associated with millions of acres. If you look at the States of the Eastern States, which have virtually no public land in those States, which have virtually no wilderness in those States, setting the precedent for the rest of the Nation. I am going to try to leave us with a little understanding of what this business of public land and wilderness land is all about, reflecting on how some States, like mine, enjoy a significant amount of wilderness. My State of Alaska has 965 million total acres. We are 2.6 million acres. Florida at 1.4 million acres, Idaho at 4 million acres, Minnesota at 805,000, Montana at 3.4 million acres, New Mexico at 1.6 million acres, Oregon at a little over 2 million acres, Washington at 4.2 million acres, and Wyoming at 3 million acres. So, by any calculation, should we be creating in Utah wilderness equal to that existing in Wyoming today.

What about some of the other States? Interestingly enough—and I hope my colleagues from California, Delaware, Iowa, Kansas, Maryland, and Rhode Island are listening, because these six States that have no wilderness. There is no wilderness in Connecticut, no wilderness in Delaware, no wilderness in Iowa, no wilderness in Kansas, no wilderness in Maryland, and no wilderness in Rhode Island.

How do you suppose that came about? It came about, as I indicated in my opening remarks, when those States that have been around a long time in the State of Texas. I am glad my friends from Texas are not here to be reminded of that. Out of that 365 million acres, we have 57.4 million acres of wilderness. That is quite a bit of wilderness. We are proud of the 1.9 million acres. We take good care of that wilderness. But we think enough is enough.

If you took the State of Arkansas with 33 million acres of wilderness, you add the State of New Jersey with 4.8 million acres, Virginia with 15 million acres, Vermont with 5 million acres, you come up with about 57 million acres—equal to what is in my State of Alaska. So there are four States. The difference here is we are not talking about wilderness in Arkansas, New Jersey, West Virginia, or Vermont. We are talking about their total acreage. So I do not want to mislead the Presiding Officer when I say Alaska has 57 million acres of wilderness. It is not 33 million acres. If you take the entire landmass of the State of Arkansas at 33 million, New Jersey 4.8, West Virginia 15, and Vermont 5, you come up with a combined area of 57.8 million acres for those four States. That equates to what is in my State alone as wilderness.

Let us go one step further. Let us look at some of these States and recognize that Arkansas has 33 million acres in its entire State, 120,378 acres in wilderness—not very much. New Jersey has 4.8 million acres in the entire State, 10,341 acres of wilderness.

Let us compare that with Utah. Utah has 52 million acres in the State, 890,858 acres of wilderness, and we are proposing to add 2 million to that, that would be close to 2.6 million acres in the State, 891,000 managed by the Forest Service and 2 million under BLM wilderness.

I think it is important that we reflect on those comparisons. The States in question, with large wilderness areas, outside of the State of Alaska, include Arizona at 4.5 million acres, California at 5.9 million acres, Colorado at 2.6 million acres, Florida at 1.4 million acres, Idaho at 4 million acres, Minnesota at 805,000, Montana at 3.4 million acres, New Mexico at 1.6 million acres, Oregon at a little over 2 million acres, Washington at 4.2 million acres, and Wyoming at 3 million acres. So, by this calculation, what would be coming in Utah wilderness equal to that existing in Wyoming today.

There are those who might think Sterling Forest is just that, an ancient wilderness. We take good care of that wilderness. But we think enough is enough.

If you took the State of Arkansas with 33 million acres of wilderness, you add the State of New Jersey with 4.8 million acres, Virginia with 15 million acres, Vermont with 5 million acres, you come up with about 57 million acres—equal to what is in my State of Alaska. So there are four States. The difference here is we are not talking about wilderness in Arkansas, New Jersey, West Virginia, or Vermont. We are talking about their total acreage. So I do not want to mislead the Presiding Officer when I say Alaska has 57 million acres of wilderness. It is not 33 million acres. If you take the entire landmass of the State of Arkansas at 33 million, New Jersey 4.8, West Virginia 15, and Vermont 5, you come up with a combined area of 57.8 million acres for those four States. That equates to what is in my State alone as wilderness.

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growth forest, but Sterling Forest has been logged. What you have there today is second growth. Hardwood logging has taken place. I thought I would ask the question, When was it last logged? The answer was, it is currently being logged, Mr. President. But the Sterling Forest easements owned and managed by the Swiss Insurance Group of Zurich.

If the Sterling Forest is acquired, of course, logging is not continued, and that is really the business of the delegation from New Jersey. The primary reason for acquiring Sterling Forest, as I understand, appreciate and support, is to protect the watershed. Hunting would be allowed.

So if anybody wants further information with regard to the situation in Sterling Forest, why, I am sure the Senator from New Jersey will be happy to provide it. If not, we have the address and phone number of the Zurich Reinsurance Center in New York, the principals to contact.

I do not put this out as a criticism; I simply put it out as a reality that here we have an acquisition taking place in the best interest of clearly the State of New York and the State of New Jersey. There are about 50 square miles, 19,200 acres, and about 2,400, as I have mentioned, in New Jersey.

It is also my understanding that what we are purchasing here are certain easements owned and managed by the U.S. Park Service that are in the Appalachian trail area but that trigger, if you will, a process whereby New York and New Jersey will come up with the additional funding, and that would be somewhere in the area of $40 or $46 million to acquire the land.

It is also interesting to note Sterling Forest has roads through it and other access, so it is pretty hard to suggest, perhaps, that it be made a wilderness. Nevertheless, I think it is important that this be addressed, related to Sterling Forest and about 2,400, as I have mentioned, in New Jersey.

A lot of people do not really appreciate what 1 million acres equates to in size. We are talking about adding 2 million acres of wilderness in Utah. One million acres is equal to the size of the State of Delaware. If we are talking about 2 million acres, we are looking at three-quarters of the State of Rhode Island. Two million acres is about half the size of the State of New Jersey, so it is a big chunk of real estate. Unless you have some idea of acreage or the vastness of wilderness, you have no idea as to the significance of what that large a piece of real estate is.

As I indicated in my remarks, for those who come from States that have little or virtually no wilderness or State Parks little, if any, Federal ownership of their land, it is difficult for those Members to have an appreciation of what it means to designate an additional area the size of 2 million acres.

While many of us support adding 2 million acres to wilderness, that is not enough for the advocates here who want 5 to 6 million acres of wilderness. They do not seem to care about the ability of the State of Utah to support its schools, support its economy. All they see is, put on the table that tells them somehow this is not enough. As I have indicated, Mr. President, as you look at the comparisons, what is enough? What is reasonable? What is balanced? The people of Utah, in their 1 million acres after $10 million, and 15 years, have indicated, 1.9 million acres. The legislation proposes 2 million acres.

Mr. President, as we look at the history of Western public lands, little is said about the economy of the region. What happens to the jobs? We cannot all be employed by the Federal Government. Who pays the taxes? We have resources in the West that have fueled the economy of this Nation for a long time.

Where we are lax, Mr. President, is in not recognizing that science and technology has given us the opportunity to develop our resources better, more efficiently, with more compatibility with the ecosystem. As we add new and better ways to develop those resources, we seem reluctant to go back and review those of our laws that protect these areas. We did not update our environmental laws. We did not do the cost-benefit risk analysis to determine, indeed, if it is practical to develop one resource or another.

So what we have here, Mr. President, is a fast-developing technology. The minute you attempt to look at more efficient ways of cutting timber, of mining, grazing, oil and gas development, it is suggested that you are irresponsibly unwinding the advancements that have been made in the environment.

Mr. President, the air is clearer, the water is cleaner; we can do a better job. But we still need to maintain a balance. That balance dictates a healthy economy only with a healthy balance. That balance dictates a healthy economy. Only with a healthy balance. That balance dictates a healthy economy only with a healthy balance. That balance dictates a healthy economy only with a healthy balance. That balance dictates a healthy economy.

So when I see my good friend, who I know is very dedicated and believes diligently in his point of view, become a self-anointed savior of the West, I have to ask, who is he saving the West from? Other westerners? Or is it really the elitist group, the big business?

Let me refer to the charts back here just very briefly with the realization that these well-meaning groups somehow get a little overly ambitious. In the opinion of the Senator from Alaska—let us recognize them for what they are. They are big businesses, just like a lot of other big businesses. As I indicated earlier, the environmental organization industries, the 12 major organizations that has assets of $1.2 billion. They have fund balances—that means immediate access to cash—of $1.03 billion. There you have it. The revenues, $633 million; their expenses, $556 million; their assets, $1.2 billion—the fund balances at $1 billion.

There is nothing wrong with that, but let us keep it in perspective. They have to have a cause. They resolve one issue and they move on. Let them so that they can generate membership, generate dollars. Let us be honest. They accomplish a lot. But there has to be a balance. That is what is lacking, because if they had their way, the extreme would prevail. Big business does, compensation. Several of the individuals who represent these organizations—the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the National Parks and Conservation Association—they pay their chief executive officers more than the President of the United States makes. That is neither here nor there, but it points out my contention that it is simply big business. It is just that type of big business. Down-things while business, just as are job-developing business is in mining, oil and gas, timber, and grazing.

Some of these people are extremists, though, Mr. President. They have to move on to the next issue. They want to move out to an area and wilderness, because 2 million acres of wilderness has been offered. It is more wilderness. It is 5 or 6 million acres of wilderness.

Where is the balance? They are generating dollars and membership, using scare tactics that suggest that the people of Utah are irresponsible, that they will go out and haphazardly develop their land or overdevelop it, overgraze it, overmine it. That will not happen. Mr. President. It will not happen in any State of the Union. But those are the scare tactics that they use. They say, “We must save the West from itself.”

There have been abuses in the West, just like there have in the East, but I defy the membership of these organizations to take a look at the east coast. Go up in the train. Look at the aging of America. Take the train from Washington and look through New Jersey, look through Delaware, look out the window, look at New York, go on Boston. Just look at the mess that you see in the backyards of America.

Where is the energy of these organizations to correct that? It is not there. They were not so concerned about the area where most people cannot visit, cannot see for themselves, see what the people in these Western States are responsible for. They are doing a good job. They are sensitive. No, they do not want to start near home. They seem to have no concern about the economy, the jobs, the taxes. I find that perplexing, Mr. President. They want to get on their white charger and save the world, but they will not start right in their own backyard.

What we are looking at, Mr. President, is trying to balance this process. As I said, there is nothing wrong with Sterling Forest. I support it. I support
the process that is underway here as far as reaching a compromise.

But we have to recognize reality, Mr. President. We have a trade deficit in this country. Over half of it is the price of imported oil. We have the reserves in this country. We have substantial reserves in my State. We have the technology to do it safely. But the environmental elitists need a cause. They say, "No, you can't do it. You don't have the science. You don't have the technology." So what we are doing is importing the percent of our oil is imported now. We are bringing it in foreign tankers.

If you ever have an accident, good luck in trying to find a deep pocket like occurred with the Exxon Valdez where you had responsible parties. While the ship was operated irresponsibly, at least the deep pocket was there.

Where are the payoffs going to come from? Are we going to ship our dollars overseas? This is what I am referring to. Mr. President, is that other countries are not quite so sensitive as ours. Their logging practices, their mining practices do not have the same sensitivity. So are we not hastening. If you will, by beating hell out of the renewable resource development the onset of the very problems that we are trying to avoid. Recognizing that we have the science and technology and experience to offset the imports from countries who do not have the protection with responsible resource development technology, without a response to renewable resources? So, are we really accomplishing a meaningful compromise? In many cases, I think not. We have many issues relative to development, private land issues, endangered species, wetland, Superfund.

We talk about cost-benefit risk analysis, the need to review our environmental laws as we look at new technology, advancement of better procedures. Mr. President, artisan renewable resources. How do we get to them? Science and technology and experience to do it safely. But the environment is this country. We have substantial resources. As I said earlier, I accommodated the Senator from New Jersey on Sterling Forest because I think it is in the best interest of his State and his constituents. Unfortunately, the Senator from New Jersey and others do not seem to extend the same degree of confidence and respect to the citizens of Utah. I guess that is where we part.

Now, if this bill stays together, Americans are going to get 2 million acres of wilderness in the States. There is nothing in this legislation that will prevent another Congress, another day, from adding additional wilderness lands in Utah or my State of Alaska. The will of Congress prevails. The reality is this cannot go piecemeal. One bill cannot go without the other. I guess, to quote the three musketeers, one for all and all for one, or none. I urge my colleagues to support this package as it has been presented, because an awful lot of hard work and an awful lot of States is at jeopardy here. To suggest it is irresponsible and to threaten the State of Utah because this legislation does not propose enough wilderness, in the opinion of the Senator from Alaska is not only unrealistic and impractical, it is simply absurd.

Mr. President, I encourage my colleagues to recognize while we have had an extended debate here about a lot of the issues. Whether the bill, the success or failure of this bill is related tremendously to the Utah wilderness. I implore my colleagues who have titles and interest in this bill to recognize that this does represent a compromise, a 2-million acre compromise. As we have seen, the intensive lobbying by a relatively small segment of motivated extremists who say 2 million acres is not enough, does not represent the prevailing attitude in Utah by a long shot, nor the prevailing attitude in the West. It represents, perhaps some of the elitists in the East who simply have their land and do not have a dog in this fight.

This is far too important. Mr. President, to let slide for another Congress—15 years, $10 million expended. We have a solid recommendation and a solid base of support.

Mr. President, as we look forward to another day on this measure, we have attempted to accommodate each State that had an interest in public lands legislation. Now we are down to the point of determining whether or not those Members who have an interest will stick together to keep this legislation in its package form. I have been assured that it will pass in the House if it is kept that way. If it is broken up, if Utah wilderness is stricken from the body, the legislation and the packages as I know it today will fall. I urge my colleagues, in conclusion, to reflect on the significance of that reality.

Mr. MURKOWSKI. Mr. President, I think it is appropriate now, I send a cloture motion to the desk and ask for its immediate consideration.

Mr. GRASSLEY. Mr. President, as we look forward to 15 years, $10 million expended. Without objection, it is so ordered.
The newspaper stories last week, reporting on the President’s budget submission, missed the point. Like a straight man, the media dutifully reported on the budget using the standard White House spin—and with a straight face.

They reported that the budget would balance by 2002, just as the White House claims. Instead, they should have challenged its integrity. The balance part is all smoke and mirrors. Unprecedented debt rises from $4.9 to $6.5 trillion in 6 years. Spending rises from $1.6 to $1.9 trillion. How is it that the era of big Government can be pronounced over with this kind of a budget?

We have all heard the saying, “Put your money where your mouth is.” We have all heard the quote of former Attorney General John Mitchell: “You will be better advised to watch what we do instead of what we say.” The budget is the fundamental statement of policy of any administration. In it, an administration puts its money where its mouth is. Except this administration. Its mouth is in shrinking Government; but, its money is in big Government.

With a discrepancy like this, which do we believe? The money or the mouth? Most insiders in this town, like John Mitchell did, know the answer. They know you will be better advised to watch what we do instead of what we say. I would submit, Mr. President, that that is why the presses did not report that the budget would end the era of big Government. It was Congress that passed a children’s tax credit. It was Congress that passed Medicare and Medicaid reform. It was Congress that passed a balanced budget. The first balanced budget to be passed by any Congress in 27 years. It was Congress that passed a children’s tax credit. It was Congress that passed welfare reform. It was Congress that passed Medicare and Medicaid reform. It was Congress that passed a budget to end the era of big Government.

What troubles me is that after three years as president, he doesn’t appear to know where he wants to lead America.

The quote is from a member of our President’s own party, Mr. President. It is a quote from Senator Bob Kerrey of Nebraska. I agree with him. Even more to the point is the inability of the President to lead. And every time says one thing and does the opposite, he further erodes it.

It should have come as no surprise that the politics would win out over fiscal sanity with this administration. Many of us had hoped a balanced budget was possible. We could have saved ourselves the trouble if we were not quite so optimistic. We should have done what the fourth estate did. We should have watched the President’s actions, not his words.

Mr. GRAMS addressed the Chair. The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMS. Mr. President, understood this leadership problem in the White House last year. On October 21 of last year, he is quoted in the New York Times saying of President Clinton:

What troubles me is that after three years as president, he doesn’t appear to know where he wants to lead America.

That quote is from a member of our President’s own party, Mr. President. It is a quote from Senator Bob Kerrey of Nebraska. I agree with him.
Mr. GRAMS. Mr. President, I thank you very much. On the heels of that request, I also ask unanimous consent I be allowed to speak in morning business for up to 20 minutes to give two statements for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FARM BILL CONFERENCE REPORT

Mr. GRAMS. Mr. President, as farmers in Minnesota and across the Nation enter this year's planting season, I rise today to discuss the farm bill conference report Congress will consider later this week.

In the coming days, the Senate and the House, and ultimately the President, will have to make a choice: we will either continue to fail our agricultural communities a reasonable and responsible policy roadmap for the future.

In the short term, decisions about planting, equipment purchases, fertilizer and seed sales, and credit will no longer hang in the balance. In the long term, farmers will have less Government interference from Washington, giving them the flexibility to plant for what the marketplace demands—not what traditional Government crop payments have dictated.

I am also proud to note that this legislation is comprehensive and balanced when it comes to protecting our environmentally sensitive lands.

Foremost among these environmental provisions is the Conservation Reserve Program, more commonly known as the CRP. I have heard from many of my Minnesota constituents, including farmers and sportsmen and women, who are pleased to see that the CRP and Wetlands Reserve Program were recognized, maintained, and strengthened because of their high success rates. In Minnesota, these programs will further protect our highly erodible lands while expanding hunting and fishing opportunities.

Mr. President, overall this bill offers tremendous benefits to Minnesota's agriculture community, which already ranks among the Nation's most productive in many of the traditional raw and processed commodities.

For individual Minnesota farmers, this legislation will help meet the needs of the growing number of value-added cooperatives and their customers who benefit from products such as ethanol. This in turn will help Minnesota's rural communities, which depend on high-output agriculture and value-added products for a large portion of income and jobs.

Farmers and others dedicated to protecting the environment will not be the only individuals helped by this legislation. The American taxpayers will also benefit from the $2 billion in total budget savings toward balancing the Federal budget.

No longer will this portion of the agricultural budget serve as a potential runaway entitlement, as we saw happen after the 1985 farm bill. Instead, taxpayers and farmers will now know well in advance the specific amount of Federal dollars involved in food production.

But while I enthusiastically support much of this bill because it works on behalf of both Minnesota's farm community and the American taxpayers, I must raise my strong concerns about its potential harm to Minnesota's dairy industry.

For years, dairy producers and processors in the Upper Midwest have struggled against the harmful impact of the archaic Federal milk marketing order scheme. This complex set of regulations has played a key role in the loss of over 10,000 dairy farms in Minnesota over the last decade—an average of nearly three farms every day.

I am pleased to see that this legislation pays some attention to reform of these archaic Federal dairy policies, specifically with the proposed consolidation of milk marketing orders and the elimination of costly budget assessments on producers. However, I must state for the record that continuation of milk marketing orders makes little sense, particularly when most other commodities in the bill are subject to declining Federal payments over a 7-year period.

Continuing the milk marketing orders is disappointing, but the bill's inclusion of the Northeast Dairy Compact provokes even greater concern among the members of Minnesota's dairy industry.

It should trouble my colleagues and their respective dairy industries when Congress authorizes more regulatory burdens and interstate trade barriers. Unfortunately, that is exactly what happened during conference negotiations on the farm bill with the mysterious resurrection of the Northeast Dairy Compact.

Mr. President, many of my colleagues rightly thought the compact idea to be effectively defeated after we voted 50 to 46 to strike it out of the Senate's farm bill.

However, despite the clear message sent by the Senate, the compact has reappeared in the conference report.

Many of the compact's supporters will say that this is a compromise. After all, the Secretary of Agriculture will now have to decide whether to allow the New England States to create a compact.

If authorized by the Secretary, the compact would only exist until the implementation of milk marketing orders takes place, which is 3 years from now.

Perhaps they are right. But there are still creating a bad precedent by making it easier for any region to set up its own monopoly. The Senate previously voted against the compact because it would ultimately result in a proliferation of antitrust barriers between the States and regions. At a time when we are trying to open up global markets for our Nation's farmers, it makes no sense to encourage protectionism within our own borders. Yet, that is exactly what the dairy compact would do.

In response to the compact, other regions will work to get similar regional monopolies enacted. For far too long, regional politics have made many farm programs the way they are today—archaic, unfair, unwise, and unworkable.

The purpose of this farm bill is to remove Government interference in the agricultural decisionmaking process and reduce the regional conflicts that have plagued our farm policy for years.

Creation of the Northeast Dairy Compact would accomplish just the opposite—it would expand the role of Government across America at the expense of free-trade opportunities.

I will not stand for that and neither should any other Senator who voted against the compact last month. I urge my colleagues to join me in standing up for small dairy farmers across the country by cosponsoring a bill which I am introducing today to repeal the Northeast Dairy Compact.

Instead of compromising on free-market principles and retreating into the past, my bill will move America's dairy industry forward.

Mr. President, let me conclude by saying that the farm bill before us is obviously not a perfect piece of legislation. It does indeed have weaknesses, but I believe those weaknesses are outweighed by those provisions which move us in a more market-oriented direction.

For this reason, I urge my colleagues to support the conference report on behalf of rural America, and on behalf of the taxpayers.

THE DEPARTMENT OF ENERGY AND THE PRESIDENT'S BUDGET

Mr. GRAMS. Mr. President, they are going to be handing out the Oscars tonight in Hollywood, honoring the film industry's best efforts at creating fantasy and make-believe. Well, we create a lot of that in Washington, too, and if it were a movie, the latest Clinton budget would be taking home the award for 'Best Special Effects.'

After all, it is a document that most American taxpayers can only imagine to be possible. It disguises reality with the smoke and mirrors that are staples of any good special effects team.

THE DEPARTMENT OF ENERGY

The Department of Energy budget requests funding for nuclear weapons activities that do not comport with the goal of promoting a safer and more secure world. Funding is also requested for many safety and environmental concerns, and I am proud to note that this legislation includes additional funding to fulfill the Administration's commitment to clean up the nation's nuclear waste.
It is such a creative effort, in fact, that you have to wonder whether Steven Spielberg and George Lucas somehow had a hand in it.

Yes, the President’s budget would be right at home amongst the glitzy phoniness of Tinseltown. And look into the taxpayers’ more than $1.6 billion this year, it is a big-budget production that makes the $175 million lavished on “Waterworld” look like a drop in a water bucket.

But during this movie, the more often you see it, the more you start noticing the special effects and the more time you spend trying to figure out how they did. And suddenly it is not all so magical anymore.

Unfortunately for President Clinton, the American taxpayers have had almost a week to study his proposed budget for fiscal year 1997, and I think they have begun to figure it out.

After eight earlier tries by the President over the last 13 months, the taxpayers have found this budget would reflect the changes they called for in 1994: They want a workable balanced budget, real tax relief for middle-class Americans, an end to welfare as we know it, and the reforms needed to save entitlement programs from bankrupcty.

But after carefully reviewing the President’s recommendations, I have to report that this budget does not deliver. In fact, as hard as it is to believe, President Clinton’s budget tax increases the status quo and makes it even worse.

He requests over $61 billion more in nonentitlement spending than he proposed in his own minibudget last month. He pays for that increased spending by raising taxes and fees by more than $80 billion. Furthermore, he delays nearly 60 percent of his promised spending reductions until the last 2 years of his plan, making this a paper budget only, with no hope of ever being implemented.

By perpetuating bigger government, more spending, and higher taxes, this document is an affront to the American taxpayers.

One area of this budget I find particularly frustrating is the funding for the Cabinet-level Department of Energy. If we have indeed entered a time in which “the era of Big Government is over,” as President Clinton proclaimed in his State of the Union Address, there should be a budget in the budget for this $16 billion relic.

At a time when taxpayers are demanding that Congress be accountable for each and every dollar we spend, Secretary O’Leary and the President have submitted a budget plan that ensures the Clinton administration’s budget will not be the status quo, but will be the status quo plus. What is DOE’s mission in 1997 that differs from its mission in 1990? DOE has expanded its resources in a perpetual attempt to expand its reach and justify its existence. Today, in fact, 85 percent of DOE’s annual budget is spent on activities entirely unrelated to national energy policy.

That trend would continue under the President’s budget, beginning with the administration’s proposal to increase DOE’s overhead costs by more than 38 percent next year. At the same time, DOE is boasting of personnel decreases of nearly 20 percent. But if you examine the budget carefully, looking beyond the summary pages delivered to Congress which list nearly 19,000 full-time personnel, the actual decrease is only about 6 percent from this year.

Of course, those 19,000 individuals represent just full-time workers. DOE employs another 150,000 contract employees at its labs and cleanup sites across the country.

If you are looking for a more in-depth breakdown of Energy Department personnel, you will not find it within the pages of the President’s budget. The agency does not even rate its overhead costs by more than an individual listing in the historical tables for the executive branch—instead, it’s lumped into the “other” category. DOE employees at its labs and cleanup sites across the country.

DOE’s research, which includes the development of alternative sources of energy such as solar power, has cost the taxpayers more than $70 billion since the agency’s creation in 1977.

But during testimony before Congress last year, Jerry Taylor of the Cato Institute said:

“Virtually all economists who have looked at those proposed federal energy R&D investments have proven to be a spectacular failure. The taxpayers have financed a great deal of pork with their $70 billion investment, but few meaningful scientific breakthroughs. That reckless spending on renewable energy sources is slated to continue. For example, by DOE’s own accounts, the fiscal year 1997 request includes an increase of 157 percent in subsidies to the solar industry. Conspicuous to what this administration would have us believe, however, the solar industry is already competitive, and as a former solar-home builder myself, I can tell you that such an overwhelming increase in a single year is not necessary. The Department of Energy has proven to be more of a hindrance than a help in making technologies self-sustaining and independent of taxpayer assistance. It is time for the Federal Government to get out of the business of directing market forces in the renewable area. Rather than spending billions of taxpayer dollars to promote particular industries within the private sector, DOE should be funding basic research which actually breaks our growing dependence upon foreign oil. Minnesotans recognize that conservation and renewables alone will not heat a home in the winter. The President’s budget owns up to that fact as well.

The President is also requesting $651 million—a 9-percent increase over 1996—to fund DOE’s nondefense environmental management programs. It is part of the administration’s energy and nuclear waste cleanup efforts. Yet the budget increase comes on the heels of a report issued just last month by the National Research Council which criticized DOE’s waste disposal program as being too bureaucratic with too many layers.

Beyond the bloated bureaucracy and questionable spending, the President’s budget plan reflects policies which are spending more with current law, pending legislation, or at times, even common sense.

For example, the President proposes to delay until 2002 the sale of the Naval Petroleum Reserve oil located at Elk Hills. This is in direct violation to legislation enacted last year as part of the President’s fiscal year 1996 budget which called for the sale to take place this year. In an effort to continue to milk the NPR for money to pay for additional DOE spending, this administration is rejecting current law, ignoring the fact that there is gross mismanagement at the facility.

And what about the back-loaded savings from the sale of the Enrichment Corporation? Under the President’s budget, a portion of the proceeds were shifted to 2002. Obviously, he was not watching floor consideration of the most recent omnibus appropriations legislation, or at times, even common sense.

There are numerous other examples of how this latest budget symbolizes the wasteful spending that has plagued DOE throughout its search to re-invent itself.

DOE’s budget increase comes on the heels of the most recent omnibus appropriations legislation, or at times, even common sense.

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continue, because it does nothing to rein in DOE’s ever-present search for something to do, somewhere to spend the taxpayers’ hard-earned dollars. There would be nothing to stop the extravagant, taxpayer-funded foreign excursions, or the use of tax dollars to investigate and report on their stories, or the other wasteful spending that has become all too common at the Energy Department.

The Department would be left to operate mostly as it has in the past—free to pursue its supposed manifest destiny through expansion, reinvention, and constantly redefining its missions. That kind of freedom has allowed DOE’s budget to grow 235 percent since 1977, even in the absence of another energy crisis like the one that led to its creation.

At a time when the people are demanding a balanced budget and justification for every dollar spent by the Federal Government, can any of us in good conscience claim that business as usual at the Department of Energy is how the taxpayers ought to be served?

Mr. President, in presenting its budget to Congress, DOE’s chief financial officer testified last week that the document demonstrates a new commitment to streamlining its operations. “More than ever,” he said, “American citizens are holding us accountable for superior results with increasingly limited resources. The Department of Energy is meeting these expectations. We are improving our process efficiency and effectiveness.”

Mr. President, whether or not DOE is meeting these expectations is a question clearly open to debate. I believe they are falling short, way short. And I am afraid that improving process efficiency and effectiveness will not ensure accountability or solve the fundamental problems that rack the Department of Energy.

President Clinton’s budget feeds DOE’s problems through more spending. But when will the big spenders here follow the time-honored Washington tradition of throwing money at a problem does not make the problem go away—that it only perpetuates the status quo and aggravates the damage?

Mr. President, I believe the solution lies in less spending and ultimately, elimination of the Department of Energy. Without a specific and defined mission to guide it, the agency will remain a taxpayers boondoggle for years to come, a burden the taxpayers are no longer willing to bear.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN BURUNDI

Mr. PELL. Mr. President, I bring to the attention of my colleagues Burundi, a small Central African country. There are 6 million people who live in Burundi. Each week, a civil insurgency tightens its grip on this poor African nation, taking the lives of hundreds of people. The killing frenzy in Burundi has barely touched international headlines, as it has been dwarfed by the calamities striking Israel and Bosnia. But consider the situation if it were to occur in the United States. If the United States has a population of about 260 million. Sliding the scale to the figures of the United States, we would see 30,000 Americans dying a week; 1,560,000 a year. Burundi, my colleagues, is on the brink of national suicide.

The hostilities in Burundi are between the Tutsi-controlled army and Hutu rebels. The current turmoil is the fallout of the explosion of tensions between these ethnic groups. That time last year, the country’s first popularly elected President, a Hutu, was assassinated. In the chaotic aftermath of his death, tens of thousands of Burundians were killed, thousands were displaced. Today, Burundi is ruled by a coalition of moderate Hutus and Tutsis who agreed to share power through the mediation of U.N. Secretary General’s former special representative, Mr. Romeo Dallaire.

The moderates who lead this Government have tried to contain the violence. Their efforts, however, continue to be threatened by extremists on both sides.

A breakdown in Burundi could have catastrophic effects in the country, the region, and in the international community. The world witnessed at great length the tragedy that wrecked Rwanda 2 years ago. Rwanda shares the ethnic makeup of Burundi and is just barely coming to grips with the horror it endured. A collapse in Burundi could crack the fragile peace now established in Rwanda and even worse, could trigger a regional war. The international community cannot afford to sit back and watch another egregious slaughter.

The international community, with leadership from the United States, can help. First, we should support last Saturday’s meeting of African leaders in Tunis. This meeting was brokered by former President Jimmy Carter. Second, there must be diplomatic efforts to persuade the extremists on both sides that violence is not a credible option. If violence resumes, the United States, in conjunction with its European allies, should be prepared to impose an arms embargo, block international financing by Burundi’s extremists and stop all trade with Burundi with the exception of humanitarian relief. And third, we, the Congress, should stand behind the State Department, the U.S. Agency for International Development, and private American voluntary and relief projects whose programs promote peace and national reconciliation.

Burundi represents a great opportunity for the world community to exercise preventative diplomacy. The United States should do its share of constructive engagement and assist in heading off a regional genocide before it is too late.

TRIBUTE TO DIANE KASEMAN

Mr. HEFLIN. Mr. President, I am proud to pay tribute today to a dear friend to me and my wife, Elizabeth Ann. Diane Kaseman. Diane is a long-time employee of the Senate Service Department, where her friendliness, dedication, and charming personality have become familiar to many Members of this body and our staffs. Unfortunately for us, she will be retiring from her position in the Service Department after an incredible 43 years of service to the U.S. Congress.

Diane Kaseman is one of those individuals who takes extreme pride in her work and who truly loves the Senate as an institution. She and her loyal canine pets have become welcome sights to the many hundreds of staff members who routinely seek assistance from the Service Department. She never fails to exude genuine concern about any of us, our spouses, or our staff members is under the weather. Her kind words and thoughtful notes never fail to improve our spirits.

Diane is a Rochester, NY native, and began her Capitol Hill career as a receptionist for the late Congressman and Senator Kenneth Keating of New York. She began work on March 27, 1953. Eventually, she moved over to the Senate, where she served on the staff of former Kentucky Senator John Sherman Cooper. Since then, she has served under 11 Senate Sergeants-at-Arms, working with the service and computer facilities.

Not surprisingly, Diane has devoted more of her time to her hobby of volunteer and community service activities. Early on in her career, she helped establish the Senate Staff Club. Since its founding in 1954, it has sponsored a wide variety of social, civic, and philanthropic projects. She served as the organization’s first treasurer. Today, it has over 3,000 members.

One of the Staff Club’s major activities has been its blood donor drives, begun in 1978. Diane has been a driving force behind the Club, which has dedicated many hours of hard work and energy to see that the Senate meets its goals. My wife has worked with Diane on many of these blood drives.

In 1981, she received the Sid Yadain Award, which recognized “her dedication to the well-being of her coworkers and for the generous expenditure of her time, talent, and personal resources in the service of the congressional community.” These few words are perhaps the best that can be offered to summarize her outstanding career and selfless service.

Diane Kaseman is truly a Senate institution who will be sorely missed
after she leaves the Senate at the end of this month. I join my colleagues in thanking her, commending her, and wishing her all the best as she embarks upon a well-earned retirement.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 22, 1996, the Federal debt stood at $5,662,465,341,334.69.

On a per capita basis, every man, woman, and child in America owes $19,139.65 as his or her share of that debt.

EVENTS IN ASIA

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to briefly address two events which transpired in Asia over the weekend. As both events bode well for the continued growth and vitality of democracy in Asia and one which, unfortunately, does not.

First, as I’m sure my colleagues are by now aware, despite unprecedented military and vituperative media pressure from the People’s Republic of China, the people of Taiwan have elected Lee Teng-hui as their President. The election, aside from its practical result, was important for several reasons. First, for the first time in its almost 5,000 year history, China—or, more precisely, a portion thereof—has elected its paramount leader in a free, fair, and open democratic election. With the election, the ideals of human rights and representative democracy—which some in Asia, especially authoritarian regimes, have argued are peculiarly Western inventions with little or no applicability in their region—have taken a dramatic step toward universality.

Second, Taiwan’s electorate clearly demonstrated to Beijing that its bellicose campaign of threats and intimidation was ill-conceived and ineffectual. Rather than diminishing support for President Lee, as Beijing and the PLA had hoped, the People’s Republic of China’s recent round of missile tests and live-fire military exercises seems only to have served to solidify his support; President Lee won with some 54 percent of the vote. In other words, the People’s Republic of China’s plans backfired, much as I and others of my colleagues predicted. I would hope that they come away from the past month having learned that the best course is not one of brazen threats, but open bilateral dialog across the Taiwan Strait. I wish to convey my personal congratulations to the Government and people of Taiwan, and hope to do so in person to President Lee when I travel to the People’s Republic of China and then on to Taipei next week.

Mr. President, in contrast the second issue I’d like to discuss today is not so encouraging. On Sunday at its second plenary session, China’s Hong Kong Preparatory Committee—the body charged by Beijing with overseeing the transition of the British Colony to a Special Administrative Region of the People’s Republic of China in 1997—voted by a margin of 148 to 1 to scrap the elected Legislative Council and install in its place an appointed body.

Members of Hong Kong’s Legislative Council, or Legco, have traditionally been elected not by universal suffrage but by a narrow group of functional constituencies. The trade unions had a certain number of votes, the civil service had a certain number of votes, lawyers had a certain number of votes, et cetera. Last year, in a move to increase the representation of the average citizen on the Council, a number of changes were made by the colonial government in the way elections are conducted.

Beijing objected to the changes in the election process, ostensibly because they were made unilaterally by the British; of course, Beijing overlooked the fact that they themselves had refused to seriously negotiate on the issue. However, most observers—correctly I believe—that the real reason for Beijing’s opposition was that the changes to the Legco even more democratic, a status that they would then be forced to acquiesce to after 1997.

The reason that increased democracy is a problem for the People’s Republic of China is fairly obvious; the government presently installed in Beijing is antithetical to democracy. Despite lip service to its promises that it would ensure the continuation of Hong Kong’s rights and civil liberties after 1997, the People’s Republic of China has taken a number of steps over the last 2 years to call that commitment to democratic norms into serious question. It’s opposition to the reconstituted Legco is one of the more visible.

And, in response to the lone dissenting vote, by Mr. Frederick Fung, in the 148 to 1 vote tally on the Legco question. As a result of his dissenting vote, the head of the Preparatory Committee—Lu Ping—announced that because of his vote Mr. Fung should be disqualified from the transitional bodies planning Hong Kong’s post-1997 government and from any governing role after the British withdraw. What does this petty and vindictive statement say about the People’s Republic of China’s commitment to democracy; that instead of tolerating dissent the Chinese will seek to punish those who express their opinions and fail to follow the party line.

Actions and statements such as this are, not surprisingly, The People’s Republic of China has made several moves in the past year to exclude pro-democracy figures from the transition process; it even prevented one pro-democracy legislator from entering China to attend a conference solely on the basis of his being a critic of the Government in Beijing. I believe that moves like these call into question the People’s Republic of China’s commitment to the Basic Law, and its commitment to safeguard the rights of Hong Kong’s citizens after retrosession. It would behoove them to remember that each move they make is under very close scrutiny by Hong Kong’s—our world’s—commercial community. How Beijing acts will be directly reflected in that community’s confidence, or lack thereof, and its willingness to maintain its investments there.

This is the People’s Republic of China’s reaction.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since September 26, 1995, concerning the national emergency with respect to Angola that was declared in Executive Order No. 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola
other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola ("UNITA"). United States persons are prohibited from activities that promote, or are calculated to promote, such sales, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("FAC") issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 Fed. Reg. 64904) to implement the President's declaration of a national emergency and imposition of economic sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of September 18, 1995.

The Regulations prohibit the sale or supply by United States persons, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: Airports: Luanda and Katumbela, Benguela Province; Ports: Luanda and Lobito, Benguela Province, and Pemba, Namibe Province; and Entry Points: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The FAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information, and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from September 18, 1995, through March 25, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about $226,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control (FAC) and the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs). I will also report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

William J. Clinton.

THE WHITE HOUSE, March 25, 1996.

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2969. An act to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The message also announced that the House agrees to the resolution (H. Res. 367) returning to the Senate the bill (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate.

At 1:46 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 125. An act to repeal the ban on semi-automatic assault weapons and the ban on large capacity ammunition feeding devices.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 125. An act to repeal the ban on semi-automatic assault weapons and the ban on large capacity ammunition feeding devices; to the Committee on the Judiciary.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104-243).
INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRADLEY: S. 1640. A bill to prohibit the possession and transfer of non-sporting handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. Peterson): S. 1643. A bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS
By Mr. BRADLEY.

S. 1640. A bill to prohibit the possession and transfer of non-sporting handguns, and for other purposes; to the Committee on the Judiciary.

THE DOMESTIC SATURDAY NIGHT SPECIAL ACT
OF 1996

Mr. BRADLEY. Mr. President, I rise today to introduce a measure designed to ban the possession and transfer of domestic Saturday night specials, which are inexpensive, short-barreled—4" or shorter, easily concealed handguns that are made from inferior materials and lack any sporting purpose. These handguns have flooded the black market and are disproportionately used in violent criminal activity. These weapons are poorly made, unreliable and, in some cases, unsafe. They are cheap to build, cheap to purchase, and are roughly 3.4 times more likely to be involved in violent crimes than are handguns from other major manufacturers. Their destructive impact on the lives of American citizens must be stopped.

Mr. President, in the aftermath of the murder of Robert F. Kennedy and Martin Luther King, Jr., Congress passed the Gun Control Act of 1968, which targeted small caliber, easily concealable, and poorly made imported handguns named Saturday night specials. It was Congress' intent to eliminate imported weapons which were believed to be disproportionately involved in crime. Specifically, the legislation banned the importation of handguns not particularly suitable for or readily adaptable to sporting purposes. Congress, however, exempted domestic industry that produces and markets small, poorly made, easily concealable handguns.

Today, Mr. President, six handgun manufacturers in southern California dominate the production of Saturday night specials. In 1992, they made over 80 percent of the .25 ACP, .32 ACP, and .380 ACP pistols manufactured in this country. Indeed, in 1992 these companies produced 93,343 handguns, or 34 percent of all handguns made in the United States. According to 1993 figures, one of the Saturday night special manufacturers, Lorcin Engineering Inc., is the leading pistol manufacturer in America.

In 1988, "the American Rifleman"—a publication of the National Rifle Association, in arguing in favor of a ban on Saturday night specials, implored that such weapons were "miserably made, potentially defective arms that contribute so much to rising violence." This statement is equally applicable today to domestically manufactured Saturday night specials.

The carnage and killing that occur in our Nation's towns and cities are directly related to the proliferation of these weapons of destruction on the streets of America. According to a Wall Street Journal investigation, these pistols are purchased in bulk at retail by illegal dealers and smuggled by bus or train to urban centers for resale on the street.

Once they reach the streets, domestic Saturday night specials, which sell for as low as $35, are the starter guns of choice for criminals and the very young. For example, in 1990, a 5-year-old from the Bronx, NY, carried in his pocket a loaded domestic Saturday night special to kindergarten. In 1992, a 15-year-old was killed by a Saturday night special from the roof of a New York apartment building and shot a policeman in the ankle.

Mr. President, these guns are despised among police as a "high crime weapons" and "murderers. From 1990 to 1992, the Bureau of Alcohol, Tobacco and Firearms (ATF) traced approximately 24,000 handguns sold after 1986 and used in murders and other crimes. Saturday night specials produced by three southern California companies accounted for 27 percent of the traces, as compared to 11 percent for the much larger Smith and Wesson Company. According to the Wall Street Journal, police in Houston confiscated nearly 1,000 guns used in domestic Saturday night specials produced by southern California companies—the Raven .25 ACP, the Davis .380 ACP, and the Davis .32 ACP—ranked as the top three guns confiscated. The same year in Cleveland, police confiscated more than 2,000 handguns; the Raven .25 ACP ranked second.

The Washington Post reported in June 1994 that of all 21,744 guns seized at crime scenes and traced by ATF during the first half of 1993, an astonishing 62 percent—or 13,559 handguns—were produced by a southern California manufacturer of Saturday night specials. ABC television's "Day One" reported that in 1994, the Lorcin .380 ACP was the single firearm most frequently submitted to ATF for tracking. Thus, there is no question that these weapons are the weapons of choice of criminals.

Of significant concern is also the threat that these guns pose to law enforcement. The single gun with the greatest number submitted to ATF for tracking was the .32 caliber pistol. As of 1992, nearly 90 percent of these guns were manufactured by the southern California gun makers. Mr. President, for the sake of the American public and the law enforcement community, it is time that Congress take action to get these killing machines off the streets of America.

Mr. President, under the 1968 Gun Control Act, ATF has developed an elaborate scheme to determine whether foreign firearms should be classified as Saturday night specials. To gain entry into the U.S. market, imported guns must meet minimum size and safety specifications and pass a battery of individual design, performance, and materials standards. The ATF classification scheme considers the quality of the metal used to construct the weapon, as well as the combined height and length, weight, caliber, safety features, and accessory features of the weapon. By the mid-1970's, ATF estimated that over half of all the handguns produced domestically could not legally be imported.

Domestic Saturday night specials are cheaply made and unreliable. Large domestic handgun manufacturers—such as Smith and Wesson—produce small quantities of guns, and the production process is labor intensive. On average, these guns retail for $600. By contrast, the Saturday night specials are assembled in mere minutes using cheap materials, yielding high volumes that sell for as little as $35 per gun. The results are predictable. For example, the zinc alloy used in many of the Saturday night specials is so soft that it can be shaved with a knife. Moreover, the alloy begins to distort at 700 degrees Fahrenheit, compared to 2,400 degrees for the stainless steel in quality guns.

In addition, while the Saturday night specials typically have minimal safety devices that block the trigger from being pulled, they lack safety equipment found on most stainless steel guns, such as firing pin blocks that help prevent accidental discharge. Indeed, officials at ATF have indicated that the Raven .25 ACP pistol produced by one of the southern California companies can discharge if it is loaded and dropped to the floor, thereby failing ATF's drop test. The quality and reliability of domestic Saturday night specials is so atrocious that Edward Owen, Jr., Chief of the Firearms Technology Association, in arguing in favor of a ban on these devices that block the trigger from being pulled, the Brotherhood.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the “Domestic Saturday Night Special Act of 1996”.

SEC. 2. PROHIBITION AGAINST POSSESSION OR TRANSFER OF NON-SPORTING HANDGUNS

(a) In General.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y)(1) It shall be unlawful for any person to possess or transfer a non-sporting handgun that has been shipped or transported in interstate or foreign commerce.

(b) Non-Sporting Handgun Defined.—Section 921 of such title is amended by inserting at the end the following:

"(k) the term ‘non-sporting handgun’ means—

"(i) a firearm that—

"(A) is designed to be fired by the use of a single hand; and

"(B) is not a sporting handgun; and

"(ii) any combination of parts from which a firearm described in clause (i) can be assembled.

(c) Penalty.—Section 929(a)(1)(B) of such title is amended by striking “or (w)” and inserting “(w), or (y)”.

AMENDMENTS SUBMITTED

THE PRESIDIO PROPERTIES ADMINISTRATION ACT OF 1996

MURKOWSKI AMENDMENT NO. 3564

Mr. MURKOWSKI proposed an amendment to the bill (H.R. 1296) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; as follows:

In lieu of the matter proposed, to be inserted, insert the following:

TITLE I—THE PRESIDIO OF SAN FRANCISCO

SECTION 101. FINDINGS

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America’s great natural and historic sites; as follows:

(2) the Presidio is the oldest continuously operated military post in the Nation dating back to 1776, and was designated a National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the significant natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area and cultural and recreational resources;

(6) removal or replacement of some structures within the Presidio must be considered as a management option in the administration of the Presidio; and

(7) the Presidio will be managed through an innovative public/private approach that minimizes cost to the United States Treasury and makes efficient use of private sector resources.

SEC. 102. AUTHORITY AND RESPONSIBILITY OF THE SECRETARY OF THE INTERIOR

(a) Initial Authority.—The Secretary of the Interior (hereinafter in this Act referred to as the “Secretary”) is authorized to manage leases in existence on the date of this Act for properties under the administrative jurisdiction of the Secretary and located at the Presidio. Upon the expiration of any such lease, the Secretary may extend such lease for a period terminating not later than 6 months after the first meeting of the Presidio Trust. The Secretary may not enter into any new leases for property at the Presidio to be transferred to the Presidio Trust under this Title, however, the Secretary is authorized to enter into agreements for use and occupancy of the Presidio properties which are assignable to the Trust and are terminable within 30 days notice by the Trust. Prior to the transfer of administrative jurisdiction over any property to the Presidio Trust, and notwithstanding section 13, any leases of the Presidio Trust, the proceeds from any such lease shall be retained by the Secretary and such proceeds shall be available, without further appropriation, for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. The Secretary may adjust the rental charge on any such lease for any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties and infrastructure within the Presidio.

(b) Public Information and Interpretations.—The Secretary shall be responsible, in cooperation with the Presidio Trust, for providing public interpretive services, visitors orientation and educational programs on all lands within the Presidio.

(c) Other.—The lands and facilities of the Presidio that are not transferred to the administrative jurisdiction of the Presidio Trust shall continue to be managed by the Secretary. The Secretary and the Presidio Trust shall cooperate to ensure adequate public access to all public lands of the Presidio Trust. Any infrastructure and building improvement projects that were funded prior to the enactment of this Act shall be completed by the National Park Service.

(d) Park Service Employees.—(1) Any career employee of the National Park Service,
employed at the Presidio at the time of the transfer of lands and facilities to the Presidio Trust, shall not be separated from the Service by reason of such transfer, unless such transfer, or any part thereof, is employed by the Trust, or other than on detail. The Trust shall have sole discretion over whether to hire any such employee or request a detail of such employee.

(2) Any career employee of the National Park Service employed at the Presidio on the date of establishment of the Title shall be given priority placement for any available position within the National Park System notwithstanding any priority reemployment lists, or regulations governing orders from the Department of the Interior, the Office of Management and Budget, or other federal agencies.

SEC. 103. ESTABLISHMENT OF THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a wholly owned government corporation to be known as the Presidio Trust (hereinafter referred to as the “Trust”).

(b) TRANSFER.—(1) Within 60 days after receipt of a request from the Trust for the transfer of any parcel within the area depicted as Area B on the map entitled “Presidio Trust Number 1,” dated December 7, 1965, the transfer shall be accomplished by the Secretary to the administrative jurisdiction of the Trust. Within one year after the first meeting of the Board of Directors of the Trust, the Secretary shall transfer to the Trust administrative jurisdiction over all remaining parcels within Area B. Such map shall be on file and available for public inspection in the offices of the Trust and in the offices of the National Park Service, Department of the Interior. The Trust and the Secretary may jointly make technical and clerical revisions in the boundaries depicted on such map. The Secretary shall retain jurisdiction over those portions of the building identified as number 102 as currently defined or use as a visitor center. The building shall be named the “William Penn Mott Visitor Center.” Any parcel of land, the jurisdiction over which is transferred pursuant to this subsection, shall remain within boundary of the Golden Gate National Recreation Area. With the consent of the Secretary, the Trust may exercise or transfer to the administrative jurisdiction of the Secretary any other properties within the Presidio which are surplus to the Trust and which serve essential purposes of the Golden Gate National Recreation Area. The Trust is encouraged to transfer to the administrative jurisdiction of the Secretary those areas which have high public use potential and are contiguous to other lands administered by the Secretary.

(2) Within 90 days after the first meeting of the Board of Directors of the Trust, the Trust and the Secretary shall determine cooperatively with records, equipment and other personal property used by the Secretary in the administration of the properties transferred to the Trust.

(3) The Secretary shall transfer, with the administrative jurisdiction of the Trust, any property, the unobligated balance of all funds appropriated to the Secretary, all leases, concessions, licenses, permits, and other similar acquisitions, and shall transfer such property to the Trust.

(4) At the request of the Trust, the Secretary shall provide funds to the Trust for preparation of such plan, hiring of initial staff and other activities deemed by the Trust as essential to the establishment of the Trust prior to the transfer of properties to the Trust.

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The powers and management of the Trust shall be vested in a Board of Directors (hereafter referred to as the “Board”) consisting of the following 7 members:

(A) the Secretary of the Interior or the Secretary’s designee; and

(B) six individuals, who are not employees of the federal Government, appointed by the Secretary with the advice and consent of the United States Senate to serve for a term of 4 years after the enactment of this Act and shall serve for a term of 2 years. Any vacancy on the Board shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed member may serve more than 8 years in consecutive terms.

(2) QUORUM.—Four members of the Board shall constitute a quorum for the conduct of business by the Board.

(3) ORGANIZATION AND COMPENSATION.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out its duties. The Trust Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Trust.

(4) LIABILITY OF DIRECTORS.—Members of the Board of Directors shall not be considered federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act and the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(5) MEETINGS.—The Board shall meet at least three times a year. A majority of the Trust members shall be present to constitute a quorum. At least two of those meetings shall be open to the public. Upon a majority vote, the Board may close any other meetings to the public. The Board shall establish procedures for providing public information and opportunities for public comment regarding policy, planning, and design issues through the Golden Gate National Recreation Area Advisory Commission.

(6) STAFF.—The Trust is authorized to appoint and fix the compensation and duties of the executive directors and employees of the Trust. The Trust shall establish a compensation plan that provides for exercising such powers and duties as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, except that such compensation shall not be included under such provisions of title 5, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates.

(7) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(8) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and assessments of every kind by the State of California, and its political subdivisions, including the City and County of San Francisco.

(9) GOVERNMENT CORPORATION.—(A) The Trust shall be treated as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(B) At the end of each calendar year, the Trust shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report shall include a section that describes in general terms and Trust’s goals for the current fiscal year.

SEC. 104. DUTIES AND AUTHORITIES OF THE TRUST.

(A) OVERALL REQUIREMENTS OF THE TRUST.—The Trust shall exercise the leasing, acquisition, maintenance, rehabilitation, repair, and improvement of property within the Presidio under its administrative jurisdiction as it deems necessary in accordance with the purposes set forth in section 1 of the Act established by this section, which shall be exercised in accordance with the purposes set forth in section 1 of the Act entitled “An Act to established the Golden Gate National Recreation Area in the State of California, and for other purposes,” approved October 27, 1972 (Public Law 92–389; 86 Stat. 1299; 16 U.S.C. 276a–6), and in accordance with the general objectives of the General Management Plan (hereinafter referred to as the “management plan”) approved for the Presidio.

(b) The Trust may participate in the development of programs and activities at the properties transferred to the Trust. The Trust shall have the authority to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including, without limitation, entities of federal, State and local governments as are necessary and appropriate to finance and carry out its authorized activities. Any such agreement may not displace or convey fee title to any real property transferred to it under this Title. Federal laws and regulations governing procurement or Federal agency assets may not be applied to the Trust. The Trust, in consultation with the Administrator of Federal Procurement Policy, shall establish and promulgate procedures applicable to the award of goods and services including, but not limited to, the award of contracts on the basis of contractor qualifications, price, commodity, or other criteria, in which such procedures shall conform to laws and regulations related to federal government contracts governing commercial and competitive bidding, with provisions, including, but not limited to, the provisions of 40 U.S.C. Sec. 276a–276d (Davis-Bacon Act).
The Trust shall require the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities, to use such funds for the purpose of carrying out its duties. The Trust shall maintain a liaison with the Golden Gate National Park Association.

(i) Notwithstanding section 313 of the United States Code, all proceeds received by the Trust shall be retained by the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation, maintenance, improvement, repair and related expenses incurred with respect to Presidio properties transferred to the administrative jurisdiction of the Trust.

(c) The authority to issue obligations to the Secretary of the Treasury, the Trust, and such proceeds shall be available, without further appropriation, for the administration, preservation, restoration, operation, and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties transferred to the administrative jurisdiction of the Trust. The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other organizations, for the purpose of carrying out its duties. The Trust shall maintain a liaison with the Golden Gate National Park Association.

(g) The Trust may sue and be sued in its own name to the same extent as the federal Government. The Trust shall have the right to make and receive contracts and sue and be sued in its own name to the same extent as the federal Government.

(h) The Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(i) The Trust may adopt, amend, repeal, and enforce bylaws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised and administered, in consultation with the Secretary, to adopt and enforce those rules and regulations that are applicable to the Golden Gate National Recreation Area, building code compliance.

(i) For the purpose of compliance with applicable laws and regulations concerning building code compliance, the Secretary, the Trust shall negotiate directly with regulatory authorities.

(j) BUILDING CODE COMPLIANCE.—The Trust shall require that all lessees, tenants, and contractors procure proper insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

(k) LIAISONS.—In managing and leasing the properties transferred to it, the Trust shall coordinate with other Federal agencies to contribute to the implementation of the General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Trust; tenants that are cost-effective; tenants that may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.

(l) BUILDING CODE COMPLIANCE.—The Trust shall require all lessees, tenants, and contractors procure insurance against any loss in connection with properties under lease or contract, or the authorized activities granted in such lease or contract, as is reasonable and customary.

(m) LIAISONS.—In managing and leasing the properties transferred to it, the Trust shall coordinate with other Federal agencies to contribute to the implementation of the General Management Plan for the Presidio and to the reduction of cost to the Federal Government. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Trust; tenants that are cost-effective; tenants that may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph.
Trust, including the Trust’s progress in meeting its obligations under this Title, taking into consideration the results of the study described in subsection (a) and the implementation of plan and schedule required in subsection (b). The General Accounting Office shall report the results of the study, including any adjustments to the plan and schedule, to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, and the Committee on Resources and Committee on Appropriations of the House of Representatives.

TITILE II—MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS

SEC. 201. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled “Yucca House National Monument, Colorado,” numbered 3180,001-B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION.—Within the lands described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

2. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire approximately 5.48 acres located in the SW 1/4 of Section 28, township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor, the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres to the park and to exclude the 5.51 acres in section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of enactment of this Title.

SEC. 203. PICTURED ROCKS NATIONAL LAKE-SHORE BOUNDARY ADJUSTMENT.


SEC. 204. KALOKO-HONOKOAU NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customhouse, as depicted on the map entitled “Present Boundary of Independence National Historical Park, Boundary Adjustment,” and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 205. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete the 5.51 acres in section 5. The new boundary as generally depicted on the map entitled “Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustments,” numbered 131-80,000, Gap, shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION AND ACQUISITION.—Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to convey all right, title, and interest of the United States in such lands and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 206. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Hagerman Fossil Beds National Monument is hereby revised to include a portion of the lands and interests therein within the area added to the monument in accordance with the laws and regulations applicable thereto.

SEC. 207. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as “Proposed Addition 168.89 Acres” on the map entitled “Wupatki and Sunset Crater National Monuments,” numbered 322-80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The land in section 28 shall be transferred to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 208. NEW RIVER GORGE NATIONAL RIVER.


SEC. 209. GAULEY RIVER NATIONAL RECREATION AREA.

(a) Section 201(b) of the West Virginia National Interest River Conservation Act of 1976 (16 U.S.C. 460ww(b)) is amended by striking out “NRA-GR-20,000A and dated July 1987” and inserting “GAHR-80,001 and dated January 1993”.

(b) Section 205(c) of the West Virginia National Interest River Conservation Act of 1976 (16 U.S.C. 460ww(c)) is amended by adding the following at the end thereof: “If project construction is not commenced within the time required in such license, or if such license is surrendered at any time, such boundary modification shall cease to have any force and effect.”

SEC. 210. BLUESTONE NATIONAL SCENIC RIVER.

Section 3(a)(5) of the West and Scenic Rivers Act (16 U.S.C. 1274(a)(5)) is amended by striking out “WSR-80,001, and dated January 1993”.

SEC. 211. ADVISORY COMMISSIONS.

(a) KALOКО—HONOKOAУ NATIONAL HISTORICAL PARK.—(1) This subsection under this Title may be cited as the “Na Hoа Pili Kalоko-Honokоau Re-establishment Act of 1986”.

(2) Notwithstanding section 505 (f)(7) of Public Law 95-625 (16 U.S.C. 396d(f)), the Na Hoа Pili O Kalоko-Honokоau, the Advisory Commission for Kalоko-Honokоau National Historical Park, is hereby re-established in accordance with section 505 (f), as amended by paragraph (3) of this section.

(b) Section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(f)), is amended by striking “this Act” and inserting in lieu thereof, “the Na Hoа Pili Kalоko-Honokоau Re-establishment Act of 1986”.

(b) WOMEN’S RIGHTS NATIONAL HISTORICAL PARK.—(1) This subsection under this Title may be cited as the “Women’s Rights National Historical Park Advisory Commission Re-establishment Act of 1995”.

(2) Notwithstanding section 1601 (h)(5) of Public Law 96-607 (16 U.S.C. 401(h)(5)), the advisory commission for Women’s Rights National Historical Park is hereby re-established in accordance with section 1601(h), as amended by paragraph (3) of this section.

(c) Section 1601(h)(5) of Public Law 96-607 (16 U.S.C. 401(h)(5)), is amended by striking “this section” and inserting in lieu thereof, “the Women’s Rights National Historical Park Advisory Commission Re-establishment Act of 1995”.

SEC. 212. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.

Section 3(b) of the National Historical Park Act of 1976 (16 U.S.C. 402c(b)) is amended by inserting “(1)” before the first sentence thereof and by adding the following at the end thereof: “(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of information and interpretive material relating to the park and to the Freedom Trail.”

SEC. 213. CUMBERLAND GAP NATIONAL HISTORICAL PARK.

(a) REMOVAL OF RESTRICTIONS.—The first section of the Act of June 11, 1940, entitled “An Act to provide for the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia; (54 Stat. 262, 16 U.S.C. 261 et seq.)” is amended by striking out everything after the words “Cumberland Gap National Historical Park” and inserting a period.

(b) USE OF APPROPRIATED FUNDS.—Section 3 of such Act (16 U.S.C. 263) is amended by inserting “funds” before the words “for use”. congressmen reported. The House of Representatives reported. with funds the House of Representatives. with funds the House of Representatives.
Section 215. WILIAM O. DOUGLAS OUTDOOR CLASSROOM.

(a) In general.—The Secretary of the Interior through the Director of the National Park Service, is authorized to enter into cooperative agreements, as specified as subsection (b), relating to Santa Monica Mountains National Recreation Area, hereinafter in this Title referred to as “recreation area”) in accordance with this section.

(b) Cooperative agreements.—The cooperative agreements referred to in subsection (a) are as follows:

(1) A cooperative agreement with appropriate State agencies or groups in order to promote education concerning the natural and cultural resources of the recreation area and lands adjacent thereto. Any agreement entered into pursuant to this paragraph (A) may provide for Federal matching grants of not more than 50 percent of the total cost of providing a program of such education;

(b) shall provide for visits by students or other beneficiaries to federally owned lands within the recreation area;

(c) shall limit the responsibility of the Secretary to providing interpretation services concerning the natural and cultural resources of the recreation area; and

(d) shall provide that the non-Federal party shall be responsible for any cost of caring for or otherwise than those of interpretation services under subparagraph (C).

(2) Cooperative agreement under which—

(A) the Secretary agrees to maintain the facilities at 2600 Franklin Canyon Drive in Beverly Hills, California, for a period of 8 fiscal years beginning with the first fiscal year for which funds are appropriated pursuant to this section, and to provide funding for programs by the William O. Douglas Outdoor Classroom or its successor in interest that utilize those facilities during such period; and in return;

(B) the William O. Douglas Outdoor Classroom, for itself and any successors in interest, enter with respect to such facilities, agrees that at the end of the term of such agreement all right, title, and interest in and to such facilities will be donated to the United States for addition and operation as part of the recreation area.

(c) Expenditure of funds.—Federal funds may be expended on non-Federal property located within the recreation area pursuant to the cooperative agreement described in subsection (b)(2).

(d) Limitations.—(1) The Secretary may not enter into the cooperative agreement described in subparagraph (B) unless and until the Secretary determines that acquisition of the facilities described in such subsection would further the purposes of the recreation area.

(2) This section shall not be construed as authorizing an agreement by the Secretary for reimbursement of expenses incurred by the William O. Douglas Outdoor Classroom or any successor in interest that are not directly related to the use of such facilities for environment education and interpretation of the resources and values of the recreation area and associated lands and resources.

(e) Authorization of appropriations.—There is authorized to be appropriated for the 8-year period beginning October 1, 1995, not to exceed $2,000,000 to carry out this section.


(a) New River Conforming Amendments.—Title XI of the National Parks and Recreation Acts (16 U.S.C. 460ww–460ww-15) is amended by adding the following new section at the end thereof:

**SEC. 1177. APPLICABLE PROVISIONS OF OTHER ACTS.**

(a) Cooperative agreements.—The provisions of section 202(e)(1) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(1)) shall apply to the New River Gorge National River in the same manner and to the same extent as such provisions apply to the Gauley River National Recreation Area.

(b) Remnants of lands.—The provisions of the second sentence of section 203(a) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(a)) shall apply to tracts of land partially within the boundaries of the New River Gorge National Recreation Area and lands adjacent thereto in the same extent as such provisions apply to the tracts of land only partially within the Gauley River National Recreation Area.

(c) Cooperative agreements.—The provisions of section 3(a)(6) of the Wild and Scenic Rivers Act (16 U.S.C. 1271(a)(6)) is amended by striking “lease” in the fifth sentence and inserting in lieu thereof “lease” and in the seventh sentence by striking “such management may be continued pursuant to renewal of such lease agreement. If requested to do so by the State of West Virginia, the Secretary may not terminate such leases and assume administrative authority over them and in lieu thereof the following: “(A) if the State of West Virginia so requests, the Secretary shall renew such lease agreement with the lessee as contained in such lease agreement on the date of enactment of this paragraph under which the State management shall be continued pursuant to such renewal agreement. If so to do so by the State of West Virginia, or as provided in such lease agreement, the Secretary may terminate or modify the lease and assume administrative authority over all or part of the areas concerned.”

Sec. 216. GAULEY ACCESS.

Section 202(e) of the West Virginia National Interest River Conservation Act of 1987 (16 U.S.C. 460ww–2(e)) is amended by adding the following new paragraph at the end thereof:

(4) Access to the River.—Within 90 days after the date of enactment of this section, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate setting forth a plan to provide river access for non-commercial recreation purposes for areas within 2 miles of the river and in this area.

Sec. 217. Visitor center.

The Secretary of the Interior is authorized to construct a visitor center and such other related facilities as may be deemed necessary to facilitate visits and enjoyment of the New River Gorge National River and the Gauley River National Recreation Area in the vicinity of the confluence of the New and Gauley Rivers. Such visitor center and related facilities are authorized to be constructed at a site outside of the boundary of the New River Gorge National River or Gauley River National Recreation Area unless a suitable site is available within the boundaries of either unit.

Sec. 218. Extension.

For a 5-year period following the date of enactment of this Act, the provisions of the Wild and Scenic Rivers Act applicable to river segments designated for study for potential inclusion in any system under subsection (b) of that Act shall apply to those segments of the Bluestone and Meadow Rivers which were found and included by the National Park Service in August 1983 but which were not designated by the West Virginia National Interest River Conservation Act of 1987 as part of the Bluestone National Scenic River or as part of the Gauley National Recreational Area, as the case may be.


Section 3(a)(6)(B) of the Wild and Scenic Rivers Act (16 U.S.C. 1271(a)(6)(B)) is amended by adding at the end thereof: “In order to provide reasonable public access and vehicle parking for public use and enjoyment of the river designated by this paragraph, consistent with the preservation and enhancement of the natural and scenic values of such river, the Secretary may, with the consent of the owner thereof, negotiate a memorandum of understanding or cooperative agreement, or acquire lands or interests in such lands, or both, as may be necessary to allow public access to the Bluestone River and to provide, outside the boundary of the scenic river, parking and related facilities in the vicinity of the area known as Eads Mill.”

Sec. 220. Limitation on Park Buildings.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading “MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR,” which is under the heading “UNDER THE DEPARTMENT OF THE INTERIOR,” as contained in the first section of the Act of August 24, 1932 (37 Stat. 460), as amended (16 U.S.C. 461), is hereby repealed.

Sec. 221. Appropriations for Transportation of Children.

The first section of the Act of August 7, 1946 (16 U.S.C. 171-2), is amended by adding at the end the following: “Nothing in this Title shall be deemed to limit the authority of the Secretary to the management of units of the National Park System, and the Secretary, within the proviso to the provisions of this Title, or the provisions of section 47(a) of title 18, United States Code, upon motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall be applicable to such use.”

Sec. 222. Feral Burros and Horses.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: “Nothing in this Title shall be deemed to limit the authority of the Secretary to the management of units of the National Park System, and the Secretary, within the proviso to the provisions of this Title, or the provisions of section 47(a) of title 18, United States Code, upon motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall be applicable to such use.”

Sec. 223. Authorities of the Secretary of the Interior Relating to Museums.

(a) Functions.—The Act entitled “An Act to increase the public benefits from the National Park System by facilitating the management and administration of museum properties related thereto, and for other purposes” approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) In paragraph (b) of the first section, by striking out “from such donations and bequests of money”; and

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

**SEC. 2 ADDITIONAL FUNCTIONS.**

(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions, to the extent that he shall consider to be in the public interest:

(1) Transfer museum objects and museum collections that the Secretary determines to be of scientific, historical, or cultural value, to qualified Federal agencies that have programs to preserve and interpret cultural or
natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of each Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

“(2) Convey museum objects and museum collections that the Secretary determines are not essential to the functions of Federal agencies, without monetary consideration but subject to the terms and conditions as the Secretary deems necessary, to private institutions that meet the higher standards of the museum profession for all actions taken under this section.

“(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, historic, cultural, educational, esthetic, or monetary value.

“(b) The Secretary shall ensure that museum objects are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the higher standards of the museum profession for all actions taken under this section.”

SEC. 226. CARL GARNER FEDERAL LANDS CLEANUP-FUND.

SEC. 227. PORT PULASKI NATIONAL MONUMENT, GA.
Section 4 of the Act of June 26, 1936 (ch. 844; Stat. 1979), is amended by striking “: Provided, That all that follows and inserting a period.

SEC. 228. LAURA C. HUDSON VISITOR CENTER.
(a) Designation.—The visitor center at Jean Lafitte National Historical Park, located at 419 Rue Decatur in New Orleans, Louisiana, is hereby designated as the “Laura C. Hudson Visitor Center.”
(b) Legal references.—Any reference in any law, regulation, paper, record, map, or other public document of the United States to the visitor center referred to in subsection (a) shall be deemed to be a reference to the “Laura C. Hudson Visitor Center.”

SEC. 229. UNITED STATES CIVIL WAR CENTER.
(a) Findings.—The Congress finds that—
(1) the sesquicentennial of the beginning of the Civil War will occur in the year 2011; and
(2) the sesquicentennial will be the last significant opportunity for all Americans alive in the year 2011 to recall and commemorate the Civil War.
(b) Purpose.—The purpose of this Title is to provide for a center for the interpretation of the Civil War relative to the Western theater of operations, in cooperation with and the support of local governmental entities and private organizations.

SEC. 230. Acquisition of Property at Corin—INTH, MISSISSIPPI.
(a) In General.—The Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, any land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(a) Interpretive Center.—The center shall contain approximately 5,300 square feet, and include interpretive exhibits, an auditorium, a parkland, and other facilities to public appreciation and understanding of the site.
SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Title.

(b) CONSTRUCTION.—Of the amounts made available to carry out this Title, not more than $6,000,000 may be used to carry out section 503(a).

TITLE VI—WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION SEC. 601. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinagua culture of northern Arizona.

(2) Major cultural resources associated with the Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest.

(3) These cultural resources are often referred to as “forts”, would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Title is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Title referred to as the national monument) for the management of the national monument and associated resources.

SEC. 602. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled “Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona”, numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, the Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

SEC. 603. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interests in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Title) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. All other property excluded from the monument pursuant to the boundary modification under section 603 is hereby transferred to the administration of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 604. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument as provided in this Title and the provisions of law generally applicable to units of the National Park Service, including An Act to establish a National Park Service, approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4).

SEC. 605 AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Title.

TITLE VII—DELAWARE WATER GAP SEC. 701. PROHIBITION OF COMMERCIAL VEHICLE USE (a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 299 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located or in the vicinity of the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—

(1) Paragraph (1) through (3) of the third undersigned paragraph under the heading “administrative provisions” in title I of Public Law 98-63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall promulgate regulations to provide for the use of a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undersigned paragraph. Such fee shall not exceed $20 per trip.

TITLE VIII—TARGHEE NATIONAL FOREST LAND EXCHANGE SEC. 801. AUTHORIZATION OF EXCHANGE.

(a) CONVEYANCE.—Notwithstanding the requirements in the Act entitled “An Act to Consolidate National Forest Lands”, approved March 20, 1922 (16 U.S.C. 485), and section 206(b) of the Federal Land Policy and Management Act of 1976 (33 U.S.C. 716(b)) that Federal and non-Federal lands exchanged for each other must be located within the same state, the Secretary of Agriculture may convey Federal lands described in section 802(a) in exchange for the non-Federal lands described in section 802(b) in accordance with the provisions of this Title.

(b) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Except as otherwise provided in this title, the land exchange authorized by this section shall be made under the existing authorities of the Secretary.

(c) ACCEPTABILITY OF TITLE AND MANNER OF CONVEYANCE.—The Secretary shall not convey the land described in this section to any person unless the Secretary determines in his discretion that the person is willing to convey to the United States an amount of land equal to the Federal lands to be exchanged.

SEC. 802. DESCRIPTION OF LANDS TO BE EXCHANGED.


(b) NON-FEDERAL LANDS.—The non-Federal lands referred to in this title are located in the Targhee National Forest in Wyoming, and are generally depicted on the map entitled “Non-Federal Land, Targhee Exchange, Idaho—Wyoming—Proposed”, dated September 1994, and are known as the Squirrel Meadows Tract.

(c) MAPS.—The maps referred to in subsections (a) and (b) shall be on file and available for inspection in the office of the Targhee National Forest in Idaho and in the office of the Chief of the Forest Service.

SEC. 803. EQUALIZATION OF VALUES.

Prior to the exchange authorized by section 801, the values of the Federal and non-Federal lands to be so exchanged shall be established by appraisals of fair market value that shall be subject to approval by the Secretary. The values either shall equal or shall be equalized using the following methods:

(1) ADJUSTMENT OF LANDS.—

(A) PORTION OF FEDERAL LANDS.—If the Federal lands are greater in value than the non-Federal lands, the Secretary shall reduce the acreage of the Federal lands until the values of the Federal lands closely approximate the values of the non-Federal lands.

(B) ADDITIONAL FEDERALLY-OWNED LANDS.—If the non-Federal lands are greater in value than the Federal lands, the Secretary may convey additional federally owned lands within the Targhee National Forest up to an amount necessary to equalize the values of the Federal lands and the lands to be transferred out of Federal ownership. However, such additional federally owned lands shall be limited to those lands that are generally depicted on the map entitled “National Forest Land and Resource Management Plan.”

(2) PAYMENT OF MONEY.—The values may be equalized by the exchange of land as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (33 U.S.C. 716(b)).

SEC. 804. DEFINITIONS.

For purposes of this Title:

(1) The term “Federal lands” means the Federal lands described in section 802(a).

(2) The term “non-Federal lands” means the non-Federal lands described in section 802(b).

(3) The term “Secretary” means the Secretary of Agriculture.

TITLE IX—DAYTON AVIATION

Section 201(b) of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419, approved October 16, 1992), is amended to read as follows:

(1) In paragraph (2), by striking “from recommendations” and inserting “after consideration of recommendations”;

(2) In paragraph (4), by striking “from recommendations” and inserting “after consideration of recommendations”;

(3) In paragraph (5), by striking “after consideration of recommendations”;

(4) In paragraph (6), by striking “after consideration of recommendations” and inserting “after consideration of recommendations”;

(5) In paragraph (7), by striking “after consideration of recommendations” and inserting “after consideration of recommendations”.

TITLE X—CACHE LA PoudRE

SEC. 1001. PURPOSE.

The purpose of this Title is to designate the Cache La Poudre River National Water Heritage Area within the Cache La Poudre River Basin and to provide for the interpretation, the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historic landscapes, waterways, and structures within the Area.

SEC. 1002. DEFINITIONS.

As used in this Title:

(1) The term “Area” means the Cache La Poudre River National Water Heritage Area established by section 1001(a).


service are allowed expenses under section 5703 of title 5, United States Code.

SEC. 1005. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointments shall be by the Commission.

(A) shall be appointed without regard to the city service laws and regulations; and

(B) shall be compensated without regard to the provisions of chapter 53 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(b) AUTHORITY TO CONVEY.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(c) STAFF OF OTHER AGENCIES.—

(1) Upon request of the Commission, the head of a Federal agency may detail, on a reimbursable basis, such administrative support services as the Commission considers necessary to carry out the Commission’s duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) SERVICE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from Federal agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

SEC. 1006. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Title.

(2) CONSIDERATION OF RESULTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(3) STAFF OF OTHER AGENCIES.—

(1) UPON REQUEST.—The head of a Federal agency may detail, on a reimbursable basis, such administrative support services as the Commission considers necessary to carry out the Commission’s duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) SERVICE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

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(1) IN GENERAL.—The Commission may hold such hearings, sit at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out this Title.

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(3) STAFF OF OTHER AGENCIES.—

(1) UPON REQUEST.—The head of a Federal agency may detail, on a reimbursable basis, such administrative support services as the Commission considers necessary to carry out the Commission’s duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) SERVICE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from Federal agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

sec. 1007. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 9.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) MEETINGS.—

(1) IN GENERAL.—Except as provided in subsection (c) (3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services from any source.

(2) CHARITABLE CONTRIBUTIONS.—For the purpose of section 170(c) of the Internal Revenue Code of 1986, a gift to the Commission shall be deemed to be a gift to the United States.

(e) REAL PROPERTY.

(1) IN GENERAL.—Except as provided in paragraph (2) and except with respect to a leasing of facilities under section 6(c)(2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Area, and interests in real property in the Area—

(A) by gift or devise;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or

(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate Federal public agency, as determined by the Commission. The conveyance shall be made—

(A) As soon as practicable after acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Area is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall—

(A) establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan; and

(B) conform with any rules as the Commission may establish to ensure open communication with, and assistance from, Federal agencies, State agencies, political subdivisions of the State, and persons.

(g) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this Title.

(2) EFFECT.—No modification shall take effect—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Plan and in the Federal Register;

(ii) conducted a public hearing with respect to the modification; and

(iii) the Governor has approved the modification;

(h) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—The Secretary shall implement the Plan in accordance with section 9.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or wildlife within the Area; and

(B) conduct public hearings within the Area for the purpose of providing interested persons the opportunity to testify about matters that may be affected by the Plan.

(i) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) on the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Area.

(j) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for his review.

(2) MODIFICATION.—The Governor may review the Plan and, if he concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(k) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Area.

(l) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(2) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(m) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(n) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(1) CULTURAL RESOURCES.—

(A) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Area.

(B) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, political subdivision of the State concerning the administration and management of property,
water, or water rights held by such agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Area.

(2) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the historical, architectural, archeological, environmental, and cultural resources in the Area, and the archeological, geological, and cultural resources and sites in the Area.

(A) by encouraging owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State;

(3) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State;

(4) INTERPRETATION.—The Commission shall assist in the interpretation of the historical present, and future uses of the Area—

(A) by consulting with the Secretary with respect to the implementation of the Secretary’s duties under section 1010;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Area;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Area, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens, and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Area;

(5) RECOGNITION.—The Commission shall assist in establishing recognition for the Area by actively promoting the cultural, historical, architectural, archeological, and recreational resources of the Area on a community, regional, state-wide, national, and international basis.

(6) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Area.

SEC. 1009. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 5 is amended by striking subsection (e).

SEC. 1010. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire such land, structures, and materials that are within the Area that have been specifically identified by the Commission for acquisition by the Federal government and that have been appropriately designated by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange authority may be used if such lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide assistance to the Commission in the preparation and implementation of the Plan pursuant to section 1008.

(c) DEAL.—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a non-reimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission’s duties under section 1007.

SEC. 1011. OTHER FEDERAL ENTITIES.

(a) DUTIES.—Subject to section 1001, a Federal entity conducting or supporting activities directly or indirectly to the Cache La Poudre River through the Area, or the natural resources of the Area shall consult with the Commission with respect to such activities;

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Area by exchange for other lands within such agency’s jurisdiction within the State of Colorado, based on fair market value. Provided, That such lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State in which such lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Area is established.

(2) AUTHORIZATION TO CONVEY PROPERTY.—The first sentence of section 203(k)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(3)) is amended by striking “the benefit of the public” and inserting “historic monument or any such property within the State of Colorado for the Cache La Poudre River National Water Heritage Area, for the benefit of the public”.; and

SEC. 1012. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.—

(1) VOLUNTARY COOPERATION.—In carrying out this Title, the Commission and Secretary shall emphasize voluntary cooperation,

(2) RULES, REGULATIONS, STANDARDS, AND PERMITS.—Nothing in this Title shall be considered to impose substantively or procedurally, any Federal or State environmental quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Area, that are more restrictive than those that would be applicable had the Area not been established.

(3) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Area not been established.

(4) WATER STANDARDS.—Nothing in this Title shall be considered to impose, on or adjacent to the Area, water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Area, that are more restrictive than those that would be applicable had the Area not been established.

(5) PERMITTING OF FACILITIES.—Nothing in this Title shall be considered to permit, on or adjacent to the Area, the construction, repair, rehabilitation, or expansion of any facility, public utilities, and common carriers.

(6) WATER FACILITIES.—Nothing in the establishment of the Area shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) WATER AND WATER RIGHTS.—Nothing in the establishment of the Area shall be considered to authorize or permit the acquisition or appropriation of water or water rights for any purpose.

(b) RESTRICTIONS ON COMMISSION AND SECRETARY.—Nothing in this Title shall be considered to vest in the Commission or the Secretary the authority to—

(1) Land use regulation;

(2) environmental quality;

(3) permitting;

(4) easement;

(5) private land development; or

(6) other occupational or access issues;

(c) ENVIRONMENTAL QUALITY STANDARDS.—Nothing in this Title shall be considered to impose or form the substantive and procedural requirements of the laws of the State.

(d) ACCESS TO PRIVATE PROPERTY.—Nothing in this Title requires an owner of private property to allow access to the property by the public.

SEC. 1013. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated not to exceed $50,000 to the Commission to carry out this Act.

(b) MATCHING FUNDS.—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

TITLE XI—GILPIN COUNTY, COLORADO LAND EXCHANGE

SEC. 1101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds and declares that:
(1) certain scattered parcels of Federal land located within Gilpin County, Colorado, are currently administered by the Secretary of the Interior as part of the Royal Gorge Resource Area, a City, United States Bureau of Land Management; 

(2) these land parcels, which comprises approximately 133 separate tracts of land, and range in size from approximately 38 acres to much less than an acre have been identified as suitable for disposal by the Bureau of Land Management through its resource management planning process and are appropriate for disposal; and 

(3) even though the Federal land parcels in Gilpin County, Colorado, are scattered and small in size, they nevertheless by virtue of their proximity to existing communities appear to have a fair market value which may be used by the Federal Government to exchange for lands which will better lend themselves to Federal management and have higher value for future public access, use and enjoyment, recreation, the protection and enhancement of fish and wildlife and fish and wildlife habitat, and the protection of riparian lands, wetlands, scenic beauty and other public values.

(b) Process.—It is the purpose of this Title to authorize, direct, facilitate and expedite the land exchange set forth herein in order to further the public interest by disposing of Federal public land suitable for disposal and acquire in exchange therefor lands with important values for permanent public management and protection.

SEC. 1102. LAND EXCHANGE.

(A) in general.—The exchange directed by this Title shall be consummated if within 90 days after enactment of this Act, Lake Gulch Corporation (as defined in section 1106 of this Title) offers to transfer to the United States pursuant to the provisions of this Title the offered lands or interest therein described herein.

(b) CONVEYANCE BY LAKE GULCH.—Subject to the provisions of section 1103 of this Title, Lake Gulch shall convey to the Secretary of the Interior all right, title and interest in and to the following offered lands—

(1) certain lands comprising approximately 40 acres with improvements thereon located in Lake County, Colorado, and lying within the boundaries of Rocky Mountain National Park as generally depicted on a map entitled “Circle C Church Camp,” dated August 1994; and

(2) certain lands located within the United States Bureau of Land Management Land Management San Luis Resource Area in Conejos County, Colorado, which comprise approximately 3,993 acres and are generally depicted on a map entitled “Bonham Ranch—Cucharas Canyon,” dated June 1995: Provided, however, that it is the intention of Congress that such lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(3) certain lands located within the United States Bureau of Land Management Royal Gorge Resource Area in Huerfano County, Colorado, which comprise approximately 4,790 acres and are generally depicted on a map entitled “Quinlan Ranches Tract,” dated August 1994; and

(b) RESTRICTIONS ON SELECTED LANDS.—(1) The values of the lands to be exchanged pursuant to this Title shall be equal as determined by the Secretary of the Interior utilizing comparable sales of surface and subsurface property and nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards for Federal Appraisals issued pursuant to Public Law 85-306 and other applicable law.

(b) RESTRICTIONS ON SELECTED LANDS.—(1) Any cash received pursuant to the transfer of any such lands shall be retained by the Secretary of the Interior and may be utilized by the Secretary until fully expended to purchase from the public lands within the State of Colorado other lands of like character and utility to be utilized by the State of Colorado for local government purposes, to augment wildlife habitat and protect and restore wetlands in the Bureau of Land Management’s Blanca Wetlands, Alamosa County, Colorado.

(2) Any water rights acquired by the United States pursuant to this section shall be retained by the United States in accordance with all applicable provisions of Colorado law, including the requirement to change the time, place, and type of use of such water rights after conveyance to a State of Colorado if such conveyance shall be for any public purpose other than irrigation.

A water right specified pursuant to this section shall be limited to that water which can be used or exchanged for water which can be used on the Blanca Wetlands.

Any requirement or proposal to utilize facilities of the San Luis Valley Project, Closed Basin Diversion, in order to effectuate the use of any such water rights shall be subject to the approval of the Rio Grande Water Conservation District.

(B) RESTRICTIONS ON SELECTED LANDS.—(1) Any offer made to convey land to Lake Gulch pursuant to this Title shall be contingent upon Lake Gulch executing an agreement with the United States prior to such conveyance, the terms of which are acceptable to the Secretary of the Interior, and which—

(A) grant the United States a covenant that none of the selected lands (which currently lie outside the legally approved gaming area) shall ever be used for purposes of gaming should the current legal gaming area ever be expanded by the State of Colorado; and

(B) permanently hold the United States harmless for liability and indemnify the United States from any losses resulting from any activities, operations (including the storing, handling, and dumping of hazardous...
materials or substances) or other acts conducted by Lake Gulch or its employees, agents, successors or assigns on the selected lands after their transfer to Lake Gulch; Provided, however, That nothing in this Title shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the selected lands or the date of their transfer to Lake Gulch.

(2) Conveyance of the selected lands to Lake Gulch pursuant to this Title shall be subject to the existing easement for Gilpin County Road 6.

(3) The above terms and restrictions of this Title are to be considered in determining, or result in any diminution in, the fair market value of the selected land for purposes of the appraisals of the selected land required pursuant to section 1102 of this Title.

(c) Revocation of Withdrawal.—The Public Water Reserve established by Executive Order 2660, dated August 17, 1926 (Serial Number Colorado 17321), is hereby revoked insofar as it affects the NW ¼ SW ¼ of Section 17, Township 3 South, Range 72 West, Sixth Principal Meridian, which covers a portion of the selected lands identified in this Title.

SEC. 1104. MISCELLANEOUS PROVISIONS.

(a) Provisions of Title: (1) The term “Secretary” means the Secretary of the Interior.

(2) The term “Lake Gulch” means Lake Gulch, Inc., a Colorado corporation, or its successors, heirs or assigns.

(3) The term “offered land” means lands to be conveyed to the United States pursuant to this Title.

(4) The term “selected land” means lands to be transferred to Lake Gulch, Inc., or its successors, heirs or assigns pursuant to this Title.

(5) The term “Blanca Wetlands” means an area of approximately 1,500 acres, as generally depicted on a map entitled “Blanca Wetlands,” dated August 1994, or such land as the Secretary may add there to by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Title or such other moneys as Congress may appropriate.

(b) Provisions for Completing Transfer.—It is the intent of Congress that unless the Secretary and Lake Gulch mutually agree otherwise the exchange of lands authorized by this Title shall be completed not later than 6 months after the date of enactment of this Act. In the event the exchange cannot be consummated within such period of time, the Secretary, upon application by Lake Gulch, is directed to sell to Lake Gulch at appraised fair market value any or all of the parcels (comprising a total of approximately 11 acres) identified in section 1102(d)(1)(C) of this Title as long as the parcel or parcels applied for are not under formal application for transfer to a local or federal governmental agency.

(c) Administration of Lands Acquired by United States.—In accordance with the provisions of section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), all lands acquired by the United States pursuant to this Title shall be administered by the Forest Service in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated December 9, 1992.

(d) Administration of Lands—(1) The phrase “lands to be conveyed” as used in section 1104(c) of the Act means lands as generally depicted on a map entitled “Blanca Wetlands,” dated August 1994, or such land as the Secretary may add there to by purchase from willing sellers after the date of enactment of this Act utilizing funds provided by this Title or such other moneys as Congress may appropriate.

(2) The term “Secretary” means the Secretary of Agriculture.

SEC. 1202. CONVEYANCE OF LANDS.

(a) Notification.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a quitclaim deed to Lake Gulch for certain lands in Butte County, California, in eastern Alameda County, California, in northwestern Yuba County, California, in eastern Nevada County, California, and in El Dorado County, California, as identified in this Title.

(b) Purposes.—It is the purpose of this Title to authorize and direct the Secretary of Agriculture to convey, without consideration, certain lands in Butte County, California, to persons whose real property have been depriv ed of title to such lands.

(c) Notice to BLM.—The Secretary shall submit to the Secretary of the Interior a copy of each quitclaim deed issued pursuant to this Title no later than 30 days after the date such deed is issued.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Title.

TITILE XIII—CARL GARNER FEDERAL LANDS CLEANUP DAY


TITILE XIV—ANAKTUVUK PASS LAND EXCHANGE

SEC. 1401. FINDINGS.

The Congress makes the following findings:

(1) The Alaska National Interest Lands Conservation Act (94 Stat. 2371), enacted on December 2, 1980, established Gates of the Arctic National Park and Preserve and Gates of the Arctic Wilderness. The village of Anaktuvuk Pass, located in the highlands of the central Brooks Range in Alaska is surrounded by these national park and wilderness lands and is the only Native village located within the boundaries of a National Park System unit in Alaska.

(2) Unlike most other Alaskan Native communities, the village of Anaktuvuk Pass is isolated on a major coast line that can be used as a means of access. The residents of Anaktuvuk Pass have relied increasingly on snow machines in winter and all-terrain vehicles in summer as their primary means of access to subsistence resources.

(3) In a 1986 land exchange agreement, linear easements were reserved by the Inupiat Eskimo people for use of all-terrain vehicles across certain national park lands, mostly along stream and river banks. These linear easements proved unsatisfactory, because they provided inadequate access to subsistence resources while causing excessive environmental impact exacerbated use.

(4) The National Park Service and the Nunamuit Corporation initiated discussions in 1985 to address concerns over the use of all-terrain vehicles on park service lands. These discussions resulted in an agreement, originally executed in 1992 and thereafter amended in 1993 and 1994, among the National Park Service, Nunamuit Corporation, the City of Anaktuvuk Pass, and Arctic Slope Regional Corporation. Full effectuation of this agreement, as amended, by its terms requires ratification by the Congress.

SEC. 1402. RATIFICATION OF AGREEMENT.

(a) Ratification.—(1) IN GENERAL.—The terms, conditions, procedures, covenants, reservations and other provisions set forth in the document entitled “Anaktuvuk Pass Land Exchange Agreement” among the United States, the Arctic Slope Regional Corporation, Nunamuit Corporation and the City of Anaktuvuk Pass, as a matter of Federal law—

(2) LAND ACQUISITION.—Lands acquired by the United States pursuant to the Agreement shall be administered by the Secretary

TITILE XII—BUTTE COUNTY, CALIFORNIA

LAND CONVEYANCE

SEC. 1201. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds and declares that—

(1) certain landowners in Butte County, California who own property adjacent to the Plumas National Forest have been adversely affected by certain erroneous surveys;

(2) these landowners have occupied or improved their property in good faith and in reliance upon their property records; and

(3) the 1992 Bureau of Land Management dependent resurvey of the Plumas National Forest has proved erroneous surveys; and

(b) Purpose.—It is the purpose of this Title to authorize and direct the Secretary of Agriculture to convey to, without consideration, certain lands in Butte County, California, to persons whose real property have been depriv ed of title to such lands.

SEC. 1202. TERMS AND CONDITIONS OF CONVEYANCE.

(a) Notification.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a quitclaim deed to Lake Gulch for certain lands in Butte County, California, in eastern Alameda County, California, in northwestern Yuba County, California, in eastern Nevada County, California, and in El Dorado County, California, as identified in this Title.

(b) Issuance of Deed.—(1) Upon a determination by the Secretary that issuance of a deed for affected lands is consistent with the purpose and requirements of this Title, the Secretary shall issue a quitclaim deed to such claimant for the parcel to be conveyed.

(2) Prior to the issuance of any such deed as provided in paragraph (1), the Secretary shall ensure that—

(A) the parcel or parcels to be conveyed have been surveyed in accordance with the Memorandum of Understanding between the Forest Service and the Bureau of Land Management, dated December 9, 1992.

(B) all new property lines established by such surveys have been monumented and marked and

(C) all terms and conditions necessary to protect third party and Government Rights-of-Way or other interests are included in the deed.

(3) The Federal Government shall be responsible for all surveys and property line markings necessary to implement this subsection.

(c) Notification to BLM.—The Secretary shall submit to the Secretary of the Interior a copy of each quitclaim deed issued pursuant to this Title no later than 30 days after the date such deed is issued.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out the purposes of this Title.
TITLE XV—ALASKA PENINSULA
SUBSURFACE CONSOLIDATION

SECTION 1501. DEFINITIONS

As used in this Title.
(A) The term "agency" means—
(i) any instrumentality of the United States; and
(ii) any Government corporation as defined in section 2815(1) of title 31, United States Code; and
(B) includes any element of an agency.

(2) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the meaning as is provided for ‘Native Corporation’ in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(3) FEDERAL LANDS.—The term ‘Federal lands or interests therein’ means any lands or properties owned by the United States (i) which are administered by the Secretary, or (ii) which are subject to a lease to third parties, or (iii) which have been made available to the Secretary for exchange under this section through the concurrence of the director of the agency administering such lands or properties; provided, however, excluded from such lands shall be those lands which are within an existing conservation system unit as defined in section 9101(1) of title 31, United States Code, or areas of Aniakchak National Monument and Reserve, and the Secretary determines that the parcel to be exchanged is not of substantial value.

(4) KONIAG.—The term ‘Koniag’ means Koniag Incorporated, which is a regional Corporation as defined in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(5) REGIONAL CORPORATION.—The term ‘Regional Corporation’ has the same meaning as is provided in section 3(m) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(6) SECRETARY.—Except as otherwise provided, the term ‘Secretary’ means the Secretary of the Interior.

(7) SELECTION RIGHTS.—The term ‘selection rights’ means those rights granted to Koniag pursuant to subsections (a) and (b) of section 12, and section 14(h)(8), of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(8) SUBSURFACE CONSOLIDATION ACT.—Subject to paragraph (A), the procedures specified in section 202(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)) shall be used to establish the value.

(9) VALUATION.—The average value per acre of the selection rights shall not be less than the value utilizing the risk adjusted discount cash flow methodology, but in no event shall exceed $300.

SEC. 1502. KONIAG ACCOUNT

(A) IN GENERAL.—(1) The Secretary shall enter into negotiations for an agreement or agreements to exchange Federal lands or interests therein which are in the State of Alaska for the Selection Rights.

(B) If the value of the Federal property to be exchanged is less than the value of the Selection Rights established in section 1501, and if such Federal property to be exchanged is not required receipts to be exchanged in excess of one million dollars per year, then the Secretary may exchange the Federal property for that portion of the Selection Rights which is valued at the same rate as the excess of the value of the Federal property. The remaining selection rights shall remain available for additional exchanges.

(c) For purposes of any exchange to be consummated under this Title II, if less than all the selection rights are being exchanged, then the value of the selection rights being exchanged shall be equal to the number of acres of selection rights being exchanged multiplied by a fraction, the numerator of which is the value of the selection rights as determined pursuant to Section 202 hereof and the denominator of which is the total number of acres of selection rights.

(d) ADDITIONAL EXCHANGES.—If, after ten years from the date of the enactment of this Title, the Secretary is unable to conclude such exchanges as may be required to acquire all of the selection rights, he shall offer such additional exchanges for the acquisition of the remaining selection rights for such Federal property as may be identified by Koniag, which property is available for transfer to the administrative regions which are subject to the division of law and which property, at the time of the proposed transfer to Koniag is not
generating receipts to the federal government in excess of one million dollars per year. The Secretary shall keep Koniag advised in a timely manner as to which properties may be eligible for the receipt of such funds.

Upon receipt of such identification by Koniag, the Secretary shall request in a timely manner the transfer of such identified property. The administrative determination of the Department of the Interior. Such property shall not be subject to the geographical limits of section 206(b) of the Federal Land Policy and Management Act and may be retained by the Secretary solely for the purposes of transferring it to Koniag to complete the exchange. Should the value of the land acquired by Koniag be in excess of the value of the remaining selection rights, then Koniag shall have the option of (i) declining to proceed with the exchange and identifying other property or (ii) paying the difference in value between the property rights.

(c) **REVENUES.—** Any property received by Koniag in an exchange entered into pursuant to subsection (a) or (b) of this section shall be deemed to be an interest in the subsurface for purposes of subsection (f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621 et seq.) provided, however, should Koniag make a payment to equalize the value in any such exchange, then Koniag will be deemed to hold an undivided interest in the property equal in value to such payment which interest shall not be subject to the provisions of section 60.

**SEC. 1504. CERTAIN CONVEYANCES.**

(a) **INTERESTS IN LAND.—** For the purposes of section 21 (c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620 (e)), the receipt or acquisition of such land or interests therein by Koniag under this chapter does not constitute a sale, conveyance, or other transfer of title to such land or interests therein within the Reserve.

(b) **AUTHORITY TO APPOINT AND REMOVE TRUSTEER.—** In establishing a Settlement Trust under such section 39 of such Act (43 U.S.C. 1629c), Koniag may delegate, in whole or in part, the authority granted by Koniag under such section to another entity that Koniag may select without affecting the status of the trust as a Settlement Trust under such section.

**TITLE XVI—STERLING FOREST**

**SEC. 1601. FINDINGS.**

The Congress finds that—

(1) The Palisades Interstate Park Commission was established pursuant to a joint resolution of the 75th Congress approved in 1937 (Public Resolution No. 65, ch. 706, 70 Stat. 710), and chapter 170 of the Laws of 1937 of the State of New York and chapter 146 of the Laws of 1937 of the State of New Jersey.

(2) The Palisades Interstate Park Commission is responsible for the management of 23 parks and historic sites in New York and New Jersey and over 62,000 acres.

(3) Over 8,000,000 visitors annually seek out outdoor recreational opportunities within the Palisades Interstate Park System.

(4) Sterling Forest is a biologically diverse open space on the New Jersey border comprising approximately 17,500 acres, and is a highly significant watershed for the State of New Jersey, providing the source for clean drinking water for 25 percent of the State.

(5) Sterling Forest is an important outdoor recreational asset in the northeastern United States, within the most densely populated metropolitan region in the Nation; and it supports a mixture of hardwood forests, wetlands, lakes, glaciated valleys, is strategically located on a wildlife migratory route, and provides important habitat for 27 rare or endangered species.

(6) Sterling Forest would greatly enhance the Appalachian National Scenic Trail, which passes through Sterling Forest, and would provide for enhanced recreational opportunities through the protection of lands which are an integral part of the trail and which would protect important trail viewsheds;

(7) stewardship and management costs for units of the Palisades Park System are paid for by the States of New York and New Jersey; thus, the protection of Sterling Forest through the Palisades Interstate Park Commission will involve a minimum of Federal funds;

(8) given the nationally significant watershed, outdoor recreational, and wildlife qualities, and the demand for open space in the densely populated tri-state region, there is a clear Federal interest in acquiring the Sterling Forest for permanent protection of the watershed, outdoor recreational resources, flora and fauna, and open space; and

(9) such an acquisition would represent a cost effective investment, as compared with the costs that would be incurred to protect drinking water for the region should the Sterling Forest be developed.

**SEC. 1602. PURPOSES.**

The purposes of this title are—

(1) to establish the Sterling Forest Reserve in the State of New York to protect the significant watershed, wildlife, and recreational resources within the New York-New Jersey highlands region;

(2) to authorize Federal funding, through the Department of the Interior, for a portion of the acquisition costs for the Sterling Forest Reserve;

(3) to direct the Palisades Interstate Park Commission to convey to the Secretary of the Interior certain interests in lands acquired within the Reserve; and

(4) to provide for the management of the Sterling Forest Reserve by the Palisades Interstate Park Commission.

**SEC. 1603. DEFINITIONS.**

In this title:

(1) **COMMISSION.**—The term “Commission” means the Palisades Interstate park commission established by Public Resolution No. 65 approved August 19, 1937 (ch. 706, 70 Stat. 710).

(2) **RESERVE.**—The term “Reserve” means the Sterling Forest Reserve.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 1604. ESTABLISHMENT OF THE STERLING FOREST RESERVE.**

(a) **ESTABLISHMENT.**—Upon the certification by the Commission to the Secretary that the Commission has acquired sufficient lands or interests therein to constitute a manageable unit, there is established the Sterling Forest Reserve in the State of New York.

(b) **MAP.**—

(1) **COMPOSITION.**—The Reserve shall consist of lands and interests therein acquired by the Commission within approximately 17,500 acres of lands as generally depicted on the map entitled “Boundary Map, Sterling Forest Reserve,” numbered SFR-60,001 and dated July 1990.

(2) **AVAILABILITY FOR PUBLIC INSPECTION.**—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and the appropriate offices of the National Park Service.

(c) **TRANSFER OF FUNDS.**—Subject to subsection (d), the Secretary shall transfer to the Palisades Interstate Park Commission funds appropriated pursuant to subsection (a), to the extent funds are available, for the acquisition of lands and interests therein within the Reserve.

**SEC. 1605. MANAGEMENT OF THE RESERVE.**

(a) **IN GENERAL.**—The Commission shall manage the lands acquired through the Palisades Interstate Park Commission in a manner that is consistent with the Commission’s authorities and with the purposes of this title.

(b) **GENEAL MANAGEMENT PLAN.**—Within 3 years after the date of enactment of this title, the Commission shall prepare a general management plan for the Reserve and submit the plan to the Secretary for approval.

**SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to carry out this title, to remain available until expended.

(b) **LAND ACQUISITION.**—Of amounts appropriated pursuant to subsection (a), the Secretary may transfer to the Commission not more than $17,500,000 for the acquisition of lands and interests in land within the Reserve.

**TITLE XVII—TAOS PUEBL0 LAND TRANSFER**

**SEC. 1701. LAND TRANSFER.**

(a) **TRANSFER.**—The parcel of land described in subsection (a) of this section that is subject to the Secretary of the Interior to be held in trust for
the Pueblo de Taos. Such parcel shall be a part of the Pueblo de Taos Reservation and shall be managed in accordance with section 4 of the Act of May 31, 1933 (48 Stat. 108) (as amended, including any amendments made by Public Law 91–950 (84 Stat. 1437)).

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is the land that is generally described as the man-made "Lands transferred to the Pueblo of Taos—proposed" and dated September 1994, comprises 764.33 acres, and is situated within sections 1 through 20, Township 4 South, Range 14 East, New Mexico Principal Meridian, within the Wheeler Peak Wilderness, Carson National Forest, Taos County, New Mexico.

(c) CONFORMING BOUNDARY ADJUSTMENTS.—The boundaries of the Carson National Forest and the Wheeler Peak Wilderness are hereby adjusted to reflect the transfer made by subsection (a).

(d) RESOLUTION OF OUTSTANDING CLAIMS.—The Congress finds and declares that, as a result of the enactment of this Act, the Taos Pueblo has no unresolved equitable or legal claims against the United States on the lands transferred to and become part of the Pueblo de Taos Reservation under this Title.

TITLE XVIII.—Ski Fees

SEC. 1801.—Ski Area Permit Rental Charge.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144, 16 U.S.C. 697), or the 9th through 20th paragraphs under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" of the Act of June 4, 1934, (30 Stat. 43, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Area Adjust Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1987, shall be calculated in accordance with those existing permits: Provided, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year rental charge (other than lift ticket/area revenue) from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System lands. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittees' on-site parking lots, services, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. That total shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

- (A) 1.5 percent of all adjusted gross revenue below $3,000,000;
- (B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;
- (C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and
- (D) 3.33 percent for adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) is simply illustrated as:

\[
SAPF = (LT+SS) \times STFP \times GRAF \times AGR \times \text{BRACKETS}
\]

(2) In cases where ski areas are only partially located on national forest lands, the slope transport fees provided in section 4 of the National Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the calculation of the rental charge determined pursuant to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figure for each year shall be adjusted annually by the percent increase or decrease in the National Consumer Price Index for the preceding calendar year. No change to the percentage of the rental charge for the 1994–1996 base year shall be made following enactment of this Act and every 10 years thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge as determined pursuant to this Act is adequate. The Secretary may apply any recommendations the Secretary may have for modifications of the system.

(c) The rent forth in subsection (b) shall be due on June 1 of each year and shall be paid or pre-paid by the permittee on a monthly, quarterly, annual or other schedule mutually agreed upon by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee, the Secretary, the permittee shall provide the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit rental charge set forth in this section shall be reduced by one half of one percent of the permittee's gross revenues from lift ticket/year rental charge paid for the 1994–1996 base year, or the rental charge calculated pursuant to this Act, whichever is higher.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation. In cases where public access to the cost of ski area permittees and the Forest Service the terms "revenue" and "sales", as used in this section, do not mean actual gross revenue and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to events or other activities, revenues attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and commodities). It shall be the responsibility of the permittee to determine whether any revenue or sales shall not be included in the ski area permit rental charge pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit and any percentage of appraised land value, as determined appropriate by the Secretary.

SEC. 1802.—Withdrawals.

Subject to valid existing rights, all lands located within the boundaries of the parcels issued prior to, or on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144, 16 U.S.C. 697), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1896 (16 U.S.C. 497b) are hereby and henceforward automatically withdrawn from all forms of appropriation for the mining and disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawals shall continue in effect for the term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, the permit shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropria-
tion or otherwise restricted under the public land laws.

TITLE XIX.—THE SELMA TO MONTGOMERY NATIONAL HISTORIC TRAIL

SECTION 1901—The Selma to Montgomery National Historic Trail.

That section of the National Trails System Act (16 U.S.C. 1241a) is amended by adding at the end thereof the following new paragraph:

"(2) The Selma to Montgomery National Historic Trail, consisting of 54 miles of city streets and United States Highway 80 from Brown Chapel A.M.E. Church in Selma to the State Capitol Building in Montgomery, Alabama, traveled by voting rights advocates during March 1965 to dramatize the need for voting rights legislation, as generally described in the report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Selma to Montgomery" and dated April 1993. Maps depicting the trail shall be available for public inspection in the Office of the National Park
(21) Certain lands in the Coal Canyon Wilderness Study Area comprised of approximately 41,311 acres, as generally depicted on a map entitled “Escalante Canyon Tract 5 Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Escalante Canyon Tract 5 Proposed Wilderness.

(22) Certain lands in the Fiddle Butte Wilderness Study Area comprised of approximately 45,426 acres, as generally depicted on a map entitled “Fiddle Butte Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fiddle Butte Wilderness. (23) Certain lands in the Westwater Canyon Wilderness Study Area comprised of approximately 26,657 acres, as generally depicted on a map entitled “Westwater Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Westwater Canyon Wilderness.

(24) Certain lands in the Beaver Creek Wilderness Study Area comprised of approximately 24,620 acres, as generally depicted on a map entitled “Beaver Creek Proposed Wilderness” and dated October 3, 1995, and which shall be known as the Beaver Creek Wilderness.

(25) Certain lands in the Fish Springs Wilderness Study Area comprised of approximately 36,142 acres, as generally depicted on a map entitled “Fish Springs Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fish Springs Wilderness.

(26) Certain lands in the Swasey Mountain Wilderness Study Area comprised of approximately 34,893 acres, as generally depicted on a map entitled “Swasey Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Swasey Mountain Wilderness.

(27) Certain lands in the Parunuweap Canyon Wilderness Study Area comprised of approximately 32,395 acres, as generally depicted on a map entitled “Parunuweap Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Parunuweap Canyon Wilderness.

(28) Certain lands in the Canaan Mountain Wilderness Study Area comprised of approximately 19,107 acres, as generally depicted on a map entitled “Canaan Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Canaan Mountain Wilderness.

(29) Certain lands in the Paria-Hackberry Wilderness Study Area comprised of approximately 94,805 acres, as generally depicted on a map entitled “Paria-Hackberry Proposed Wilderness” and dated December 3, 1995, and which shall be known as the Paria-Hackberry Wilderness.

(30) Certain lands in the Escalante Canyon Tract 5 Wilderness Study Area comprised of approximately 756 acres, as generally depicted on a map entitled “Escalante Canyon Tract 5 Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Escalante Canyon Tract 5 Wilderness.

(31) Certain lands in the Fifty Mile Mountain Wilderness Study Area comprised of approximately 125,825 acres, as generally depicted on a map entitled “Fifty Mile Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fifty Mile Mountain Wilderness.

(32) Certain lands in the Howell Peak Wilderness Study Area comprised of approximately 14,518 acres, as generally depicted on a map entitled “Howell Peak Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Howell Peak Wilderness.

(33) Certain lands in the Notch Peak Wilderness Study Area comprised of approximately 17,678 acres, as generally depicted on a map entitled “Notch Peak Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Notch Peak Wilderness.

(34) Certain lands in the Wah Wah Mountains Wilderness Study Area comprised of approximately 41,311 acres, as generally depicted on a map entitled “Wah Wah Mountains Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Wah Wah Mountains.

(35) Certain lands in the Mancos Mesa Wilderness Study Area comprised of approximately 19,095 acres, as generally depicted on a map entitled “Mancos Mesa Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Mancos Mesa Wilderness.

(36) Certain lands in the Flat Tops Wilderness Study Area comprised of approximately 18,713 acres, as generally depicted on a map entitled “Flat Tops Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Flat Tops Wilderness.

(37) Certain lands in the West Elk Wilderness Study Area comprised of approximately 14,693 acres, as generally depicted on a map entitled “West Elk Proposed Wilderness” and dated September 18, 1995, and which shall be known as the West Elk Wilderness.

(38) Certain lands in the Grinter Wilderness Study Area comprised of approximately 18,713 acres, as generally depicted on a map entitled “Grinter Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Grinter Wilderness.

(39) Certain lands in the Fish Lake Wilderness Study Area comprised of approximately 14,693 acres, as generally depicted on a map entitled “Fish Lake Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fish Lake Wilderness.

(40) Certain lands in the Phipps-Death Hollow Wilderness Study Area comprised of approximately 18,713 acres, as generally depicted on a map entitled “Phipps-Death Hollow Proposed Wilderness” and dated October 3, 1995, and which shall be known as the Phipps-Death Hollow Wilderness.

(41) Certain lands in the Fish Springs Wilderness Study Area comprised of approximately 36,142 acres, as generally depicted on a map entitled “Fish Springs Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fish Springs Wilderness.

(42) Certain lands in the Swasey Mountain Wilderness Study Area comprised of approximately 34,893 acres, as generally depicted on a map entitled “Swasey Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Swasey Mountain Wilderness.

(43) Certain lands in the Parunuweap Canyon Wilderness Study Area comprised of approximately 32,395 acres, as generally depicted on a map entitled “Parunuweap Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Parunuweap Canyon Wilderness.

(44) Certain lands in the Canaan Mountain Wilderness Study Area comprised of approximately 19,107 acres, as generally depicted on a map entitled “Canaan Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Canaan Mountain Wilderness.

(45) Certain lands in the Paria-Hackberry Wilderness Study Area comprised of approximately 94,805 acres, as generally depicted on a map entitled “Paria-Hackberry Proposed Wilderness” and dated December 3, 1995, and which shall be known as the Paria-Hackberry Wilderness.

(46) Certain lands in the Escalante Canyon Tract 5 Wilderness Study Area comprised of approximately 756 acres, as generally depicted on a map entitled “Escalante Canyon Tract 5 Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Escalante Canyon Tract 5 Wilderness.

(47) Certain lands in the Fifty Mile Mountain Wilderness Study Area comprised of approximately 125,825 acres, as generally depicted on a map entitled “Fifty Mile Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Fifty Mile Mountain Wilderness.

(48) Certain lands in the Howell Peak Wilderness Study Area comprised of approximately 14,518 acres, as generally depicted on a map entitled “Howell Peak Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Howell Peak Wilderness.

(49) Certain lands in the Notch Peak Wilderness Study Area comprised of approximately 17,678 acres, as generally depicted on a map entitled “Notch Peak Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Notch Peak Wilderness.

(50) Certain lands in the Wah Wah Mountains Wilderness Study Area comprised of approximately 41,311 acres, as generally depicted on a map entitled “Wah Wah Mountains Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Wah Wah Mountains.

(51) Certain lands in the Mancos Mesa Wilderness Study Area comprised of approximately 19,095 acres, as generally depicted on a map entitled “Mancos Mesa Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Mancos Mesa Wilderness.

(52) Certain lands in the Flat Tops Wilderness Study Area comprised of approximately 18,713 acres, as generally depicted on a map entitled “Flat Tops Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Flat Tops Wilderness.

(53) Certain lands in the West Elk Wilderness Study Area comprised of approximately 14,693 acres, as generally depicted on a map entitled “West Elk Proposed Wilderness” and dated September 18, 1995, and which shall be known as the West Elk Wilderness.

(54) Certain lands in the Grinter Wilderness Study Area comprised of approximately 18,713 acres, as generally depicted on a map entitled “Grinter Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Grinter Wilderness.
which shall be known as the Manos Mesa Wilderness.

(36) Certain lands in the Grand Gulch Wilderness Study Area comprised of approximately 30,863 acres, as generally depicted on a map entitled “Grand Gulch Proposed Wilderness” and dated October 3, 1995, and which shall be known as the Grand Gulch Wilderness.

(37) Certain lands in the Dark Canyon Wilderness Study Area comprised of approximately 21,885 acres, as generally depicted on a map entitled “Dark Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Dark Canyon Wilderness.

(38) Certain lands in the Butler Wash Wilderness Study Area comprised of approximately 21,885 acres, as generally depicted on a map entitled “Butler Wash Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Butler Wash Wilderness.

(39) Certain lands in the Indian Creek Wilderness Study Area comprised of approximately 6,742 acres, as generally depicted on a map entitled “Indian Creek Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Indian Creek Wilderness.

(40) Certain lands in the Behind the Rocks Wilderness Study Area comprised of approximately 14,169 acres, as generally depicted on a map entitled “Behind the Rocks Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Behind the Rocks Wilderness.

(41) Certain designated in the Cedar Mountains Wilderness Study Area comprised of approximately 25,647 acres, as generally depicted on a map entitled “Cedar Mountains Proposed Wilderness” and dated October 3, 1995, and which shall be known as the Cedar Mountains Wilderness.

(42) Certain lands in the Deep Creek Mountains Wilderness Study Area comprised of approximately 70,735 acres, as generally depicted on a map entitled “Deep Creek Mountains Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Deep Creek Mountains Wilderness.

(43) Certain lands in the Nutters Hole Wilderness Study Area comprised of approximately 3,688 acres, as generally depicted on a map entitled “Nutters Hole Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Nutters Hole Wilderness.

(44) Certain lands in the Cougar Canyon Wilderness Study Area comprised of approximately 4,370 acres, as generally depicted on a map entitled “Cougar Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Cougar Canyon Wilderness.

(45) Certain lands in the Red Mountain Wilderness Study Area comprised of approximately 9,216 acres, as generally depicted on a map entitled “Red Mountain Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Red Mountain Wilderness.

(46) Certain lands in the Deep Creek Wilderness Study Area comprised of approximately 3,063 acres, as generally depicted on a map entitled “Deep Creek Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Deep Creek Wilderness.

(47) Certain lands within the Dirty Devil Wilderness Study Area comprised of approximately 3,063 acres, as generally depicted on a map entitled “Dirty Devil Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Dirty Devil Wilderness.

(48) Certain lands within the Horseshoe Canyon South Wilderness Study Area comprised of approximately 11,383 acres, as generally depicted on a map entitled “Horseshoe Canyon South Proposed Wilderness” and dated September 18, 1995, and which shall be known as the Horseshoe Canyon South Wilderness.

(49) Certain lands in the French Spring-Happy Canyon Wilderness Study Area comprised of approximately 13,766 acres, as generally depicted on a map entitled “French Spring-Happy Canyon Proposed Wilderness” and dated September 18, 1995, and which shall be known as the French Spring-Happy Canyon Wilderness.

(50) Certain lands in the Road Canyon Wilderness Study Area comprised of approximately 33,783 acres, as generally depicted on a map entitled “Grand Gulch Proposed Wilderness” and dated December 8, 1995, and which shall be known as the Road Canyon Wilderness.

(51) Certain lands in the Fish & Owl Creek Wilderness Study Area comprised of approximately 16,562 acres, as generally depicted on a map entitled “Grand Gulch Proposed Wilderness” and dated December 8, 1995, and which shall be known as the Fish & Owl Creek Wilderness.

(52) Certain lands in the Turtle Canyon Wilderness Study Area comprised of approximately 27,480 acres, as generally depicted on a map entitled “Desolation Canyon Proposed Wilderness” and dated December 3, 1995, and which shall be known as the Turtle Canyon Wilderness.

(53) Certain lands in the The Watchman Wilderness Study Area comprised of approximately 664 acres, as generally depicted on a map entitled “The Watchman Proposed Wilderness” and dated December 8, 1995, and which shall be known as The Watchman Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this Title referred to as the “Secretary”) shall file a map and a legal description of each area designated as wilderness by this title on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the Office of the Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 2002. ADMINISTRATION OF WILDERNESS AREAS.

(a) In General.—Subject to valid existing rights, each area designated by this Title as wilderness shall be administered by the Secretary in accordance with this Title, the Wilderness Act (16 U.S.C. 1131 et seq.), and section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712). Any lands or interest in lands within the boundaries of an area designated as wilderness by this Title that are subject to valid existing rights recognized by this Title shall be determined under applicable laws, including the land use planning process under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712). Any lands or interests in lands within the boundaries of an area designated as wilderness by this Title that are subject to valid existing rights, including, but not limited to, access to existing water diversions, irrigation and ancillary facilities and livestock grazing improvements and structures. Existing routes as of such date may be maintained and reacquired necessary to maintain their customary and historic uses.

(b) Access.—Reasonable access, including the use of motorized equipment were necessary or customarily or historically employed, shall be allowed on routes within the area designated as wilderness in existence as of the date of enactment of this Act for the exercise of valid existing rights, including, but not limited to, access to existing water diversions, irrigation and ancillary facilities and livestock grazing improvements and structures. Existing routes as of such date may be maintained and reacquired necessary to maintain their customary and historic uses.

(c) LAND ACQUISITION BY EXCHANGE OR PURCHASE.—The Secretary may offer to acquire by donation or purchase lands within or adjacent to areas designated as wilderness by this Title. Lands designated as wilderness under this Title, which is hereby established as wilderness by this Title, may be designated as wilderness for the purposes of section 2(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(b)).
may be acquired under this subsection only by exchange, donation, or purchase from willing sellers.

(k) **Motorboats**—As provided in section 4(d) of the Wilderness Act, with respect to any area designated as wilderness by this Title, the use of motorboats, where such use was established as of the date of enactment of this Act, may be continued only if such use is subject to such restrictions as the Secretary deems desirable.

(1) **DISCLAIMER**—Nothing in this Title shall be construed as establishing a precedent with regard to any future wilderness designation, nor shall it constitute an interpretation of any other Act or any wilderness designation under such Act.

**SEC. 2003. WATER RIGHTS.**

(a) **No Federal Reservation.**—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as wilderness by this Title.

(b) **Acquisition and Exercise of Water Rights** Under Utah Law.—The United States may acquire and exercise such water rights, including water rights for administrative use of the Secretary of Interior, and for the use of the State of Utah, as are necessary to meet the water rights or water rights requirements of the State of Utah.

(c) **Exercise of Water Rights Generally Under Utah Laws.**—Nothing in this Title shall be construed to limit the exercise of water rights as provided under Utah State laws.

(d) **Certain Facilities Not Affected.**—Nothing in this Title shall affect the capacity, operation, maintenance, repair, modification, or replacement of municipal, agricultural, livestock, or wildlife water facilities in existence as of the date of enactment of this Act within the boundaries of areas designated as wilderness by this Title.

(e) **Water Resource Projects.**—Nothing in this Title or the Wilderness Act shall be construed to limit or to be a consideration in the determination of the State of Utah of the requirements of the State of Utah.

(f) **Tribal Water Rights.**—Nothing in this Title shall be construed to limit the exercise of water rights of any Indian tribe or treaty rights of any tribe in connection with the operation of the Grand Canyon Power Project.

(g) **USE AIRSPACE.**—Nothing in this Title shall be construed to limit the exercise of water rights by Indian tribes or treaty rights of any tribe in connection with the operation of the Grand Canyon Power Project.

(h) **INDUSTRIAL FACILITIES.**—Nothing in this Title shall be construed to limit the exercise of water rights by Indian tribes or treaty rights of any tribe in connection with the operation of the Grand Canyon Power Project.

(i) **CULTURAL, ARCHAEOLOGICAL, AND PALEONTOLOGICAL RESOURCES.**

The Secretary is responsible for the protection (including through the use of mechanical means) and interpretation (including through the use of permanent improvements) of cultural, archaeological, and paleontological resources located within areas designated as wilderness by this Title.

**SEC. 2004. NATIVE AMERICAN CULTURAL AND RELIGIOUS USE.**

In recognition of the past use of portions of the areas designated as wilderness by this Title by Native Americans for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access from time to time to those sites by Native Americans for such purposes, including (but not limited to) those used for religious ceremonies, or for personal uses, or for collecting plants or herbs for religious or medicinal purposes. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (43 U.S.C. 1901; commonly referred to as the “American Indian Religious Freedom Act”).

**SEC. 2006. OVERFLIGHTS.**

(a) **Overflights Not Precluded.**—Nothing in this Title, the Wilderness Act, or other land management laws generally applicable to the areas designated as the Wilderness Preservation System (or any additions to existing areas) designated by this Title, shall restrict or preclude overflights of military aircraft over the areas designated as wilderness, nor shall any overflights that can be seen or heard within such units.

(b) **Special Use Airspace.**—Nothing in this Title shall be construed to preclude, other than under management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Title, shall restrict or preclude the designation of new units of special use airspace or the use or establishment of military flight training rules over such areas.

(c) **Communications or Tracking Systems.**—Nothing in this Title, the Wilderness Act, or other land management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Title, shall restrict or preclude the designation of new units of special use airspace or the use or establishment of military flight training rules over such areas.

**SEC. 2007. AIR QUALITY.**

(a) **In General.**—The Congress does not intend that designation of wilderness areas in the State of Utah by this Title lead to reclassification of areas to a more stringent Prevention of Significant Deterioration (PSD) classification.

(b) **Role of State.**—Air quality reclassification for the wilderness areas established by this Title shall be the prerogative of the State of Utah. All areas designated as wilderness by this Title are and shall continue to be designated as PSD Class II under the Clean Air Act until they are reclassified by the State of Utah in accordance with the Clean Air Act.

(c) **Industrial Facilities.**—Nothing in this Title shall be construed to restrict or preclude construction, operation, or expansion of industrial facilities outside of the areas designated as wilderness by this Title, including the Hunter Power Facilities, the Huntington Power Facilities, the Intermountain Power Facilities, the Bonanza Power Facilities, the Continental Lime Facilities, and the Brush Wellman Facilities. The permitting and operation of such projects and facilities shall be subject to applicable laws and regulations.

**SEC. 2008. WILDERNESS RELEASE.**

(a) **Finding.**—The Congress finds and directs that all public lands in the State of Utah administered by the Bureau of Land Management in the State of Utah not designated wilderness by this Title are and shall continue to be designated as Wilderness Study Areas pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1782).

(b) **Release.**—Except as provided in subsection (c), any public lands administered by the Bureau of Land Management in the State of Utah not designated wilderness by this Title are and shall continue to be designated as Wilderness Study Areas pursuant to sections 202 and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1782).

(c) **land Exchange for Equal Value.**—The lands exchanged pursuant to this subsection shall be of approximate equal value as determined by nationally recognized appraisal standards.

(d) **Partial Exchanges.**—If the Secretary determines that the State of Utah so desires, it may identify from time to time by notice to the Secretary portions of those lands which are located in the State of Utah which it is prepared to exchange together with a list of the portion of lands in subsection
(c)(2) which it intends to acquire in return. In making its selections, the State shall work with the Secretary to minimize or eliminate the retention of Federal inholdings of unmanageable Federal parcels as a consequence of the transfer of Federal lands, or interests therein, to the State and (B) the Secretary shall immediately proceed to conduct the necessary valuations. The valuations shall be completed no later than six months following the State’s notice. The Secretary shall then enter into good faith negotiations with the State concerning the value of the lands, or interests therein, involved in each proposed partial exchange. If the value of the lands or interests therein are not approximately equal, the Secretary and the State of Utah shall either agree to modify the terms of the exchange or provide for a cash equalization payment to equalize the value. Any cash equalization payment shall not exceed 25 percent of the value of the lands or cash equalizations shall take place within forty years of the date of enactment of this Act.

(d) DEADLINE AND DISPUTE RESOLUTION.—If, after one year from the date of enactment of this Act, the Secretary and the State of Utah have not entered into good faith negotiations upon the final terms of some or all of the individual exchanges initiated by the State pursuant to subsection (d)(2), including the value of the lands involved, the Secretary may appeal in accordance with the applicable laws and rules.

(2) TRANSFER OF TITLE.—The transfer of lands or interests in lands shall take place within sixty days following agreement on an individual partial exchange by the Secretary and the Governor of the State of Utah, or acceptance by the Governor of the terms of an appropriate order of judgment entered by the district court affecting that partial exchange, and the Secretary shall, prior to transfer under this paragraph, subject to valid existing rights, all right, title and interest to the lands or interests therein involved in each partial exchange.

(e) DUTIES OF THE PARTIES AND OTHER PROVISIONS RELATING TO THE EXCHANGE.—(1) MAP AND LEGAL DESCRIPTION.—The State of Utah and the Secretary shall each provide to the other legal descriptions of the lands under their respective jurisdictions which are to be exchanged under this section. The map referred to in subsection (c)(1) of the legal descriptions provided under this subsection shall be on file and available for public inspection at the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of Natural Resources.

(2) HAZARDOUS MATERIALS.—The Secretary and the State of Utah shall inspect all pertinent records and shall conduct a physical inspection of the lands selected for exchange. The Secretary shall make a report to the Congress with respect to the research and the results of those inspections shall be made available to the parties. The responsibility for costs of remedial action related to such materials shall be borne by those entities responsible under existing law.

(3) PROVISIONS RELATING TO FEDERAL LANDS.—(A) The enactment of this Act shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(b) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands and interests in lands acquired by the United States under this Act shall be subject to an agreement between the District and the Secretary under subsection (c) or, if not, the lands transferred out of Federal ownership under paragraph (1) shall be subject to agreement with the District and the Secretary under subsection (b) either shall be subject to valid existing rights, the water rights associated with the Bullock Site shall not be included in the transfer under paragraph (1) but shall be subject to an agreement between the District and the Secretary under subsection (b) and the water rights in the Virgin River main from the Bullock Site through Zion National Park to the diversion point of the District at the Quail Creek Reservoir, subject to valid existing rights.

(c) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands and interests in lands acquired by the United States under this Act shall be subject to an agreement with the Secretary under subsection (c) or, if not, shall be subject to agreement with the State of Utah, Department of Natural Resources, for the operation of the District’s water rights. The terms of any such agreement shall be subject to the conditions set forth in section 207.

(3) WITHDRAWAL OF MINERAL INTERESTS.—Subject to valid existing rights, the mineral interests underlying the Sandy Hollow Site, the Quail Creek Pipeline and Quail Creek Reservoir, subject to valid existing rights.

(c) EQUALIZATION OF VALUES.—The value of the lands transferred out of Federal ownership under subsection (b) either shall be equal to the value of the lands received by the Secretary under subsection (d), or, if not, shall be equalized to the extent possible, transfer of all right, title, and interest of the District in and to lands in Washington County, Utah, and water rights of the District associated thereto, which are within the area providing habitat for the desert tortoise, as determined by the Secretary, to the extent possible, transfer of all right, title, and interest of the District in and to lands in the Smith Property, the term "Smith Property" means the lands located in Washington County, Utah, comprised of approximately 1,550 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated July 24, 1995.

(2) transfer of all right, title, and interest of the District in and to lands in the Smith Property, the term "Smith Property" means the lands located in Washington County, Utah, comprised of approximately 1,550 acres, as generally depicted on a map entitled "Washington County Water Conservancy District Exchange Proposal" and dated July 24, 1995.

(3) the payment of money to the Secretary, to the extent that the lands and rights transferred under paragraph (1) or (2) are not sufficient to equalize the values of the lands exchanged under subsection (b).
(d) Management of Lands Acquired by United States.—Lands acquired by the Secretary under this section shall be administered by the Secretary, acting through the Director of the Bureau of Land Management, in accordance with the provisions of law generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Federal Register Act of 1978 (5 U.S.C. 552 et seq.), and the Budget and Accounting Act of 1921 (31 U.S.C. 1101). (e) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The exchange of lands under this section is not subject to section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

TITLE XXI—FORT CARSON—PINON CANYON MILITARY LANDS WITHDRAWAL

SEC. 2101. WITHDRAWAL AND RESERVATION OF LANDS AT THE FORT CARSON MILITARY RESERVATION.

(a) Withdrawal.—Subject to valid existing rights and except as otherwise provided in this Title, the lands at the Fort Carson Military Reservation that are described in subsection (c) are hereby withdrawn from all forms of appropriations under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) Reservation.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training, and weapons firing;

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) Land description.—The lands referred to in subsection (a) comprise approximately 3,133.02 acres of public land and approximately 11,415.16 acres of federally-owned lands in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled “Fort Carson Proposed Withdrawal—Fort Carson Base”, dated March 2, 1992, and filed in accordance with section 2003.

SEC. 2102. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) Withdrawal.—Subject to valid existing rights and except as otherwise provided in this Title, the lands at the Pinon Canyon Maneuver Site that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) Reservation.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) Land description.—The lands referred to in subsection (a) comprise approximately 2,517.12 acres of public lands and approximately 139,139 acres of federally-owned minerals in Los Animas County, Colorado, as generally depicted on the map entitled “Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon Site”, dated March 2, 1992, and filed in accordance with section 2003.

SEC. 2103. MAPS AND LEGAL DESCRIPTIONS.

(a) Preparation.—As soon as practicable after the date of enactment of this Title, the Secretary of the Interior shall publish in the Federal Register notice containing the legal description of the lands withdrawn and reserved by this Act.

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

(c) Location of Maps.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management, and the Commander, Fort Carson, Colorado.

(d) Costs.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of publication of this Title.

SEC. 2104. MANAGEMENT OF WITHDRAWN LANDS.

(a) Management Guidelines.—(1) Except as provided in section 2005, during the period of withdrawal the Secretary of the Army shall manage for military purposes the lands covered by this Title and may authorize use of such lands covered by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads or trails on the lands withdrawn by this Title commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods of time necessary to implement the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) The Secretary of the Army shall take reasonable steps to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this subsection (c) shall provide for joint management assistance in the suppression of such fires, and for the, (a) transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) Management Plan.—Not later than 5 years after the date of enactment of this Act, the Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under section 2007 on the lands before the period of the withdrawal. Such plan shall—

(1) be consistent with applicable law; and

(2) include such action as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands; and

(3) identify those lands and acquired lands, if any, which are to be open to mining, or mineral or geothermal leasing, including mineral materials disposal.

(c) Implementation of Management Plan.—(1) The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan described in subsection (b).

(2) The duration of any such memorandum of understanding shall be the same as the period of withdrawal under section 2007.

(3) The memorandum of understanding may be amended by agreement of both Secretaries.

(d) Use of Certain Resources.—Subject to valid existing rights, the Secretary of the Army is authorized to—

(1) use such mineral or mineral materials resources from lands withdrawn by this Title, when the use of such resources is required for the conduct of military activities; and

(2) use such mineral or mineral materials resources from lands withdrawn by this Title, as may be necessary for the conduct of military activities; and

(3) such mineral and mineral materials resources from lands withdrawn by this Title, as may be necessary.

(e) Decontamination and remediation.—(1) Not later than 3 years after the date of enactment of this Act, the Secretary of the Army shall decontaminate the lands which is the subject of a notice of intention to relinquish pursuant to subsection (b)(3), and shall take such action as may be necessary for the protection of the natural, cultural, and other resources and values of such lands, including the protection of public safety, health, and welfare, and the protection of the environment.

(2) The Secretary of the Army shall take such action as may be necessary for the protection of the natural, cultural, and other resources and values of such lands, including the protection of public safety, health, and welfare, and the protection of the environment.

(3) The Secretary of the Army shall take such action as may be necessary for the protection of the natural, cultural, and other resources and values of such lands, including the protection of public safety, health, and welfare, and the protection of the environment.

(f) Contaminated State.—The lands shall be kept posted during closures.

(g) Determination of contamination.—(1) Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(3), the Secretary of the Army shall make a written determination as to whether and to what extent the lands are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be submitted to the Senate Committee on Appropriations with the notice of intention to relinquish. Copies of the notice of intention to relinquish and the determination of contamination shall be provided to the Secretary of the Interior.

(h) Determination of Contamination.—(1) The Secretary of the Army shall, in consultation with the Secretary of the Interior, determine that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination, the land could be opened to the operation of some or all of the public laws. The Secretary of the Army, in consultation with the Secretary of the Interior, shall decontaminate the land to the extent that funds are appropriated for such purpose.

(i) Determination of Contamination.—(1) The Secretary of the Army and the Interior shall either make such determination jointly.
relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws. If Congress determines that appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(3) If, because of their contaminated state, the Secretary of the Interior declines under paragraph (2) to accept jurisdiction of the lands for decontamination, or if at the expiration of the withdrawal made by the Title the Secretary of the Interior determines that some of the lands withdrawn by this Title are invalidated or determined to be invalid by the United States district court that prevents opening such contaminated lands to operation of the public land laws—

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

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

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

(4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all normal activities, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(5) Nothing in this Title shall affect, or be construed to affect, the Secretary’s obligations, if any, to decontaminate such lands pursuant to applicable law, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.).

(e) Program of Decontamination.—

Throughout the duration of the withdrawal and reservation made by this Title, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this Title.

(f) Acceptance of Lands Proposed for Relinquishment.—

Relinquished lands shall be accepted by the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over that lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this Title as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

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

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 2108. DELEGATION.

The function of the Secretary of the Army under this Act may be delegated. The functions of the Secretary of the Interior under this Title may be delegated, except that the order referred to in section 2007(f) may be approved and signed only by the Secretary of the Interior, the Secretary of the Army, or an Assistant Secretary of the Department of the Interior.

SEC. 2109. HOLD HARMLESS PROVISION.

(a) In General.—The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any expenditures made in the course of any mining, mineral activity, or geothermal leasing activity conducted on lands comprising the Fort Carson Military Reservation or Pinon Crest Military Munition Site, including liabilities to non-Federal entities under sections 107 or 113 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9607 and 9613), or section 7003 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. 6973.

(b) Indemnification.—Any party conducting any mining, mineral or geothermal leasing activity on such lands shall indemnify the United States and its departments or agencies thereof against any costs, fees, damages, or other liabilities, including costs of litigation, arising from or related to such mining activities, including costs of minerals disposal, whether arising under the Comprehensive Environmental Response Compensation and Liability Act, the Resource Conservation and Recovery Act, or otherwise.

SEC. 2110. AMENDMENTS TO MILITARY LANDS WITHDRAWAL ACT AND DEVELOPMENT ACT

(a) USE OF CERTAIN RESOURCES.—Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99-406; 100 Stat. 3491) is amended by adding at the end a new paragraph (2) as follows:

“(2) Subject to valid existing rights, the Secretary of the military department concerned may use, and permit the use of, similar mineral or material resources from lands withdrawn for the purposes of this Act when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.”

(b) TECHNICAL CORRECTION.—Section 9(b) of the Military Lands Withdrawal Act of 1986 (Public Law 99-406; 100 Stat. 3496) is amended by striking “(7)” and inserting in lieu thereof, “(8)”.

SEC. 2111. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Title.

TITLE XXII—SNOWBASIN LAND EXCHANGE ACT

SEC. 2201. FINDINGS AND DECLARATION.

(a) FINDINGS.—The Congress finds that—

(1) in June 1995, Salt Lake City Utah, was selected to host the 2002 Winter Olympic Games, and the Snowbasin Ski Resort, which is owned by the Sun Valley Company, was identified as the site of six Olympic events: the men’s and women’s downhill, men’s and women’s Super-Gs, and men’s and women’s combined downhills;

(2) in order to adequately accommodate these events, which are traditionally among the most highly anticipated at the Winter Olympic Games, major new skiing, visitor, and support facilities will have to be constructed at the Snowbasin Ski Resort on currently developed and currently operated real estate located on the United States Forest Service; and

(3) while certain of these new facilities can be constructed, tested for safety and determined to be logical and advisable; it is the intent of Congress that this exchange be completed without delay within the period specified by section 2104.

(b) DETERMINATION.—The Congress has reviewed the previous analyses and studies of the lands to be exchanged and developed pursuant to this Title, and has made its own review of these lands and issues involved, and on the basis of those reviews hereby finds and determines that a legislated land exchange and development with respect to certain National Forest System lands is necessary to meet Olympic goals and timetables.

SEC. 2202. PURPOSE AND INTENT.

The purpose of this Title is to authorize and direct the Secretary to exchange 1,320 acres of federally-owned land within the Cache National Forest in the State of Utah for lands of approximately equal value owned by the Sun Valley Company. It is the intent of Congress that this exchange be completed without delay within the period specified by section 2104.

SEC. 2203. DEFINITIONS.

As used in this Title:

(1) the term “Sun Valley Company” means the Sun Valley Company, a division of Sinclair Oil Corporation, a Wyoming corporation, or its successors or assigns; and

(2) the term “Secretary” means the Secretary of Agriculture.

SEC. 2204. EXCHANGE.

(a) FEDERAL SELECTED LANDS.—(1) Not later than 45 days after the final determination of the value of the lands, the Secretary shall, subject to this Title, transfer all right, title, and interest of the United States in and to the lands referred to in paragraph (2) to the Sun Valley Company.

(2) The lands referred to in paragraph (1) are certain lands within the Cache National Forest in the State of Utah comprising 1,320 acres, more or less, as generally depicted on the map entitled “Snowbasin Land Exchange—Proposed” and dated October 1995.

(b) NON-FEDERAL OFFERED LANDS.—Upon transfer of the Federal selected lands under subsection (a), and in exchange for those lands, the Sun Valley Company shall simultaneously convey to the Secretary all right, title and interest of the Sun Valley Company in and to so much of the following offered lands which have been previously identified by the United States Forest Service as desirable by the United States, or which are generally identified pursuant to paragraph (5) prior to the transfer of lands under subsection (a), as are of approximate equal value to the Federal selected lands.

(1) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 1,320 acres and are generally depicted on a map entitled “Lightning Ridge Offered Lands”, dated October 1995.
(2) Certain lands located within the Cache National Forest in Weber County, Utah, which comprise approximately 655 acres and are generally depicted on a map entitled "Wheeler Canyon Offered Lands—Section 2" dated October 1995.

(3) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, and lying immediately adjacent to the outskirts of the City of Ogden, Utah, which comprise approximately 600 acres and are generally depicted on a map entitled "North Fork Ogden River—Devil's Gate Valley", dated October 1995.

(4) Certain lands located within the exterior boundaries of the Cache National Forest in Weber County, Utah, which comprise approximately 2,040 acres and are generally depicted on a map entitled "North Fork Ogden River—Devil's Gate Valley", dated October 1995.

(5) Such additional offered lands in the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this Title approximately equal, and which are acceptable to the Secretary.

(c) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in paragraphs (1) through (4) of subsection (b) is unable to be conveyed to the United States for appraisal reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land parcel or parcels, or parcels of Federal lands offered for public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in paragraphs (1) through (4) of subsection (b).

(2) In order to expedite the appraisal of the lands referred to in paragraph (1), the Sun Valley Company shall arrange for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company as appropriate in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be adjusted by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 106 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be adjusted by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 106 of the Federal Land Policy and Management Act of 1976.

(2) the modification is necessary to protect the security, health, and safety of the Forest Service, or its resources and facilities, or to comply with all procedural and other requirements of the laws of the United States.

The Secretary shall adjust the boundaries of any lands transferred or conveyed by the Secretary to any State for use in accordance with the provisions of this section.

(d) STATUS OF LANDS.—Upon acceptance of title by the Secretary, the lands conveyed to the United States pursuant to this Title shall become part of the Wasatch or Cache National Forests as appropriate, and the boundaries of such National Forests shall be adjusted to encompass such lands. Once conveyed, such lands shall be managed in accordance with the Act of March 1, 1911, as amended (commonly known as the "Weeks Act"), and in accordance with the other laws, rules and regulations applicable to National Forest System lands. This subsection does not limit the Secretary's authority to adjust the boundaries pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 551), the private lands owned by the Sun Valley Company in the vicinity of the Snowbasin Ski Area and the Snowbasin Ski Area Master Development Plan, dated October 1995 (hereinafter in this section referred to as the "Master Plan"). On the basis of such review, and review of pre- approval and post-construction studies and other resource studies for the Snowbasin Ski Area, Congress hereby finds that the "Phase I" facilities referred to in the Master Plan to be located on National Forest land after consummation of the land exchange directed by this Title are limited in size and scope, are reasonable and necessary to accommodate the 2002 Olympics, and in some cases are required to provide for the safety of skiing competitors and spectators.

(2) Within 90 days after the date of enactment of this Act, the Secretary of Agriculture shall review the Master Plan insofar as such plan pertains to Phase I facilities which are to be constructed and operated wholly or partially on National Forest System lands retained by the Secretary after consummation of the land exchange directed by this Title. The Secretary may modify such Phase I facilities upon mutual agreement with the Sun Valley Company or by imposing conditions pursuant to subsection (b) of this section.

(3) Certain lands located within the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this Title approximately equal, and which are acceptable to the Secretary.

(c) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in paragraphs (1) through (4) of subsection (b) is unable to be conveyed to the United States for appraisal reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land parcel or parcels, or parcels of Federal lands offered for public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in paragraphs (1) through (4) of subsection (b).

(2) In order to expedite the appraisal of the lands referred to in paragraph (1), the Sun Valley Company shall arrange for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company as appropriate in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be adjusted by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 106 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be adjusted by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 106 of the Federal Land Policy and Management Act of 1976.

(3) Certain lands located within the State of Utah as may be necessary to make the values of the lands exchanged pursuant to this Title approximately equal, and which are acceptable to the Secretary.

(c) SUBSTITUTION OF OFFERED LANDS.—If one or more of the precise offered land parcels identified in paragraphs (1) through (4) of subsection (b) is unable to be conveyed to the United States for appraisal reasons, or if the Secretary and the Sun Valley Company mutually agree and the Secretary determines that an alternative offered land parcel or parcels, or parcels of Federal lands offered for public needs and objectives, the Sun Valley Company may simultaneously convey to the United States alternative offered lands in the State of Utah acceptable to the Secretary in lieu of any or all of the lands identified in paragraphs (1) through (4) of subsection (b).

(2) In order to expedite the appraisal of the lands referred to in paragraph (1), the Sun Valley Company shall arrange for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and pay for appraisals of the offered and selected lands by a qualified appraiser with experience in appraising similar properties and who is mutually acceptable to the Sun Valley Company as appropriate in accordance with section 206 of the Federal Land Policy and Management Act of 1976. The appraisal reports shall be written to Federal standards as defined in the Uniform Appraisal Standards for Federal Land Acquisitions. If, due to size, location, or use of lands exchanged under this Title, the values are not exactly equal, they shall be adjusted by the Secretary utilizing nationally recognized appraisal standards and in accordance with section 106 of the Federal Land Policy and Management Act of 1976.
Such determinations, authorizations and actions shall not be subject to administrative or judicial review.

SEC. 2207. NO PRECEDENT.

(a) TRANSFER AND RIGHTS-OF-WAY.—The Secretary of the Interior (hereinafter in this Title referred to as the "Secretary") is authorized to transfer, without reimbursement, to York County, Virginia, that portion of the existing sewage disposal system, including related improvements and structures, owned by the United States and located within the Colonial National Historical Park, together with such rights-of-way as are determined by the Secretary to be necessary to maintain and operate such system.

(b) REPAIR AND REHABILITATION OF SYSTEM.—The Secretary is authorized to enter into a cooperative agreement with York County, Virginia, under which the Secretary will pay a portion, not to exceed $110,000, of the costs of repair and rehabilitation of the sewage disposal system referred to in subsection (a).

(c) FEES AND CHARGES.—In consideration for the rights-of-way granted under subsection (a), and in recognition of the National Park Service's contribution authorized under subsection (b), the cooperative agreement shall provide for a reduction in, or the elimination of, the amounts charged to the National Park Service for its sewage disposal. The cooperative agreement shall also provide for minimizing the impact of the sewage disposal system on the park and its resources. Such system may not be enlarged or substantially altered without National Park Service concurrence.

SEC. 2302. INCLUSION OF LAND IN COLONIAL NATIONAL HISTORICAL PARK.

Notwithstanding the provisions of the Act of June 25, 1938 (16 U.S.C. 410d et seq.), limiting the average width of the Colonial Parkway, the Secretary of the Interior is authorized to include within the boundaries of Colonial National Historical Park and acquire by donation, exchange, or purchase with donated or appropriated funds—

(1) the lands or interests in lands described as lots 30 to 48, inclusive;

(2) the portion of lot 49 that is 200 feet in width from the existing boundary of Colonial National Historical Park;

(3) a 3.37 acre archaeological site, as shown on the plate titled "Page Landing At Jamestown being a subdivision of property of Neck O Land Limited Partnership" dated June 21, 1989, U.S. Patent No. 4,377,954 and bearing National Park Service Drawing Number 333.80031; and

(4) all or a portion of the adjoining lot numbered 409, O Land Hundred Subdivision, with or without improvements.

SEC. 2303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Title.

TITLE XXIV.—WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

SECTION 2401. INCLUSION OF OTHER PROPERTY.

Section 1601(d)(2) of Title I of Public Law 96-607 (16 U.S.C. 410d) is amended to read as follows: "To carry out the purposes of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;

(2) dwelling, 30 Washington Street, Seneca Falls;

(3) dwelling, 34 Washington Street, Seneca Falls;

(4) lot, 25-28 Washington Street, Seneca Falls;

(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

(8) the "Hedge" (an open area), 48 East Williams Street, Waterloo;

(9) to not exceed 1 acre, plus improvements, as determined by the Secretary, in Seneca Falls for development of a maintenance facility;

(10) dwelling, 1 Seneca Street, Seneca Falls;

(11) dwelling, 10 Seneca Street, Seneca Falls;

(12) parcels adjacent to Wesleyan Chapel Block, including Clinton Street, Fall Street, and Mynderse Street, Seneca Falls; and

(13) dwelling, 12 East Williams Street, Waterloo.

SEC. 2402. MISCELLANEOUS AMENDMENTS.

Section 1601 of Public Law 96-607 (16 U.S.C. 410d) is amended by redesignating subsection (a) as "(1)(i)" and inserting at the end thereof the following new paragraph:

(2) in addition to those sums appropriated prior to the date of this Act, an additional $2,000,000.

TITLE XXV.—FRANKLIN D. ROOSEVELT FAMILY LANDS

SEC. 2501. ACQUISITION OF LANDS.

(a) IN GENERAL.—(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire, by purchase with donated or appropriated funds, donation, or otherwise, lands and interests therein in the properties located at Hyde Park, New York, including lands critical for protection as depicted on the map entitled "Roosevelt Family Estate" and dated September 1991—

(A) the "Page Park Hodhome Tract", consisting of approximately 40 acres, which shall be the highest priority for acquisition;

(B) the "Top Cottage Tract", consisting of approximately 30 acres; and

(C) the "Poughkeepsie Shopping Center, Inc. Tract", consisting of approximately 55 acres.

(b) ADMINISTRATION.—(1) In carrying out the acquisition authorized under this Title, the Secretary may make grants and enter into cooperative agreements with the State of New York, local governments, and private nonprofit entities under which the Secretary agrees to not more than 50 percent of the costs of—

(A) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District; and

(B) implementation of projects approved by the Secretary under the development plan.

(c) CONTENTS OF PLAN.—The development plan shall include—

(1) an evaluation of—

(A) the physical condition of historic and architectural resources; and

(B) the environmental and flood hazard conditions within the District; and

(2) recommendations for—

(A) rehabilitating, reconstructing, and adaptively reusing the historic and architectural resources; and

(B) preserving viewsheds, focal points, and streetscapes;

(D) establishing gateways to the District;

(E) rehabilitating and maintaining parks and public spaces; and

(F) developing public parking areas; and

(G) improving pedestrian and vehicular circulation within the District.

SEC. 2606. RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.

(a) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of properties within the Great Falls Historic District.
the District that the Secretary determines to be of historical or cultural significance, under which the Secretary may—

(1) pay not more than 50 percent of the cost of restoring, improving the properties; 

(2) provide technical assistance with respect to the preservation and interpretation of the properties; and

(3) (E) and provide interpretation of the properties.

(b). PROVISIONS.—A cooperative agreement under subsection (a) shall provide that—

(1) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(2) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(3) if at any time the property is converted, used, or disposed of in a manner that is contrary to the purposes of this Act, as determined by the Secretary, the property owner shall be liable to the Secretary for the greater of—

(A) the amount of assistance provided by the Secretary for the property; or

(B) the portion of the increased value of the property attributable to the assistance, determined as of the date of the conversion, use, or disposal.

(c) APPLICATIONS.—

(1) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under subsection (a) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the District.

(2) CONSIDERATION.—In making such funds available under this section, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

SEC. 2507. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this Title—

(a) $250,000 for grants and cooperative agreements for the development plan under section 6; and

(b) $30,000 for the provision of technical assistance and $3,000,000 for the provision of other assistance under cooperative agreements under section 7.

TITLE XXVII. RIO PUERCO WATERSHED

SECTION 2701. FINDINGS.

Congress finds that—

(1) over time, extensive ecological changes have occurred in the Rio Puerco watershed, including—

(A) erosion of agricultural and range lands;

(B) impairment of waters due to heavy sedimentation;

(C) reduced productivity of renewable resources;

(D) loss of biological diversity;

(E) loss of riparian functioning areas; and

(F) loss of available surface water;

(2) damage to the watershed has seriously affected the economic and cultural wellbeing of its residents;

(A) loss of communities that were based on the land and were self-sustaining; and

(B) adverse effects on the traditions, customs, and cultures of the affected communities;

(3) a healthy and sustainable ecosystem is essential to the long-term economic and cultural wellbeing of the region;

(4) the impairment of the Rio Puerco watershed has caused damage to the ecological and economic well-being of the area below the junction of the Rio Puerco with the Rio Grande, including—

(A) disruption of ecological processes;

(B) reduced water quality for agriculture and wildlife habitat; and

(C) significant reduction in the water storage capacity and life expectancy of the Elephant Butte Dam and Reservoir system due to sedimentation;

(5) chronic problems of irrigation system channel maintenance; and

(6) flood damage caused by flooding caused by sediment accumulation;

(7) the Rio Puerco is a major tributary of the Rio Grande, and

(A) the coordinated implementation of basin-wide best management practices for the Rio Puerco system could benefit the larger Rio Grande system;

(B) the banks of the watershed have been stressed by the loss of native vegetation, introduction of exotic species, and alteration of riparian habitats that have disrupted the original dynamics of the river and disrupted natural ecological processes;

(C) the Rio Puerco watershed is a mosaic of private, Federal, tribal trust, and State land ownership with diverse, sometimes differing management objectives;

(D) development, implementation, and monitoring of an effective watershed management program for the Rio Puerco watershed is best achieved through cooperation among affected Federal, State, local, and tribal entities;

(E) the Secretary of the Interior, acting through the Director of the Bureau of Land Management, in consultation with Federal, State, local, and tribal entities and in cooperation with the Rio Puerco Watershed Management Committee, is best suited to coordinate management efforts in the Rio Puerco watershed; and

(F) accelerating the pace of improvement in the Rio Puerco watershed on a coordinated, cooperative basis will benefit persons living in the watershed as well as downstream users on the Rio Grande.

SEC. 2702. MANAGEMENT, PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall—

(1) in consultation with the Rio Puerco Watershed Management Committee established by section 7, establish a clearinghouse for research and information on management within the area identified as the Rio Puerco Drainage Basin, as depicted on the map entitled ‘‘The Rio Puerco Watershed’’ dated June 1994, including—

(I) current and historical natural resource conditions;

(II) data concerning the extent and causes of watershed impairment; and

(III) an inventory of best management practices and monitoring and evaluation activities that have been or may be implemented within the area identified as the Rio Puerco Watershed Project, as depicted on the map entitled ‘‘The Rio Puerco Watershed’’ dated June 1994; and

(2) provide support to the Rio Puerco Management Committee to identify objectives, monitor results of ongoing projects, and develop alternative watershed management plans for the Rio Puerco Drainage Basin, based on best management practices.

(b) Rio Puerco Watershed Council Report.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall prepare a report for the improvement of watershed conditions in the Rio Puerco Drainage Basin described in subsection (a)(1).

(2) CONTENTS.—The report under paragraph (1) shall—

(A) identify reasonable and appropriate goals and objectives for landowners and managers in the Rio Puerco watershed;

(B) describe potential alternative actions to meet goals and objectives, including proven best management practices and costs associated with implementing the actions;

(C) recommend voluntary implementation of appropriate best management practices on public and private lands; and

(D) provide for cooperative development of management guidelines for monitoring and improving the ecological, cultural, and economic conditions on public and private lands.

(f) for the development of public participation and community outreach programs that would include proposals for—

(i) cooperative efforts with private landowners to encourage best management practices within the watershed; and

(ii) involvement of private citizens in restoring the watershed.

(2) CONGRESSIONAL RECORD

March 25, 1996

S2826

March 25, 1996

S2826

RIO PUERCO MANAGEMENT COMMITTEE.

(a) ESTABLISHMENT.—There is established the Rio Puerco Management Committee (referred to in this section as the ‘‘Committee’’).

(b) MEMBERSHIP.—The Committee shall be convened by a representative of the Bureau of Land Management and shall include representatives from—

(1) the Rio Puerco Watershed Committee; and

(2) affected tribes and pueblos;

(3) the National Forest Service of the Department of Agriculture;

(4) the Bureau of Reclamation;

(5) the United States Geological Survey;

(6) the Bureau of Indian Affairs;

(7) the United States Fish and Wildlife Service;

(8) the Army Corps of Engineers;

(9) the Natural Resources Conservation Service of the Department of Agriculture;

(10) the State of New Mexico, including the New Mexico Environment Department and the State Engineer; and

(11) affected local soil and water conservation districts.

(c) DUTIES.—The Rio Puerco Management Committee shall—

(1) advise the Secretary of the Interior, acting through the Director of the Bureau of Land Management, on the development and implementation of the Rio Puerco Management Program described in section 3; and

(2) serve as a forum for information about activities that may affect or further the development and implementation of best management practices described in section 3.

(d) TERMINATION.—The Committee shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 2704. REPORT.

Not later than the date that is 2 years after the date of enactment of this Act, and
biennially thereafter, the Secretary of the Interior, in consultation with the Rio Puerco Management Committee, shall transmit to the Committee on Energy and Natural Resources of the House of Representatives a report containing —
(1) a summary of activities of the management program, and
(2) proposals for joint implementation efforts, including funding recommendations.

SEC. 2705. LOWER RIO GRANDE HABITAT STUDY.
(a) IN GENERAL.—The Secretary of the Interior, through appropriate State agencies, shall conduct a study of the Rio Grande that—
(1) shall cover the distance from Caballo Lake to Sunland Park, New Mexico; and
(2) may cover a greater distance.

(b) CONTENTS.—The study under subsection (a) shall include—
(1) a survey of the current habitat conditions of the river and its riparian environment;
(2) identification of the changes in vegetation and habitat over the past 400 years and the affect of the changes on the river and riparian area; and
(3) a reassessment of the feasibility, benefits, and problems associated with activities to prevent further habitat loss and to restore habitat through reintroduction or establishment of aquatic and riparian species native to the area.

(c) TRANSMITTAL.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary of the Interior shall transmit the study under subsection (a) to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives.

SEC. 2706. AUTHORIZATION OF APPROPRIATIONS.
There is authorized to be appropriated to carry out sections 2, 3, 4, and 5 a total of $7,500,000 for the fiscal years beginning after the date of enactment of this Act.

TITLE XXVIII—COLUMBIA BASIN

SEC. 2801. LAND EXCHANGE.
The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the “Corporation”), a corporation formed under the statutes of the State of Delaware, with its principal place of business in Boise, Idaho, up to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Wilamette Meridian, Stevens County, Washington, further identified by the inclusion of the Bureau of Reclamation, Department of the Interior, as Tract No. GC-19680, and to accept from the Corporation in exchange therefor, title to an approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract Nos. 369858 and Tract No. GC-19659, respectively.

SEC. 2802. APPRAISAL.
The properties so exchanged either shall be approximately equal in fair market value or if there is a difference, such difference shall be equaled by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation’s lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, that the Secretary shall order appraisals made of the fair market value of land included in the exchange without consideration for improvements thereon: Provided further, that any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

SEC. 2803. ADMINISTRATIVE COSTS.
Costs of completing the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

SEC. 2804. LIABILITY FOR HAZARDOUS SUBSTANCES.
(a) The Secretary shall not acquire any lands under this Title if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances by insufficiency of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(b) Notwithstanding any other provision of law, if hazardous wastes or other substances placed on any of the lands covered by this Title after their transfer to the ownership or responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Title after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of the land on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising from hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 9001 et seq.).

SEC. 2805. STATEMENTS.
There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Title.

TITLE XXIX—GRAND LAKE CEMETERY

SECTION 2901. MAINTENANCE OF CEMETERY IN ROCKY MOUNTAIN NATIONAL PARK.
(a) AGREEMENT.—Notwithstanding any other law, not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall enter into an agreement with the town of Grand Lake, Colorado, authorizing the town of Grand Lake, Colorado, to maintain permanently, under appropriate terms and conditions, a cemetery within the boundaries of the Rocky Mountain National Park.

(b) CEMETERY BOUNDARIES.—The cemetery shall be comprised of approximately 5 acres of land, as generally depicted on the map entitled “Grand Lake Cemetery” and dated February 1963.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—The Secretary of the Interior shall place the map described in subsection (b) on the file, and make the map available for public inspection, in the headquarters office of the Rocky Mountain National Park.

(d) LIMITATIONS.—The cemetery shall not be extended beyond the boundaries of the cemetery shown on the map described in subsection (b).

TITLE XXX.—OLD SPANISH TRAIL

SECTION 3001. DESIGNATION OF TRAIL.
Section 3 of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new sentence: “The Secretary may be made in the approved plan as amended without the approval of the Secretary.

(b) EXTENSION.—The Commission may be extended for an additional term of 10 years if—
(1) not later than 180 days before the termination of the Commission, the Secretary finds that the Commission is effectively assisting Federal, State, and local authorities to reestablish, enhance, and interpret the distinctive Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; and
(2) the Commission is effectively assisting Federal, State, and local authorities to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; approved November 10, 1986 (Public Law 99-967; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following, before the period at the end of the sentence: “; but may continue to serve after the expiration of this term until a successor has been appointed.”

SEC. 3106. REVISION OF PLAN.
Section 6 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-967; 16 U.S.C. 461 note), is amended by adding at the end the following new sentence:

“(d) REVISION OF PLAN.—(1) Not later than 1 year after the date of enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.

“(2) No changes other than minor revisions may be made in the approved plan as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).

SEC. 3104. EXTENSION OF COMMISSION.
Section 7 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-967; 16 U.S.C. 461 note), is amended to read as follows:

“TERMINATION OF COMMISSION

SEC. 7 (a). TERMINATION.—Except as provided in subsection (b) of this section, the Commission shall terminate on the date that is 10 years after the date of enactment of the Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

“(b) EXTENSION.—The Commission may be extended for an additional term of 10 years if—

(1) not later than 180 days before the termination of the Commission, the Secretary finds that the Commission is effectively assisting Federal, State, and local authorities to reestablish, enhance, and interpret the distinctive Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; and
(2) the Commission is effectively assisting Federal, State, and local authorities to reestablish, enhance, and interpret the distinctive Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; approved November 10, 1986 (Public Law 99-967; 16 U.S.C. 461 note), is amended by striking the first sentence and inserting the following, before the period at the end of the sentence: “; but may continue to serve after the expiration of this term until a successor has been appointed.”

SEC. 3105. APPROPRIATIONS.
There is authorized to be appropriated to carry out this Act, such sums as may be necessary to carry out the purposes of this Title.
character and nationally significant re-

SEC. 3105. IMPLEMENTATION OF THE PLAN.

Subsection (c) of section 8 of the Act enti-
titled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-947; 16 U.S.C. 461 note), is amended to read as fol-

“(c) IMPLEMENTATION.—To assist in the im-
plementation of the Cultural Heritage and Land Management Plan in a manner consis-
tent with purposes of this Title, the Sec-
retary is authorized to undertake a limited program of assistance for the pur-
pose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of His-
toric Places within the Corridor which ex-
hibit national significance or provide a wide spectrum of historic, recreational, or envi-
ronmental education opportunities to the public;

“(2) To be eligible for funds under this sec-
tion, the Commission shall submit an appli-
cation to the Secretary that includes—

“(A) a 10-year development plan includes those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor;

“(B) specific description of annual work programs that have been assembled, the par-
ticipating parties, roles, cost estimates, cost-effective agreement necessary to carry out the development plan;

“(3) Funds made available pursuant to this sub-
section exceed 50 percent of the total cost of the work programs;

“(4) In making the funds available, the Secretary shall give priority to projects that attract Federal funding sources;

“(5) Any payment made for the purposes of

SEC. 3202. AMENDMENT OF PATENT.

(a) The 1909 Cuprum Townsite patent

(b) Purpose.—It is the purpose of this Title to amend the 1909 Cuprum Townsite

(c) Amendment of Patent.

(1) The Weyerhaeuser Company has offered to the United States Government an ex-
change of lands under which Weyerhaeuser would receive approximately 48,000 acres of Federal land in Arkansas and Oklahoma and all mineral interests and oil and gas inter-
ests pertaining to these exchanged lands in which the United States Government has an
interest, in return for the United States lands

TITLED XII—CUPRUM, IDAHO RELIEF

SEC. 3201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and de-
clares as follows:

“(1) In 1899, the citizens of Cuprum, Idaho, commissioned E.S. Hesse to conduct a survey describing these lands occupied by their community.

“(2) In 1999, the Cuprum Townsite patent

“(B) certain lands in Arkansas (Arkansas Ouachita lands) located near Poteau Mountain, Cossatot River, Flatside Wilderness and the Ouachita National Forest;

“(C) certain lands in Arkansas (Arkansas Cossatot lands) located on the Little and Cossatot rivers and in the Pond Creek Bottoms in the Lower Mississippi River Delta section of the North American Waterfowl Management Plan;

“(D) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Caddo mission, and the Ouachita National Forest;

“(E) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Caddo mission, and the Ouachita National Forest;

“(F) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Caddo mission, and the Ouachita National Forest;

“(G) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Caddo mission, and the Ouachita National Forest;

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“(G) certain lands in Oklahoma (Oklahoma lands) located near the McCurtain County Wilderness, the Broken Bow Reservoir, the Caddo mission, and the Ouachita National Forest;
the States of Arkansas and Oklahoma and to the United States.

SEC. 3302. DEFINITIONS.
As used in this Title:
(a) LANDS.—The terms “land” or “lands” mean all surface acreage and any other interests therein except for mineral interests and oil and gas interests.

(b) PLAN AMENDMENTS.—The term “mineral interests” means goethite and hematite and heat and all metals, ores, and minerals of any nature whatsoever, except oil and gas interests, subject to the provisions of this Title, including, but not limited to, coal, lignite, peat, rock, sand, gravel, and quartz.

(c) OIL AND GAS INTERESTS.—The term “oil and gas interests” means all oil and gas of any nature, including carbon dioxide, helium, and gas taken from coal seams (collectively “oil and gas”).

(d) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture.

(e) WEAVERHAUSER.—The term “Weyerhaeuser” means Weyerhaeuser Company, a company incorporated in the State of Washington.

SEC. 3303. EXCHANGE.
(a) EXCHANGE OF LANDS AND MINERAL INTERESTS.
(1) IN GENERAL.—Subject to paragraph (a) and (b) and notwithstanding any other provision of law, within 90 days after the date of enactment of this Title, the Secretary of Agriculture shall convey to Weyerhaeuser, subject to any valid existing rights, approximately 20,000 acres of Federal lands and mineral interests in the State of Arkansas and approximately 28,000 acres of Federal lands and mineral interests in the State of Oklahoma as depicted on a map entitled “Arkansas-Oklahoma Land Exchange—Federal Arkansas and Oklahoma Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(2) FINAL MAPS.—Not later than 180 days after the completion of the exchange required by subsection (a)(1), the Secretary shall convey to Weyerhaeuser approximately 35,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Arkansas, as depicted on a map entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries.

(b) EXCHANGE OF OIL AND GAS INTERESTS.—
(1) IN GENERAL.—Subject to paragraph (b)(2) and notwithstanding any other provision of law, upon the completion of the exchange for land and mineral interests is carried out pursuant to this section, the Secretary of Agriculture shall exchange all Federal interests, including leases and other agreements, in the lands described in paragraph (a)(1) for equivalent oil and gas interests, including existing leases and other agreements, owned by Weyerhaeuser in the lands described in paragraph (a)(2).

(2) RESERVATION.—In addition to the exchange of oil and gas interests pursuant to paragraph (b)(1), Weyerhaeuser shall reserve oil and gas interests in and under the lands depicted for reservation on a map entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries. Such reservation shall be subject to the provisions of this Title and a Memorandum of Understanding between the Secretary of Agriculture and Weyerhaeuser. Such Memorandum of Understanding shall be completed no later than 60 days after date of enactment of this Title.

(c) GENERAL PROVISIONS.
(1) MAPS CONTROLLING.—The acreage cited in this Title is approximate. In the case of a discrepancy between the description of lands, mineral interests, and oil and gas interests to be exchanged pursuant to subsection (a) and the lands, mineral interests, or oil and gas interests as depicted on a map referred to in subsection (b), the Secretaries shall transmit maps accurately depicting the acreage and boundary descriptions of such lands and mineral interests to the Committee on Energy and Natural Resources of the United States Senate, the Committee on Resources of the United States House of Representatives, and the Committee on Resources of the House of Representatives.

(2) CANCELLATION.—If, before the exchange has been carried out pursuant to subsections (a) and (b), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to the exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Title and shall be managed in accordance with applicable law and management Plans with public involvement pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, and any other applicable laws.

(3) INTERIM USE OF LANDS.—
(A) IN GENERAL.—Except as provided in paragraph (2), during the period beginning on the first date of the implementation of the plan prepared under paragraph (2) and ending on the first date of the date of the completion of the exchange of the lands required by this Title and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this Title in accordance with the National Wildlife Refuge System Act of 1966 (16 U.S.C. 666d–666eee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the Secretary shall set the hunting season for any hunting season on the lands described in subsection (1) shall comport with the applicable State law.

SEC. 3304. DESIGNATION AND USE OF LANDS ACQUIRED BY THE UNITED STATES.
(a) NATIONAL FOREST SYSTEM.
(1) AMENDMENT.—Upon approval and acceptance of title by the Secretary of Agriculture, the 155,000 acres of land conveyed to the United States pursuant to Section 3303(a)(2)(A) and (B) of this Act shall be subject to the Act of March 1, 1911 (commonly known as the “Weeks Law”) (36 Stat. 854) as amended. Such lands shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest System.

(b) OTHER.
(1) ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM.—Once acquired by the United States, the 25,000 acres of lands identified in section 3303(a)(2)(C), the Arkansas Cossatot lands, shall be managed by the Secretary of the Interior as a component of the Cossatot National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 666d–666eee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by this Title, the Secretary of the Interior shall prepare and implement a single refuge management plan for the Cossatot National Wildlife Refuge, as expanded by this Title. Such management plan shall be consistent with the important public purposes served by the recreational use of such lands and wildlife-related public use, including hunting, fishing, and trapping.

(3) INTERIM USE OF LANDS.—
(A) IN GENERAL.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to Section 3303(a)(2)(A) and (B) of this Act and beginning on the date of the completion of the exchange required by this Title, the Secretary of Agriculture shall administer all lands described in subsection (1) subject to limitations and the reservation described in subsection (b) and which are acceptable to and approved by the Secretary of Agriculture, to the following:

(b) EXCHANGE OF OIL AND GAS INTERESTS.—
(1) IN GENERAL.—Subject to paragraph (b)(2) and notwithstanding any other provision of law, the exchange for land and mineral interests is carried out pursuant to this section, the Secretary of Agriculture shall exchange all Federal interests, including leases and other agreements, in the lands described in paragraph (a)(1) for equivalent oil and gas interests, including existing leases and other agreements, owned by Weyerhaeuser in the lands described in paragraph (a)(2).

(2) RESERVATION.—In addition to the exchange of oil and gas interests pursuant to paragraph (b)(1), Weyerhaeuser shall reserve oil and gas interests in and under the lands depicted for reservation on a map entitled “Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands,” dated February 1996 and available for public inspection in appropriate offices of the Secretaries. Such reservation shall be subject to the provisions of this Title and a Memorandum of Understanding between the Secretary of Agriculture and Weyerhaeuser. Such Memorandum of Understanding shall be completed no later than 60 days after date of enactment of this Title. Such maps shall be transmitted to the Committee on Energy and Natural Resource of the United States Senate and the Committee on Resources of the United States House of Representations. The Memorandum of Understanding shall not become effective until 30 days after it is received by the Committee.

(c) GENERAL PROVISIONS.
(1) MAPS CONTROLLING.—The acreage cited in this Title is approximate. In the case of a discrepancy between the description of lands, mineral interests, and oil and gas interests to be exchanged pursuant to subsection (a) and the lands, mineral interests, or oil and gas interests as depicted on a map referred to in subsection (b), the Secretaries shall transmit maps accurately depicting the acreage and boundary descriptions of such lands and mineral interests to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representations.

(2) CANCELLATION.—If, before the exchange has been carried out pursuant to subsections (a) and (b), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to the exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Title and shall be managed in accordance with applicable law and management plans with public involvement pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended, and any other applicable laws.

(3) INTERIM USE OF LANDS.—
(A) IN GENERAL.—Except as provided in paragraph (2), during the period beginning on the first date of the implementation of the plan prepared under paragraph (2) and ending on the first date of the date of the completion of the exchange of the lands required by this Title and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this Title in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 666d–666eee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the Secretary shall establish the dates of any hunting season on the lands described in subsection (1) shall comport with the applicable State law.

SEC. 3305. CASSADAPA NATIONAL FOREST BOUNDARY ADJUSTMENT.
(a) IN GENERAL.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to Section 3303(a)(2)(A) and (B), the boundaries of the Cassadapa National Forest shall be adjusted to encompass those lands conveyed to the United States generally depicted on the appropriate maps referred to in section 3303(a). Nothing in this section shall limit the authority of the Secretary of Agriculture or with the prior written consent of the Secretary of Agriculture, to the boundary of the Cassadapa National Forest as described in Section 11 of the Weeks Law of March 1, 1911. For the purposes of section 7 of the Land and Water
ADDITIONAL COSPONSORS

S. 3
At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 968
At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 1217
At the request of Mr. COATS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1217, a bill to encourage the provision of medical services in medically undeserved communities by extending Federal liability coverage to medical volunteers, and for other purposes.

S. 1245
At the request of Mr. ASHCROFT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1245, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to identify violent and hard-core juvenile offenders and treat them as adults, and for other purposes.

S. 1271
At the request of Mr. CRAIG, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1344
At the request of Mr. HEFLIN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

S. 1419
At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii [Mr. NUNN] was added as a cosponsor of S. 1419, a bill to impose sanctions against Nigeria.

S. 1470
At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1470, a bill to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes.

S. 1506
At the request of Mr. LEVINE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1623
At the request of Mr. WARNER, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624
At the request of Mr. HATCH, the names of the Senator from New York [Mr. MOKHIANI], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Florida [Mr. GRAHAM], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628
At the request of Mr. BROWN, the names of the Senator from Arizona [Mr. KYL] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

S. 366
At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Ira-

S. 217
At the request of Mrs. KASSEBAUM, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of Senate Concurrent Reso- lution 42, a concurrent resolution concerning the emancipation of the Ira-

Senate Resolution 217
At the request of Mrs. KASSEBAUM, the names of the Senator from Maine [Mr. COHEN], the Senator from Ohio [Mr. GLENN], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Delaware [Mr. ROTH], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Resolution 217, a resolution to designate the first Friday in May 1996, as “American Foreign Service Day” in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing scheduled before the full Committee on Energy and Natural Resources regarding competitive change in the electric power industry for Thursday, March 28 at 9:30 a.m. will be held in room SH-216, instead of room SR-325, as previously scheduled.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask Unanimous Consent on behalf of the Governmental Affairs Committee to meet on Monday, March 25, at 2:30 p.m. for a nomination hearing on Robert E. Morin, to be associate judge, Superior Court for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL AND SECURITY AND FAMILY POLICY

Mr. LOTT. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on Social Security and Family Policy to hold a hearing on the Social Security Advisory Council report on Monday, March 25, 1996, beginning at 10 a.m. in room SD-215.

The PRESIDING OFFICER. Without objection, it is so ordered.
ADDITIONAL STATEMENTS

THE SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

Mr. BENNETT. Mr. President, I am pleased to join the efforts of my colleagues on the Senate Small Business Committee to advance regulatory reform. As the CEO of a small business during the eighties, I witnessed first hand how business, then and now, left unencumbered by intrusive government regulations, can push the envelope of innovation, maximize on ingenuity, and create jobs. When I left Franklin Quest before running for the Senate, our firm, which did not even exist 10 years ago, provided over 700 people with jobs.

Unfortunately, as the decade progressed and the Congress accelerated its approval of unfunded mandates to State and local governments and businesses, regulatory enforcement much too often overreached while the job creation engine slowed. Americans now are suffering the unintended consequences of the Federal Government’s good intentions. Over-regulating causes prices to go up and down. It is responsible, in large part, for increased unemployment and a drain on our international competitiveness. And because regulation increases uncertainty, it impairs innovation.

For these reasons, I am excited to help enact laws which will help our country’s businesses, particularly our small businesses, function with less government intrusion. Although I would like to go much further in limiting excess regulation of business, this bill is a step in the right direction, and I look forward to seeing President Clinton support it.

In a report to Congress issued in October 1995, the Small Business Administration noted that small businesses bear a disproportionate share of the regulatory burden. It was estimated that small businesses pay 63 percent of the total private-sector bill for complying with Federal regulations, while employing 53 percent of the work force. Dr. Thomas Hopkins, a leading researcher in the field of regulatory costs, estimated that small businesses pay 80 percent more per employee in regulatory paperwork costs than do larger companies. Meanwhile, small business is acknowledged to be the creator of most new jobs in this country. For these reasons, it is imperative that we listen and respond to the concerns of small business.

This bill, the Small Business Regulatory Enforcement Fairness Act of 1996, S. 942, was developed using recommendations from the small business community. During the 1995 White House Conference on Small Business, representatives from small business came together and prioritized the top ways Government could help them be more successful. Several of the top priorities named during that conference are included in this bill.

The Small Business Regulatory Enforcement Fairness Act of 1996 permits small businesses to take Federal agencies to court if the agencies do not comply with a regulatory flex analysis, a requirement under the Regulatory Flexibility Act of 1980 that requires agencies to review new regulations on small businesses. S. 942 also requires Federal agencies to simplify forms and publish a plain English guide to help small businesses comply with regulations. Additionally, agencies are directed to review certain fines for first-time, nonserious violations by small businesses if the violations were corrected within a certain time period.

The bill also allows small firms to recoup attorneys’ fees if they win a challenge against excessive enforcement of existing regulations. Finally, the bill provides a 45-day congressional review mechanism for Congress to reject new rules with expedited procedures, subject to constitutional presentment to the President.

I appreciate the efforts of Senators BOND, BUMPERS, DOMENICI, and NICKLES to pass this legislation which offers at least some degree of relief to the American worker. As one leader in the small business community put it, “If Government can’t keep load regulations on our backs, all it will get in return are broken backs.” I am happy to be a co-sponsor and supporter of this effort to get Government off small businesses’ backs, and help them get back to work.

HEROES IN A FLORIDA TRAGEDY

Mr. HOLLINGS. Mr. President, I rise today to remember a South Carolina family and the heroes who struggled to rescue them. On one side, we have a tragedy that boggles the mind. On the other, there are stories of quiet heroes whose courage is a blessing and reminder of what makes our people strong.

On March 17, a small plane crashed off Key West, FL. Five people—pilot and four members of the Blackburn family—died. A son, 18-year-old Matthew Blackburn, miraculously survived. Our prayers are with both families. We mourn their deaths and pray for a speedy recovery for young Matthew.

At the same time, we should all feel a deep sense of gratitude for Americans who risk their lives everyday for others. In this tragedy, trained rescue workers, lifeguards, police officers, and paramedics put their lives in danger to save the pilot and family. Even more noteworthy are other volunteers, such as a boat captain and diver, who went out of their way to help as much as possible.

Mr. President, I ask to have printed in the Record the March 24 article from the Miami Herald to pay tribute to these heroes and to leave a lasting memorial to those who perished.

The article follows:

HEROES IN THE MOMENT

(By Susana Bellido and Ozzie Osborne)

KEY WEST.—In one sickening moment, a seaplane bound for the Dry Tortugas crashed into five feet of water off Key West’s busiest road last Sunday, trapping a family of five and the pilot under water.

In the seconds and minutes that followed:

One—A motorist at the scene. the despair of seeing children die in their hands, they did what they could.

In an unsynchronized maneuver, they cleared the way for each other, they yielded to the most experienced diver. With the safest equip-

ent, they formed a human chain to get the victims to shore, they did what had to be done.

The did all the could.

When it was all over, five people were dead: Lynn and Pamela Blackburn, a couple from Charleston, S.C, who had arrived in Key West the night before on vacation; their 8-year-old son Jonathan and 3-year-old daughter Martha; and the pilot, Keith Bellow of Gretna, La.

The only survivor was Matthew Blackburn, a 10-year-old who defied the odds and is recovering from broken bones and other injuries.

With him are the hopes of the everyday people who reacted to an extraordinary sit-

uation with selfless courage.

With him is their sympathy, for he was the only one they could save.

They are the heroes. Here are some of their stories.

ANDY MATROCI—BOAT CAPTAIN WAS ONE OF THE FIRST IN MURKY WATER.

Andy Matroci heard it hit. Something big, in the water.

A boat captain and diver who searches for Spanish galleons, Matroci had been riding his bike along North Roosevelt Boulevard. He looked back. The wreckage was just 60 feet away.

Instantly, it seemed, people were wading toward the wreckage. He took off his shoes and joined them. The water was still murky from the crash. He put his hand into the plane and felt Pamela Blackburn’s leg. He couldn’t reach her seat belt. He yelled to a guy on the other side to try to get her out.

“I got one here,” another man yelled. He asked for a knife to cut loose a child.

Somebody brought a mask out. Somebody added for a pair of scissors. Someone walking from shore with a pair. Matroci fetched them.

He carried one of the children to shore. He thought of administering CPR, but water poured the child’s mouth. He handed the willed body up the sea wall.

We’re not working fast enough, he thought. The seat belts were slowing them down.

After the last body was out, he retreated, climbed on his bike and headed home.

I keep thinking about that kid, Matthew, what he’s got to go through.

RUSTY WAYNE—DIVE MASTER USED KNIFE TO FREE VICTIMS.

Rusty Wayne, a dive master with Holiday Cat, left a boatload of tourists and zipped to the crash on a water bike.

“You could see them inside, and they weren’t moving,” They were belted in. He got his diving knife to cut them free.

He helped free Pamela Blackburn and one of the children. When two paramedics ar- rived, he went back to shore for diving equipment.

Returning, he saw about 15 people helping.

A human chain had formed; strangers were
passing victims to shore and rescue gear to the plane. “I was a little afraid it was going to get congested, but I could even hear people on shore. The plane was the way! Everybody did a small part, and it all worked out.”

SHANE CHAPMAN—LIFEGUARD YELLED: I GOT ONE! I GOT ONE!

Shane Chapman, a lifeguard from Anaheim Hills, Calif., was poolside across the street at the Comfort Inn. He dashed across the street into the water. “I swam underwater to see if I could find anyone. . . . I felt what I thought was a hand and saw it was a boy. I yelled that I need a knife. Some guy handed me one.”

“I went back down, cut the seat belt and holler: ‘I got one! I got one!’ Steve Hubler helped me drag him ashore, and we realized he was alive when we turned him on his side and saw he was breathing.”

“I rushed back to the plane and swim back in the hole. This time the water had settled and was clear. I saw this boy with yellow hair and blue T-shirt. I undid his seat belt and pulled him up and someone helped us ashore.”

STEVE HUBLER—EX-FIREFIGHTER HAS NIGHTMARES ABOUT PILOT

Steve Hubler, a former volunteer firefighter from New Jersey, was by the poll of the Econo Lodge. He ran over with his scuba gear. “He helped carry the three children to shore. Matthew, the survivor, showed no signs of life at first. His arm was shattered into the shape of an S. The part I’ll never forget was the pilot, the last one. We had a hell of a time getting him out. It was so dingy and dark in there. He was trapped in there good. His face was so frightened, I knew he was dead.”

Hubler shivers when he remembers the rescues. “He has nightmares about it. ‘It’s going to stick with me for the rest of my life,’ I wish to God we could have saved six lives, but at least we saved the boy’s life. If I know that Matthew has a chance to live, I’m happy.”

KRISTY KREIDLER—LIFEGUARD ON BREAK STRUGGLED TO FREE MOM

Kristy Kreidler, a spring breaker from Ohio State University and a lifeguard, was having lunch across the street at Denny’s. She dashed across North Roosevelt Boulevard and jumped in. At precious seconds ticked away, she struggled to free those trapped within. “We got the door open, pulled on this woman’s leg. Then we found her seat belt, unbuckled it and pulled her out.”

MICHAEL KURANT—DISAPPOINTED THAT WE COULDN’T SAVE ANYONE ELSE

Michael Kurant, a hardware delivery driver and a breather Monroe County Firefighter, was on his way out of town. He pulled his Jeep up on the sea wall. Half a dozen people were around the plane. “The first thing I thought was everybody was dead,” he said. “I didn’t expect to get anybody out of the plane alive.”

He helped pull Pamela Blackburn out. She took a breather that surprised them all. They found her pulse. They held her head out of the water. They put her on a backboard lifted her up the seashore and gave her first aid. When it was all over, he was disappointed and angry. “I was madder than hell. We had done so much, and it didn’t do any good. With everything that the street did, and the police and fire and paramedics . . . we couldn’t save anyone else.”

AL RODRIGUEZ—OFFICER MADE CALL: COME FAST, LIGHTS AND SIRENS

Al Rodriguez, first police officer on the scene, pulled up at 12:34 p.m. He keyed his microphone into his police radio: “Hey, told his dispatcher, the code for come fast, lights and sirens. He took off his gun belt and jumped in, shoes and all. Rodriguez held on to a paramedic trying to free the victims.

The children in the accident gave everyone involved an increased sense of urgency, Rodriguez said. “You think about your own, and you put more effort into saving them.”

GARY ARMSTRONG, DAVID LARIZ, ED STRESS—GAVE MOUTH-TO-MOUTH TO ONE CHILD, THEN ANOTHER

Key West Police Lt. Gary Armstrong pulled up. The crowd was growing. He yelled for everybody to get back. They did, making room for the victims.

Paramedics were busy trying to revive Jonathan and Martha at the sea wall or pulling bodies out of the wreckage. With the help of Deputy Chief David Lariz and officer Ed Stress, Armstrong gave mouth-to-mouth resuscitation to one child and then the other.

“Everybody was working at top speed,” Armstrong said. “It was scary, but everybody jumped in and worked and worked and worked and worked. It just seemed like everybody clicked in and set aside very difficult feelings. It was impressive. Everybody jumped in and worked and worked and worked.”

“I was a little afraid it was going to get chaotic,” Kavanaugh said. “With every other emergency call, it wasn’t until that night that they had time to reflect.

Throughout the ordeal, the paramedics said, they kept their thoughts focused on the job. “If you sit there and start to flit about it, you’re really not going to help anybody,” Hansen said.

HAROLD GORDON—MAINTENANCE MAN HELPED WITH CPR

Harold Gordon, a Stock Island maintenance man, was taking his wife to bingo when he saw the plane fall into the water. Two boys were in the ambulance. A paramedic asked for help with Jonathan.

“Push down on his chest! Harder! Do it again, harder,” Gordon remembers. “I said to myself, ‘This little kid is too small.’ I had a feeling he was dead already.”

He took Jonathan to the sea wall, swam back to help untangle others. “It was like nothing I’d ever seen before,” Hansen said. “There is nothing that prepares you for anything like that. You can read the books and you’re blue in the face.”

Kavanaugh made sure every patient was cared for, and then carried backboards out to the plane. Hansen worked on Martha, then her father, then her mother, then back to the little girl. He took her to the hospital, where everyone was busy, so he stayed and helped out.

Kavanaugh radioed the hospital: three children and a woman on the way, more to come.

He asked firefighters and police officers to drive ambulances so paramedics could tend to patients. Within 15 minutes of reporting the victims to the hospital, the paramedics had four other emergency calls. It wasn’t until that night that they had time to reflect.

PROPOSALS TO INCREASE THE GRAZING FEE

Mr. McCAIN. Mr. President, I would like to address the amendment that was offered by my colleague, Senator BUMPERS, to S. 1549. Senator BUMPERS’ amendment would have substituted a two-tiered grazing fee for the new grazing fee formula in the bill. After serious consideration, I supported the motion to table the Bumpers amendment,
and thereby preserve the new increased grazing fee formula in S. 1459.

The Bumpers amendment would create two grazing fee formulas. The first would apply to permittee who “control livestock less than 2,000 animal unit months [AUM]” on public lands during a grazing year. The second fee is intended to apply to small ranching operations, and would increase each year for the next 3 years. The second fee created by this amendment is targeted to larger ranching operations, which are comprised of more than 2,000 AUM’s. This fee would be set according to higher amount of either the average grazing fee charged by the respective State, or, by increasing the aforementioned small ranch fee by 25 percent.

The Bumpers amendment would increase the grazing fee each year for the next 3 years for smaller ranchers, and implement a substantial increase for larger ranchers. While the Bumpers amendment attempts to require larger—arguably more commercially efficient—ranching operations to pay more, I ultimately decided that the BUMPERS proposal would have too injurious an impact on modest, family-run ranching operations in Arizona.

I strongly believe in the longstanding principle of managing Federal lands for the multiple use of the public. This means that the many legitimate uses of public lands—recreation, wildlife preservation, grazing, hunting, and economic benefits—must be balanced with each other. Our precious Federal lands must be properly managed so that they can be enjoyed by Americans both today, and in the future.

When public lands are used for economic purposes, such as timber, mining, and cattle grazing, there clearly should be a fair return to taxpayers for the economic benefits gained from the land, and for the cost of administering these areas of the massive Federal debt our Nation has piled up, the Congress must be especially vigilant in ensuring that fees imposed on individuals who are using public lands for commercial purposes, must be equitably set. With an astounding $5 trillion debt growing larger every day, I think it is appropriate for grazing fees and mining fees to be adjusted.

I strongly oppose, however, drastic hikes in such fees that would bankrupt hard-working family-run operations nationwide, ranchers who graze cattle on public lands have an annual income of only $30,000 a year. These families do not have a huge profit margin that is being gained at the expense of the public. Indeed, the taxes they pay and the economic benefits they generate are extremely important to small towns in Arizona and throughout the West.

The grazing reform bill I am supporting, S. 1459—Public Rangelands Management Act—would increase the existing grazing fee by 37 percent. In my view, that is a pretty reasonable attempt to address legitimate concerns of the public about what return the Treasury is getting from the lease of Federal rangelands. If we could reform Federal fees or reduce Federal spending pertaining to corporate entities which are similarly subsidized by taxpayers, our budget problems would be in a lot better shape. Ranchers will pay their fair share under S. 1459.

The new, higher grazing fee in S. 1459 will afford greater stability to ranchers in my State who need to plan ahead for their family business. The fee in S. 1459 is based upon a 3-year rolling average of the gross value of beef production in the United States, along with interest rates from Treasury bills. This new formula will fluctuate according to market conditions, which I think is appropriate.

While the sponsors of the Bumpers amendment state that it is targeted at large, corporate-owned ranching operations, I am deeply concerned that its higher, corporate fee hike could come disproportionately down on many family ranchers in the Southwest. It would have potentially crippling effects on family ranchers in States such as Arizona and New Mexico, especially.

The reason the Bumpers amendment would hurt many Southwestern ranchers is that its formula would significantly impact ranchers whose grazing permits are comprised primarily of Federal lands, and on ranchers who graze cattle year round. Both of these factors apply to southwestern ranchers, due to large amount of land that is owned by the Federal Government. The Bumpers amendment’s formula would apply its higher fee to ranching operations with more than 176 head of cattle, which is not a large, corporate operation by the standards of my State.

Furthermore, the Bumpers amendment’s higher fee was partly based on higher State land standards, which are not always readily comparable to Federal lands. Permittees as do State lands, and ranchers on Federal lands also bear higher costs for range improvements than do holders of private grazing permits.

I find no evidence that that new fee will not cover the Federal cost of the program.

Due to these factors, I opposed the Bumpers amendment, and voted to preserve the reasonable fee increase which is in the underlying bill. I commend Senator Bumpers for his objectives, however, and share his concerns that taxpayers must be fairly compensated for the economic use of public lands. I will continue my efforts to vigorously weed out unfair and unsustainable corporate subsidies. If S. 1459 becomes law, I will be open at that time to considering whether further adjustments for corporate ranching operations are warranted.

Mr. President, I rise today to join the distinguished majority leader, and my colleagues, in opposition to the General Defense Intelligence Program (GDIP) Staff where he served with great distinction.

Colonel Kishler was a fellow Buckeye—born in Tiffin, OH, and receiving his undergraduate degree at Heidelberg College in Tiffin. In his lengthy and distinguished Air Force career, Colonel Kishler flew dangerous, sensitive missions in the U-2 spy plane and other aircraft, and was responsible for fielding numerous tactical and strategic intelligence systems. His greatest love as a pilot was flying the U-2, spending approximately 15 years in the U-2 program. Colonel Kishler accumulated over 4,800 flying hours—over 2,000 of those hours were spent in the cockpit of a U-2, and he flew 106 combat missions in Southeast Asia. During the Korean War, he demonstrated his courage as a flight leader for search and rescue missions, and he supported the Son Tay POW raid.

In 1991, Colonel Kishler came to work for the Defense Intelligence Agency, first serving as the Chief of the Reconnaissance Division for Functional Management. His hard work and effectiveness led to other positions as the Associate Deputy Director of the Programs and Evaluation Division of the National Military Intelligence Collection Center, and ultimately as the Director of the General Defense Intelligence Program Staff—particularly challenging assignments in a period of declining resources where we have had to do more with less. Colonel Kishler’s honesty, integrity, and professionalism gained the respect of Congress as well as the Department of Defense.

Among Fred’s many decorations and awards were the Distinguished Flying Cross, a Meritorious Service Medal, the Air Medal with thirteen oak leaf clusters, and the Air Force Commendation Medal.

Mr. President, I join all of my colleagues on the Senate Select Committee on Intelligence in paying tribute to the memory of Col. Fred E. Kishler, Jr., and pass along our deepest sympathies to Col. Kishler’s mother and father—Fred and Marjorie Kishler; his wife, Susan; and their sons, Mark and Fred. Fred Kishler was a credit to the Air Force and the United States of America, and I will be sorely missed.

NATIONAL MISSILE DEFENSE ACT OF 1996

Mr. ABRAHAM. Mr. President, I rise today to join the distinguished majority leader, and my colleagues, in opposition to the National Missile Defense Act of 1996. This legislation builds on the Missile Defense Act of 1995. The 1995 act made significant
progress toward securing the funding necessary for the eventual deployment of a missile defense system capable of protecting the United States. Unfortunately, that act fell short by not explicitly directing that we deploy the missile defense system as soon as possible.

The majority leader, in close cooperation with Congress’ National Defense leadership, has crafted a proposal that achieves our nation’s missile defense program, presenting incremental development of facilities and advanced capabilities. To begin with, we would produce the system necessary to protect the United States from limited, unauthorized or accidental ballistic missile attacks. We then would augment that capability to defend our Nation against larger and more sophisticated ballistic missile threats. I am especially heartened that this bill allows for the development of the most promising anti-ballistic missile technologies, including sea-based systems such as Navy Upper Tier.

This bill assigns the Secretary of Defense the considerable task of reporting a missile defense development and deployment plan by March 15, 1997. However, it is clear that Congress must be more than willing to assist him in the formulation of that plan. This can, and should, be a joint endeavor, Congress will fulfill its constitutional responsibility to raise and support our armed forces, while the Executive determines how best to deploy these forces.

At this time, Mr. President, I would like to expand upon section 5 of the act—that section regarding the ABM Treaty. Congress, through the Missile Defense Act of 1991, 1994, and 1995 has repeatedly stated that the ABM Treaty does not, in any way, hinder the development of theater ballistic missile defenses. It has also called for a renegotiation of the ABM Treaty so as to allow the development of more robust national missile defense systems.

Unfortunately, this country has abandoned the initiatives of the previous administration to cooperatively develop with the Russians a protective global missile defense systems. An insistence on keeping America vulnerable to attack, and a dogmatic faith in the deterrence of nuclear war through mutual assured destruction will no longer prevent missile attacks upon the United States.

Mr. President, the times have changed since the ratification of the ABM Treaty. Our primary threats no longer come from a general nuclear attack, but from rogue, unintentional, or unauthorized attacks of limited size and degree. The limits of the ABM Treaty are simply unable to address the threats we face today. It may be best to renounce it in its total entirety. Such a clear break with previous policy may not be feasible in this Congress. But it must be clear that this Congress worries that its urgent and repeated calls have fallen on deaf ears in the Executive, and that we believe the United States cannot afford to wait much longer. Therefore, I particularly support the provision in this bill that calls for withdrawal from the ABM Treaty if amendments allowing adequate national missile defenses are not agreed to within 1 year. I hope this is sufficient warning as to the extent of congressional frustration.

The majority leader has displayed the foresight and perceptiveness critical for developing effective national security strategies. There can be no doubt that a fully operational and technologically capable ballistic missile defense system is crucial to that strategy. Nor can we be any doubt that antiquated treaties which fail to adapt to vastly different national security threats must be either changed or discarded.

The majority leader’s bill constitutes a reasonable and moderate attempt to bridge the broad philosophical gap that exists between Congress and the administration. We should not let this opportunity be lost. If concerns with the ABM Treaty prevent this bill from becoming law, then I believe it may be time to nullify that treaty.

TRIBUTE TO CARL SIMPSON WHILLOCK

Mr. PRYOR. Mr. President, I rise today to pay tribute to a true statesman. Carl Simpson Whillock was born on May 7, 1926, in the small town of Scotland, AR. In the nearly 70 years since, he has excelled in the realms of politics, academia, and private business.

Carl’s desire to serve the people of Arkansas surfaced at an early age. Just 2 years after receiving both his undergraduate and graduate degrees from the University of Arkansas in Fayetteville, Carl began a distinguished career of public service as a member of the Arkansas House of Representatives. He came to Washington in 1955 to serve as the executive assistant to the Honorable J.W. Trimble, U.S. Congressman from the third district of Arkansas.

While working in Representative Trimble’s office, Carl Whillock earned a law degree from George Washington University in 1960. After a 3-year stint in private law practice, he served as prosecuting attorney for the 14th Judicial District of Arkansas before beginning his career in academia at the University of Arkansas.

Carl Whillock was the director for university relations and an assistant to the president during his 7½ years at Arkansas. He also taught part-time in the political science department.

In 1964, Carl Whillock launched his campaign for Governor of Arkansas, and I am happy to say he worked with me in the Governor’s office for a short time after my election. But Carl soon returned to his beloved University of Arkansas as the vice president for governmental relations and public affairs.

Carl’s many years of work in the academic community were rewarded in 1978 when he was asked to become the president of Arkansas State University in Jonesboro.

For the past 16 years, Carl has been the president of Arkansas Electric Cooperative and Arkansas Electric Cooperatives Inc. As he prepares to retire on the 1st of April, his colleagues remember him as a trusted friend, a revered mentor, and a gentle, gracious boss.

Carl Whillock’s management style has been praised throughout his many years in various positions of authority. He believes in hiring good people, and then giving them the space to do their jobs. His employees operate effectively and efficiently because Carl makes them feel comfortable and encourages them to bring their own style to the workplace.

By all accounts, Carl Simpson Whillock is a success. The very mention of his name brings a smile to the faces of those who know him, and the words gentleman and good guy flow from their lips.

After retirement, I am sure Carl will remain active as a member of the University of Arkansas Board of Trustees. He has never been one to sit still for very long. He is always there to lend a hand. As Dennis Robertson, a longtime friend and employee says, “Carl approaches life in a simple way. He does not get mad. He is warm, caring and above all sincere. We can all learn a lot from him.”

Mr. PRESIDENT. Carl Whillock—a true asset to the State of Arkansas. On behalf of all the people you have touched over these many years, congratulations on your retirement.

GREEK INDEPENDENCE DAY

Ms. SNOWE. Mr. President, I would like to join with my colleagues, and with so many Americans—both of Greek and non-Greek descent—in celebrating March 25, Greek Independence Day. I am pleased to have been an original cosponsor of Senate Resolution 219, a bipartisan resolution that designated today “Greek Independence Day.”
Day: A National Day of Celebration of Greek and American Democracy.” That resolution was submitted by our distinguished colleague from Pennsylvania, Senator SPECTER, and it was agreed to by the Senate unanimously on March 6.

Today commemorates the 175th anniversary of the beginning of Greece’s struggle for independence from the Ottoman Turkish Empire. After 400 years of foreign domination, and after 11 years of struggle against the despotic rule of the Ottoman Turks, Greece’s independence was a cataclysmic event in European Affairs. At that time, outside of Britain and France, Europe was composed mainly of autocratic empires and states whose borders had little relation to their composite nationalities.

The astounding accomplishment of the Greek people in achieving their independence from the vast Ottoman Empire acted as a catalyst in transforming the aspirations of Europeans across the continent. Greece’s independence from the Turks was, in many ways, even a greater feat than the other great struggle for national independence 45 years earlier: the American Revolutionary War. Although the Greek people received support from many other countries, particularly from the United States, they enjoyed no advantage similar to a protective ocean or the active assistance of an ally such as France.

During the last 175 years, the ideals of national independence and democracy, which were first expounded by the ancient Greeks, have spread widely throughout Europe and so much of the rest of the world. Greece’s achievement of independence helped to spread not only the belief in the inherent right of national independence, but the belief that it is possible for a nation to assert its competitive edge.

Mr. President, it is appropriate to remember the meaning of March 25, which remains a powerful symbol of the ideals that America holds dear and upon which our own Nation was founded. But this is a symbol not only for the Greek and American people to celebrate. It should also be a day of commemoration for the many young, struggling democracies around the globe, as well as for the numerous nations and peoples still yearning to be free.

PRODUCT LIABILITY FAIRNESS ACT

Mr. KYL. Mr. President, I support the conference report of the Product Liability Fairness Act.

This is a historic day in the effort to enact meaningful civil justice reform. For the first time in more than two decades, the Senate and the House of Representatives have debated, and passed product liability reform.

Product liability reform was part of the Contract With America. According to the Luntz Research Co. survey released in March 1995, “83 percent of Americans believe that our liability lawsuit system has major problems and needs serious improvements.”

Now, all that remains is for the President to make product liability reform a reality. I commend the efforts of my colleagues from Washington and West Virginia, Senators GORTON and ROCKEFELLER, for their 15-year effort to bring needed reform to the Nation’s product liability laws.

Historically, America’s economic strength has been in manufacturing, where much of our wealth has been created. It is essential that the United States move to protect our Nation’s manufacturing base from unreasonable litigation. Although product liability law is a small area of tort law, it is also a critical area in which America is losing its competitive edge.

Mr. President, the conference report contains many important provisions which were contained in the original Gorton-Rockefeller bill. The alcohol and drug defense would create a complete defense if created if the claimant was more than 50-percent responsible for his or her injury. The bill also provides for a reduction in damages by the percentage of the harm resulting from claimant’s misuse or alteration of a product.

The bill provides for a punitive damages cap that limits recovery to $250,000 or 2 times compensatory damages, whichever is greater. Exceptions are established for small businesses under 25 employees—and individuals with a net worth of less than $500,000. With these two exceptions, the limit is $250,000 or 2 times compensatory, which ever is lesser.

The bill’s statute of limitations requires that suits be filed within 2 years after the harm and the cause of the harm was discovered, or should have been discovered.

The bill provides for joint and several liability for all economic damages, but several liability only for noneconomic damages.

The bill provides that biomaterial suppliers who furnish raw materials, but are not manufacturers or sellers, are protected from liability when the supplier is not negligent. Further, a product seller can be held strictly liable as a manufacturer only in two circumstances: where the claimant can’t get service from the manufacturer, or where the judgment is unforeseeable against the manufacturer, as is the case when the manufacturer is judgment-proof.

During the product liability floor debate, I offered three amendments. Amendment 1, which passed by a vote of 60 to 39, struck out provisions in the original Senate bill that penalized, with attorney fees and court costs, only defendants, but not plaintiffs who refused to enter into ADR. Under State law, ADR provisions are equally applicable to plaintiffs and defendants, and we should keep it that way.

Amendment 2, which was tabled by a vote of 56 to 41, would have limited non-economic damages to $500,000 in medical malpractice cases. Amendment 3—which was tabled by a vote of 65 to 35—would have limited attorneys’ contingency fees to 25 percent of the first $250,000. The amendment provided that 25 percent of a punitive damage award is rebuttably presumed to be ethical and reasonable.

Although the House bill had both a non-economic damages cap of $250,000 and a $250,000 cap on non-economic damages to $250,000 or 2 times compensatory, the Senate-House conferees eliminated both of these two provisions were included in the conference report. I will continue to work to see that these provisions are enacted into law. However, one important provision from the House version that was included by the conferees shortens the statute of repose from 20 to 15 years, thus reducing the time period during which a claimant may bring a product-liability suit after taking delivery of a durable good.

The conferees also limited the “additur” provision contained in the original Senate bill. Thus, in a case of egregious conduct, a judge may raise the claimant’s punitive damage recovery no higher than the amount proposed by the jury, unless State law provides otherwise.

I want to note some other important provisions contained in the House bill that unfortunately were not adopted by the Senate-House conferees. The “loser pays” provision, which would discourage frivolous lawsuits, was dropped. The “FDA defense,” which would prohibit the imposition of punitive damages upon a manufacturer of a product that has received FDA approval, was also eliminated. And, as I mentioned earlier, the conferees also dropped the $250,000 cap on non-economic damages in medical malpractice actions. Moreover, the conferees dropped provisions that would have extended the punitive damage cap and joint and several liability reform to all civil cases. I regret that these provisions are not in our bill.

In spite of the narrow scope of the conference report, President Clinton has indicated that he will veto this bill. And this is despite the fact that back in August 1991, Governor Clinton was leader of the National Governor’s Association when it approved—unanimously—Federal product-liability reform. Also as Governor, Mr. Clinton twice supported NGA resolutions calling for product-liability reform.

The President’s track record on this issue has caused the Washington Post, in a March 14 editorial, to predict that the bill should be “accepted by both houses and signed by the President.” The veto decision prompted another Post editorial 5 days later, this one entitled, “Trial Lawyers Triumph.” Mr. President, the President could not agree more, and it is a real shame.

The limited reform in this bill will be an important first step, but only a first
step. Ultimately, the Congress and a more responsive President must go beyond product-liability reform and must comprehensively overhaul the entire civil justice system. We must repeal the regressive "tort tax" that depletes our savings, destroys jobs, stifles innovation, and reduces exports. The "tort tax" created a capricious legal lottery that divides neighbor from neighbor, and causes doctors to add billions to our national healthcare costs each year by practicing defensive medicine.

In Arizona, for instance, medical malpractice premiums have increased by nearly 200 percent since 1982. Attorneys' fees have risen nearly 20 times, increasing the cost of a lawful sale and use.

The U.S. Department of Commerce has estimated that only 40 cents of each dollar expended in product-liability suits ultimately reaches the victims. A Rand Corp. study showed that 50 cents of each liability dollar does not go to victims, but to attorneys fees and litigation costs. It is clear that the Product Liability Fairness Act is a small but critical step toward the goal of national legal reform.

It is my understanding that this body will consider more comprehensive legal reform legislation later this year, including Senator HATCH'S Civil Justice Reform Act of 1995, and Senator MCCONNELL'S. Lawsuit Reform Act of 1995. I am also hopeful that the Senate Judiciary Committee will hold hearings on S. 11, the Medical Care Injury Reform Act of 1995, a bill I introduced on the first day of the 104th Congress. This legislation caps non-economic damages such as pain and suffering at $250,000; imposes a limit on attorneys' fees of 25 percent of the first $150,000 recovered and 15 percent of any amount in excess of $150,000; provides for periodic payments where damages for economic loss exceed $100,000; provides for mandatory offsets for damages paid by a "collateral source"; and reforms "joint and several" liability.

Mr. President, I would like to close by adding another of the arguments used by the President in his veto message, this argument asserts the unconstitutionality of the preemption of State liability laws under the commerce clause of the U.S. Constitution.

It is clear that no individual State can solve the problems created by abusive litigation. This is particularly true in the case of product-liability litigation; a product is frequently manufactured in one State, sold in a different State, and causes injury in a third State. In fact, Government figures establish that, on average, over 70 percent of the goods manufactured in one State have shipped out of State for sale and use.

It is clearer that a national solution is justified by the fundamentally interstate character of product commerce. The unmitigable, undictable, punitive damage awards exact an economic impact far beyond the borders of any individual State. This threat reduces investments, dampens job creation, and prevents new products from reaching the marketplace. In an increasingly integrated national and international economy, the confusing, inconsistent patchwork of State liability laws simply inflicts deeper pain and injury to all of America's economic strength.

Unfortunately, since the signing of the Constitution, the commerce clause has been stretched and contorted to authorize essentially any intrastate activity Congress chooses to regulate—except interstate commerce. Opponents of legal reform profess concern about the preemption of State law and interference with States' rights. And yet it was many of the same interests that favored intrusive Federal regulations imposed on the States by OSHA, FDA, EPA, and other Federal regulators.

In truth, States' rights is not what is being defended here, but rather, the status quo. Otherwise, why is the litigation industry the only segment of the economy that opponents of legal reform believe should remain beyond the reach of Federal law?

Mr. President, legal reform will not cause the creation of a single new Federal program or the expenditure of a single new appropriation; Legal reform will not impose new taxes or regulations on our citizens. Legal reform will simply create clear, consistent legal standards covering civil actions brought in State and Federal courts.

Mr. President, legal reform will enhance our 19th century principle of due process. As the U.S. Supreme Court has said many times, due process, criminal and civil, is fundamental to our concept or ordered liberty.

SALUTE TO MEDINA LIONS CLUB

Mr. FRIST. Mr. President, I rise today in support and appreciation of the Medina Lions Club, which will celebrate its 50th anniversary this Thursday. These club members from Gibson County, TN have devoted countless hours of their time and energy over the years to helping their community of Medina and I want to take this moment to recognize some of their many achievements.

Since its inception, more than 210 different members have joined the Medina Lions Club. Today, there are 33 active members, including 2 who helped found the club in 1946. Over the years, the club has raised enough money to provide college scholarships to 38 deserving local students and furnish local schools with audio-visual equipment, library books and furniture, and athletic and playground equipment. Many of the club's successful fund raising drives have become yearly favorites among the residents of Gibson County, including a horseshow mini-streel show, and a "haunted" farm.

In addition to education projects, the club has used the money it raises to provide glasses and surgery for local children, erect and maintain a civic center, erect a park pavilion, purchase equipment for the local fire department, erect a community war memorial, purchase hospital equipment, and sponsor Little League baseball in Medina. As Little League sponsors, the club members helped furnish lighting, fencing, and concessions equipment for the Little League ballpark. It is also the Lions who have sponsored the city park, which will include a walking track, football field, baseball field, fence lighting, and paved parking.

Mr. President, the members of the Medina Lions Club have a long history of giving back to their community. Their commitment has won the Medina Lions Club a Top Club Award twice, and the members have received numerous other individual awards. Mr. President, I would like to commend and thank every member—past and present—of the Medina Lions Club for their commitment and hard work for this community. They have established a long record of service for others to follow, and i wish them all the best as they celebrate the club's 50th anniversary.

CLETIS WAGAHOFF

Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an outstanding public servant and my friend, Cletis Wagahoff. On March 31, 1996, Cletis will retire from the U.S. Army Corps of Engineers after serving selflessly for nearly 27 years and after a total of 35 years of Government service.

Cletis Wagahoff has served as the deputy district engineer for Project Management in the corps' New Orleans District Office since 1988. If the daily challenges of managing several of our Nation's largest civil works projects were not enough to ask of someone Mr. President, the job of deputy district engineer also requires that Cletis be the liaison for all congressional inquiries from the Louisiana Congressional Delegation. For this alone, he deserves our deepest gratitude, not to mention a medal. In fact, Cletis was recently awarded the Meritorious Civilian Service Award for his performance as a highly skilled engineer and proven leader in his field.

I have had the pleasure of working with Cletis on many of Louisiana's navigation, hurricane, and flood protection projects and have often sought his counsel and advice on critical problems like coastal erosion and protecting our valuable wetlands. His reputation as a consensus builder and a man of unwavering integrity is well known by Louisiana's elected officials and our community and business leaders.

Mr. President, Cletis Wagahoff and his wife, Betty, have given much to Louisiana and our great Nation during their many years of service, and for this we are eternally grateful. On behalf of the Louisiana congressional delegation and all Louisianans, we wish them every success, good health, and much happiness as they turn the pages of life to begin a new chapter.
IN HONOR OF JOHN E. CHRISTENSEN

- Mr. BROWN. Mr. President, I rise at this time to recognize an outstanding citizen for the achievements and contributions he has made to the people of the State of Colorado. After a 30-year career in education, John Christensen is retiring as principal of Greeley Central High School.

John Christensen, or “JC” as he is known, began his teaching career in 1964 at Carbondale Junior High School in Carbondale. Over the next three decades, he became one of the driving forces in Weld County education. He taught mathematics, physical education, and biology. He coached basketball, football, track, and baseball, and served as an athletic director and assistant principal before becoming principal of Greeley Central.

As a resident of Greeley, CO, I am aware of the contributions JC has made to students and to the community. In addition to his classroom and administrative responsibilities, his enthusiasm and dedication to students’ extra-curricular programs led him to speak contests, musical concerts, theater performances, athletic events and countless other student activities in the evenings and on weekends. During some of those athletic events he was a fan; other times he was the coach. In 1975, he coached Greeley West’s AAA State Baseball Championship Team, a demonstration of his commitment to hard work and excellence.

John Christensen’s selfless dedication brought him richly deserved recognition. In 1989, he was presented the International Thespian Award by International Thespian Society Troupe 657 for his support of theater arts at Greeley Central. In 1990, he received the Administrator Award from the Colorado Music Educators’ Association. He served as president of the Colorado High School Coaches Association and was inducted into the District 6 Coaches’ Hall of Fame for his years of service to youth as a football and baseball coach. He is past president of the Northern League Principals Association and continues to consult and speak at various leadership conferences across the country.

Greeley Central’s Class of 1994 so greatly admired and respected John Christensen, their own principal, they chose him as their commencement speaker. His leadership and integrity has affected students, parents, teachers, and fellow administrators. In 1995, he received the prestigious Governor’s Award for Excellence in Education. Most impressive of all is the new scholastic award created in JC’s name by Greeley Central’s faculty. The John Christensen “Pride, Class and Dignity Award” is to be given to a Greeley Central High School senior who is active in student life, displays a distinguished academic record, and exemplifies outstanding leadership.

I have worked with numerous public officials and business leaders from across the country. There are few of the same high caliber as John Christensen. His integrity, enthusiasm, and dedication are unequaled. For this, I thank him for his service and wish him and his family, Jonna, JJ and Jill, the very best.

A NEW INTERNATIONAL PARTNERSHIP

- Mr. GRAMS. Mr. President, this week an historic agreement will be signed here in Washington that I believe embodies the enduring spirit of international commerce and what could be the promoting future of the Baltic States.

On March 28, 1996, government officials from the Baltic country of Estonia will sit down with representatives from one of my constituents, NRG Energy, Inc., and pen a memorandum of understanding (MOU) that could lead to NRG jointly owning, as well as managing and operating, the major electric generation assets in Estonia.

The agreement is a further step forward for Estonia, which is rapidly progressing into the global village. At the beginning of this decade, Estonia was one of the countries that may have broken from the old Soviet sphere of influence. Movement toward the West has been constant ever since. In 1991, Estonia became a member of the United Nations and it was included in the World Bank. In 1992, today, the nation envisions itself as a member of the European Union and has submitted a formal application for inclusion.

Estonia’s coalition government, led by Prime Minister Tiit Vahi and Foreign Minister Siim Kallas, has forged swiftly ahead in developing the open markets necessary to bring the nation into the global economy. These leaders should be commended for their foresight and resolve in making free trade a cornerstone of the country’s impressive economic maturity.

Mr. President, the Estonians should be praised for their steady progress away from a command and control economy and toward free market principles. They share with a majority of Americans a strong belief that most often the private sector can better conduct business than the government.

Already the Estonian Government has privatized more than 377 of its enterprises, a remarkable undertaking of privatizing and modernizing its entire telecommunications sector which was jointly accomplished with contributions from Swedish and Finnish interests.

Under the guidance of Arvo Nitenberg, former energy minister and current Estonian Ambassador to the International Atomic Energy Agency, the most ambitious investment initiative to date is occurring in the electricity sector. For this endeavor, the Estonians welcomed American expertise and know-how, and found these qualities in abundance with NRG. As a subsidiary of Northern States Power Company [NSP], a Minneapolis-based, multistate, investor-owned electric and gas utility, NRG has successfully brought the Minnesota penchant for hard work and a no-nonsense approach to international power projects in Austria and the former East Germany.

No doubt, NRG’s success around the globe will once again evidence itself in Estonia. The project entails an investment of up to $250 million by NRG for substantial upgrades and plant life extension in the Estonian electric company and NRG’s management and operation of three powerplants totaling more than 3,000 megawatts through a stock company jointly owned with the Estonians. This represents the entirety of Estonia’s power production in what is sure to be a win-win partnership in which NRG will apply its extensive and renowned expertise in emission reductions and operation of world class plants for the growing Estonian economy.

Mr. President, the MOU to be signed this week is the consummation of an important partnership not only between NRG and the Estonians, but also between Estonia and the United States. I welcome the partnership being established March 28 at the State Department as not only the teaching of a nation with a company, but also the commencement of a lasting relationship between two nations.

BUDGET SCOREKEEPING REPORT

- Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1996.

This report shows the effects of congressional action on the budget through March 21, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.7 billion in budget authority and by $16.9 billion in outlays. Current level is $81 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996-2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $262.6 billion, $17.0 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated March 12, 1996, Congress has cleared and the President has signed the 11th short-term continuing resolution (Public Law 104-116). In addition, the President signed an act providing tax benefits for members of the Armed Forces performing peacekeeping services in Bosnia.
and Herzegovina, Croatia, and Macedonia (Public Law 104–117). These actions did not change the current level of budget authority, outlays or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 25, 1996.

Hon. Pete V. Domenici,
Chairman, Committee on the Budget,
Washington, DC.

Dear Mr. Chairman: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through March 21, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report dated March 11, 1996, Congress has cleared, and the President has signed the eleventh short-term continuing resolution (P.L. 104–116). In addition, the President signed an act providing Tax Benefits for Members of the Armed Forces Performing Peacekeeping Service in Bosnia and Herzegovina, Croatia and Macedonia (P.L. 104–117). These actions did not change the current level of budget authority, outlays or revenues.

Sincerely,

June E. O'Neill,
Director.


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<tr>
<td>Debt subject to Limit</td>
<td>5,210.7</td>
<td>4,807.2</td>
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<td><strong>Off-Budget</strong></td>
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<tr>
<td>Social Security Outlays</td>
<td>299.4</td>
<td>299.4</td>
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<tr>
<td>1996–2000</td>
<td>1,626.5</td>
<td>1,626.5</td>
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<tr>
<td>Social Security Revenues</td>
<td>374.7</td>
<td>374.7</td>
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<tr>
<td>1996–2000</td>
<td>2,061.0</td>
<td>2,061.0</td>
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1Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of outlays subject to limit reflects the latest U.S. Treasury information on public debt transactions.

The ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS MAR. 21, 1996 (In millions of dollars)

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
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<tr>
<td>ENACTED IN FIRST SESSION</td>
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<tr>
<td>Appropriation bills:</td>
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<tr>
<td>1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–4)</td>
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<td>1995 Rescissions and Emergency Supplementals Act for Disaster Assistance Act (P.L. 104–19)</td>
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<td>Agriculture (P.L. 104–17)</td>
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<td>Defense (P.L. 104–46)</td>
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<td>Energy and Water (P.L. 104–46)</td>
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<tr>
<td>Legislative Branch Act (P.L. 105–32)</td>
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<tr>
<td>Military Construction (P.L. 104–292)</td>
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<td>Traffickers (P.L. 104–51)</td>
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<tr>
<td>Treasury, Postal Service (P.L. 104–52)</td>
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<tr>
<td>Offsetting receipts</td>
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<tr>
<td><strong>Authorization bills:</strong></td>
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<tr>
<td>Self-Employed Health Insurance Kiosk Act (P.L. 104–75)</td>
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<td>Alaska Native Claims Settlement Act of 1995 (P.L. 104–1)</td>
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<td>Fishermen's Protective Act Amendments of 1995 (P.L. 104–83)</td>
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<td>Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–44)</td>
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<td>Alaska Power Administration Act (P.L. 104–40)</td>
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<tr>
<td>1994 Appropriations (P.L. 104–88)</td>
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<td>Total enacted first session</td>
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The ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS MAR. 21, 1996—Continued (In millions of dollars)

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<tr>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
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<tr>
<td>ENACTED IN SECOND SESSION</td>
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<tr>
<td>Appropriation bills:</td>
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<tr>
<td>Seventh Continuing Resolution (P.L. 104–80)</td>
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<td>Ninth Continuing Resolution (P.L. 104–98)</td>
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<td>Operations (P.L. 104–117)</td>
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<td>Offsetting receipts</td>
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<td>Authorization bills:</td>
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<tr>
<td>Smoother Marine Fisheries Conservation Reauthorization (P.L. 104–114)</td>
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<td>Farm Credit System Regulatory Relief Act (P.L. 104–105)</td>
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<tr>
<td>Extension of Certain Expeditionary Authorities of the Department of Treasury (P.L. 104–110)</td>
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<tr>
<td>To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)</td>
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<tr>
<td>An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (H.R. 2798)</td>
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<tr>
<td>Total enacted second session</td>
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CURRENT RESOLUTION AUTHORITY

| Appropriation bills: | | |
| Eleventh Continuing Resolution (P.L. 104–116) | | | 116,863 |
| **Entitlements and Mandates** | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | | | 111,076 |
| Total current level | | | 1,395,214 |
| Total budget resolution | | | 1,286,500 |
| Amount remaining under Budget Resolution | | | 81 |
| Over Budget Resolution | | | 15,747 |
| **Authorization bills:** | | |
| P.L. 104–90 and P.L. 104–99 provide funding for specific appropriated accounts until September 30, 1996 | | | 110,150 |

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's Executive Calendar: Calendar No. 449.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination appear at the appropriate place in the RECORD, and that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

DEPARTMENT OF STATE
Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FEDERAL TEA TASTERS REPEAL ACT OF 1996

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2989, the Federal Tea Tasters Repeal Act of 1996, just received from the House.

The legislative clerk read as follows:

A bill (H.R. 2989) to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill is deemed to be read the third time and passed.

So the bill (H.R. 2989) was deemed read the third time and passed.

Mr. LOTT. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, MARCH 26, 1996

Mr. LOTT. Mr. President, I now ask unanimous consent that when the Senate completes its business today it
stand in adjournment until the hour of 10 a.m. on Tuesday, March 26, 1996; further, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day.

I further ask unanimous consent that there then be a period of morning business until the hour of 10:30, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator REID, 15 minutes; and Senator DORGAN, 15 minutes.

I further ask that at 10:30 the Senate resume consideration of H.R. 1296.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that the Senate recess from the hours of 12:30 p.m. until 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:17 p.m., adjourned until Tuesday, March 26, 1996 at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 25, 1996:

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES C. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

RAYMOND W. KELLY, OF NEW YORK, TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT. (REAPPOINTMENT)

DEPARTMENT OF STATE

CHARLES O. CECIL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

WENDY JEAN CHAMBERLIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

DENNIS K. HAYS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

RONALD K. NOBLE, RESIGNED.

DENNIS C. JETT, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

TOMORROW

The above nomination was approved subject to the nominee's commitment to respond to being called upon to appear before any duly constituted committee of the Senate.
TRIBUTE TO THE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, March 25, 1996

Mrs. MALONEY. Mr. Speaker, today I am pleased to rise to pay tribute to the National Association of Retired Federal Employees. We are happy to celebrate the 75th anniversary of this vital national organization which has been so integral to the rights of this Nation's retired Federal employees.

The National Association of Retired Federal Employees [NARFE] was formed on February 19, 1921, with 14 founding members. It now boasts a membership of nearly half a million with 1,740 chapters in every State as well as overseas. Their mission is to protect the earned benefits of retired Federal workers and their families. I am proud to say that they have continually accomplished this noble mission, with remarkable success, for over 75 years.

On this date, I am also proud to celebrate the 14th anniversary of Chapter 1871 of the National Association of Retired Federal Employees. Chapter 1871 serves retired Federal workers in the 14th Congressional District of New York. This local chapter of NARFE has been a tremendous help and an influential voice to countless retired Federal employees in that district. In this Chamber today, I am very pleased to give Chapter 1871 special recognition for all their dedicated work.

NARFE remains as important today as it was 75 years ago. It is the only national organization that is solely dedicated to protecting the interests of Federal retirees and their dependents. There is an ongoing need to educate the Government, the media, and the public on the need for Federal workers and their benefits. NARFE has successfully accomplished each and every one of these essential tasks.

Today, Mr. Speaker, in the year of its 75th anniversary and on the date of the 14th anniversary of Chapter 1871, I am very pleased to recognize the National Association of Retired Federal Employees for its many contributions to retired Federal workers and thereby to the Nation. I ask that my colleagues join with me in this celebration by paying tribute to its many years of accomplishments and dedication to serving retired Federal employees.

HONORING NORTH MIAMI CLEAN CITY WEEK

HON. CARRIE P. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Monday, March 25, 1996

Mrs. MEEK of Florida. Mr. Speaker, from April 27 to May 3, 1996, the city of North Miami, under the leadership of Councilwoman Jeanette Carr, will observe its sixth annual Clean City Week. Clean City Week offers the opportunity for community organizations to join forces to clean neighborhood eyesores while reinforcing community pride. Groups participating include the police department and its Explorers unit, Boy Scouts, Girl Scouts, leaders, and several charitable organizations.

This year's planned projects include collecting trash along a bayside shoreline, painting the houses of elderly residents, cleaning alleys, and painting over graffiti. Clean City Week is an example of neighbors working together toward a positive end. All participants are to be commended for their efforts. I am proud that so many in my district care so deeply about their environment. My thanks to everyone working to make North Miami sparkle and shine.

HUMAN RIGHTS ABUSES IN SIKH NATION

HON. PHILIP M. CRANE
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, March 25, 1996

Mr. CRANE. Mr. Speaker, I rise today to recommend to my colleagues the video “Disappearances in Punjab,” which was provided to me by Dr. Gurmit Singh Aulakh, president of the Council of Khalistan. Produced by Hindu human rights activist Ram Nanjan Kumar and ethnologist Lorenz Skerjanz, “Disappearances in Punjab” tells the story of Jaswant Singh Khalra, general secretary of the human rights wing, who has disappeared and has apparently been abducted by the Indian Government.

Khalra reported the abduction, torture, and murder of as many as 25,000 young Sikh men whose bodies were then cremated and listed as unidentified. Other human rights activists have claimed that as many as 100,000 Sikhs have been designated as “disappeared” by the Indian regime. The Indian Government has faced many similar charges before—including a February 25 article in the New York Times which described the Government as “rotten, corrupt, repressive, an anti-people”—but this video provides documented evidence of the brutal violence that Sikhs must face every day.

I hope my colleagues will take the time to review the video, and I am inserting a transcript for the RECORD. The Sikhs have struggled for independence and have been repressed by a central government. I support independence for Khalistan, and I believe that after reviewing this video, my colleagues will as well.

INTRODUCTION

On 31 August 1995, Punjab's Chief Minister Beant Singh was assassinated in a suicide mission of bombing carried out by a Sikh militant organization at the State government's Secretariat in Chandigarh. Beant Singh of the Congress party has taken office after winning the elections to the State Legislative Assembly, which the main Sikh political groups had boycotted to pursue their decade long agitation for a radical measure of autonomy for Punjab. As the Sikh electorate, comprising of about 58 percent of the State's population, stayed away from the polling, the Congress party won the elections, without a real contest. But the government formed by this party under Beant Singh's leadership projected the election results as the democratic mandate to stamp out the Sikh agitation, promising to implement the minimum possible means. Reports of human rights violations became widespread.

The leader of Hindu public opinion in Punjab argued that the due process of law was a luxury, which India could not afford while fighting the secessionist terrorism: [Interview with Vijay Chopra, publisher and editor of Hind Samachar group of newspapers, who brings out the three most popular language dailies in northern India.]

The human rights groups and the individuals, with little influence on the working of the government, expressed indignation against the reports of police atrocities.

Interview with Satish J. J., Professor of Economics at Jawarhalal Nehru University, New Delhi. [J.] He invites observers of Indian politics, including the former President of India Zail Singh, admitted that the highhanded methods of the security forces, instigated the separatist terrorism. [Interview with Zail Singh.]

HISTORICAL BACKGROUND OF THE SIKH SEPARATIST UNREST

Approximately twenty million Sikhs of India form less than 2 percent of the country's population, but constitute majority in the agriculturally prosperous Northwestern province of Punjab, which had been divided between India and Pakistan in 1947. Prosperous Jat Sikh farmers dominated the Akali Dal, the main political party of the orthodox Sikhs, that launched the agitation for the radical measure of autonomy for the State in early 1982. Jarnail Singh Bhindranwale, a charismatic religious preacher, who had already emerged on the scene as the messiah of “true Sikhs”, rallied the discontented sections of the Sikhs, particularly the unemployed youth, to the Akali agitation. The Union government promulgated the agitation law, banned the movement, and refused to negotiate decentralization of political power. The next two years of virulent violence, which also witnessed the rise of Sikh terrorism in the real sense, came to a head in June 1984 when Prime Minister Indira Gandhi ordered the military to flush out Bhindranwale and his armed followers from the Golden Temple of Amritsar in which they had taken shelter. When the operation was over, hundreds of Sikh militants, including Bhindranwale, and a larger number of Sikh pilgrims, were dead. The Akal Takht, an important shrine inside the temple complex regarded as the seat of political authority within the Sikh historical tradition, was rubble. For devout Sikhs, Bhindranwale and his followers, who had died fighting the Indian military, became the martyrs of the faith. A section of the Bhindranwale followers of the Akali Dal, who began to call out of the independent Sikh state.

The Parliamentary elections held at the end of 1989, returned many extremist candidates under the leadership of Simranjit

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
Singh Mann, former police officer turned separatist politician. The results showed that the separatist cause now possessed a measure of popular support. Alienation of the Sikhs from Indian politics again became manifest when the overwhelming majority of them stayed away from the polling in early 1992, keeping with the call of the Akali Dal to boycott the elections. The boycott helped the Congress party, under Beant Singh, to form its government in the State, and to order a judicial inquiry to supplement the樱的 agitations without caring for the limits of the law. Many officials involved in the security forces routinely admit that torture and excesses, including custodial killings, do take place. But they argue that they have no other way to demoralize a secessionist movement, which always uses a measure of sympathy in Punjab’s countryside.

**EVIDENCE OF STATE ATROCITIES**

Interviews with Inderjit Singh Jaijoe, Chairman, Movement Against State Repressions, and Jaspal Singh Dhillon, Chairman, Shiromani Akali Dal’s Human Rights Wing. [Photographic evidence of custodial torture and killings.]

Interview with Ranjan Lakanpal, a lawyer who fights generally losing legal battles to enforce the rule of law, against the working of the police—and Lakanpal reproduces two women victims of custodial rape.

Our own investigations in the Amritsar region reveal that the dealings of the security forces, backed by sometimes of separatist militants, themselves unconnected with crime, are not only routinely illegal but also brutal. Apparently, the idea is to set an example of harshness that would discourage the rural folk from sympathizing with the extremist cause.

Interview with Arjun Singh, grandfather of a known militant Paramjit Singh Panjwad, tortured in the police custody. Panjwad’s mother was killed in custody.

Many Sikh officers of the Punjab police privately corroborate these reports of police atrocities.

Interview with one woman police officer, on the condition of anonymity: She told us about her experience of custodial torture, rape and murders at an interrogation center where she was attached to. [Photographic evidence of custodial torture and murders.] Champions of human rights in Punjab are themselves vulnerable to persecution. Many have had experiences of illegal detention, torture in custody and even elimination. Sometimes their relatives become victims of police wrath. On 25 March 1990, Ranjan Lakanpal’s ten year old son Ashish was run over by a police vehicle. The vehicle belonged to an officer whom Ranjan Lakanpal, a lawyer fighting generally losing legal battles to enforce the rule of law, reproduces two victims of custodial rape.

**THE CASE OF JASWANT SINGH KHALRA**

The more recent example comes from the case of J. aswant Singh Khalra, General Secretary of the Shiromani Akali Dal’s Human Rights Wing, who got picked up by uniformed commandos of Punjab police from the porch of his house in Amritsar on 6 September 1992, six days after Beant Singh’s assassination. Human Rights Wing has been focusing attention on unravelling the mystery of what happens to the large number of people the security forces illegally pick up for interrogation. J. aswant Singh Khalra was associated with the investigations that led to the discovery that Punjab police have been extending the orders of death sentences illegally, by mentioning them in the registers at the cremation grounds as “unclaimed” and “unidentified.” The investigations also established that the accused have been largely those who had earlier been picked up for interrogation.

**[Interview with the attendant of the cremation ground at Patti, a subdivisional town in Amritsar district.]** Equally inculcating evidence against the police is found in the hospitals where the police sent some bodies so cremated for postmortem.

**[Interview with the Chief Medical Officer of the hospital at Patti:]** This doctor told us that Sarabjit Singh was still alive when the police first brought him for the postmortem. He was being kept there for a long while. Sarabjit Singh was taken away by the police and brought back to the hospital the second time when he was actually dead. The hospital gave the police the cremation papers only after the police wanted. The Chief Medical Officer of the hospital at Patti also offered us some astonishing information on how he helped the police to get the postmortem reports they legally needed in all circumstances before cremating the dead bodies.

Investigation carried out by the Human Rights Wing forms the basis of a petition that the Committee for Information and Initiative on Punjab has filed before the Supreme Court of India. The Central Bureau of Investigation has ordered the Central Bureau of Investigation to probe the “disappearance” along with the issue of illegal cremations by the Punjab police and now is being investigated by the Central Bureau of Investigation, on the orders from the Supreme Court. However, the court has not come before J. aswant Singh Khalra himself “disappeared.”

**[Interview with Jaspal Singh Dhillon:]** “Khalra was quite clearly told that he can also become an unidentified body. And today Khalra is not there.”

The guilt of the Punjab police knew that, without Khalra’s investigative resourcefulness in the Amritsar district, the Human Rights Wing could not have so conclusively exposed their ways of handling the Sikh unrest in Punjab. Khalra had also been providing legal counselling to victims of police atrocities, particularly the relatives of “disappeared” victims, who encouraged them to approach the courts to redress their grievances.

Khalra’s whereabouts remains unknown. The chief of the Punjab police has categorically denied Khalra’s abduction by the officers of his force. The Supreme Court of India has ordered the Central Bureau of Investigation to probe the “disappearance” along with the issue of illegal cremations by the Punjab police. In ordering the probe, the court has heard the allegations of human rights violations that might lead to evidence to establish the truth, nor has asked the CBI to associate the human rights groups, directly involved in exposing the human rights violations, with the inquiry. It is evident that the Central Bureau of Investigation, as an investigating agency under the Union Home Ministry, lacks the necessary power and independence to determine the truth of allegations of serious human rights crimes, made against India’s security forces.

Human rights groups worldwide are seriously concerned about the disappearance of J. aswant Singh Khalra, which is seen as a serious blow to the campaign against the police atrocities in the State. The Sikh groups in Punjab are agitating the Khalra’s release. Many leaders of the Western countries, including the President of the United States of America, have conveyed their concern about the case to the government of India. However, the information presenting itself to us from different sources suggests that Khalra might already have been eliminated. Despair dominates the mood of the Sikh leaders in Punjab.

**[Interview with Khajinder Singh, former Akali Minister:]** “All Sikhs cannot get one constable or one police officer transferred from one police station to another.”

**[Interview with Jaspal Singh Dhillon:]** “There is no way any Sikh today can look for justice from any organ of the Indian state.”

**[Interview with Professor Satish Jain:]** “There is a large section of this country which approves such atrocities. And, I think, the weakness of the Indian nation, the weakness of the Indian society, really lies in this attitude.”

Will State atrocities in Punjab cease? These are the mute questions before the people of India, even as they prepare themselves for the next elections.

**CONGRATULATIONS TO PRESIDENT LEE TENG-HUI AND THE PEOPLE OF TAIWAN ON THE FIRST DEMOCRATIC ELECTIONS**

**HON. TOM LANTOS**

OF CALIFORNIA

**IN THE HOUSE OF REPRESENTATIVES**

**Monday, March 25, 1996**

Mr. LANTOS. Mr. Speaker, I wish to extend my heartiest congratulations to President Lee Teng-hui who was chosen the first popularly elected President of Taiwan in direct, democratic elections, which were held over the past weekend. President Lee received 56 percent of the vote in a field of four candidates. The results of this election are a tribute to President Lee, who has played the leading role in completing the democratic transformation of Taiwan, a transformation which led to these first-ever democratic elections. I also wish to extend my congratulations to Li Chin Chuan, the democratically elected Vice President.

Mr. Speaker, President Lee has served as the President of the Republic of China on Taiwan since 1988. He has long and close ties with the United States and with the American people. It is highly significant, Mr. Speaker, that President Lee was born on Taiwan in 1923. He attended Kyoto Imperial University, and received a bachelor’s degree from National Taiwan University in 1949. His studies in the United States include an M.A. from Iowa State University and a Ph.D. from the University of California. Between 1949 and 1965 he was a member of the faculty of National Taiwan University, and he served many years as a professor there. His political experience includes service as the mayor of Taipei City, Governor of Taiwan Province, and Vice President of the Republic of China on Taiwan.

Mr. Speaker, just 1 year ago, President Lee was invited by his alma mater, Cornell University, to visit the campus as a distinguished alumnus. The administration opposed granting him a visa for that visit. As my colleagues know, legislation that I introduced and which passed the House unanimously, put the Congress on record favoring granting him a visa. I am delighted that he was able to visit Cornell as President of Taiwan, and it is my sincere hope that he will have the opportunity to visit the United States as its democratically elected President.

The real winners in Saturday’s Taiwanese elections, Mr. Speaker, are not the candidates who won re-election—though I do not want to diminish the great victory which this election is and to extend congratulations to President Lien, the democratically elected Vice President.

The real winners in the elections are the people of Taiwan. They have made a democratic choice, they have conducted an exemplary campaign, and they have participated in the
elections in numbers that are a tribute to the people of Taiwan. Despite appalling efforts at intimidation by the Government of the People's Republic of China, two-thirds of the eligible voters of Taiwan participated in the election. That is a participation rate that exceeds the number of votes cast in any recent American election. It is a vote for freedom and democracy all over the globe.

Greece has stood by the United States in every major international conflict this century. Our country has benefited from an active and successful Greek-American community. The immigrants who came to our shores from Greece worked hard. Their children went on to become scholars, doctors, scientists—many individuals from that community have served our country with distinction in the Armed Forces and Government.

Soon the Olympic flame will reach the United States, where it will preside over the Olympic Games as a reminder of the Hellenic ideals that inspire athletes, philosophers, and democratic movements throughout the world.

Mr. Speaker, I am proud to recognize this important date in the long struggle for freedom and democracy. Greece’s victory over tyranny is a victory for democracy and freedom all over the globe.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT MUST ITSELF BE ABOVE REPROACH

SPEECH OF
HON. LOUISE MCLINTOSH SLAUGHTER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Friday, March 22, 1996

Ms. SLAUGHTER. Mr. Speaker, I am very concerned today. I am very concerned about the ability of the House Committee on Standards of Official Conduct to conduct its business in a fair and impartial manner, because of press reports that we have seen throughout this Congress expressing doubts about the committee’s ability to uphold the bipartisan standard of fairness for which it is well-known.

Just yesterday I read a press report about a new breach or possible breach of impartiality, where the committee was accused of communicating with a Member who was under review. Surely, Mr. Speaker, this must not happen. It is totally unacceptable.

The group in this House that is charged and given the privilege of maintaining the ethics and the decorum of this House must not itself come under reproach.

Mr. Speaker, I include for the RECORD an article by Larry Margasak on this issue.

ETHICS COMMITTEE REBUKES LAWMAKER, LETS HIM ANNOUNCE IT

(By Larry Margasak, Associated Press Writer)

WASHINGTON (AP) — In an unusual arrangement, the House ethics committee privately rebuked Rep. David M. McIntosh, R-Ind., but allowed him to announce the action in generally favorable terms.

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The letter found, however, that no rules were violated and two ethics complaints against McIntosh were dismissed.

Johnson’s action broke with the usual practice of publicly releasing letters that complete ethics cases.

In this instance, the only hints of the letter’s criticism came in a news release from McIntosh written with an assist from the ethics panel.

The congressman’s spokesman, Chris Jones, said, “The committee asked us to include certain things in the news release.” Those items in the last paragraph of McIntosh’s written-news release made references to the ethics panel’s concerns.

Congressional sources familiar with the letter, speaking on condition of anonymity, said it was far more critical than McIntosh suggested in his news release.

The complaints were based on McIntosh’s actions at a Sept. 28 hearing of a House Government Reform subcommittee he chairs and improper remarks by a subcommittee staffer about a Jewish holiday.

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The document purported to list amounts of federal grants received by the group’s member organizations.

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The document purported to list amounts of federal grants received by the group’s member organizations.
The documents included no disclaimer saying they had been prepared by McIntosh's staff, and listed grants for at least two groups that say they receive no federal money. The poster also was displayed on the House floor.

The improper remarks came in a conversation between a subcommittee staffer, John Praed, and Alliance for Justice counsel Deborah Lewis.

According to Lewis, she asked for more preparation time for the subcommittee hearing because of the Jewish Rosh Hashanah holiday.

She said she would be off that day and Praed asked, “Does that mean you have to work Christmas?”

McIntosh's version praised the Committee on Standards of Official Conduct the ethics committee for its “fair and nonpartisan consideration of the complaints” and for reaffirming “the soundness of the ethics process.” It quoted a Democratic lawmaker supporting McIntosh.

But the final paragraph of the news release the portion the committee wanted to include changes the tone somewhat. After noting the ethics panel accepted McIntosh’s statement that he had no intention to mislead at the hearing, the lawmaker hinted at the committee's concerns.

“House members should not use anyone's letter or letterhead and add any extraneous comments because of the potential for confusion about who added the extraneous comments,” the release said. McIntosh agreed to adopt the policy in the future.

“The committee also indicated concern about questions made by a former subcommittee staff member in preparing for a subcommittee hearing.” McIntosh’s news release acknowledged.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 14, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 26, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 27
9:00 a.m.
Environment and Public Works
To hold hearings on proposals to improve prevention of, and response to, oil spills in light of the recent North Cape spill.
SD–406

Labor and Human Resources
Business meeting, to mark up S. 1477, to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, S. 969, to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and proposed legislation authorizing funds for the Older Americans Act.
SD–106

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum's use and management.
SR–253

Energy and Natural Resources
To hold hearings on S. 1605, to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and S. 198, to amend the Energy Policy Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine global proliferation of weapons of mass destruction.
SD–342

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I, AMVETS, the American Ex-Prisoners of War, the Vietnam Veterans of America, and the Military Order of the Purple Heart.
345 Cannon Building
Select on Intelligence
To resume hearings on the future of United States intelligence.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Navy and Marine Corps programs.
SD–192

 Armed Services
Acquisition and Technology Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on proliferation of weapons of mass destruction and the impact of export controls on national security.

Banking, Housing, and Urban Affairs
Business meeting, to consider pending nominations.
SD–536

Foreign Relations
Business meeting, to consider pending treaties and nominations.
SD–419

1:30 p.m.
Armed Services
SeaPower Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the Department of the Navy’s Submarine Development and Procurement programs.
SR–222

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

 Select on Intelligence
To hold a closed briefing on intelligence matters.
SH–219

4:00 p.m.
S–207, Capitol

MARCH 28
9:00 a.m.
Indian Affairs
To hold oversight hearings on the recent settlement and accommodation agreements concerning the Navajo and Hopi land dispute.
SR–485

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Energy and Natural Resources
To resume oversight hearings on issues relating to competitive change in the electric power industry.
SH–216

Special on Aging
To hold hearings to examine adverse drug reactions in the elderly.
SD–562

10:00 a.m.
Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.
SR–222

Foreign Relations
To resume hearings on the Convention on Chemical Weapons (Treaty Doc. 103–21).
SD–419

Judiciary
To resume markup of proposed legislation relating to legal immigration (incorporating provisions of S. 1394).
Room to be announced

10:30 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce.
S–146, Capitol

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce.
S–146, Capitol

Foreign Relations
African Affairs Subcommittee
To hold hearings to examine the role of radio in Africa.
SD–419

Select on Intelligence
Closed briefing on intelligence matters.
SH–219

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on the multiyear procurement proposal for the C-17 strategic airlifter.
SR–222

MARCH 29
9:30 a.m.
Armed Services
Airland Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on Army modernization programs.
SR–222

11:00 a.m.
Armed Services
Strategic Forces Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on cooperative threat reduction program, arms control, and chemical demilitarization.
SR–222

APRIL 15
10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To hold hearings on S.J. Res. 49, proposed constitutional amendment to require a two-thirds vote of tax increases.
SD–226
APRIL 16
9:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for Air Force and defense agencies' military construction programs.
SD-116

APRIL 17
9:30 a.m.
Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Air Force programs.
SD-192

1:30 p.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for Indian programs, and to examine related budgetary issues from fiscal year 1996.
SR-485

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to mark up S. 984, to protect the fundamental right of a parent to direct the upbringing of a child.
SD-226

APRIL 18
9:30 a.m.
Commerce, Science, and Transportation
To resume hearings to examine Spectrum's use and management.
SR-253

1:30 p.m.
Indian Affairs
To continue hearings on proposed legislation authorizing funds for fiscal year 1997 for Indian programs, and to examine related budgetary issues from fiscal year 1996.
SR-485

APRIL 19
1:30 p.m.
Indian Affairs
To continue hearings on proposed legislation authorizing funds for fiscal year 1997 for Indian programs, and to examine related budgetary issues from fiscal year 1996.
SR-485

APRIL 20
9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for the Consumer Product Safety Commission.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Army programs.
SD-192

APRIL 23
9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on issues with regard to the Government Printing Office.
SR-301

SEPTEMBER 17
9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
555 Cannon Building

CANCELLATIONS
MARCH 26
2:00 p.m.
Judiciary
Business meeting, to mark up proposed legislation relating to legal immigration (incorporating provisions of S. 1394).
Room to be announced

POSTPONEMENTS
MARCH 26
10:00 a.m.
Judiciary
To hold hearings on S. 1284, to adapt the copyright law to the digital, networked environment of the National Information Infrastructure.
SD-106
Chamber Action
Routine Proceedings, pages S2737-S2839

Measures Introduced: Two bills were introduced, as follows: S. 1640 and 1641. Page S2802

Measures Passed:
Federal Tea Tasters Repeal Act: Senate passed H.R. 2969, to eliminate the Board of Tea Experts by repealing the Tea Importation Act of 1897, clearing the measure for the President. Page S2838

Administration of Presidio Properties: Senate began consideration of H.R. 1296, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, taking action on the following amendments thereto:

Pending:
Murkowski modified Amendment No. 3564, in the nature of a substitute. Pages S2740-90, S2792-95

A motion was entered to close further debate on the pending amendment and, in accordance with the provisions of Senate Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Wednesday, March 27, 1996. Page S2795

Senate will continue consideration of the bill on Tuesday, March 26, 1996.

Nominations Confirmed: Senate confirmed the following nomination: Rita Derrick Hayes, of Maryland, for the rank of Ambassador during her tenure of service as Chief Textile Negotiator. Page S2839

Nominations Received: Senate received the following nominations:
James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of two years.
Raymond W. Kelly, of New York, to be Under Secretary of the Treasury for Enforcement.
Charles O. Cecil, of California, to be Ambassador to the Republic of Niger.
Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Lao People's Democratic Republic.
James Francis Creagan, of Virginia, to be Ambassador to the Republic of Honduras.
Lino Gutierrez, of Florida, to be Ambassador to the Republic of Nicaragua.
David C. Halsted, of Vermont, to be Ambassador to the Republic of Chad.
Dennis K. Hays, of Florida, to be Ambassador to the Republic of Suriname.
Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru.
Tibor P. Nagy, Jr., of Texas, to be Ambassador to the Republic of Guinea.
Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala.

A routine list in the Army.

Messages From the House:

Measures Referred:

Statements on Introduced Bills:

Additional Cosponsors:

Notices of Hearings:

Authority for Committees:

Additional Statements:

Adjournment: Senate convened at 10 a.m., and adjourned at 5:17 p.m., until 10 a.m., on Tuesday, March 26, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S2838-39.)

Committee Meetings
(Committees not listed did not meet)

Authorization—Defense
Committee on Armed Services: Subcommittee on Strategic Forces resumed hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on ballistic missile defense programs and related issues, receiving testimony from Lt. Gen. Malcolm R. O'Neill, USA, Director, Ballistic Missile Defense Organization, Department of Defense.

Subcommittee will meet again on Friday, March 29.
SOCIAL SECURITY REFORM

Hearings were recessed subject to call.

NOMINATION
Committee on Governmental Affairs: Committee concluded hearings on the nomination of Robert E. Morin, to be an Associate Judge of the Superior Court of the District of Columbia, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action
Bills Introduced: 1 public bill, H.R. 3158, was introduced.

Reports Filed: Reports were filed as follows:

H.R. 2824, to authorize an exchange of lands in the State of Utah at Snowbasin Ski Area (H. Rept. 104±493);

Conference report on H.R. 2854, to modify the operation of certain agricultural programs (H. Rept. 104±494);

H.R. 3074, to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone (H. Rept. 104±495);

H.R. 3103, to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, and to simplify the administration of health insurance, amended (H. Rept. 104±496, Part I);

H.R. 3070, to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, and to simplify the administration of health insurance, amended (H. Rept. 104±497, Part I); and

H.R. 995, to amend the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, claims, and other consumer protections and freedoms for workers in a mobile workforce; to increase purchasing power for employers and employees by removing barriers to the voluntary formation of multiple employer health plans and fully-insured multiple employer arrangements; to increase health plan competition providing more affordable choice of coverage by removing restrictive State laws relating to provider health networks, employer health coalitions, and insured plans and the offering of medisave plans; to expand access to fully-insured coverage for employees of small employers through fair rating standards and open markets, amended (H. Rept. 104±498, Part I).

Pages H2716±H2841, H2842

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Upton to act as Speaker pro tempore for today.

Presidential Message—National Emergency Re Angola: Read a message from the President wherein he transmits his report concerning the national emergency with respect to Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 104±189).

Recess: House recessed at 2:07 p.m. and reconvened at 3:49 p.m.

Senate Messages: Message received from the Senate today appears on page H2715.

Adjournment: Met at 2 p.m. and adjourned at 3:50 p.m.

Committee Meetings
No committee meetings were held.
NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D251)


COMMITTEE MEETINGS FOR TUESDAY, MARCH 26, 1996
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, and Related Agencies, to hold hearings on proposed budget estimates for the Department of Agriculture, 2 p.m., SD-192.

Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of the Interior, and Army programs, 2:30 p.m., SD-138.

Committee on Armed Services, to hold hearings on atomic energy defense activities under the purview of the Acting Under Secretary, Department of Energy, 10 a.m., SR-222.

Subcommittee on Seapower, to resume hearings on proposed legislation authorizing funds for fiscal year 1997 for the Department of Defense and the future years defense program, focusing on the Department of the Navy's Marine Corps programs, 2:30 p.m., SD-232A.

Committee on Banking, Housing, and Urban Affairs, to hold hearings on the nominations of Alan Greenspan, of New York, to be Chairman, Alice M. Rivlin, of Pennsylvania, to be a Member and Vice Chairman, and Laurence H. Meyer, of Missouri, to be a Member, all of the Board of Governors of the Federal Reserve System, 11 a.m., SD-538.

Committee on Commerce, Science and Transportation, Subcommittee on Science, Technology, and Space, to hold hearings on the proposed budget request for fiscal year 1997 for the National Aeronautics and Space Administration (NASA), and to examine recent developments in the Space Station program, 2 p.m., SR-253.

Committee on Foreign Relations, to hold hearings on the nominations of Ernest G. Green, of the District of Columbia, and Henry Mckoy, of North Carolina, each to be a Member of the Board of Directors of the African Development Foundation, Lawrence Neal Benedict, of California, to be Ambassador to the Republic of Cape Verde, Harold Walter Geisel, of Illinois, to be Ambassador to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador to the Federal Islamic Republic of The Comoros, Aubrey Hooks, of Virginia, to be Ambassador to the Republic of the Congo, Robert Kruiger, of Texas, to be Ambassador to the Republic of Botswana, and David H. Shinn, of Washington, to be Ambassador to Ethiopia, 10 a.m., SD-419.

Full Committee, closed briefing on the verifiability of the Convention on Chemical Weapons (Treaty Doc. 103-21), 11 a.m., S-407, Capitol.

Committee on Governmental Affairs, to hold oversight hearings on the Internal Revenue Service, 9:30 a.m., SD-342.

Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold hearings to examine the gap between Federal services and charitable services, focusing on how best to meet program needs, 9:30 a.m., SD-430.

NOTICE

For a listing of Senate meetings scheduled ahead, see pages E447-48 in today's Record.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food, Nutrition and Consumer Services, 1 p.m., 2362A Rayburn.

Subcommittee on Energy and Water Development, on Department of Energy and Environmental Management and Nuclear Waste Issues, 2 p.m., 2362B Rayburn.

Subcommittee on Interior, on Bureau of Indian Affairs, 1 p.m., and on Indian Health Service, 2:30 p.m., B-308 Rayburn.

Subcommittee on Transportation, on Research and Special Programs Administration, 12:30 p.m., 2358 Rayburn.


Committee on Resources, Subcommittee on National Parks, Forests and Lands, oversight hearing on Forest Service's decision-making process, 10 a.m., 1334 Longworth.
Next Meeting of the SENATE
10 a.m., Tuesday, March 26

Senate Chamber

Program for Tuesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:30 a.m.) Senate will continue consideration of H.R. 1296, relating to the administration of certain Presidio properties. (Senate will recess from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, March 26

House Chamber

Program for Tuesday: Consideration of the following 7 Suspensions:
2. H. Con. Res. 147, 1996 National Peace Officers Memorial Service;
3. H. Res. 345, expressing concern about the deterioration of human rights in Cambodia;
4. H. Res. 379, expressing the sense of the House concerning the anniversary of the massacre of Kurds by the Iraqi government;
5. H. Con. Res. 102, concerning the emancipation of the Iranian Bahá’í Community;
6. H. J. Res. 158, to recognize the Peace Corps on the occasion of the 35th anniversary and the Americans who have served as Peace Corps volunteers; and
7. H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions and to authorize the transfer of naval vessels to certain foreign countries.

Recorded votes if ordered on Suspensions will be postponed until Wednesday, March 27.

Extensions of Remarks, as inserted in this issue

HOUSE
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