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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

Rabbi Warren Stone, Temple Emanuel Synagogue, Kensington, MD, offered the following prayer:

Distinguished leaders of our country, why do we pray?

We pray because we need to look beyond ourselves, to seek guidance in the One beyond all time and space.

In a time of indirection, prayer can give us vision and hope.

In a time of conflict and injustice, prayer can help us act with courage.

God, may we shed our veils of defense to uncover a truth deep within ourselves. Our time on Earth is short; we are like a flower that will fade, a cloud passing by, like dust floating on the wind, a dream soon forgotten.

And yet, while here so briefly, may we never forget that we have the capacity for a lasting greatness. With our lives we can make a profound difference in the lives of others. We, created in the Divine Image, can uplift the human spirit. That is how we should be remembered.

Help us Lord to choose this path.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. STEARNS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 743. An act to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

WELCOMING RABBI WARREN STONE

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

Mrs. MORELLA. Mr. Speaker, I have the pleasure of welcoming Rabbi Warren Stone to the House this morning.

Rabbi Stone has been the spiritual leader at Temple Emanuel Synagogue in Kensington, MD for the past 10 years. His tenure at Temple Emanuel has been characterized by growth in membership and community involvement. Under Rabbi Stone's leadership, members of the congregation volunteer their services to the community, visiting the elderly, feeding the hungry, and helping at local shelters for battered women and for the homeless.

Rabbi Stone is a staunch environmentalist, and often weaves into his sermons messages about the importance of protecting our natural resources and maintaining a safe and healthy environment. He is an advocate for Israel and for human rights.

Rabbi Stone has distinguished himself with an impressive record of dedicated service to both Temple Emanuel and the Montgomery County community. I am honored that he delivered the invocation on the House floor this morning, and I am proud to represent Rabbi Stone and the congregation of Temple Emanuel Synagogue in Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will receive fifteen 1-minutes per side.

PRESIDENT CLINTON SHOULD KEEP HIS WORD TO SIGN WISCONSIN WELFARE WAIVERS

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

Mr. GINGRICH. Mr. Speaker, on July 13, 1995, speaking to the National Governors' Association, President Clinton asked the Governors to send him waivers on welfare and he said, ''If you do that, you sign them, you send them to me and we will approve them within 30 days.''

On May 18 of this year the President devoted his weekly radio address to the Wisconsin welfare plan. He said he was encouraged by it. He said he was supportive of it. He said, ''I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare based on work.''

Yesterday was the 30th day since Wisconsin submitted its welfare plan. The Clinton administration has broken its pledge given to the Governors a year ago. The Clinton administration has failed to approve the Wisconsin welfare waivers.

This House voted overwhelmingly in favor of approving the Wisconsin welfare waivers. We believe that people should work if they are able bodied. We believe there should be a transition from welfare to work. We believe we should strengthen families by having a strong, firm commitment to collecting child support and to making sure that

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child support is paid. We believe the future of the children of this country requires welfare reform.

It is very unfortunate that the President has failed to sign the waiver for Wisconsin. I call on President Clinton today to keep his word to the Governors and to sign the Wisconsin welfare waivers and allow the people of Wisconsin to reform welfare.

WASHINGTON POST OWES APOLOGY TO UNITED STATES CITIZENS OF CUBAN DESCENT

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

Mr. MENENDEZ. Mr. Speaker, I rise to express my outrage with yesterday's Washington Post editorial entitled ''Cuba—The Poisonous title III'' that refers to United States citizens as the ''Miami Cubans.'' I have never seen the Post refer to New York Jews or the Boston Irish or the Chicago Polish community. No, this second class citizenship status by the Washington Post is preserved just for the Miami Cubans. As an American of Cuban descent, not from Miami, I think it is despicable.

Finally, title III of the Helms-Burton legislation is that part of the bill that stands up for U.S. citizens. Let us review the facts. The property of American citizens and businesses were illegally confiscated between 1959 and 1960. Those businesses were never compensated by the Cuban regime for their losses.

Title III does not prohibit investment by any nation in Cuba unless they do it in the stolen property of American citizens and companies. So there we have it. If you do not knowingly and intentionally invest in stolen property, you have no reason to be concerned about this bill.

I hope the Post gets its facts straight. It owes an apology to the Americans of Cuban descent.

MAKE HEALTH CARE MORE AFFORDABLE FOR AMERICANS

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

Mr. NEY. Mr. Speaker, Congress is ready to pass bipartisan legislation that will make health care insurance more available and affordable for millions of American families without big government. It is called private sector health care reform.

However, over the last 11 weeks someone in the other body has been holding health care reform hostage, refusing to allow the legislation to proceed by using complicated procedural gimmicks. This common sense health care reform is being stonewalled, Mr. Speaker, because of the dream that still exists of imposing a single player, Government-run health care system on the entire Nation.

I think that a couple of years ago the people in this country spoke out very loud and clear that they do not want a Government-run system, but they want access, they want availability, and they want affordability for health care. Today many Americans are forced to stay in their current jobs out of fear of losing their health care benefits and insurance. Others just live in fear of losing health care coverage should they lose their job.

This bipartisan legislation would make sure Americans who lose their coverage can keep their jobs their health care, and take care of their families. I urge the movement of the bill.

EDUCATION SHOULD BE PLACED AT TOP OF NATION'S PRIORITY BUDGET LIST

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

Mr. PALLONE. Mr. Speaker, in the spending bill that is coming to the floor this morning, the Republicans are once again proposing harmful education cuts, and, fortunately, the President has once again promised to veto any bill the Republicans send him that does not include reasonable levels of education funding.

Mr. Speaker, I believe that education should be placed at the top of our Nation's budget priorities. We should be heading in a direction completely opposite from where the Republicans are going, especially at a time when enrollment in our Nation's schools is rapidly expanding.

A failure to increase funding for education is a failure to invest in our children's future. I urge my colleagues on the other side of the aisle: Give up this quest to gut our education system. The Republicans tried it last year, they are trying it again this year, and it should not be done. Education needs to be a priority when we deal with this budget.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

WHO HIRED CRAIG LIVINGSTONE?

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

Mr. KINGSTON. Mr. Speaker, I thought of a good way to find out who hired Craig Livingstone. Livingstone, as my colleagues will remember, is the Gore campaign political operative who went to work in the White House and proceeded to illegally review the FBI files of private American citizens.

When asked by the congressional committee who hired him, Craig Livingstone said, ''I do not know.'' Now, the taxpayers are going to have to spend hundreds of thousands of dollars trying to find out who hired Mr. Livingstone.

I have got a cheap alternative. Let us ask Eleanor Roosevelt. All right, everybody, light your candles: Eleanor, Eleanor. It is not working. Maybe one of the Democrats can tell me what I am doing wrong.

The fact is we can save the taxpayers thousands of dollars if Mr. Livingstone would just tell the truth.

AMERICA NEEDS A RAISE

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

Mr. VENTO. Mr. Speaker, I will not get into a seance with my friend from Georgia, but some good news that did come through from the Senate this week was the passage of the minimum wage bill.

That is right, in spite of the Republican leadership's concerted effort in the House and Senate to set the agenda and to add a poison pill to the minimum wage, the American public's will is being reflected in the other body and in this House.

Unfortunately, the antics and tricks to try and stop the minimum wage, the 90-cent increase for those that are making $4.25 an hour today, is still in motion. They are threatening, in fact, to tie it up and hold it to other bills, to in fact try and put in place tax breaks that will dig the deficit hole deeper in this country and deny low-income workers, mostly, I might say, adults, and very often, too often, women, the opportunity to get a fair wage, a living wage.

Mr. Speaker, America needs a raise, and they need this Congress to respond fair and equitably. At the same time we are cutting all the social programs, we have to let people earn their way and get a fair wage in our economy.

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ANOTHER BROKEN WELFARE PROMISE

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

Mr. GUTKNECHT. Mr. Speaker, it has been 31 days now since President Clinton promised to take action on Wisconsin's welfare waiver request.

Thirty-one days—no action.

Another welfare promise by Bill Clinton will most likely fall by the wayside. In the meantime, millions of Americans are caught in an endless cycle of dependency and poverty.

On May 18 this year, Bill Clinton held up the Wisconsin plan as a model of good welfare reform. Let me just quote from his radio address that day:

All in all, Wisconsin has the makings of a solid, bold welfare reform plan. We should get it done. I pledge that my administration will work with Wisconsin to make an effective transition to a new vision of welfare reform based on work . . .

That was Bill Clinton on May 18 talking on welfare. Today is July 10, and all we hear is silence. His 30 days are up and all we hear is the silence of another broken welfare promise.

WHY THERE WILL BE NO MINIMUM WAGE INCREASE

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

Mr. VOLKMER. Mr. Speaker, the House and Senate have passed a minimum wage bill, but I want to let my colleagues in on a little secret. The Speaker is not going to let it become law.

Our dictator, Speaker GINGRICH, has decided that along with the majority Members of the extreme right in the Republican Party and Members of this House, that people working for minimum wage in my district and all over this Nation do not need this year an increase of 45 cents an hour.

Mr. Speaker, they are working right now today, while these Members up here are enjoying all their large incomes, et cetera. They say, Speaker GINGRICH and the extreme right Republicans say that my people should not get 45 cents an hour more. Now is that right? No, it is not right.

Why do we not have a minimum wage bill? Why? Because Speaker GINGRICH has decided that he is going to kowtow to the special interests that give large funds to their campaign funds.

POINT OF ORDER

Mr. MCINNIS. Point of order, Mr. Speaker. I ask that the words of the gentleman be stricken. The gentleman called the Speaker of the House a dictator. I would ask for an interpretation of the House. The Speaker of the House is not a dictator, and I ask that the words of the gentleman from Missouri [Mr. VOLKMER] be stricken.

The SPEAKER pro tempore (Mr. FOLEY). The Chair rules that point of order has come too late. There has been intervening debate.

DEADLINE FOR DECISION ON WISCONSIN WELFARE PLAN

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

Mr. JONES. Mr. Speaker, today is the day. Thirty days have passed since Bill Clinton placed a self-imposed deadline to take action on Wisconsin's welfare waiver request.

Mr. Speaker, the Wisconsin welfare plan has bipartisan support in Wisconsin, and here in our Nation's Capitol.

The Wisconsin welfare plan truly ends welfare as we know it. It moves people from welfare, to work, instilling personal responsibility, and lifting families and children out of the poverty trap.

Mr. Speaker, Bill Clinton pointed to the Wisconsin welfare plan as a model. He pledged his administration's firm and strong support for helping the people of Wisconsin move from welfare to work. He said and I quote, ''We should get this done.''

Last year, Bill Clinton promised to sign waivers within 30 days. Well, the 30 days are up, and all we hear from the White House is the sound of another broken promise.

Mr. Speaker, this is just another example of Bill Clinton saying one thing and doing another.

MAJORITY NEEDS TO GET ITS MATH RIGHT

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

Ms. WOOLSEY. Mr. Speaker, when it comes to investing in our children's education, the new majority must need a refresher course in basis math because their numbers just do not add up. While school enrollment is expected to grow by 7 percent by 2002, the new majority is proposing a cut in education by 7 percent below 1995 levels.

This means that our schools, as they get more crowded, our teachers will be taking on more and our students will be receiving less; less help in fighting drugs and violence, less help in raising learning standards; and less help in basic reading and math.

Mr. Speaker, this is not the way to take care of our children. It is time for the new majority to get its math right. It is time for a budget that gives our children the tools they need to succeed in the next century.

THE NATURAL DISASTER PROTECTION PARTNERSHIP ACT

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

Mr. STEARNS. Mr. Speaker, the East Coast is currently being battered by Hurricane Bertha. As we all know, such disasters can occur at any time. The Midwest has been hit by floods in the past. The West Coast has been hit by natural disasters. Since Hurricane Hugo in 1989, the Federal Government has paid out over $67 billion on disaster relief. Insurance companies have also paid out over $33 billion since 1989.

But now, Mr. Speaker, we have a bill that will help out. It is called the Natural Disaster Protection Partnership Act. It forges together Government and private entities to provide geographic areas insurance protection.

This legislation will reduce cost and physical damage from natural disasters by requiring States to adopt improved enforcement of model building codes, and would also provide a grant program, financed by the private sector, to provide badly needed resources to implement preparation and loss reduction strategies.

Mr. Speaker, my colleagues, we should all support this initiative.

SENATE SHOULD FREE THE MINIMUM WAGE

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

Ms. DELAURO. Mr. Speaker, it is day 2 and the Republican Senate continues to hold the minimum wage hostage. The Republicans are demanding that Medical Savings Accounts be added to health care reform as ransom for its release. MSA's—the Republican payoff to special interests and big donor insurance companies. The same MSA's that Consumers Union has called a time bomb * * * that will make health insurance less accessible and less affordable for many Americans.

Over 80 percent of the American people support a minimum wage increase. Today's LA Times editorial page says:

An increase in the minimum wage is long overdue. What is clearly resolved in the minds of most Americans . . . is that they want to see work encouraged and appropriately compensated.

But the Republicans would rather hold this legislation hostage to special interests.

I say enough is enough. For the sake of hard-working American families across this country—the Republicans in the Senate must give up their unreasonable demands and free the minimum wage.

PERSONAL ATTACKS DEMEAN THE HOUSE

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

Mr. COBURN. Mr. Speaker, I was going to speak this morning on health insurance, but based on the comments of the gentleman from Missouri [Mr. VOLKMER], I think what we ought to do is take another look at ourselves.

We accomplish nothing, we demean the House, we demean each one of us when we use such words as were used by the gentleman from Missouri. I would just tell my colleagues, as a freshman Member of this House, that we do not do anything positive for our country, for our future generations, or for ourselves by vicious personal attacks.

To name someone a dictator is both inappropriate and demeaning to the House. My words would be that we should look at that and say, what are we doing when we do that? We have not put forward anything positive for anybody in terms of our districts, in terms of the American public, by doing so. I would just hope that we would follow

an example different than that as we talk in the 1-minutes in the morning.

EDUCATION: THE KEY TO THE AMERICAN DREAM

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

Mr. WYNN. Mr. Speaker, unfortunately today I think my Republican colleagues just do not get it. The fact is that education is the key to the American dream and the key to global competitiveness, but American students are falling behind their foreign counterparts. Enrollment is increasing by 7 percent over the next 6 years, but the Republicans are cutting the budget by 7 percent below 1995 levels. That will not enable us to meet the American Dream.

Let us look at the cuts. They are cutting math and reading assistance for 150,000 disadvantaged students. They are cutting local education assistance by $350 million under the Goals 2000 Program. They cut 15,000 disadvantaged students out of the Head Start Program.

They claim they want to fight drugs, but they cut $25 million out of the Safe and Drug Free Schools Program. They say they want technological advances, but they cut $277 million out of technology programs for schools. They say they want advanced higher education, but they cut direct student loans.

Let us give education the priority it deserves.

TIME TO STOP THE FAKE ADS

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

Mr. FUNDERBURK. Mr. Speaker, if the people do not wake up, they may have the best labor-union Congress money can buy. The AFL–CIO is doing the dirty work of the liberal Democrats in Congress and of Bill Clinton.

In North Carolina, a right-to-work State, union ads falsely charged that I voted to give myself a congressional pay raise. Of course I just arrived in Congress in 1995, not in 1989, when the last pay raise was voted on.

Next, the right arm of the Democrat National Committee, the AFL–CIO, put ads on the air in Raleigh-Durham saying that my name was Randy, not David. That would be news to my parents.

Then a colleague called me from Nebraska saying that the AFL–CIO attack ad on minimum wage was being shown on television in Omaha, NE, attacking DAVID FUNDERBURK of the Second District of North Carolina. Admittedly, Nebraska starts with ''N'' like North Carolina, but that is where the similarity ends. And our ''Randy'' in Congress is from Washington State.

The big boss labor unions of the Democrat party are spending tens of millions to lie, distort and deceive the public so they can buy back a left-wing, union-controlled Congress. It is time to stop the mud and false ads.

REPUBLICANS TARGET EDUCATION AGAIN

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

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate my colleague from North Carolina when he asks to stop the slinging of the mud on the one hand, and not the other.

But, Mr. Speaker, let me talk about education this morning. Did we learn anything last year in Congress? Maybe we need to do more homework on our own. The American people overwhelmingly rejected education cuts last year, and they still do. But the Republicans want to deny education services to hundreds of thousands of children with the bill we have today.

The Labor-HHS-Education appropriations bill cuts education funding $2.6 billion below the level needed to keep up with inflation. Overall education will be cut below fiscal year 1995 levels at the same time school enrollment is going up 7 percent. Education reform funding and Eisenhower teacher training grants are being eliminated. The Republican bill provides $475 million less in title I funding for disadvantaged children than the administration requested.

It is time for the Republicans to listen to the American people and provide the funds for education. It is America's future we are talking about.

AMERICA'S CHILDREN DESERVE BETTER

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, while continuing to fund his pet projects around the world, President Clinton has turned his back on the Nation's fight against drugs.

For 3 years this President has made severe staff cuts to drug enforcement agencies, and, of course, drug use among children has skyrocketed. Among 12- and 13-year-olds alone marijuana use has increased 137 percent. One reason is because Mexican drug smugglers have invaded and taken over the Texas border, allowing them to bring marijuana, cocaine, and heroin into our country and to our children at will.

Even the President's drug czar admits we have lost control of the border. President Clinton gave $20 billion to bail out Mexico, but now when we need to protect our own citizens against Mexican drug lords he says wait.

Mr. Speaker, America's children deserve better.

RESTORE EDUCATION CUTS TO RENEW THE AMERICAN DREAM

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

Mrs. SCHROEDER. Mr. Speaker, today the Republicans once again rush to act as the demolition team for the American dream, as they are putting on their jerseys and getting ready to rush out there and unilaterally disarm our children as they prepare to move into the global competitive economy they are going to face in the 21st century. Yes, the Republicans are eagerly awaiting their ability to slash away at education funding.

I personally believe there is no better investment in our future than making sure every American child has a world-class education. I am ashamed when we are willing to add billions for prisons and slash away at education so that America's kids are going to be left holding the debt and no way to pay it off. This is shameful.

I hope everyone today votes for the Obey amendment, which will try to restore these cuts and put America back on line, following the American dream we were all able to follow.

THE CLINTON YEARS: NO END TO WELFARE AS WE KNOW IT

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

Mrs. KELLY. Mr. Speaker, Americans have spent more than $5 trillion trying to end poverty—but throwing more of our Nation's hard-earned tax dollars at the failed programs of the 1960's is not the answer.

Remember in 1992, President Clinton campaigned on the promise to end welfare as we know it. Well, last year, when this Congress sent him a true welfare reform initiative, he vetoed it.

Then, on May 18, the President reaffirmed his desire for reform, by endorsing the welfare initiatives proposed by Wisconsin Governor Thompson.

In fact, President Clinton said, ''Welfare does not have to be a partisan issue. Wisconsin has the makings of a solid, bold plan, and we should get it done.''

Well, this Congress, has gotten it done. The waivers that Wisconsin needs to implement its program have been sitting on the President's desk for weeks, waiting for his approval.

Eighteen other States are also waiting for waivers to curb poverty in their communities. And according to HHS, they will wait at least 210 days, just for the initial review.

Mr. Speaker, the President has gotten one thing right about welfare reform—it shouldn't be about politics. This Congress believes it should be about giving people a hand-up, and the American people agree with us. It's

time President Clinton stopped talking, and start delivering on his promises.

Where is your pen, Mr. President? The country needs welfare reform.

THE SPECULATORS VERSUS THE PEOPLE

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

Mr. BONIOR. Mr. Speaker, it is the speculators versus the people. The bear is on Wall Street. A good example of what is happening to this country occurred last Friday when the country received good news: Unemployment had dropped to 5.3 percent; a quarter of a million new people were added to the payrolls in America; the average hourly wage, biggest increase in 1 month in recorded history, 9 cents in that 1 month. And what happens on Wall Street? Pandemonium breaks loose. The Dow Jones average goes down 114 points, 30-year Treasury bonds leap a quarter of a point.

The bears on Wall Street make their living by betting on the next Federal Reserve decision. The Federal Reserve needs to hold the line on interest rates so that we can have true welfare reform, so we do not lock in 5 to 6 million people on unemployment because of decisions that are made to benefit speculators in this country.

WISCONSIN IS WAITING FOR WAIVER ON WELFARE

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

Mr. KLUG. Mr. Speaker, on May 18, President Clinton went on national radio and called Wisconsin Works a solid, bold welfare reform proposal. Several days later he repeated the same line in the State of Wisconsin. When Governor Thompson submitted Wisconsin's bold welfare program to the bureaucrats here in Washington, they said they needed 1 month to review it. Guess what. One month expired yesterday, and we are not in month No. 2. In Wisconsin we have a rather simple idea. We think you should replace welfare with work.

How much longer will we have to wait for the bureaucrats in Washington to give us their stamp of approval to finally put in place what the President called a solid, bold welfare reform plan. Am I optimistic that the approvals just around the corner will consider this fact? There are 28 welfare waiver applications currently pending from 19 different States, some dating back almost 3 years. Mr. Speaker, how long will the State of Wisconsin have to wait? One more month? Three more months? One more year? Three more years?

Mr. Speaker, we should ask the President, where is the waiver application the State of Wisconsin needs for its bold welfare reform proposal?

MINIMUM WAGE IS A MORAL ISSUE

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my Republican colleagues to stop blocking action on the minimum wage. I have said it before and I will say it again here today: Raising the minimum wage is not just an economic issue, it is a moral issue; it is the right thing to do.

The Republicans in this House tried to block an increase in the minimum wage and failed. The Republicans in the Senate tried to block it and failed. Having lost on the floor, Republicans now are holding the minimum wage hostage. The Republicans in Congress will do anything to deny hard-working people a small raise.

Mr. Speaker, Mr. Majority Leader, I know you vowed to fight an increase in the minimum wage with every fiber in your being, but you cannot fight the will of the American people forever.

One thing is for sure, come November, working people will remember.

WELFARE REFORM

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

Mr. HERGER. Mr. Speaker, again, President Bill Clinton has dropped the ball on welfare reform. During his 1992 campaign, Bill Clinton promised to end welfare as we known it. But when given the opportunity, Bill Clinton broke his promise—he vetoed welfare reform, not once, but twice.

Thirty days ago, Bill Clinton promised to take action on Wisconsin's welfare waiver request. Well, the 30 days are up, and again we see that Bill Clinton cannot be trusted to keep his word. Again, he has broken his promises and again he has done nothing about one of the most pressing problems in this country.

Mr. Speaker, what is it going to take? Why can't Bill Clinton keep his promises?

Millions of Americans are stuck in a cycle of welfare dependence and poverty, and all the White House can do is worry about its poll numbers and play partisan political games. Bill Clinton should keep his promise to reform welfare and finally begin showing leadership.

SAFE DRINKING WATER

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

Mr. MCDERMOTT. Mr. Speaker, the Republicans seem to be obsessed with this welfare business but there are some issues that are much bigger than welfare. Clean drinking water in this country is something that everybody needs, whether you are Republican or Democrat.

The front page of the Washington Post has a story that you cannot drink the water in Washington, DC.

Now, if you look at USA Today they are talking about Washington State and the problems with drinking water there.

Yet this House dawdles and does not appoint the conferees to deal with the Safe Drinking Water Act. Now, it is amazing to me that you can sit here and talk about some welfare waiver when, in fact, this city, the capital of the United States, the most powerful country in the world, if you come to my office or come to the Speaker's office or any other office, they will not get you a glass of water from the tap.

Every one of us drinks bottled water in this building. You go in those Cloakrooms, both sides, you have bottled water.

The American people are entitled to safe drinking water. Appoint the conferees, Mr. Speaker.

CLINTON ADMINISTRATION ECONOMIC POLICY EFFECTS

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

Mr. WALKER. Mr. Speaker, many Americans feel that under the Clinton administration economic policies, they are worse off. The reason why they feel that way is because they are worse off.

Under Clinton administration economic policies, real median family income has had a zero annual growth rate. That compares with a 1.7-percent annual growth rate between 1983 and 1989.

Under Clinton administration policies, wages and salaries declined by 2.3 percent between March 1994 and March 1995, the largest drop on record in the post World War II era. Under Clinton administration policies, real average weekly earnings fell in 1995 by three-tenths of 1 percent. Under Clinton administration policies, the median household has lost eight-tenths of 1 percent of their purchasing power.

The Nation has seen the GDP grow at 1.4 percent. That is one-third of the economic growth during the Reagan years.

Under Clinton, had normal recovery circumstances applied, 11.2 million jobs would have been created. Clinton only got 7.7 million jobs. We have had a bad economic performance under this President.

STRIKING THE ERGONOMIC RIDER

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

Ms. PELOSI. Mr. Speaker, later this morning the House will vote on my amendment to the Labor, HHS bill which would strike the extreme rider which ties OSHA's hands on reptitive

motion injuries and prohibits them from even developing voluntary guidelines.

This extreme rider prohibits even, as I say, voluntarily guidelines requested by many concerned businesses and would prohibit the collection of data on the frequency of such injuries.

Mr. Speaker, repetitive stress injuries are the fastest growing health problem in the American workplace. This year 2.7 million workers will file workers compensation claims for repetitive motion injuries costing Americans employers at least $20 billion. Nonetheless, OSHA would be prohibited from even answering questions about how to prevent these injuries.

Adopting my reasonable amendment would help businesses reduce their workers compensation costs, reduce injuries to the American worker and increase U.S. productivity in the workplace. I urge my colleagues to support my amendment on ergonomics.

BOB DOLE'S AMERICA

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

Mr. FOGLIETTA. Mr. Speaker, what is Bob Dole thinking? What is his vision for America?

The answers to those questions are slowly coming out.

First, we are told that America is a place where cigarette smoking is not addictive. He lectures all of America and experts like C. Everett Koop on the issue and says he opposes President Clinton's efforts to take cigarettes out of the hands of our young people.

Now we are told that the Brady bill was not a good idea and that he would repeal the law's reasonable 5-day waiting period. That should not be a big surprise, because he led the fight against the law as the Senate Republican leader. This comes at a time when President Clinton is leading the fight to end gun killing violence. He announced a program this week to disarm America's kids.

The visions of the two candidates is clear and distinctly different. Bill Clinton sees America where our children are healthier and safer. Bob Dole sees an America where kids have a nonaddicting cigarette in one hand and a pistol in the other. Lucky for us that kids do not have three hands. What's next, Bob Dole?

WISCONSIN WELFARE REFORM

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

Mr. ROTH. Mr. Speaker, I just thought I would take 1 minute because I do have a revelation here. When I was a kid going to school, the Jesuits used to say that not even God can square a circle. There are some things that God cannot do.

I got a really nice letter from the President in Wisconsin in regard to the Wisconsin reform plan. And the President said, and I quote, ''I am pleased that you have joined me in expressing support for Wisconsin's effort to reform welfare.'' But then he went on to say, ''but we are currently reviewing the State's waiver request and we look forward to possibly, you know, getting it done.'' He says, getting it done.

And on one hand he is for the program and on the other hand he is against the program. I cannot quite figure this out. So I got news for the Jesuits: God may not be able to square a circle, but I think Bill Clinton can.

I want to be fair with the President. Let us ask the President to give Wisconsin their waivers so we can move forward with this Wisconsin reform plan.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3396, DEFENSE OF MARRIAGE ACT

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3396) to define and protect the institution of marriage. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those specified in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order specified, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. MCINNIS asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. MCINNIS. Mr. Speaker, House Resolution 474 is a straightforward resolution. The proposed rule is a modified closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary.

After general debate the bill shall be considered under the 5-minute rule and shall be considered as read. The proposed rule provides for two amendments to be offered by the ranking member of the Subcommittee on the Constitution, the gentleman from Massachusetts [Mr. FRANK]. The first amendment made in order under the rule is an amendment to strike section 3 of H.R. 3396. This amendment is debatable for 75 minutes. The second amendment made in order under the rule is an amendment to suspend the Federal definition of marriage under certain circumstances.

The Committee on Rules recognized that these two amendments go to the core of the bill, and by making them in order the committee ensures that full consideration will be given to the important issues raised by this legislation.

Finally, the proposed rule provides for one motion to recommit with or without instructions. Mr. Speaker, the Committee on Rules reported House Resolution 474 out by unanimous voice vote.

Mr. Speaker, H.R. 3396, the Defense of Marriage Act, consists of two provisions which will protect the rights of the various States and the Federal Government to make their own policy determinations as to whether same-sex marriages should be recognized in their respective jurisdictions. Section 2 of the bill clarifies that no State need give effect to a marriage recognized by another State if the marriage involves two persons of the same sex. It does not prevent a State from giving effect to such a marriage, nor does it prevent a State from making its own determination for purposes of its State law.

Section 3 ensures that the traditional meaning of marriage, the legal union between one man and one woman as husband and wife, will be the meaning used in construing Federal laws.

Mr. Speaker, it is my understanding that H.R. 3396 has considerable bipartisan support. In fact, President Clinton will sign this bill in its current form. I believe that H.R. 3396 advanced that interest. I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I insert the following extraneous material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 10, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-Open[2]	46	44	77	60
Structured/Modified Closed[3]	49	47	35	27
Closed[4]	9	9	17	13
Total	104	100	129	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–199; A: 227–197 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 10, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 249–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands	PQ: 221–197 A: voice vote (5/15/96).
H. Res. 309 (12/18/95)	C	H. Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	Tabled (4/17/96).
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	C	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/19/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/21/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	C	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	A: voice vote (5/7/96).
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	A: voice vote (5/7/96).
H. Res. 426 (5/7/96)	O	H.R. 2406	U.S. Housing Act of 1996	PQ: 218–208 A: voice vote (5/8/96).
H. Res. 427 (5/7/96)	O	H.R. 3322	Omnibus Civilian Science Auth	A: voice vote (5/9/96).
H. Res. 428 (5/7/96)	MC	H.R. 3286	Adoption Promotion & Stability	A: voice vote (5/9/96).
H. Res. 430 (5/9/96)	S	H.R. 3230	DoD Auth. FY 1997	A: 235–149 (5/10/96).
H. Res. 435 (5/15/96)	MC	H. Con. Res. 178	Con. Res. on the Budget, 1997	PQ: 227–196 A: voice vote (5/16/96).
H. Res. 436 (5/16/96)	C	H.R. 3415	Repeal 4.3 cent fuel tax	PQ: 221–181 A: voice vote (5/21/96).
H. Res. 437 (5/16/96)	MO	H.R. 3259	Intell. Auth. FY 1997	A: voice vote (5/21/96).
H. Res. 438 (5/16/96)	MC	H.R. 3144	Defend America Act	
H. Res. 440 (5/21/96)	MC	H.R. 3448	Small Bus. Job Protection	A: 219–211 (5/22/96).
	MC	H.R. 1227	Employee Commuting Flexibility	
H. Res. 442 (5/29/96)	O	H.R. 3517	Mil. Const. Approps. FY 1997	A: voice vote (5/30/96).
H. Res. 445 (5/30/96)	O	H.R. 3540	For. Ops. Approps. FY 1997	A: voice vote (6/5/96).
H. Res. 446 (6/5/96)	MC	H.R. 3562	WI Works Waiver Approval	A: 363–59 (6/6/96).
H. Res. 448 (6/6/96)	MC	H.R. 2754	Shipbuilding Trade Agreement	A: voice vote (6/12/96).
H. Res. 451 (6/10/96)	O	H.R. 3603	Agriculture Appropriations, FY 1997	A: voice vote (6/11/96).
H. Res. 453 (6/12/96)	O	H.R. 3610	Defense Appropriations, FY 1997	A: voice vote (6/13/96).
H. Res. 455 (6/18/96)	O	H.R. 3662	Interior Approps, FY 1997	A: voice vote (6/19/96).
H. Res. 456 (6/19/96)	O	H.R. 3666	VA/HUD Approps	A: 246–166 (6/25/96).
H. Res. 460 (6/25/96)	O	H.R. 3675	Transportation Approps	A: voice vote (6/26/96).
H. Res. 472 (7/9/96)	O	H.R. 3755	Labor/HHS Approps	PQ: 218–202 A: voice vote (7/10/96).
H. Res. 473 (7/9/96)	MC	H.R. 3754	Leg. Branch Approps	A: voice vote (7/10/96).
H. Res. 474 (7/10/96)	MC	H.R. 3396	Defense of Marriage Act	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, I thank my colleague from Colorado, Mr. MCINNIS for yielding me the customary half hour.

Mr. Speaker, this is a very difficult, very emotional issue and, my personal opinions aside, I do not believe it belongs on the floor of the House of Representatives today.

This issues makes a tremendous amount of people extremely uncomfortable; it divides our country when we should be brought together; and frankly, it appears to be a political attempt to sling arrows at President Clinton.

But, my Republican colleagues have decided to bring this issue up, and unfortunately for the country, here it is.

Mr. Speaker, it is a shame that my Republican colleagues are bringing up this bill instead of tackling the mountains and mountains of work awaiting them. This Congress has yet to finish five appropriations bills; this country is waiting for the bipartisan Kennedy-Kassebaum health care bill; and a long-overdue minimum wage increase. But what are my Republican colleagues doing?

This week they are doing this bill.

Mr. Speaker, this is not what the country wants and I am sorry to see that my Republican colleagues are wasting precious floor time on their political agenda with complete disregard for the needs of working Americans and congressional responsibilities for Federal spending.

But, Mr. Speaker, the rule for this bill not as unfair as other rules we have seen this year.

It will allow for 1 hour of general debate, of which the Democrats get half, it makes in order two Democratic amendments by Mr. FRANK, and it gives the Democrats the time requested on these two amendments.

My Republican colleagues did not make in order an amendment by Representative SCHROEDER to exclude from the Federal definition of marriage any subsequent marriage unless the prior marriage was terminated on fault grounds.

They also did not make an amendment in order by Representatives JOHNSON and HOBSON to provide for a GAO study of the differences in benefits in a marriage and a domestic partnership.

But, there is adequate time for debate of this issue during general debate and debate on the amendments.

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

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

Mr. Speaker, I think it is very important to distinguish a couple of remarks made by my friend, the gentleman from Massachusetts. The gentleman from Massachusetts says that this Protection of Marriage Act is not what this county wants. I take issue with that. I think this is exactly what this country wants. This country is demanding that the tradition of marriage be upheld. What this country does not want is for one State out of 50 States, that is, specifically the State of Hawaii, to be able to mandate its wishes upon every other State in the Union.

What this bill does is it allows every State to make their own individual decision. So if the State of Wyoming wants to make their decision, they can make their decision. Texas can make its decision. Colorado can make its decision. But they have the freedom to make that decision; it is not mandated upon them by a court, a supreme court in the State of Hawaii.

I think it is particularly important to take a look at the traditional marriage, and we are going to have plenty of time to debate that. If we look at any definition, whether it is Black's Law Dictionary, whether it is Webster's Dictionary, a marriage is defined as union between a man and a woman, and that should be upheld, and there is no reason to be ashamed of that tradition. It is a long-held tradition. It is a basic foundation of this country, and this Congress should respect that.

Finally, I think it is important, Mr. Speaker, to address a couple of other issues. First of all, in regard to the Schroeder amendment, which was not allowed by the Committee on Rules, that amendment is clearly, in my opinion, a delusion, it is a diversion. It is not focused on the key issue which is important here, and that is, should one State be able to mandate on every other State in the Union a requirement that those States recognize same sex marriage?

Now, in regard to the gentleman's comment about the Johnson amendment: The Johnson amendment would put in the statute a requirement that the General Accounting Office do a study. It does not require a mandate by statute. In fact, the chairman of the committee, the gentleman from Illinois [Mr. HYDE], said that he would write a letter requesting that study. Every Member of the U.S. Congress has that right to request that study be made. There is no reason to put that in statute.

Again I think it is a delusion, I think it is a diversion from the topic at hand, from the issue that we have got to look at, and that is where our focus ought to be.

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

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

Mr. Speaker, I just cannot think why we could not be talking about getting the water cleaned up in this country right now, why we could not be getting the Kennedy-Kassebaum health bill before us right now, why we could not get the minimum wage.

The matter before us today, nothing is going to happen for at least 2 years. People are going to be dying very shortly if we do not clean up our water. People are going to be dying unless we get adequate health care. People are going to be starving in the streets unless we do not raise our minimum wage.

So I think the gentleman from Colorado [Mr. MCINNIS] may have got his items a little out of priority, out of whack.

Mr. Speaker, I yield 5 minutes to the honorable gentlewoman from Colorado [Mrs. SCHROEDER], the ranking member on the Subcommittee on Courts and Intellectual Property.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY] for yielding this time to me.

I want to say I think that this bill and bringing it up today is an absolute outrage. If my colleagues think there is not enough hate and polarization in America, then they are going to love this bill because this just trying to throw some more gasoline on political fires people are trying to light this year, and that is not what we need. The State of Hawaii is years away from taking final action. Meanwhile the gentleman from Massachusetts is right: We cannot drink the water in the capital city of this great Nation.

So we got to deal today with something that might, might, happen years from now, but we cannot deal with the water issue today? Now, something is wrong with that.

We are also saying what this bill basically says is that there is a tremendous threat to marriage if two people of the same sex stand up and vow commitment to each other, that if they do that, then my marriage is being threatened. I do not think so. I belong in the marriage hall of fame. I have been married for 34 years. I have never felt threatened by that issue.

In over 200 years this Congress has never gotten into the definition of marriage because we have left it to the States. What we are saying today is even if States vote unanimously to allow this type of marriage, the Federal Government will not recognize it. This is unique, this is different, and I really am troubled by that.

But I had an amendment that said, ''If you want to defend marriage, I'm going to tell you what I see wrong with marriage. It is the fact that we have let people crawl out of marriages like they crawl—a snake crawls out of its skin and never deal with economic consequences.''

So I had an amendment saying, ''The real defense of marriage would be to say at the Federal level you don't give benefits to the next marriage until the person who left that marriage has dealt with the first one in a property settlement based on fault.''

That would save us gazillions of dollars in welfare and child support and all sorts of things because we say we are defending marriage. But we know the traditional way this has been done is that people move to the Federal dole because we do not want to go tap the person on the shoulder and say, ''You have responsibility for that family you just left. You cannot just shed them and throw them on the taxpayers' roll.''

But, no, no, they do not want to take up my amendment. That is a diversion, they say. That is delusion.

It is not diversion, it is not delusion. It is absolutely to the point of this bill. It was not ruled out of order. So what happened? The Committee on Rules said, oh, ''No, we cannot take that up.'' Why? Because this is a political ruse. This is not about really protecting marriage and the things that have caused this great institution of marriage to crack.

Now, I feel very strongly that if we are going to make marriage work, we should be really valuing adults, taking responsibility for each other. That is very hard for anybody to do any more. This country is getting straight A's in fear of commitment. Most people do not want anything but maybe a cat. So if there are two individuals and they are willing to make a commitment to each other under the civil law of a State and a State decides to recognize it, what right does the Federal Government have to say, no, they cannot do that?

What we? Are we not human beings? Do we not respect each other? Should we not really be doing everything we can to try and take care of each other as our brother's keepers, as our sister's keepers? Taking care of children?

I am shocked that my amendment was not allowed, terribly shocked, because if nothing else, it protects the most innocent victim of throwaway marriages, and that is children.

□ 1100

Children have been cast off and thrown away, and people do not want to take responsibility for them and say, ''I am going to have a new family.''

To me, Mr. Speaker, my amendment goes to the core of the defense of marriage. If we really want to defend marriage in this country, then say to people, when you make that commitment you have to mean that commitment. And even if you want to leave that commitment, you may be able to leave it physically, but you cannot shed it economically. You still have economic responsibility.

That is why I say this bill is absolutely nothing but a wedge issue. We are building the platform for Candidate Dole to stand on in San Diego. We are out trying to make candidates spend a million dollars defending this issue when we are not talking about the debt, when we are not talking about clean water, when we are not talking about all the real issues. I urge a no on this rule.

Mr. MCINNIS. Mr. speaker, I yield myself such time as I may consume.

Let me point out first of all, Mr. Speaker, that the amendment of the gentlewoman from Colorado in committee was turned down 22 to 3, 22 to 3.

Second of all, I think an interesting situation here, the gentlewoman, the preceding speaker, is from the State of Colorado. As Members know, I am from the State of Colorado. The gentlewoman from Colorado supports same-sex marriage. The gentleman from Colorado opposes same-sex marriage. That is a debate that ought to be carried out

within the confines of the State of Colorado.

Neither the gentlewoman from Colorado nor the gentleman from Colorado ought to have their debate determined by the Supreme Court in the State of Hawaii. The gentlewoman is very capable of carrying forward this debate within Colorado, as I feel that I am, too. We ought to carry that out, not the people of Hawaii. That is a decision for the people of Colorado or for the people of Wyoming or for the people of New York.

Second of all, I think it is important to highlight the President's comments. At the very beginning, I believe that the gentlewoman from Colorado made the comment that she is shocked that we are bringing this type of bill to the floor. Let me say the President's comments, of whom I find the gentlewoman from Colorado in constant support, the President, through his press secretary says, ''The President believes this is a time when there is a need to do things to strengthen the American family, and that is why he has taken this position in opposition to same-sex marriage.''

This is an issue that becomes very relevant the minute the Hawaii Supreme court issues its decision. In addition, it is also very relevant because of the implications it has to the Federal Government on benefits that are entitled to spouses. So there are three keys we really need to look at: First, what will the Federal Government be obligated to as far as tax-funded dollars by same-sex marriages; second, what are States' rights? Why should not the States exercise their individual rights? The third point is the traditional definition of marriage.

I for one have no shame, have no bashfulness, in standing in front of the U.S. House and saying I do not support same-sex marriages. I believe that the tradition of marriage, as recognized between one man and one woman, not one man and five women, not one man and one man or one woman and one woman, but one man and one woman, should be continued to be recognized as a tradition which is basic to the foundation of this country.

Mr. Speaker, I yield 5 minutes to the fine gentleman from the State of California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I speak to a specific point, the constitutionality of what we do today, because the issue had been raised. I begin with drawing my colleagues' attention to Article 4, Section 1: ''Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State.'' But I urge my colleagues to read to the second sentence of that section: ''And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved and the Effect thereof.''

The second sentence of that provision of the Constitution is quite important to understand the constitutionality of the bill we debate today, because whereas the general rule is that full faith and credit is to be given to the acts, records, and judicial proceedings of every other State, an exception is created if Congress chooses by general law, as opposed to a specific law to a specific contract, by general law to prescribe the manner in which such records and proceedings are proved, and the effect thereof. I emphasize the second phrase, ''The effect thereof.''

A leading treatise on the field of constitutional law, the Library of Congress' own contracted work, the annotated Constitution, at page 870, refers to this power in the context of divorce, not marriage; we do not have any quotation from this source on marriage. But on divorce they say, ''Congress has the power under the clause to decree the effect that the statutes of one State shall have in other States.''

This being so, it does not seem extravagant to argue that Congress may under the clause describe a certain type of divorce and say it shall be granted recognition throughout the Union and that no other kind shall.'' ''And that no other kind shall,'' establishing, I think quite clearly, what the phrases of the Constitution suggest: that Congress has the constitutional authority to establish exceptions to the general full faith and credit clause.

Has Congress used this authority? Yes, it has, quite recently, in a very related context. In 1980 the Congress adopted section 1738(a) of title 28, which provided that ''Whereas child custody determinations made by the State where the divorce took place generally are applied in all other States, not so if the couple moved to another State.'' And Congress said that the second State did not have to abide by the child custody determinations of the first State where the couple moved to the second State, an explicit use of this second sentence of article 5, section 1, power in the Congress.

Then most recently, in 1994, in section 1738(b) of the same title, Congress once again established that rule for child support orders. We have, thus, a rather clear example of power explicitly in the Constitution, recognized by treaties, and used as recently as last year.

The advisability of this bill shall be debated. My purpose this morning was to speak to its constitutionality. Mr. Speaker, there is no doubt as to its constitutionality.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Honolulu, HI [Mr. ABERCROMBIE].

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

Mr. ABERCROMBIE. Mr. Speaker, I would ask the gentleman from Colorado, inasmuch as he continues to invoke the name of Hawaii, to at least try to be accurate. I understand the gentleman has his political duty that he is going to do today here, at least as he conceives it. I do not object to that. I do object to his, I must say, making statements like ''Hawaii mandating its wishes on the rest of the Nation''; his constant invocation of what Hawaii intends to do or not do.

I daresay that there are not five people in this House of Representatives that have the slightest clue as to what is taking place legislatively or judicially or personally in Hawaii with respect to this issue. I can tell the Members that the individuals involved are constituents of mine, two of whom I know personally.

I know that the kind of rhetoric that has been utilized with respect to this issue does not reflect either their wishes or their motivations. I find it at best a question that needs to be answered as to our definition with respect to marriage. I will not use the word hypocritical, but I think others might certainly question the motivation of people who want to define marriage when this Defense of Marriage Act might better be characterized as defense of marriages.

If we intend to say that marriage, and we are writing a national marriage law, which is what we want to do here, is between one man and one women, does that mean that we will now write a national divorce law? Because I understand some of the people who are sponsoring this bill are on their second or third marriages. I wonder which one they are defending.

I do not object to that. I think people are entitled to make their private relationships what they will and to seek such happiness in this life as they are able to achieve, but I think that when we move into the area of the private relationships of other people, that we at least ought to show some respect for the human context.

When the gentleman from Colorado and others speak so glibly of Hawaii and the people who are involved in the legal proceedings there, they forget these are human beings, some human beings that I know personally. All they are trying to do is conduct their lives as reasonable, sober, responsible people seeking their measure of happiness and tranquility in this life, and to try to bring as much as they can into their lives of the values that we cherish in Hawaii, of kindness and responsibility.

Mr. Speaker, amendments will be offered to this bill, because this is more than the defense of marriage. It also gets into the question of benefits. We contend and I certainly contend that nothing that is proceeding today in Hawaii and in the courts of Hawaii affects in any way what any other State does. It is quite clear, and I can cite at great length, and I do not have the time obviously now, the fact that other States are able to establish already what they recognize or do not recognize with respect to marriage.

The full faith and credit clause has been invoked in our Nation's history very few times, less than half a dozen times, and it involves the custody of children, the protection of children,

the interstate capacity to enforce child support laws. That is the kind of thing we have dealt with, serious issues.

I do not doubt that it is a serious issue for individuals here as to what constitutes marriage, but to try to utilize Hawaii for some political agenda having to do with, I guess, the elections in November is something that I find nothing less than reprehensible. We can define marriage any way we want in the States right now. This bill has nothing to do with that. Hawaii certainly is not challenging it.

In fact, I would like to hear from the gentleman from Colorado or anybody else any indication that the State of Hawaii has ever indicated in any way, shape, or form that it intends to, as the gentleman put it, mandate its wishes on the rest of the Nation. I do not think this is the case, and I do not think this is the bill to do this kind of thing, and certainly not to malign Hawaii in the process.

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

First of all, Mr. Speaker, in regard to the gentleman from Hawaii, there certainly will be a mandate or an attempt to mandate upon every State in the Union any decision that comes out of the Hawaiian Supreme Court allowing same-sex marriage.

Second of all, the gentleman from Hawaii starts out by, in my opinion, lecturing the gentleman from Colorado about the State of Hawaii and where do these comments come from. Let me quote from a gentleman from the State of Hawaii who represents the State of Hawaii in the State House of Hawaii. The gentleman is State representative Terrance Tom, who testified before the committee here.

Let me quote: ''I do know this: No single individual, no matter how wise or learned in the law, should be invested with the power to overturn fundamental social policies against the will of the people.

''If this Congress can act to preserve the will of the people as expressed through their elected representatives, it has a duty to do so. If inaction by the United States Congress runs the risk that a single judge in Hawaii may redefine the scope of Federal legislation, as well as legislation throughout the other 49 States, failure to act is a dereliction of the responsibility you were invested with by the voters.''

This is not politics. This is clearly, if we fail to act in this body, as stated by the gentleman from the State of Hawaii, ''It is a dereliction of responsibility you,'' referring to the U.S. Congress, ''were invested with by the voters.''

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, you need to duck in here today. The red herrings are flying fast and furious. We hear about clean water and we hear about minimum wage and we hear about amendments that were defeated by overwhelming votes in committee, and it being outrageous that those amendments are not before us today. We hear about politics.

We hear about all sorts of things from the other side, when the fact of the matter is, Mr. Speaker, let us do away with the red herrings, let us put aside the smoke and look at what we have. We have a basic institution, an institution basic not only to this country's foundation and to its survival but to every Western civilization, under direct assault by homosexual extremists all across this country, not just in Hawaii.

This is an issue, Mr. Speaker, that has arisen in a bipartisan manner, as the gentleman from Colorado has already stated. President Clinton said he supports this legislation and would sign it. I would also point out that our colleagues on the other side, this is not a Republican proposal, it is a proposal that enjoys bipartisan support. Just look at the list of cosponsors, both original cosponsors and subsequent cosponsors, and Members will find people from both parties who support this. The reason they do support it is because it is not a partisan issue. This is an issue that transcends partisan lines. It goes to the heart of a fundamental institution in this country, and that is marriage.

□ 1115

Mr. Speaker, this issue is not one invented by anybody who is a cosponsor of this bill. It was not invented by anybody in this Congress. It is an issue that is being forced on us directly by assault by the homosexual extremists to attack the institution of marriage. One has to look no further than the words of some of their organizations themselves, such as the Lambda Defense Fund. This is part of a concerted effort going back many years and now poised, at least in the State of Hawaii, for success from their standpoint.

The learned gentleman from Hawaii took issue with any of us who might claim to know something about what is going on in Hawaii as if we did not. Well, in fact we do. One of the reasons we do know a little bit about what is going on in Hawaii is the fact that one of the persons we heard from in the Judiciary Committee, the subcommittee, was Hawaiian State Representative Terrance Tom, chairman of the Hawaiian House Judiciary Committee. He said that the Supreme Court's ruling in Hawaii has been met with very strong resistance on the part of the Hawaiian public and public opinion and their elected representatives.

He went on to explain in some detail the background as to why this legislation that he was testifying in behalf of in the Congress was important to him and to other people in Hawaii. We do not purport to know certainly as much as the learned representative from Hawaii but we do know a little bit about what is going on out there.

The legislation that is before this body today is a reaction to what is being forced on this country. It is very limited legislation. It goes no further than is absolutely essential to meet the very terms of the assault itself. It simply limits itself to providing, as the Constitution clearly and explicitly foresaw in the full faith and credit clause, that we exercise that power to define the scope of full faith and credit, and it also goes no further than simply fulfilling our responsibility in this body to define the scope of marriage as with other relationships and institutions that fall into the jurisdiction of Federal law, to define it, that for purposes of Federal law only, marriage means the union between a man and a woman.

One of the most astounding things that I heard was in our committee, one member indicating that he did not really know the difference for legal purposes between a man and a woman or between a male and a female. I daresay, Mr. Speaker, that we all know that. And the fact of the matter is that marriage throughout the entire history of not only our civilization but Western civilization has meant the legal union between one man and one woman. For us to now be poised as a country, and this is an issue that will be presented, to sweep that away would be outrageous. The American people demand this legislation.

Mr. Speaker, this legislation is necessary, it is essential, it is limited in scope, and it addresses the legal issues that properly fall within the ambit of congressional authority. It goes no further than is necessary to meet this challenge, but the challenge is there, and the challenge must be met. If we were to succumb to the homosexual extremist agenda on the other side, and this is part of a plan, then we would be the first country to do so. Not even the very liberal socialist economies of Europe or the countries of Europe have done this. No country in the world recognizes homosexual marriages as the full legal equivalent of heterosexual marriage.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Palm Beach, FL [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, let me preface my remarks that yesterday I celebrated my 42d wedding anniversary with my first and only wife. I have two children and four grandchildren that I am very proud of.

Mr. Speaker, I really have to say that we should be embarrassed today to consider this legislation. Of all the pressing needs facing our country, the leadership has chosen to focus on this, the so-called Defense of Marriage Act.

Defending our country against enemies is certainly important, as is defending our children against poverty and ignorance. Defending the elderly against neglect is important, as is defending our families against crime and criminals. But defending marriage? Get real. Defending marriage against what?

Against whom? We are wasting precious time here.

Mr. Speaker, this legislation denigrates the House of Representatives. What this bill lacks in substance and import, it makes up for in shameless politics. Demonizing Communist countries, welfare mothers, or immigrants is now old news. So the demon du jour is gays.

I do not doubt the sincerity of those Americans who truly fear the notion of gay marriage. But the institution of marriage is not in jeopardy because some choose to associate with the benefits and the obligations of marriage. We as Members of Congress have a duty to educate, to enlighten, and push for a society that does not punish people because they are different. We are here to lead our constituents, not leave them behind.

The possibility that gays may marry must rank pretty low among the problems and the difficulties facing American families today. Everyone knows that the only true threat to marriage comes from within. Let us focus on the real problems this election year and do our constituents a real favor. They just might appreciate it.

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

Embarrassed? The preceding speaker says we should be embarrassed because we are talking about marriage on this House floor. Let me say to every one of my colleagues, I am not embarrassed by defending the traditional recognition of marriage. I would like to quote from a friend of mine, Bill Bennett:

> The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce, and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested, and inherently flawed social experiment on an institution that is the keystone and the arch of civilization.

The issue is very simple here. No. 1, the rule that we are discussing today is a very fair rule. In fact, the gentleman from Massachusetts, who has just asked for a request to yield, is going to have lots of time in the following hour because the Rules Committee has allowed two of his amendments to be debated on the floor. It will be a very healthy and good debate for all of us.

No. 2, the bill is very clear in what it does. It does the following:

First, it confirms the tradition of marriage as this country and every other country in the world recognizes. That is, a union between one man and one woman. Second, it preserves the States rights, so that one State, like the Supreme Court of the State of Hawaii, cannot mandate upon another State their interpretation of what marriage should be. And, third, it preserves the ability for the Federal Government not to be obligated to a particular State that may choose to recognize same sex marriage.

With that, Mr. Speaker, I yield 3½ minutes to the fine gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I would just like to say, as I have said many times, that the family is the cornerstone, in fact the foundation of our society, and at the core of that foundation is the institution of marriage.

Mr. Speaker, there have been many that have come and said already this morning, does Congress not have more important things to do? I would say, Mr. Speaker, that there is absolutely nothing that we do that is more important than protecting our families and protecting the institution of marriage.

I have said, too, that this current situation that is taking place in Hawaii, where the Supreme Court is about to rule that same sex marriages are in order, is a frontal assault on the institution of marriage and, if successful, will demolish the institution in and of itself with that redefinition.

How can we possibly, once we begin to redrew the border, the playing field of the institution of marriage to say it also includes two men, or two women, how can we stop there and say it should not also include two men and one woman, or three men, four men, or an adult and a child? If they love one another, what would be the problem with that? As long as we are going to expand the definition of what marriage is, why stop there? Logically there would be no reasonable stopping place.

Another thing that I would like to address is that there have been many who have said that we are doing this for political reasons. What political gain is there for Republicans or Democrats when the President has already endorsed this very bill? He has said he will sign it. This is not a wedge issue. This is not a line of distinction between one Presidential candidate and another. The President has said he will sign it. We just simply have to do the right thing and pass it today.

Many are asking, why do we need the Defense of Marriage Act? Quite simply, the legal ramifications of what the State court of Hawaii is about to do cannot be ignored. If the State court in Hawaii legalizes same-sex marriage, homosexual couples from other States around the country will fly to Hawaii and marry. These same couples will then go back to their respective States and argue that the full faith and credit clause of the U.S. Constitution requires their home State to recognize their union as a marriage.

We in Congress can prevent confusion and litigation in 49 States by passing this modest bill. The legislation does two things, simply: First, it allows States to decide for themselves if they will recognize same-sex unions as marriages. Each State can affirmatively embrace either same-sex marriages or refuse to recognize Hawaiian same-sex marriages. This provision respects each State's historical power to establish conditions for entering into a legal marriage.

Second, the bill defines for Federal purposes marriage as the legal union of a man and woman as husband and wife, and spouse as a husband or wife of the opposite sex.

Let me just conclude by saying, Mr. Speaker, that as a concerned father and observer of our culture, I wonder what marriage and child-rearing will be like for my own grandchildren. Destroying the exclusive territory of marriage to achieve a political end will not provide homosexuals with the real benefits of marriage, but it may eventually be the final blow to the American family. Now, more than ever, the institution of the family needs to be protected, promoted, and preserved.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York City [Mr. NADLER].

Mr. NADLER. Mr. Speaker, marriage does not need defense from Congress. Two gay people applying for the benefits and the obligations of marriage should stay together their whole life, that does not threaten a marriage. If your marriage is threatened, it may be because you have lost your job and cannot provide for your family. It may be because of emotional reasons. Congress is not going to save your marriage. If your marriage is not threatened, you do not need Congress to intervene. I will talk about that later.

What I want to say now is that this bill is a fraud from beginning to end. It is a fraud. It purports to do two things: It is going to save the other States from having to go along with same sex marriages if and when Hawaii does so. No; it will not.

First of all under the full faith and credit clause of the Constitution, the Supreme Court has always recognized the public policy exception. If one State recognizes 12-year-old marriages and New York chooses not to, New York does not have to recognize a marriage of 12-year-olds if they get married in one State and move to New York, and so forth. If Hawaii chooses to recognize same sex marriages and Colorado or New Jersey has a policy against same sex marriages, they will not be forced to recognize it under the existing Constitution and the existing law. If they were, if the Supreme Court read the full faith and credit clause differently than it does, this could not stop it because you cannot amend the Constitution by a statute. So this bill is unnecessary for that purpose and were it necessary it would be ineffective.

But the second clause of the bill is the really pernicious clause because the first clause, save all the States from Hawaii, does nothing at all. It does nothing. It is a fraud to talk about it, a fraud on the American people.

The second part of the bill is that assault on States rights which we keep hearing from the gentleman from Colorado and others as sacrosanct, this bill is going to defend States rights, nonsense. What this bill says in the second clause is that if Colorado or New York or Hawaii or New Jersey or any State chooses whether by judicial fiat or by

action of its legislature or by public referendum of its people to recognize same sex marriages, the Federal Government will not recognize those marriages for purposes of Social Security or Veterans' Administration benefits or pensions or tax benefits or anything else. We will say to a State, ''Do what you want, we won't recognize what you do because Congress knows better.''

Mr. Speaker, marriage and divorce has always been a State matter, never to be tampered with by Congress or by the Federal Government. Why start down that road now? And if we start down that road now, we will continue. This is not States rights. This is Federal invasion.

□ 1130

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, welcome to the campaign headquarters for the radical right. You see, knowing that the American people overwhelmingly rejected their deep cuts in Medicare and education, their antifamily agenda and their assault on our environment, the radical right went mucking around in search of an election-year ploy to divide our country. Not only does the Defense of Marriage Act trample over the Constitution, it flies in the face of everything the new majority supposedly supports when it comes to States rights and to determining marriage law.

Let us not be pawns. Let us not be pawns of the radical right. Let us not turn the floor of the House of Representatives into a political convention for extremists. Let us not take part in this assault on lesbian and gay Americans and their families. Instead, let us defeat the rule on this mean-spirited bill.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Colorado [Mr. MCINNIS] has 8½ minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 11 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this bill. The Republican leadership of this Congress should be ashamed of itself. This bill is nothing more than a publicity stunt. Despite the rhetoric we have heard today in this Hall and the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking gay men and lesbians. No matter who is being attacked, discrimination is discrimination, and it is wrong.

You know, I have never been called by any constituent, by anyone to complain to me that they want me to defend their marriage. If we want to have a debate about defending American marriages and American families, let us talk about the real issues affecting American families. Let us talk about the rising cost of college education. Let us talk about the ability to get health insurance, to afford health insurance, to keep health insurance for our children. Let us talk about raising the minimum wage. That is the way we strengthen our families, by looking at the real issues and taking responsible action to solve them.

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

Mr. Speaker, how interesting it is that President Clinton now is being labeled with the radical right or that some of the Democrats, and there are going to be a number of Democrats who vote for this bill, being labeled, as they should be apparently, ashamed of themselves or extremists. These are not extremists. This is a long-held American tradition and not just an American tradition. It is a tradition held in every country in this world. It is a tradition we ought to uphold.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Speaker, I rise in strong support of this act. The impending recognition of same-sex marriages in Hawaii is what is bringing it to the floor. The suggestion that somehow this is political or this is campaign rhetoric or campaign tactics, which I heard in the subcommittee, I heard again at the full committee, is simply not the case.

As I will mention later, if anything, it is about the last thing that I or my colleagues on that subcommittee or on the Committee on the Judiciary want to get involved with. It is something that frankly no one wants to touch with a 10-foot pole, certainly not me. The fact is that the impending recognition of same-sex marriages in Hawaii has raised the probability that all other States in the United States of America are going to be compelled to recognize and to enforce the Hawaii marriage contract under the full faith and credit clause of the U.S. Constitution. That has very far-reaching implications, both fiscally as well as socially for the State of Ohio.

For example, if two individuals of the same gender obtain a marriage license in Hawaii and then move to Ohio, the State of Ohio would have to honor that marriage license. The people of Ohio would have no say in the matter. The fact is that there is some question about that. It is not absolutely crystal clear as to whether the full faith and credit clause would apply in that way, but what we are going to do is we are going to make it crystal clear that a State will not have to recognize a same-gender marriage if it chooses not to.

Second, I want to point out that there is another issue involved in this, and it has to do with all of the rights and privileges, the obligations and responsibilities that go with a legal marriage contract as it relates to Federal law. We are talking about probably most important, survivors benefits, both for veterans as well as for Social Security recipients, et cetera, et cetera, et cetera.

One of the things that was said during the debate that I think is probably the most preposterous, and this was said at committee. I do not know if it has been said on the floor today. But that is that Congress has no business legislating morality. That is preposterous. It is ridiculous and it is absurd. The fact is that we legislate morality on a daily basis. It is through the law that we as a nation express the morals and the moral sensibilities of the United States, and what is morality except to decide what is right and what is wrong? That is what morality is all about.

Clearly we have got laws about murder, we believe that murder is wrong. It is a moral issue. We have laws about theft and burglary, larceny, rape, and other bodily attacks. Those are moral issues. To question that somehow we have no right to make a moral judgment on an issue completely misses the point of what we do in Congress every single day of the week.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, Mr. GERRY STUDDS, the ranking member of the Subcommittee on Fisheries, Wildlife and Oceans.

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

Mr. STUDDS. Mr. Speaker, first if I may make a legal observation then a much more personal one. This bill has two brief sections. One purports to give States the right to decline to recognize marriages in another State, and the other denies Federal benefits to any State which makes such a decision. As has been said before, the first part is absolutely meaningless. Either under the Constitution the States already have that right, in which case we do nothing, or they do not, in which case we cannnot do anything because it is a constitutional provision. So, so much for the first part.

We are then left with a bill that simply denies Federal benefits to any State which choose to sanction a certain kind of marriage. Mr. Speaker, I have served in this House for 24 years. I have been elected 12 times, the last 6 times as an openly gay man. For the last 6 years, as many Members of this House know, I have been in a relationship as loving, as caring, as committed, as nurturing and celebrated and sustained by our extended families as that of any Member of this House. My partner, Dean, whom a great many of you know and I think a great many of you love, is in a situation which no spouse of any Member of this House is in. The same is true of my other two openly gay colleagues.

This is something which I do not think most people realize. The spouse of every Member of this House is entitled to that Member's health insurance, even after that Member dies, if he or she should predecease his or her spouse. That is not true of my partner.

The spouse of every Member of this House knows that, if he or she predeceases, is predeceased by their spouse, a Member, that for the rest of their lives they may have a pension, long after if they live longer, the death of the Member of Congress.

I have paid every single penny as much as every Member of this House has for that pension, but my partner, should he survive me, is not entitled to one penny. I do not think that is fair, Mr. Speaker. I do not believe most Americans think that is fair. And that is real. Yet that is what the second section of this bill is about, to make sure that we continue that unfairness. Did my colleagues know, for example, that, if my partner, Dean, were terribly ill and in a hospital, perhaps on death's door, that I could be refused the right to visit him in the hospital if a doctor either did not know or did not approve of our relationship? Do you think that is fair? I do not think most Americans think that is fair.

He can be fired solely because of his sexual orientation. He can be evicted from his rental home solely because of his sexual orientation. I do not think most Americans think that is fair. Mr. Speaker, not so long ago in this very country, women were denied the right to own property, and people of color, Mr. Speaker, were property. Not so very long ago people of two races were not allowed to marry in many of the States of this country.

Things change, Mr. Speaker, and they are changing now. We can embrace that change or we can resist that change, but thank God All Mighty, as Dr. King would have said, we do not have the power to stop it.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts, Mr. BARNEY FRANK, the ranking member of the Subcommittee on the Constitution.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand why no Member on the other side agreed to yield. We have a tradition around here of yielding. But when your arguments are as thin as theirs, you do not risk rebuttal.

Let us talk about the points here. First of all, we are told that this is not political. Now, people may understand why we do not speak here under oath. No one in the world believes that this is not political. We are told we must do this because the Hawaii Supreme Court is threatening them. The Hawaii Supreme Court decision in question came in 1993. The process in Hawaii, which is now still going on, does not end until, at the earliest, in late 1997 and probably 1998. There is a trial that has to take place that has not even started. Why, when the decision came in 1993 and the process will not end until 1997 or 1998, are we doing this 3 months before the election? Oh, it is not political, sure.

Second, there is a very false premise, the notion that this is to protect States from having to do what Hawaii does. Every Member on the other side who sponsored this bill believes that that part is unnecessary. Every Member believes that the States already have that right. What is being protected here is not the right of States to make their own decision but the right of States to vote Republican in the 1996 Presidential election.

We will be told time and again that we have 3 weeks left in this session until August and then we will have a month. We have an enormous amount of undone work. The leadership is talking about abandoning the appropriations process, the Republican leadership, and doing continuing resolutions on issue after issue after issue. We will be told we do not have time to debate it. Why? Because we have to protect America from something that will not happen until 1998.

And what are we protecting, as my colleague and friend from Massachusetts has just said? This is the most preposterous assertion of all, that marriage is under attack. I have asked and I have asked and I have asked and I guess I will die, I hope many years from now, unanswered: How does the fact that I love another man and live in a committed relationship with him threaten your marriage? Are your relations with your spouses of such fragility that the fact that I have a committed, loving relationship with another man jeopardizes them? What is attacking you? You have an emotional commitment to another man or another woman. You want to live with that person. You want to commit yourselves legally.

I say I do not share that commitment. I do not know why. That is how I was born. That is how I grew up. I find that kind of satisfaction in committing myself and being responsible for another human being who happens to be a man, and this threatens you? My God, what do you do when the lights go out, sit with the covers over your head? Are you that timid? Are you that frightened?

I will yield to the gentleman from Oklahoma if he will tell me what threatens his marriage.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. LARGENT. Absolutely. I would just submit, Mr. Speaker, that the relationship of the gentleman from Massachusetts [Mr. FRANK] with another man does not threaten my marriage whatsoever, my marriage of 21 years with the same woman.

Mr. FRANK of Massachusetts. Mr. Speaker, whose marriage does it threaten?

Mr. LARGENT. It threatens the institution of marriage the gentleman is trying to redefine.

Mr. FRANK of Massachusetts. It does not threaten the gentleman's marriage. It does not threaten anybody's marriage. It threatens the institution of marriage; that argument ought to be made by someone in an institution because it has no logical basis whatsoever.

Here we go, I keep asking people, whose marriage is threatened? Not mine, not his.

No one on the other side yielded once. People on the other side mentioned other Members, distorted their arguments and never yielded once. I certainly will not yield again, because I think the nonanswer is clear. I have asked it again and again.

□ 1145

What is it that says, and people have said this, I have had people when I was in my district for 9 days last week saying, I am worried. I cannot afford my college tuition. I am worried about public safety. I am worried about Medicare. No one said to me, oh, my God, two lesbians just fell in love and my marriage is threatened. Oh, my God, there are two men who commit to each other and they are prepared to be legally responsible for each other. How can I possibly go on with my marriage?

What we see is very clear. There is no reason for this in terms of time. There is no reason for it legally, because the States already have that right. This is a desperate search for a political issue by hitting people who are unpopular. And, yes, I acknowledge the notion of two men living together in a committed relationship or two women makes people nervous and uncomfortable. I want to talk about that. But threaten your marriage?

I will make a prediction that between now and the end of this debate tomorrow we will hear not one specific example of how this threatens marriage because no one who believes that the bonds between a man and a woman who love each other and care for each other and are prepared to commit to each other for a lifetime or 3 years or whatever the pattern may be, is somehow threatened because two other people love each other.

What about the love that two others have for each other threatens your own love? What an unfortunate concept.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Speaker, I want to address the last speaker's comments and say that, first, we need to step back from trees and look at the forest and try to take a long view of our culture, and we can look at history and show that no culture that has ever embraced homosexuality has ever survived.

Second, I would say that what this same-sex marriage is seeking is State sanction of their relationship. There is nothing that prevents the gentleman from Massachusetts [Mr. FRANK] right now from having a loving relationship with his significant other, no matter what their sexes are.

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

Let me point out about this yielding and not yielding. The gentleman from

Massachusetts tried to make a point, as frivolous as I felt it was, that our side was not yielding. Both sides are allocated a fair amount of time, 30 minutes each. We each get 30 minutes.

Now, the gentleman from Massachusetts criticized or lectured the gentleman from Colorado because I would not yield time to him, and the gentleman from Massachusetts claims the reason we will not do it is because we do not like debate. As soon as the gentleman from Oklahoma begins his debate, the gentleman from Massachusetts claims his time back.

I think we need to be very civil and very professional on this House floor. We each have 30 minutes, let us use our 30 minutes.

Let us talk, and I think first of all understand this is not an issue between the parties. President Clinton supports this. President Clinton says now is the time to address it. And let me quote directly from his press agent. ''He believes this is a time when we need to do things to strengthen the America family, and that is the reason why he has taken this position in support of this bill.''

What is the rule? The rule is fair. What is especially interesting about it is the gentleman who says this side of the aisle will not or is afraid to debate him. It is this side of the aisle who voted unanimously up in the Committee on Rules, along with the gentleman from Massachusetts and his side of the aisle, to allow the gentleman from Massachusetts 75 minutes on his first amendment and a certain period of time for his second amendment. He is going to get lots of debate time coming up.

What is it that this bill does? I think we need to take our collective arguments here in the last hour and focus in on exactly what does this bill do. It does not impact the Clean Water Act, it does not have anything to do with domestic relations, as far as the gentlewoman from Colorado suggested as no fault, fault, et cetera, et cetera. It is very specific. It is very simple. First, it upholds the long-held tradition that a marriage is defined as a union between one man and one woman.

Second, it declares that one State will not be bound by the decision of the Supreme Court of another State in regards to a marriage. In other words, the Supreme Court of the State of Hawaii cannot mandate upon the State of Ohio or upon the State of Colorado or upon the State of California that they recognize same-sex marriages within their State even if their State wholeheartedly rejects that type of concept.

Third, it does not obligate the Federal Government for financial requirements or financial obligations because a State chooses to recognize it. For example, if the State of Hawaii, through their Supreme Court, recognizes same-sex marriage, it does not immediately obligate the Federal Government to pay for benefits.

If a Member wants those kinds of benefits, and the other gentleman from Massachusetts spoke about that, and I thought his words were well spoken, if he wants those benefits, introduce a bill and run it through the regular process of the U.S. Congress. That is how he can get those benefits, not through a mandate from the Supreme Court of the State of Hawaii.

So, in other words, every State preserves their right. We preserve the long-time tradition of marriage between one man and one woman. And I will reaffirm once again, and I have no shame in standing up here in the House of Representatives saying that I support wholeheartedly the traditional interpretation, the traditional recognition, and I hope for all time the future recognition of the definition of marriage.

Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS], my good friend.

Mr. STEARNS. Mr. Speaker, I want to say to my colleagues, when we hear from that side of the aisle that this is a political issue, we have heard the President of the United States indicate that he would sign this bill, so I think the President is almost saying that he agrees with what we are doing and he would like to see as soon as possible the bill brought to him for his signature. So we really cannot say it is a political one when the President of the United States, who represents the Democrats, says he wants the bill, too.

I rise in strong support of this rule. I commend the gentleman for bringing this rule forward. And I might point out to my colleagues that it is our party that brought this bill here; that this bill probably would never have seen the light of day if it had not been for the new majority in Congress, and I think it is important to point that out.

I would like to conclude by saying that we all know that families are the foundation of every civilized society, and marriage lies at the heart, the core, of what a family is. If we change how marriage is defined, we change the entire meaning of the family. So what we are doing today, I say to the gentleman from Colorado, is extremely important and all of us should realize we must pass this rule.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 133, not voting 10, as follows:

[Roll No. 300]

YEAS—290

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson

Wise	Wynn	Zeliff
Wolf	Young (AK)	Zimmer

NAYS—133

Abercrombie	Gejdenson	Morella
Ackerman	Gephardt	Murtha
Andrews	Green (TX)	Nadler
Baldacci	Greenwood	Neal
Barrett (WI)	Gunderson	Oberstar
Becerra	Gutierrez	Obey
Beilenson	Harman	Olver
Berman	Hastings (FL)	Owens
Blumenauer	Hilliard	Pallone
Bonior	Hinchey	Pastor
Borski	Hobson	Payne (NJ)
Brown (CA)	Horn	Pelosi
Brown (FL)	Hoyer	Rangel
Brown (OH)	Jackson (IL)	Reed
Bryant (TX)	Jackson-Lee	Richardson
Cardin	(TX)	Rivers
Chenoweth	Jefferson	Rose
Clay	Johnson (CT)	Roybal-Allard
Clayton	Johnson (SD)	Rush
Clyburn	Johnson, E. B.	Sabo
Coleman	Johnston	Sanders
Collins (IL)	Kanjorski	Sawyer
Collins (MI)	Kennedy (MA)	Schroeder
Conyers	Kennedy (RI)	Scott
Costello	Kennelly	Serrano
Coyne	Klink	Skaggs
Cummings	Kolbe	Slaughter
DeFazio	Lantos	Stark
DeLauro	Lewis (GA)	Stokes
Dellums	Lofgren	Studds
Deutsch	Lowey	Thompson
Dicks	Maloney	Thurman
Dixon	Markey	Torkildsen
Dooley	Martinez	Torres
Durbin	Matsui	Torricelli
Engel	McDermott	Towns
Eshoo	McKinney	Velazquez
Farr	Meehan	Vento
Fattah	Meek	Visclosky
Fazio	Millender-	Waters
Filner	McDonald	Watt (NC)
Flake	Miller (CA)	Waxman
Foglietta	Mink	Williams
Frank (MA)	Moakley	Woolsey
Furse	Moran	Yates

NOT VOTING—10

Dunn	Longley	Thornton
Gibbons	McDade	Young (FL)
Hall (OH)	Peterson (FL)	
Lincoln	Riggs	

□ 1212

Messrs. GEJDENSON, GUNDERSON, GENE GREEN of Texas, and HORN changed their vote from ''yea'' to ''nay.''

Mr. SCHUMER and Ms. KAPTUR changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 300, on House Resolution 474 providing for the consideration of H.R. 3396, the Defense of Marriage Act, was unavoidably detained on other business and unable to be physically present for the vote. Had I been present, I would have voted ''yea.''

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

□ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 10, 1996, a request for a recorded vote on the amendment by the gentlewoman from California [Ms. PELOSI] had been postponed and the bill had been read through page 22, line 16.

The Clerk will read.

The Clerk read as follows:

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, X, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, and the Health Care Quality Improvement Act of 1986, as amended, $3,080,190,000, of which $297,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided,* That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further,* That of the funds made available under this heading, $2,828,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further,* That of the funds made available under this heading, $192,592,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication of distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further,* That $75,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. LOWEY: Page 22, line 22, after the dollar amount, insert the following: ''(reduced by $2,600,000)''.

Page 26, line 1, after the first dollar amount, insert the following: ''(increased by $2,600,000)''.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 40 minutes and that the time be divided, 20 minutes to the gentlewoman from New York [Mrs. LOWEY], 10 minutes to the gentleman from Wisconsin [Mr. OBEY], and 10 minutes to myself.

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

There was no objection.

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

Mr. Chairman, this amendment that the gentleman from Delaware [Mr. CASTLE] and I are introducing with the gentleman from New York [Mr. SCHUMER] restores funding to the CDC National Center for Injury Prevention and Control. Our amendment simply overturns the Dickey amendment passed by the full committee which reduced the bill's appropriation for the CDC injury prevention and control program by $2.6 million and increased the appropriation for the area health education centers by a like amount.

This amendment will restore the injury prevention and control program to its fiscal year 1996 level of $43 million, which is the level approved by the subcommittee. My colleagues who support the area health education centers program, as I do, please note that under our amendment, the area health education center will receive an increase of $2.9 million, or over 12 percent, compared to last year.

Why must we restore funding for the CDC injury control program? Because the injury prevention and control program helps to prevent thousands of needless and tragic accidents and injuries each year.

The injury prevention and control program is one of the leading Federal agencies working to prevent domestic violence. Injury control funds are also being used to prevent drownings at Federal recreation facilities, reduce violence in public housing projects, cut down on driving accidents by the elderly, improve emergency medical services in order to decrease the number of traumatic brain and spinal cord injuries, reduce deaths caused by fires in the home and many, many other lifesaving activities.

Unless our amendment passes, all of these vital activities could be affected. So why were funds for the injury prevention program cut? Let me be very blunt to my colleagues. The NRA dislikes the fact that the injury control center collects statistics and does research on gun violence. Even though the injury control program spends only 5 percent, or 2.6 million, of its budget

on gun violence related research, it is despised by the NRA. But frankly, my colleagues, I do not understand this. Is not the purpose of the NRA to promote the responsible use of guns? Is not the NRA interested in keeping guns out of the hands of criminals and teenagers who are not using guns for sport but to kill? It seems to me that the CDC and the NRA really should be working together to ensure that guns are used safely and responsibly.

We will hear charges that the CDC research is biased and duplicative, but the program passed three rigorous reviews by the GAO, the National Academy of Science and the HHS office of the inspector general.

After reviewing Federal violence prevention efforts, conservative columnist George Will concluded in 1992:

> Clearly the criminal justice community is inadequate to the task of turning the tide of violence; so as a sound investment in improving the quality of American life, no Federal funds are spent better than those that fund the CDC's research.

While the Justice Department focuses on the incarceration of offenders after the shootings occur, the CDC focuses on the prevention of gun injuries before they occur. CDC injury control research is examining how trauma surgeons can help to intervene in the cycle of youth violence and prevent youth from returning to trauma centers at a rate of 44 percent.

CDC research is looking at why some inner-city youths commit violence with guns and others do not. CDC research is helping State departments of health around the country better monitor gun related injuries so that they can most effectively target their prevention activities.

The NRA's attack of the CDC puzzles me put it also outrages me. Gun violence in America is a public health emergency. According to Dr. George Lundberg, an editor of the Journal of the American Medical Association, ''There is no question now that violence is a public health issue. Research to end this epidemic of violence is absolutely vital and it must continue.''

Over 37,000 Americans die each year from wounds inflicted by guns. Almost 6,000 children and teens are shot every year by guns; 100,000 other Americans are injured in shootings each year. This explosion of violence is placing an enormous burden on our health care system. The medical cost of gun violence is $4.5 billion a year.

The cost of treating a patient with a gunshot wound averages over $14,000. As a result, more than 60 urban trauma centers have been forced to close over the past 10 years alone. If current trends continue, Mr. Speaker, gunshots will surpass car accidents as the leading cause of death in United States.

To combat this horrifying trend, the National Center for Injury Prevention and Control has conducted groundbreaking peer reviewed research on the types and costs of injuries caused by firearms. It has worked to prevent suicide among teens, taught conflict resolution techniques. Let me be very clear, the center conducts research, gathers facts. It is not an advocacy organization nor does it make policy. In fact, our amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control.

Let me state this a second time so that my colleagues are clear. This amendment preserves language in the bill which prohibits the CDC from advocating or promoting gun control. The NRA opposes the CDC injury control research because it wants to suppress the awful truth about gun violence. The NRA simply does not want the facts set getting out. It is no more than censorship. It must be stopped.

There are many groups that support this amendment: The College of Emergency Physicians, AMA, ABA, American Public Health Association, the American Nurses Association, the Association of State Health Officials, and on and on. I urge my colleagues to support this amendment to preserve the vital work of the injury control center.

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

Mr. PORTER. Mr. Chairman, because of my position on this amendment, I believe that the time that has been allocated to me should be allocated instead to the gentleman from Arkansas [Mr. DICKEY] who is an opponent of the amendment. So I ask unanimous consent that the 10 minutes allocated to me be allocated to the gentleman from Arkansas [Mr. DICKEY], and that he control that time.

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

There was no objection.

□ 1230

Mr. DICKEY. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, this is an issue of federally funded political advocacy. We have here an attempt by the CDC through the NCIPC, a disease control agency of the Federal Government, to bring about gun control advocacy all over the United States through seminars, through the staff members and through the funding of different efforts all over the country just on this one issue, to raise emotional sympathy for those people who are for gun control. It is a blatant attempt on the part of government to federally fund lobbying and political advocacy. Rather than calling violence a disease and guns as a germ, these people should be looking at the other root causes of crime: Poverty, drug trade, gangs, and children growing up without parental support, and the cruel trap of welfare dependency. Those things have more to do with crime control than trying to come at it from a disease definition.

Ownership of guns by itself is what this particular amount of money is going to. It is not a public health threat. In fact, the violence related to guns has been found to be going down to the extent of two-thirds, where we actually have a 173 percent increase in the number of guns in the United States. So it is obviously not a public health threat, because we are doing this through education and training and not through a discredited study program by the CDC through the NCIPC.

Some quotes that exist from one of the officials that we pay Federal money to, what we need to try to do is to find a socially acceptable form of gun control. Experts from Harvard and Columbia medical schools have reviewed the work on firearms that this agency has done with Federal money and have stated that it displays an emotional antigun agenda and are so biased and contains so many errors of fact, logic and procedure that we cannot regard them as having a legitimate claim to be treated as scholarly or scientific literature. So this is discredited by authorities. It is not something we should be doing.

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

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in opposition to the Lowey amendment, but I do so in despair of our ability to discuss this on substance rather than on symbolic grounds.

This controversy started when the gentleman from Arkansas [Mr. DICKEY] offered an amendment in subcommittee which purported to eliminate the ability of CDC to engage in research on gun control and which purported to prevent that agency from engaging in unbiased research. I voted against that amendment in subcommittee because I have always resisted the idea of telling anybody in this Government what kind of research they can conduct in the health field. I just do not think that lay people know enough to do that. I think health research issues ought to be decided by scientists, not by politicians.

But the gentleman from Louisiana [Mr. LIVINGSTON] and I jointly cosponsored an amendment to the bill which reads as follows, and it was adopted. On page 26 of the bill it says: ''None of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.'' We then added this paragraph to the report on page 49: ''The bill contains a limitation to prohibit the National Center for Injury Prevention and Control at the Center for Disease Control from engaging in any activities to advocate or promote gun control. The CDC may need to collect data on the incidents of gun-related violence, but the committee does not believe that it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership. The committee expects research in this area to be objective and grants to be awarded

through an impartial peer review process.''

What the gentleman and I tried to do was to make certain that CDC, in fact, did not engage in biased research, and that is the language that we adopted. When we got to the full committee, the gentleman from Arkansas [Mr. DICKEY] then did not offer the report language to which we objected and merely offered an amendment which moved money from CDC to the area health education centers, and I supported that amendment because it was essentially a judgment about where we thought the money would do the most good. Would it do the most good in this controversial program at CDC, or would it do the most good in the area of health education centers?

I come down on the side of the education centers primarily because I represent rural areas, and I know that they are medically underserved communities. The area in which this money was put simply enables us to support training of medical residents and students for medicine, nursing, allied health, pharmacy and related fields.

I would point out that in my State, for instance, these agencies are administered by a partnership between Wisconsin's two medical schools, the Medical College of Wisconsin and the University of Wisconsin Medical School.

So basically what I would suggest to my colleagues is that this amendment, while it is being debated in terms of gun control, the effect of the Lowey amendment will not be to enhance gun control any more than the effect of the Dickey amendment was to diminish gun control. The only direct effect on CDC's ability to get involved in the gun control issue is determined by the language which we already have in the bill and have in the report by virtue of the amendment sponsored jointly by the gentleman from Louisiana [Mr. LIVINGSTON] and myself.

So I would say the House simply has a choice to make. If they think that the money ought to be put in CDC where the gentlewoman from New York [Mrs. LOWEY] puts it, then vote with her. If they think the money ought to stay in the area of health education centers where I believe it ought to be and where the gentleman from Arkansas [Mr. DICKEY] put it, then vote against the Lowey amendment. I would urge that my colleagues vote against the Lowey amendment because I think that the dollars have been placed in a preferable place by the effect of the Dickey amendment offered in full committee.

As I say, I despair of this issue ever being discussed in anything but symbolic terms. I know that at the presidential level we have Mr. Dole, in my view, trying to exploit the gun issue one way and the White House trying to exploit it dealing with it the other way. I am not interested in that phony debate. What I am interested in doing is making rational choices as a policymaker about where scarce dollars ought to go, and I frankly think that it has become so controversial at CDC that the money is much more rationally spent where the committee wound up putting the money.

So this may seem a very quaint position on my part, but my trouble is that I read the amendments, I do not just read the titles. So it seems to me that Members ought to focus on what the real effect of this amendment really is. It simply moves dollars. It is only indirectly related to the gun issue, and I wish we could address it in that fashion because we are qualified to decide where research dollars ought to go. We are not qualified to pretend that we are doing something that we are not doing.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

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

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, saying programs like shelters for battered women and rehab for drug addicts were nothing more than ''pork.''

Now, the NRA has set its sights at the Centers for Disease Control [CDC]. They have succeeded in pushing an amendment to cut the National Center for Injury Prevention and Control [NCIPC] from the CDC's budget. This office does research on injuries, including those caused by guns, and links it to health outcomes.

But the NRA says that this office engages in ''recklessly biased research and blatant political advocacy.''

I disagree.

This office does vital studies to improve how law enforcement, the judicial system, and our health care system can prevent and improve assistance to victims of domestic violence.

Now the NRA wants us to stop looking at the problem so they can pretend it does not exist.

They can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue.

In this case, the NRA and the radical right are saying, if you fear it, kill it, and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence; support the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], my colleague and cosponsor of the amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman from New York [Mrs. LOWEY] for yielding this time to me.

I obviously rise in support of the Lowey-Castle amendment, and I listened carefully to the always articulate comments of the gentleman from Wisconsin [Mr. OBEY] about this, and I would just note that right now the National Center For Injury prevention and Control, which is getting a reduction in this, is actually getting a reduction to less than 6 percent of their budget from last year, whereas the health education center he talked about is going up to 23 percent, and if we are able to succeed in this amendment, that would still go up 12.8 percent, and this particular agency that we are dealing with here would go down by some 5 percent. So no matter how we look at this, the very cause that he is talking about is being well treated.

This is a modest amendment. I would simply, as we know, restore the funding for the National Center for Injury Prevention and Control. But this is very important, and what they do is important, and I do not think they should be involved in gun control, and the gentleman from Wisconsin [Mr. OBEY] pointed out very carefully it is very specific in this piece of legislation right now that they cannot be involved in any advocacy with respect to gun control.

I do not have a problem with that. I absolutely concede that. They should not be, and in fact I think one can even make an argument that they have not been in the past. They rejected studies that try to do that. But the bottom line is that it is important because injuries kill over 85 children and young adults in the United States every day and cost our country more than $224 billion in the last decade in terms of direct medical care and rehabilitation costs as well as lost wages of the individual and productivity losses to the Nation.

This agency, the NCIPC, collects and analyzes data about a wide range of injuries including motor vehicle crash, fires, drowning, falls, poisonings, suicide and homicide. They have saved lives. They have prevented injuries from happening in this country. The centers research has led to a number of important recommendations in a variety of areas, from wearing helmets while riding a bicycle to storing firearms in the home separately from bullets to installing fire detectors in homes. These are major safety changes. They probably had as much influence on saving lives as any agency in this country, and I think to reduce their funding would be a tremendous mistake.

It does also collect and analyze data about firearm injuries because they are the second leading cause of injuries of Americans between the ages of 10 and 24. Firearms are the cause of approximately 37,900 deaths in this country as well as all manner of other problems, including 3 times as many serious injuries. Ten States and the District of Columbia now have more people dying because of firearms than they do in automobile accidents. By the year 2000 there are going to be more people dying because of firearms and automobile accidents in the United States of America. The cost of gun shot violence in the United States amounts to $20 billion, a fifth of which is medical expenses. That is $200 per family that we are paying for these injuries to people

and deaths to people because of the use of guns in the United States.

They have done many things. My short time does not allow me to go into all the things which they have done. They are not advocacy, they are changes which they have made, and I would encourage each and every one of us to support this amendment. I think it is absolutely the right thing to do. It is not a gun issue. It is a safety issue in this country.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Castle-Lowey amendment.

One of the principal efforts of the CDC's National Center for Injury Prevention and Control was to study American firearms—guns—in regard to injuries involving firearms.

Let me save the American taxpayer $2.6 million dollars with some free information:

Guns can be dangerous, especially if loaded, pointed at someone and the trigger is pulled.

Now, that was simple; was it not?

Given this knowledge, one has to question why taxpayer funds were even wasted on this issue in the first place. I think I know the answer.

The bottom line is that it is bothersome to some Members of this body that many Americans own firearms.

Therefore, anything that can shed a negative inference on firearms, like the fact that they are dangerous, becomes worthy of taxpayer support research and political exploitation.

As interesting as pursuing these issues further might be, they are in the end irrelevant.

The second amendment to the United States Constitution reads: ''A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.''

I urge a ''no'' vote on this amendment.

□ 1245

Mrs. LOWEY. Mr. Chairman, I yield such time as he may consume to the gentlemen from New York [Mr. SCHUMER].

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

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

What is the NRA so afraid of? Perhaps it is the truth.

Once again, the NRA is making its annual assault on scientific efforts to make guns more safe for families.

Last year, 38,000 Americans died of gunshot wounds compared to 41,000 who died from automobile accidents. Yet we would never dream of opposing Government research efforts to make automobiles safer. If the automobile lobby was as irresponsible as the NRA, we would not have the seat belt.

Today, we are seeing a proliferation of cheaply made guns that are blowing up in people's hands, misfiring when jostled or dropped, and killing or wounding people accidentally.

So while motor vehicle deaths are dropping year by year, we have seen no progress on the number of those dying accidentally from gunshot wounds.

Shame on the NRA for spreading its paranoic world view to stop legitimate scientific research from making guns just a little bit more safe.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. PORTER], chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

The NRA arguments that the Centers of Disease Control research is ''junk science'' is, of course, specious. Does the NRA know more about science than the New England Journal of Medicine?

The NRA protestations that the research is duplicated elsewhere is spurious. Even the GAO disagrees.

So what is the NRA afraid of? They are afraid that legitimate science will conclude that having a gun in the home is dangerous. They are afraid that consumers will learn that a gun in the home increases the chances of suicide and accidental deaths—particularly among children.

Last year, I joined with my Republican friend STEVE HORN in a bipartisan letter to restore these important CDC funds. I hope that this amendment will have similar bipartisan support.

We need to prove to the American people that when the NRA says jump, Congress doesn't put on its gym shorts.

Everyone—everyone except the extremists at the NRA—understands that this CDC research is necessary and objective. Let's show that we can rise above the paranoid rantings of the NRA to do something to make gun ownership a little bit more safe.

Support this amendment.

Mr. PORTER. Mr. Chairman, 145,000 people die each year from injuries in our society, including those sustained in motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. Injury is the leading cause of death and disability for our Nation's children and young adults. Those injuries cost our country more than $224 billion a year in direct medical care and rehabilitation as well as lost wages and productivity. That is an increase of 42 percent in the last decade alone.

Is injury a proper subject for our Centers for Disease Control and Prevention? Of course it is. Only $2.6 million of $46.3 million goes to gun-related research. It also goes for car crashes. What do they examine when they look at car crashes? They look at how the cars are equipped, how the cars are used, how the drivers are trained. Should we not also look at the same injury result regarding guns? Of course we should do that. Of course, we should study how we can make society safer and how we can reduce injuries.

The CDC work on firearms injuries is not duplicated anywhere else in the Government. Unlike other agencies, CDC uses the same public health model to prevent firearms injury that it does with other public health problems. It identifies the problem, examines the risk factors, develops interventions, and evaluates what works. This is an area we should be addressing. CDC has done it.

The gentlewoman from New York [Mrs. LOWEY] and the gentleman from Louisiana [Mr. LIVINGSTON] have made absolutely certain that the information cannot be used to advocate gun control in any way. I believe this amendment is a very, very proper amendment. To take away the $2.6 million makes no sense at all. We are making good progress here. It is not being misused. This is simply an attempt by the NRA to remove guns, which cause a great deal of injury and death in our society, from a list of other instruments that do. There is no rational reason for doing that. They should be examined as well.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank my distinguished colleague from Arkansas for yielding time to me.

Mr. Chairman, Centers for Disease Control, Centers for Disease Control. The words are not real long, only a couple of syllables. Look up the word ''disease'' in the dictionary, at least any legitimate dictionary. I have done it. There is no reference in any dictionary that I can find that says that accidents or handgun injuries or murders are a disease. There is a reason why they are not found within a definition of disease. They are not diseases.

Let us talk about honestry and truth in government. The Centers for Disease Control, all of us ought to agree, and but for the political agenda on the other side here most Members do agree, that the Centers for Diesease Control have not eradicated disease. In other words, they have work left to do, very important work they could be doing. Yet they are devoting scarce resources for a political agenda that is, pure and simple, a political agenda.

If my colleagues from New York and other States want to do away with handguns, that is fine, from their standpoint. Or if people on my side of the aisle do not like handguns and want to outlaw them, do it, but do it honestly. Propose legislation to outlaw them. Propose an amendment to the Constitution doing away with the second amendment. But do not take an institution that has done so much good work and cause it to lose credibility further, as it has already done, by engaging in a political agenda. This is a political agenda.

The political agenda is well-documented. You can look at publications such as the Injury Prevention Network, which is funded in part by CDC, and which engages, by the very terms of its publication, in illegal lobbying activity. It recommends picketing. It recommends lobbying. As a matter of fact, the kind of work these organizations engage in with Federal funds is so bad that even when I wrote to the director of CDC, Dr. Satcher, he had to agree with it, and said it is improper what they are advocating here.

There is a political agenda at work here that ought to be of concern to all of us on both sides of the aisle. It is called politics. Politics should not be injected into the CDC. One does not also have to look beyond simply the organizations themselves that the National Century for Injury Prevention and Control or whatever is engaged in. They are very clearly, very explicitly, antigun lobbies.

Again, if colleagues on either side of the aisle support those organizations, support what they do, then come up front and say so, and say we need to do something to get handguns off the streets of America. But do not do it through an organization dedicated explicitly to disease control.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Ohio [Mr. STOKES], a distinguished member of the committee.

Mr. STOKES. Mr. Chairman, I thank the distinguished gentlewoman from New York for yielding time to me.

Mr. Chairman, I rise in strong support of the Castle-Lowey amendment.

Defunding critical injury prevention and control research and outreach is a dangerous precedent. Over the years, this lifesaving research has enjoyed bipartisan support. We must not let politics cloud the need to fund meritorious science in this area. We did not allow such to interfere with the conduct of research on cancer, AIDS, and other areas which threaten the lives of hundreds of thousands of Americans. And, we must not prevent critical research in the area of firearm and other injuries as well.

While CDC conducts research on the prevention and control of injuries from fires, drownings, and poisonings as well, the concern appears to be with respect to firearm injuries. CDC is not working the area of firearms injury prevention and safety for political reasons. It is working in the area because of the tremendous number of Americans injured or killed with firearms. According to the American Academy of Pediatrics, firearms injuries are in fact the fourth leading cause of years of potential life lost, and is the second leading cause of injury fatality in the United States. Firearms are the leading cause of death for African American youth ages 15 to 24, and is the second leading cause of death among white youth in this same age group. Like cancer, AIDS, and heart disease, this is a major public health problem that must be addressed.

Applications for the CDC's injury control research grants are peer reviewed by the scientific community prior to funding. In fact, its peer review process is modeled after that used by the National Institutes of Health which we strongly support.

For over three decades now, firearms fatalities have steadily increased in the United States. It is projected that if current trends continue, by the year 2000, they will be the leading cause of injury death. the World Health Organization has in fact issued a resolution declaring that violence is a leading worldwide public health problem, and designating the prevention of violence as a public health priority. Let's do what's right. Let's continue to protect children and families across this country. Support the restoration of $2.6 million to the CDC's Injury Prevention and Control Program.

I strongly urge my colleagues to vote ''yes'' to this critical lifesaving amendment.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

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

Mr. BONILLA. Mr. Chairman, what we are talking about here is a simple debate between spending money on health care needs of people in low-income and rural areas and spending money on a politically correct study that some of our colleagues in some parts of the country think is very important.

My colleague, the gentleman from Georgia, Mr. BARR, made the point very well earlier: What is the Centers for Disease Control doing studying a politically correct idea that some few people in this country think is important? This is a classic idea of a Federal agency that has grown appendages over the years that have nothing to do with the original mandate that Congress set up in the first place.

If our friends from New York or other States in the country or other cities believe that this study is important, why do they not go to their local citizens in their cities, why do they not go to their States, and ask them to pay more tax money to fund a politically correct study like this? Why do they not tell them it is a great idea and raise new tax money for something like this? Why do they think the Federal Government ought to be studying such an issue?

There is not a one of us in this Congress who believes that kids should have guns, that people should be using firearms for any reasons aside from sport. The law-abiding citizens of this country use firearms. We are for that, but we are not for firearm abuse or misuse in any way. So we would encourage everyone here to think about that.

We are not talking about a vital function for the Centers for Disease Control. We need to look after the needs of our people and our communities, but we cannot stand here and say it is more important to fund something like this, as opposed to giving people in need health care that they need in low-income and rural areas. If Members love this idea, they should go back and ask their local citizens to raise tax money locally to fund a crazy idea like this.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment. This amendment will restore $2.6 million in funding for the National Center for Injury Prevention and Control.

This funding was cut in committee in a misguided attempt to stop the NCIPC's research into the prevention of firearms injuries, based on the allegation that such research masquerades as Government-funded gun control advocacy. The cut also represents a profound misunderstanding of the important work of the NCIPC.

The NCIPC is tasked with undertaking medical and scientific studies of issues affecting the public health. Such work is validated by a number of improvements in public health in recent decades, particularly as it relates to automobiles. Scientific research into car accidents has led to improvements in car design, road engineering, driver education, and drunk-driving prevention.

Mr. Chairman, regardless of our views on gun control, there seems to be general agreement in this body that our Nation is suffering an epidemic of gun violence. Firearms are the second-leading cause of death for children and young adults; in 10 States they are the leading cause. Shootings are the leading cause of death for black teenagers, and the second-leading cause of death for white teenagers.

NCIPC's research on firearms violence may bring improvements in gun design, training, and methods of storage. Moreover, the committee cut in NCIPC funding will not end the center's firearms research. Instead, the center is likely to reallocate funds from other important violence prevention programs, such as combating violence against women. Furthermore, gun control opponents who persist in their belief that NCIPC has been advocating gun control can take heart from the provision already in the bill which prohibits the CDC from using injury prevention and control funds to advocate or promote gun control.

I urge my colleagues to join me in support of the Lowey-Castle amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentlewoman for yielding time to me, Mr.

Chairman, and for her leadership in bringing this important amendment to the floor. I urge my colleagues to support it. The National Center for Injury Prevention and Control provides the Nation with information that is crucial, reliable, and well-respected among experts about the incidence of and extent to which injuries, including those which result from automobile accidents, fires, domestic violence, bicycle accidents, and guns affect our lives, and identify strategies for reducing these injuries, many of which are fatal.

The Lowey amendment addresses the problem the committee created in symbolic action that will have real effects on America's children and families when it eliminated funds. The gun injury crisis facing our Nation, especially our children, must not be ignored and cannot be hidden. Firearms violence from homicides, suicide, or, and this is important, accidental shootings, killed 5,751 children aged 1 to 19 in 1993. Child deaths from guns in a year are the equivalent of more than the deaths of 205 classrooms of children. We need CDC research and expertise to help inform the Nation, to help gun owners have safety. I urge my colleagues to support the amendment of the gentlewoman from New York [Mrs. LOWEY].

Mr. DICKEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I would just like to take a moment to point out that violence and firearms-related research will not be undermined by a transfer of $2.6 million from the CDC's NCIPC to area health education centers, because firearms violence is studied already by a number of agencies within the Department of Justice, including the National Institutes of Justice and the Bureau of Justice Statistics as well as the Bureau of Justice Assistance and other programs.

In fact, Dr. Arthur Kellermann, an NCIPC grantee recipient who has received millions of taxpayer dollars to study firearms, recently received a grant from the Department of Justice to study firearms violence, a clear indication of the duplicative nature of NCIPC's work in this area. I want to point out that a number of studies are currently involved, studying the cause and effect of injuries caused by firearms, and I see this transfer as not a threat to that research, but merely cutting one area of the funding.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 1 minute to my colleague, the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore funding for the National Center for Injury Prevention and Control. This research at the CDC not only increases our understanding of the effects of firearms on our society but may also aid us in finding ways to prevent firearm deaths and injuries.

Opponents of this research maintain that it is used to further a political agenda. But acknowledging the 37,000 firearm deaths each year is not political posturing; it is recognizing that firearms pose a major threat to the health and well-being of our society.

Those who oppose this research should speak with the police officers who risk a face-off with a deadly weapon each time they put on their uniform. They should go to the emergency rooms in my district and across the Nation where doctors and nurses deal with wreckage left by gun violence day and night.

They should see the skyrocketing costs of health care to those who have been affected by this.

They should visit the children who have seen close friends and neighbors taken away by firearms—or talk, as I have, with the family of a 6-year-old accidentally killed in a gang shooting.

They would learn then that this research is not about advancing an agenda, but about combating a growing epidemic of violence.

Already this Congress has tried to repeal the ban on assault weapons enacted in the 1994 crime bill. A majority of Americans oppose making it easier to get deadly weapons. Let's not deprive them of the one weapon they can use in response—knowledge.

I urge a ''yes'' vote on the Lowey-Castle amendment.

□ 1300

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this amendment, primarily because the funding for the amendment comes from the Area Health Education Centers Program. Establishing priorities is always difficult for each of us but my support for the AHEC Program specifically stems from the fact that rural America still is in desperate need of health care providers.

While there is talk of physician gluts in some parts of the country, rural America faces exactly the opposite with regard to its needs for physicians. In Texas several AHEC Programs have a direct impact on the supply and support of rural providers in my district and all over the State. The AHEC Program has a proven track record of successfully improving the supply and support of health practitioners. To me, keeping the funds in this program is a much higher priority for dollars spent than what this amendment proposes. Therefore, I urge a ''no'' vote on the Lowey-Castle amendment.

Mr. DICKEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

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

Mr. ISTOOK. Mr. Chairman, I rise to express my opposition to the amendment that is being offered and express my support for the committee position in the bill and ask that Members vote accordingly.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment to restore $2.6 million to support vital research into injury reduction and violence prevention.

Forty thousand Americans, almost 6,000 children, are killed by firearms every year. In communities across this Nation, parents must put their children to bed at night fearing that they might be shot in their sleep by a stray bullet. The National Center for Injury Prevention and Control has taken a scientific approach to studying this problem. That is why their work has passed muster with the New England Journal of Medicine's peer review process and with the American Medical Association. But apparently the NRA is fearful that the facts may move concerned Americans to want to do something about the problem. I think the fact that thousands of Americans are shot every year is a real problem. I think the lives of our children are so important that maybe, just maybe, this Congress should for once say ''no'' to the NRA and do something about our children being shot.

All the authors of this amendment ask is that we not be afraid to gather the facts about gun-related violence in America so we may know better how to deal with this problem and how to prevent it. Vote for this amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. DICKEY] has the right to close. It is the Chair's understanding that the gentleman from Wisconsin [Mr. OBEY] has only one remaining speaker and he has 2 minutes remaining, the gentleman from Arkansas has 2 minutes remaining, and the gentlewoman from New York [Mrs. LOWEY] has 3½ minutes remaining.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2.6 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention program:

I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in

the crossfire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the injury prevention program would allow scientists in the field of injury control, like Dr. Degutis, to continue their work. Vote for the Lowey-Castle amendment.

Mr. Chairman, I rise in strong support of the Lowey-Castle amendment to restore $2 million in funding for the National Center for Injury Prevention and Control.

The Center is the only Government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society—140,000 people in the United States die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long-term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention Program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, page 26, line 9 has very binding language as far as the CDC funding is concerned.

It says as follows: Those funds may not be used to advocate or promote gun control. They will not be used for that purpose.

As far as the rural health care argument is concerned, that particular budget, before this amendment which would add $2.6 million, before the change in appropriations, is going to go up 12.8 percent. With the additional money, it would go up 23 percent. All we are trying to do is to have the CDC budget stay the same.

As to politically correct study aspects, the CDC has been dealing in these issues for a long time: Motor vehicle crashes, fires, drownings, falls, poisonings, suicide, and homicide. The Center's research has led to all manner of recommendations in this country with respect to helmets, with respect to storing guns and bullets separately, in dealing with all of the problems of injuries in this country. More people are dying by injuries every year in this country. We simply need to do something about it. There is a place for CDC to do this. There is a place to look at what we can do to prevent injuries and deaths from guns. It is not gun control. Please vote for the amendment.

The CHAIRMAN. It is the understanding of the Chair that each of the three participants with time now is down to one speaker, so the Chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 2 minutes.

Mr. OBEY. Mr. Chairman, again trying to separate symbol from substance, the bill language already clearly says that none of the funds made available for injury prevention may be used to advocate or promote gun control, courtesy of the Livingston-Obey amendment. So that problem is taken care of.

The report language makes clear that CDC may continue to engage in all legitimate research and analysis. All it says is that the committee expects research in this area to be objective and grants to be awarded through an impartial peer review process. It says, ''The committee does not believe it is the role of the CDC to advocate or promote policies to advance gun control initiatives or to discourage responsible private gun ownership.''

We have already been told by supporters of the Lowey amendment that they no longer have any objection to that language. That means we simply have a choice about where the dollars ought to go.

One can have a legitimate difference of opinion on that. All I would say is that I think the dollars are best spent if they remain where the committee put them in the Area Health Education Centers account. That has been a very tiny account. It is only $23 million.

If you think $23 million is enough to spread around to all of the underserved rural areas of the country and the underserved urban areas of the country, you are looking at a different country than I am. Those underserved areas badly need those added resources. That is where the committee puts them. I would urge Members to make a choice on that basis and oppose the Lowey amendment.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 1½ minutes.

Mrs. LOWEY. Mr. Chairman, I would like to respond to some of the points that were brought out in this debate, because again I invite my colleagues who support the NRA, who believe that the individual citizen has the right to carry a gun, to join us in support of this amendment.

I do that for the following reasons: First, I would like to clarify that the CDC's mission is to promote health, quality of life, by preventing and controlling disease, injury, and disability.

We have heard from doctors like Dr. Lundberg that violence is a public health emergency. We are not talking about taking away anyone's gun. This is not an advocacy amendment. We are talking about preventing violence. This is not duplicative. We have seen from studies that CDC does not duplicate the work of any other Federal agency or department in its work on firearm injuries. It focuses on the prevention of firearm injuries before they occur. The Department of Justice focuses on incarceration of offenders after the shootings occur. So we are not talking about taking away guns, Mr. Chairman. We are talking about preventing violence. That is why this agency has done such important work on conflict resolution, helping to prevent violence, working in our communities, working to prevent domestic violence. That is what this is all about.

Mr. Chairman, I urge my colleagues to support this amendment. I urge Members to work with me to stop the violence that pervades our communities and our country.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 2 minutes.

Mr. DICKEY. Mr. Chairman, the Centers for Disease Control was given $75 million more than last year in this particular budget. But that is for disease control. It is not for political advocacy.

So that the people here who are going to vote will know what the attitude of the Senate is, I have a letter here addressed to the chairman of the subcommittee in the Senate from 10 Senators, including TRENT LOTT, DON NICKLES, and LARRY CRAIG, who are part of the leadership. In that letter it states here,

One of the most egregious of these is contained in a publication called the Injury Prevention Network newsletter which was funded by a grant from the NCIPC. This newsletter contained purely political statements and appears to be dissuading individuals from voting for certain political party members.

That is nothing but a lobbying group.

I have another letter from the Help Network which is sponsored by NCIPC. In refusing to allow someone to come to one of the seminars that was provided by the Center, it stated: ''Your organization clearly does not share these beliefs and therefore does not meet the criteria for attendance at the meeting.''

What are those beliefs? It is intended to be a meeting of like-minded individuals who represent organizations that believe handgun violence is a public

health crisis. They excluded someone, a doctor, a medical doctor who wanted to come to a meeting, and this was funded federally by this particular agency.

We have had a decline in gun accidents. I want to be more specific on that. From 1967 to 1986 there was a rise in the number of handguns owned by 173 percent. The number of violent accidents that happened was reduced by two-thirds during that same period of time.

The NRA has nothing to do with this bill whatsoever. It has not testified. I ask Members to vote against this amendment.

Mrs. SCHROEDER. Mr. Chairman, in 1993, the Denver Post began its editorial supporting my legislation calling for objective scientific information about gun deaths the following way:

The often overly emotional debate surrounding gun violence in America disguises a curious lack of solid statistical information about firearms and death. America needs better, more objective information if it is to formulate rational public policy.

The debate on guns has been guided for too many years by glands. Let's give our brains a chance to figure out how we reduce the number of lives cut short by gun violence.

The Lowey-Castle amendment restores the Injury Prevention and Control Program to its fiscal year 1996 level of $43.19 million. This is what the subcommittee approved for the program before the NRA exerted its influence.

The Lowey-Castle amendment gives us a chance to rationally talk about gun and gun violence in a way where we are dealing with untainted science, rather than politicized rhetoric.

Unbiased facts on guns and death would improve public policy. The Lowey-Castle amendment will allow the American people to get those objective facts.

CDC's approach to violence prevention is based on science—good science. To ensure this level of credibility, the research on firearm injury prevention passes through two tough peer-review processes.

This science can yield answers to questions being asked in communities around the country: How can we curb the number of unintentional deaths and injuries from firearms? Can we do anything to prevent violence in the streets, violence in the home, and violence in the schools?

In 1992 alone, firearms were responsible for approximately 1,500 unintentional deaths and an undetermined number of suicide attempts and non-fatal injuries. Are we not to try to figure out why and see how these unintentional injuries could be prevented? When Americans were dying by the hundreds due to automobile accidents, we turned to science to help us figure out how to prevent these deaths. The result? Seatbelts and child restraints. Perhaps if we take a scientific approach to firearms, we can find a similar solution.

Let's give our brains a chance to treat violence as a major public health problem that can be solved. Vote for the Lowey-Castle amendment.

Mr. TOWNS. Mr. Chairman, I rise today to urge my colleagues to support the amendment offered by my colleagues from New York and Delaware. This amendment calls for the reinstatement of $2.6 million for the Centers for Disease Control. Specifically, these funds would go to the National Center for Injury Prevention and Control [NCIPC]. The NCIPC has produced studies relating to a multitude of issues addressing violence in America. For example, because of the work of this national center, we now know the effects of abuse on women and the preventive measures that will help to provide better intervention programs for batterers. The NCIPC also provided a study on the effects gun violence has on our health care system.

I want to say to my colleagues that this is a serious public health issue that we cannot ignore. During hearings that my subcommittee held last Congress on ''Violence as a Public Health Issue,'' witness after witness discussed how violence in this society is having an increasingly negative impact on the public health sector. For example, the Centers for Disease Control reported that firearms have accounted for more than 90 percent of the upturn in homicides in young Americans since the mid-1980's. A recent Washington Post article reported guns kill more teenagers than cancer, heart disease, AIDS, and other diseases combined. In 1990, 57 percent of African-American teenagers who died, died because of a bullet. This issue is not only about lives lost, but also an issue of bad economics. In New York City hospitals, nearly 10 percent of all emergency room visits, that were the direct result of violence, are without coverage. This does not include followup visits. Simply stated, the cost to hospitals is enormous.

Let us make no mistake: The Injury Prevention and Control Center is not promoting gun control; it is promoting new approaches to controlling violence and reducing injuries. The fact that most traumatic injuries are due to gun violence is not a rationale for eliminating funding for this important center's work. In this day and age doesn't it seem only reasonable that we should help promote any Federal program dedicated to the prevention of violence? I, therefore, urge the adoption of this amendment.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Lowey-Castle amendment.

Two years ago, the NRA waged a campaign against the President's crime bill, arguing that crime prevention efforts—like shelters for battered women and rehab for drug addicts—were nothing more than ''pork.'' Now, the NRA and members of the new majority, have aimed their assault weapons at the Centers for Disease Control [CDC]. The NRA succeeded in pushing an amendment to cut $2.6 million—the exact amount budgeted for the National Center for Injury Prevention and Control [NCIPC]—from the CDC's budget.

The NCIPC does research on injuries and links it to health outcomes. They have found that there are 56,000 violence-related fatalities a year, which includes 37,000 deaths from firearm injuries. They also estimate that there are approximately 100,000 nonfatal shootings each year—and that the resulting injuries burden an already over-extended health care system.

Other projects have included: Examining the effectiveness of methods like interventions with batterers, preventative education, and better enforcement of protective laws by the police and court system; and helping states to collect data on violence against women and services available to these women while evaluating training programs for health care providers in order to identify, treat, and refer victims of violence.

It's clear to me that these studies don't fit the NRA's accusations that the NCIPC engages in ''recklessly biased research and blatant political advocacy.'' But, it should come as no surprise that the NRA, and members of the radical right want to kill this program—because it's the year of an all-out assault on American women and children.

The NCIPC's research is vital in our efforts to learn what causes gun violence, violence against women, and what we can do to prevent it. That the NRA squeals that programs like these are ''pork'' shows their desperation—they can't further their extremist goals if we engage in studies and discussion of gun violence as a public health issue. The NRA has fought to kill NCIPC funding for one reason, they know they can't really argue against studies that will protect our children, and reduce deaths due to domestic violence. In this case, the NRA and the radical right are saying, if you fear it, kill it—and in doing so, they are blocking progress in ending violence against women and their families.

Vote to end family violence, support the Lowey-Castle amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

Are there further amendments at this point?

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY: On page 22, line 22, strike ''$3,080,190,000'' and insert ''$3,082,190,000'' and on page 57 after line 13, insert:

SEC. 215. Amounts available in this title for Congressional and legislative affairs, public affairs, and intergovernmental affairs activities are hereby reduced by $2,000,000.

Mr. NEY. Mr. Chairman, in 1969 Congress passed the Black Lung Benefits Act upon realizing that specialized pulmonary medical services were needed in the Nation's coal fields. They also realized that Federal support would be needed to develop these services.

The main goal of the Black Lung Clinics Program has always been to keep respiratory patients out of the hospital by utilizing preventive medicine in the fields. Mr. Chairman, these patients are extremely expensive to treat. The Black Lung Clinics Program also guarantees that respiratory disease patients will have the medical care they need even if they cannot afford it.

However, this year the Black Lung Clinics Program is funded at the level of $1.9 million which is the same level requested by the President in his fiscal year 1997 budget proposal. Unfortunately this would represent about a 50-percent reduction from the fiscal year

1996 funding level of $3.8 million. It should also be noted that in fiscal year 1996 the Black Lung Clinics Program received a funding reduction of about 8 percent. My amendment merely restores funding for Black Lung Clinics to the original level.

It has been recently brought to my attention, and I hope my colleagues listen closely to this point, that some confusion has arisen between the Black Lung Clinics Program and the Black Lung Benefits Program. as you know, the Black Lung Benefits Program pays disability and medical benefits only to those coal miners that are found to have black lung disease. On the other hand, the Black Lung Clinics Program currently has 40 black lung clinic sites and 27 mobile units throughout the United States, providing preventive health care to over 165,000 coal miners in our country.

□ 1315

Mr. Chairman, coal miners have helped to build this great Nation, and they made it what it is today. Through no fault of their own, many miners are now constricted by a variety of respiratory illnesses contracted through occupational hazards, and that is associated with the mining of coal.

I ask my colleagues for their support in restoring funding for the Black Lung Clinics Program. I can assure my colleagues that this money will be spent wisely on hard-working Americans whose industries have been decimated by previous acts and rules and regulations around 1990.

Mr. Chairman, I also would be remiss if I did not thank the gentleman from Illinois, Chairman PORTER, and his staff for their efforts, also the gentleman from Wisconsin, Mr. OBEY, and his staff for their efforts on this, and the diligent work of the gentleman from Illinois, Mr. POSHARD, who worked with this to help make this amendment come about. Also the support of the gentleman from Ohio [Mr. CREMEANS], the gentleman from Kentucky [Mr. WHITFIELD], the gentleman from Illinois [Mr. WELLER], and the gentleman from Kentucky [Mr. ROGERS].

I again urge your support of a very important amendment.

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

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

Mr. PORTER. Mr. Chairman, we believe very strongly that the gentleman from Ohio [Mr. NEY] has targeted a very, very serious problem. Black lung is a pernicious disease. We support the amendment, commend him for his leadership and urge its adoption.

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

Mr. Chairman, on this side, let me say I have mixed feelings about the gentleman's amendment because I do agree with his effort to add funding for the Black Lung Clinic's Program. I am dubious about the fairness of taking the funding from the area the gentleman takes it from, but with the clear understanding that the source of this will have to be fixed and rearranged in conference, I, at this point, would have no objection to the gentleman's amendment and would accept it on this side.

Mr. POSHARD, Mr. Chairman, I rise today in very strong support of the Ney amendment. I represent a district in southeastern Illinois that once was home to a large and prosperous coal mining industry—one that employed thousands of miners and provided a strong economy for our region. Unfortunately, many of these miners, who have since lost their jobs, now suffer from black lung disease.

Withut a strong Black Lung Clinic Program, many of the coal miners in my district and across the Nation suffering from this disease will no longer have access to needed health care services. I am afraid that because of a weakened economy and high unemployment, many of the miners in my district will be forced to seek more costly services.

The fact is decreasing funding for the Black Lung Clinic Program will only increase the cost of health care for all Americans and the burden on Federal and State governments. Those currently seeking the services of black lung clinics do not want to be forced onto public aid and into welfare simply because they can no longer afford and have access to these services.

For these reasons, I urge my colleagues to support the Ney amendment to restore level funding to the Black Lung Clinic Program, and to be champions of cost-effective health care services in America.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. NEY].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL FACILITIES GUARANTEE AND LOAN FUND FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $7,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $140,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,153,376,000, of which $8,353,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, up to $48,400,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control.

Mr. OBEY. Mr. Chairman, I would ask the Chair whether or not it would be in order, if the gentleman from Illinois concurs, to ask unanimous consent to take out of order the Condit amendment and dispose of it. I understand that after a colloquy the gentleman has agreed to withdraw the amendment.

Mr. PORTER. Mr. Chairman, if the gentleman will yield, how much time will it take?

Mr. OBEY. I think less than 5 minutes.

Mr. PORTER. Mr. Chairman, we have no objection.

The CHAIRMAN. The Chair would respond to the gentleman that by unanimous consent that can certainly be done. Is the gentleman from Wisconsin asking unanimous consent?

Mr. OBEY. Mr. Chairman, I ask unanimous consent to take the Condit amendment out of order at this point.

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. CONDIT] is recognized for purposes of offering an amendment out of order.

AMENDMENT OFFERED BY MR. CONDIT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONDIT: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Refugee and entrant assistance'' is increased, and each other amount provided in this Act that is not required to be provided by a provision of law is reduced, by $487,000,000 and 0.9 percent, respectively.

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

Mr. CONDIT. Mr. Chairman, by the end of the fiscal year, nearly 150 Hmong refugees will be reunited with their families in the 18th Congressional District of California. It is morally right for us to allow these families to be reunified after decades of separation. However, it is morally imperative that the Federal Government assure the communities of the resettlement that their new residents will not place undue strain on already scarce local resources. Unfortunately in the past, this commitment has never been fully met.

The underlying law, which establishes cash and medical assistance to refugees, provides such assistance to continue for 36 months. The appropriations bill before us today provides assistance for only 8 months. For many refugees unfamiliar with life in the United States, 8 months of assistance is simply not enough. The 8 months ends, but the need remains for much longer. Invariably, it is the State and local communities which are left to fill the void. This is unacceptable.

The amendment which I offer today would increase refugee cash and medical assistance levels to the point at which they would reach their 36-month threshold authorized in law. In reality, the need is much greater, even than that, even than my amendment today, Mr. Chairman, proposes. Many refugees require aid as long as they live here. The number in my amendments are the best estimates of those who administer th program based on the broad numbers assumptions, but the fact is clear, the money in the appropriation bill on the floor today does not even begin to cover the cost of the refugees and assimilate the refugees into their new communities.

The burden they are placing on social services is breaking the back of communities like my home community of Merced County. In Merced County, CA, in my district, the unemployment rate is over 20 percent, and almost half of the population is in some sort of public assistance program. Clearly, communities such as Merced need to be compensated, and this needs to be thoroughly thought out, and they need help under these very difficult circumstances in assimilating additional refugees into the community.

We must begin to increase our sensitivity to this issue. Granted, many of these problems transcend finances. It is undisputed that structural changes are necessary in the way we resettle refugees, and I have been working with the gentleman from Wisconsin [Mr. OBEY] and the chairman of the committee on legislation to achieve this much-needed change. But in the meantime, the issue of money is not trivial. It is extremely important.

I am pleased that this year the office of refugee resettlement received a comparably generous level of funding in this lean budgetary time. Yet the amount is still pale in comparison to what local communities need and to the funding level originally intended by Congress. I am hopeful that the committee in the future will impart the greatness, at least discuss the importance of the Federal responsibility in this area, and would ask the chairman and the ranking member if they would just for a moment engage me in a colloquy on this matter.

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

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

Mr. PORTER. Mr. Chairman, I am pleased to engage my colleague from California in a colloquy. I understand that this is an issue of Federal accountability, and I share the gentleman's concern for local areas strapped by the demands of refugee resettlement. While there may be more to be done, I believe that the increase in funding for the office of refugee settlement over the administration's request represents our real commitment to these programs.

However, I would be pleased to work with the gentleman in the future to assure that this issue continues to receive the committee's full attention. I will be happy to work with the gentleman from California [Mr. CONDIT] and the gentleman from Wisconsin [Mr. OBEY] during the conference on this matter.

Mr. CONDIT. Reclaiming my timing, I thank the gentleman from Illinois for entering into this colloquy. I also want to thank the chairman for all his hard work on this legislation. I realize the difficult balancing act which it represents, and so I greatly appreciate the gentleman's effort to protect the current funding for refugee assistance. It also goes without saying any additional funding which may emerge in conference with the Senate would be most helpful.

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

Mr. CONDIT. I yield to the gentleman from Wisconsin. I commend him for his successful effort in assuring a more substantive level of funding for refugees and his assistance in the bill which is before us today.

Mr. OBEY. Mr. Chairman, I thank the gentleman for helping us to raise this issue because it is important for Members to understand what is happening. I happen to share the problem that the gentleman has in his district.

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

(On request of Mr. OBEY, and by unanimous consent, Mr. CONDIT was allowed to proceed for 3 additional minutes.)

Mr. CONDIT. I yield to the gentleman from Wisconsin.

Mr. OBEY. The gentleman referred to Hmong refugees. For those people who do not understand who they are, during the Vietnam war, the Hmong did our CIA's dirty work in Laos. They took a lot of guff. They suffered a lot of casualties. When the war effort collapsed, a lot of them came to this country. More are now coming. If we did not want to incur more obligation to the Hmong, then we should not have asked for their help undercover during the Vietnam war. It is just that simple.

They performed a service for this country and that is the reason that they are now here, because their country has collapsed. The problem, however, is that when the Federal Government made a foreign policy decision to allow them into this country, it did not follow up that decision with the provision to deliver adequate support to the local districts so that education costs, welfare costs, and other costs would not have to be borne by local taxpayers who never made that foreign policy decision.

That is why, during the immigration bill, I tried to offer an amendment which would correct the problem, because I think that there is a bigger problem than just the absence of money. I think the current system is broken. The problem is that refugees are abandoned at the doorstep of the local welfare office. This condemns those refugees to the welfare treadmill and it condemns local communities to having to pay large amounts of their support.

Mr. Chairman, that is why I tried on the immigration bill last year to require private voluntary organizations to actually assume their obligations and become true sponsors of refugees through an intensive case management approach of job skills and that our proposal would have barred able-bodied refugees from any cash assistance during their first year in the United States.

This approach was tried on a pilot basis by Catholic Charities in Chicago and San Diego. They reduced welfare levels to a very low level. It was also tried by the Cuban American National Foundation in Florida. Both the Bush administration and the Clinton administration tried to adopt this approach but they were prevented in court from doing so, and I am extremely unhappy that the Committee on Rules prevented us from attacking this problem on the immigration bill.

But I want to assure the gentleman that my interest remains and I know the gentleman has already joined in sponsoring that legislation with me. But I would invite other Members who are aware of the problem to join us, as well, because it is a serious problem. Local taxpayers should not be left holding the bag for a foreign policy decision, and I congratulate the gentleman for helping us to once again bring this to the attention of the House

and look forwarding to the opportunity to work with him.

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

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

Mr. CONDIT. Mr. Chairman, I simply want to thank the chairman, Mr. PORTER, and the ranking member, Mr. OBEY, for their willingness to discuss this matter. This is an important matter to, I think, a lot of people in my district, as well as the district of the gentleman from Wisconsin [Mr. OBEY], and probably other people throughout the country.

We are not opposed to the people coming to our district, I want to underline that. We are not opposed to that. We just simply think it is unfair to bring them there and not give them the wherewithal to assimilate them into the community. It is unfair to them. It is unfair to the citizens around them. It puts an undue burden on the social structure, social services in the community. We welcome them there, we want them there, but we want them to be able to be constructive, important components of the community.

So with that, I want to thank the chairman and I want to thank the ranking member, and I look forward to working with both of them.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $33,642,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,385,741,000.

AMENDMENT OFFERED BY MR. GOODLING

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLING: Under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—NATIONAL INSTITUTES OF HEALTH''—

(1) in the item relating to ''NATIONAL CANCER INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $48,902,000)'';

(2) in the item relating to ''NATIONAL HEART, LUNG, AND BLOOD INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $29,581,000)'';

(3) in the item relating to ''NATIONAL INSTITUTE OF DENTAL RESEARCH'', after the dollar amount, insert the following: ''(reduced by $4,499,000)'';

(4) in the item relating to ''NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES'', after the dollar amount, insert the following: ''(reduced by $17,270,000)'';

(5) in the item relating to ''NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE'', after the dollar amount, insert the following: ''(reduced by $15,826,000)'';

(6) in the item relating to ''NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES'', after the dollar amount, insert the following: ''(reduced by $31,124,000)'';

(7) in the item relating to ''NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES'', after the dollar amount, insert the following: ''(reduced by $20,175,000)'';

(8) in the item relating to ''NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT'', after the dollar amount, insert the following: ''(reduced by $13,293,000)'';

(9) in the item relating to ''NATIONAL EYE INSTITUTE'', after the dollar amount, insert the following: ''(reduced by $6,816,000)'';

(10) in the item relating to ''NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES'', after the dollar amount, insert the following: ''(reduced by $7,058,000)'';

(11) in the item relating to ''NATIONAL INSTITUTE OF AGING'', after the dollar amount, insert the following: ''(reduced by $10,947,000)'';

(12) in the item relating to ''NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES'', after the dollar amount, insert the following: ''(reduced by $5,319,000)'';

(13) in the item relating to ''NATIONAL INSTITUTE OF DEAFNESS AND OTHER COMMUNICATION DISORDERS'', after the dollar amount, insert the following: ''(reduced by $4,566,000)'';

(14) in the item relating to ''NATIONAL INSTITUTE OF NURSING RESEARCH'', after the dollar amount, insert the following: ''(reduced by $1,385,000)'';

(15) in the item relating to ''NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM'', after the dollar amount, insert the following: ''(reduced by $4,857,000)'';

(16) in the item relating to ''NATIONAL INSTITUTE ON DRUG ABUSE'', after the dollar amount, insert the following: ''(reduced by $10,377,000)'';

(17) in the item relating to ''NATIONAL INSTITUTE OF MENTAL HEALTH'', after the dollar amount, insert the following: ''(reduced by $14,462,000)'';

(18) in the item relating to ''NATIONAL CENTER FOR RESEARCH RESOURCES'', after the dollar amount, insert the following: ''(reduced by $9,311,000)'';

(19) in the item relating to ''NATIONAL CENTER FOR HUMAN GENOME RESEARCH'', after the dollar amount, insert the following: ''(reduced by $6,923,000)'';

(20) in the item relating to ''JOHN E. FOGARTY INTERNATIONAL CENTER'', after the dollar amount, insert the following: ''(reduced by $490,000)'';

(21) in the item relating to ''NATIONAL LIBRARY OF MEDICINE'', after the first dollar amount, insert the following: ''(reduced by $3,251,000)'';

(22) in the item relating to ''OFFICE OF THE DIRECTOR'', after the dollar amount, insert the following: ''(reduced by $5,450,000)''; and

(23) in the item relating to ''BUILDINGS AND FACILITIES'', after the first dollar amount, insert the following: ''(reduced by $19,118,000)''.

In the item relating to ''DEPARTMENT OF EDUCATION—SPECIAL EDUCATION'', after each of the two dollar amounts, insert the following: ''(increased by $291,000,000)''.

□ 1330

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that 10 minutes be allocated to the gentleman from Pennsylvania [Mr. GOODLING] and 10 minutes to myself.

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

There was no objection.

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

Mr. GOODLING. Mr. Chairman, to put it very bluntly, my amendment would increase the Federal appropriation for the Individuals with Disabilities Education Act [IDEA]. IDEA is the Federal law supporting our Nation's special education system. It was originally passed 21 years ago. It was supposed to be a partnership between the Federal Government, States, and local government, but that partnership has disintegrated. But before that I would say that last month we passed by voice vote a comprehensive reform of IDEA. In that bill the central partnership of IDEA remained unchanged. But let me tell my colleagues what the partnership was all about 21 years ago.

Twenty-one years ago this Congress said we have a partnership with State and local governments. We will tell you exactly what you will do, how you will do it, when you will do it; we will mandate everything, but as partners, we are going to give you 40 percent of the money for all of our mandates.

Anybody have any idea how much they got last year? Less than 7 percent; 21 years later our partnership has provided less than 7 percent of the 40 percent we promised.

We should have been promising 100 percent if we were going to mandate 100 percent. The greatest problem facing local school districts at the present time is this tremendously unfunded mandate from the Federal Government, IDEA. It costs almost 2.5 times more to educate an IDEA student than it does to educate any other student. And without Federal support, the only place the local districts have to get that money is to take it from the rest of the students because of a Federal mandate.

Now, for 20 years, as a minority member, I tried to get the then Democrat majority to live up to the obligation that we said we were going to carry out when we passed the legislation. In fact, in a bipartisan effort on the Committee on the Budget, the gentleman from Michigan, Congressman KILDEE, and I worked out a plan where we would get close to the 40 percent over a 5-year period simply by increasing by 5 percent per year. But look what has happened. We promised 40 percent and we should get there.

In fact, Mr. Perkins, when he was the chairman and when IDEA was originally on the floor in 1975, said,

Members should understand that while the legislation will place the Federal Government in a more active role of financing the education of handicapped children, it does so in gradual fashion and in a manner which can only be described as fiscally responsible.

Senator Randolph said,

This measure will provide for a gradually increasing Federal fiscal role for the education of handicapped children. . . . Beginning in fiscal year 1978 a new formula will target Federal monies for handicapped children by paying a specified percentage of the

average per pupil expenditure multiplied by the number of handicapped children receiving special education and related services in a State.

This percentage will increase gradually from 5 percent of the average per pupil expenditure in 1978 to 40 percent in 1982.

Not 1996; 1982. Our support is going down, folks. And what is happening to local school districts? The cost of special education has skyrocketed. It has skyrocketed for many reasons; first of all, a number of children are born to drug-addicted mothers. Second, it has skyrocketed because of expenses that local districts must pay defending themselves when they get into a conflict with a parent. And there are many other reasons.

But what happens all the time, and particularly from my side of the aisle, they will say, boy, the cost of education today is skyrocketing and yet education is not any better. Never does anyone say, however, that much of that escalated cost comes from Federal Government mandates, and this is the biggest one.

We do not mandate chapter 1; we do not mandate early childhood education programs; we do mandate IDEA, but we do not pay for it. The local district is caught having to pay for that.

So I merely ask that we take $291 million, not from NIH but from an increase for NIH. Under this bill, that increase is 6.8 percent. This amendment would make it only a 4.4-percent increase, which is a 10.5-percent increase over the last 2 years.

Let me point out, by the time this bill is finished in conference, no matter how much we may decrease NIH at this particular time, I guarantee Members that it will be more than the 6.8 percent that the House has in the bill now. And how can I say that? Because just last week I was with the senior citizen from Pennsylvania. Excuse me, I am the senior citizen from Pennsylvania; he is the senior Senator from Pennsylvania. As we traveled through a disaster area in Gettysburg, he said, ''GOODLING, you can tell PORTER that I already told NIH that there is no way PORTER can outbid me, that I will make sure they get more from me than he can possibly promise them.''

It was suggested to me that this can be taken care of in conference, and we can get this measly 1 percent increase. Take $291 million from a $283 billion appropriations bill? Well, I would like to believe that we could get that, but we went through this last year, and I assumed that we would get an increase last year. Now, the negotiations were taken out of the hands of the people that normally negotiate, but in the end, we did not get a penny, not one penny.

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

Mr. GOODLING. I would be happy to yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I encourage my colleagues on both sides, and particularly on this side, to heed the wisdom of the gentleman from Pennsylvania, the chairman of the committee, and I would ask my colleagues this: Have you not heard from your school districts, your school boards, and your local mill levy taxpayers about the cost of your schools? Well, the gentleman in the well, the gentleman from Pennsylvania, is taking a fairly good step to try to solve that problem of local school costs.

One of the reasons, as the gentleman has noted, that local school costs are climbing like they are is because the Federal share, the promised, guaranteed but reneged on Federal share of educating America's disabled students is on the decrease. The gentleman is trying to stop that hemorrhage, and I urge my colleagues on behalf of their local taxpayers to support the gentleman's amendment.

Mr. GOODLING. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Let me again indicate that contrary to what a lady from Hanover, in my district, called this morning to say, I am not taking money from her sick family.

How could anything be more wrong than a statement like that? I am trying to get a little bit of the increase to NIH moved to IDEA. I cannot emphasize enough how much we mandated everything in that law. We promised them 40 percent. Last year they got somewhere between 6 and 7 percent, and this year they do not get a penny more.

So I would encourage all to keep in mind that we made a great promise 21 years ago. We called it a partnership, but the partnership turned out to be ''we will dictate from Washington everything you will do, and you will pay for it, because we said you will pay for it.''

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

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, I rise today to oppose the amendment from the gentleman from Pennsylvania, and I do that reluctantly because first of all, I have a great respect for him, I served on the committee for 2 years with him, and also because I agree with most of what he said concerning the IDEA program and the problems about mandates.

My opposition to it is not about the IDEA program or the question of mandates; my opposition is the cuts in NIH funding. The National Institutes of Health is really one of the crown jewels of the Federal Government, something we can all be proud of. This is the area where dozens and dozens of Nobel Prize winners come out of.

The National Institutes of Health is where the National Cancer Institute is located, the National Heart, Lung and Blood Institute. This is where AIDS research is done.

Now, it is not all done at the National Institutes of Health; 78 percent of the money for the National Institutes of Health is given in extramural grants to universities and research centers all over the United States. In fact, over 1,700 institutions in the United States receive grants from the NIH. Some 78 percent of the money goes all over the United States, and that is what is funding AIDS research, heart disease research, cancer research.

We have to make such touch choices when we are on Appropriations and Budget, and really this gives a great illustration of the touch choices we are faced with. I am a very strong believer in basic biomedical research, and we have to continue to provide that kind of support.

I urge my colleagues, we have made the choices, we have made the decision, let me see if we can find more money from the IDEA program, but let us not cut the National Institutes of Health. I urge opposition to the amendment.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full committee and the subcommittee.

Mr. OBEY. Mr. Chairman, I cannot disagree with a single word uttered by the distinguished chairman of the Education and Labor Committee, or whatever the new title is now. The gentleman from Pennsylvania [Mr. GOODLING] has had a long commitment to education for the handicapped, and I respect it and I share it.

I would simply say that the problem with the amendment is not where he wants to put the money; it is what has to be cut in order to fund it. The basic problem we have is that this problem cannot be fixed under the allocation process given to us by the Speaker and by the leadership of the Republican Party in the House.

Any time that this House decides it is going to add $11 billion above the President's request for the Pentagon, then we have to expect that that money is going to come out of somewhere. And that means that we have less available to put in this bill, less available to put in housing, less available to put in environmental protection.

That is the nub of the problem. That is why on this side of the aisle we fiercely oppose the allocation that led this subcommittee into this hole. At this point Mr. GOODLING has no choice but to try to find a source within this bill to fund this amendment, and the problem is the source he has selected means that we would reduce the number of competing research grants at NIH by 282 new researchers, we would slow research development from the committee bill for Alzheimer's disease, for developmental diagnostics of breast and prostate cancer, cancer genetic studies, et cetera, et cetera.

I do not think Members want to do that. I do not think Members want to vote against the Goodling amendment either. So what I would suggest be done, Mr. Chairman, is that for every

Member in this House, no matter which party they belong to, who would like to do what the gentleman from Pennsylvania is asking that we do, I would suggest that you go to your leadership, explain that the allocation process which they have supported has shortsheeted this committee and that this subcommittee needs more resources, and we ought not be increasing the Pentagon budget by $11 billion in the process.

□ 1345

These decisions are not the fault of the gentleman from Illinois [Mr. PORTER]; they are the fault of the allocation process which in my view has been severely warped, which causes all of the reductions that lead us to oppose this bill in general.

Mr. PORTER. Mr. Chairman, could the Chair advise us about the allocation of the remaining time?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 6 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 1 minute remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], the chair of the Biomedical Research Caucus.

Mr. GEKAS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, just as the other Members have expressed the pain that they are sustaining at having to disagree with the gentleman from Pennsylvania [Mr. GOODLING], my colleague, I must say that it is doubly painful for me because we are neighbors in spirit, neighbors in geography, neighbors in congressional districts, and I believe until now good friends. We will see, following this presentation of mine, whether we remain, but I think we will be on equanimity when I terminate.

Mr. Chairman, the biomedical research that is conducted by the National Institutes of Health has for years shown a steady progress in the prevention of disease and fight against disease. That goes without saying.

The programs that the gentleman from Pennsylvania wants to support also show the necessity for this society to do something about a special problem, namely with special education.

The problem that we had in determining how to vote on this bill is, which is an orange, which is an apple, which one will we put in our own fruit basket?

For now it seems that we have to stick with the NIH, the orange of this combination, because in the long run it also helps disabled students. The NIH, if it completes its work, and, of course, it will never complete its work, will some day bring us a startling discovery that will prevent a whole generation perhaps of disabled students, the very students which the gentleman from Pennsylvania wants to help by transferring this fund.

We have made a commitment to NIH because it is a national problem of discipline in the research and bringing about of remedies for disease. The disabled children will be helped by that.

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

Mr. Chairman, let me say that I have the utmost respect for the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the authorizing committee. We work well together. We have attempted to reflect his priorities in our appropriations, and have done the very best that we can with limited resources to do that.

Mr. Chairman, the gentleman correctly puts his finger on an area of funding that is a very high priority for our country. Special education for handicapped children certainly is very high on our priority list, and he correctly points out that it is an unfunded mandate that the Federal Government promised to meet and has fallen far short of meeting.

I might say to the gentleman, however, that the bill, this bill alone, this one bill, provides about $10 billion of assistance to children with disabilities. It is provided in different ways, not just through the education system, but through Medicaid and through SSI, where kids are helped. That, of course, does not help the budgets of the school districts involved, I realize. But it is not as if this country and this Congress and this side of the aisle is not making a very strong commitment to kids with disabilities. We are.

I might repeat a point that the gentleman from Pennsylvania [Mr. GEKAS] just made, and I want to make it more forcefully even than he did. That is, if we can invest money in biomedical research, we can over time prevent the very disabilities that end up with kids having to have special education in our schools.

So it is the primary investment that I want to support, to make certain that we do not have a growing population of kids with disabilities but a reducing population, and hopefully at some point in time, absolutely none; every kid able to be in school without special education funding and the need for special education treatment.

HIH is a priority for our country. NIH is perhaps the best money we spend. The entire cost of biomedical research has been saved in America by one discovery. All the costs of NIH through its entire history have been paid for through one discovery, and there have been tens of thousands of discoveries. It is a tremendously efficient investment for our country. We lead the world in biomedical research. We improve the lives of people not only in our country but everywhere on earth through the discoveries made. There are tough choices to be made.

Mr. Chairman, I will tell the gentleman from Pennsylvania in closing that I will do everything possible in conference and in negotiations with the White House, if I am permitted to be a part of those negotiations, to bring up funding for this very high priority. Special education for disabled kids is a priority for our country, and I think the gentleman puts his finger upon a problem that we must address and correct.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time, and I thank him for the leadership that he has shown for biomedical research.

Mr. Chairman, the National Institutes of Health, as has been stated by my colleagues, has done phenomenal work in terms of seeking remedies through research, from the time a child is born through the elderly, with women's health. This is now the midpoint in the decade of the brain. Some incredible research has yielded some fantastic results which it comes to juvenile diabetes, Alzheimer's, coming to grips with some of the major problems we have had.

We know that the work that is being done, as one small example, that if we arrest Alzheimer's for 5 years we save $40 billion. This is the kind of research, as has been stated, that is going to allow these young people who have taken advantage of the IDEA Act to find that they have the cures.

So, Mr. Chairman, IDEA is a very good program. We can work it out in conference. It has been funded as it was last year. Let us keep this money in NIH. It will make a difference in health care.

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

Mr. Chairamn, in closing I want to say that, number one, I am not taking any money that NIH presently has. They will still have a 10.5 percent increase in this Congress. But all of our biomedical research is not going to do anything to stop the number of youngsters that will be coming into IDEA because of mothers and fathers who are drug addicted, and mothers who are smoking and drinking during pregnancy. All of those things are going to continue to bring more and more young people into IDEA.

IDEA is a mandate from the Federal Government, one of the few in this entire bill when you get beyond Medicaid and Medicare. Yet what do we do about it? We just give lip service. In fact, even worse than that, as the chart shows, we decrease the amount, not increase, the amount that we promised 21 years ago and just last month. We are down to less than 7 percent, and who knows where we will be by the time conference is over?

Mr. Chairman, I can only hope that the leadership that I pleaded with for 6 months to do something about this issue will do something for someone who plays on the team, rather than what I see in this bill, with all sorts of increases for those who give the leadership fits on many issues. Maybe that is the way Members get something around here, and if that is the way it

is, I will have to change my sweet disposition and become a miserable cuss.

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

The amendment was rejected.

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

Mr. Chairman, first I would like to compliment the gentleman from Illinois [Mr. PORTER] for his excellent leadership in developing a very good bill under very difficult circumstances. The subcommittee faced a very restricted 602(b) which made difficult choices necessary.

I want to compliment the gentleman particularly for providing important increases for the National Institutes of Health. These increases total $819.6 million over last year and $340.9 million over the President's request.

But, as the chairman knows, liver disease affects 25 million people and there has been a recent 11 percent surge in the number of people affected by hepatitis C. Dr. Tony Fauci recently talked about the need for ''a strong commitment to basic and clinical research'' to address new emerging and reemerging infectious diseases. Dr. Fauci specifically mentioned liver disease due to the hepatitis C virus as one of those emerging diseases.

Does the gentleman from Illinois agree with me that liver disease due to hepatitis C virus is a very serious public health problem to which the National Institutes of Health should give priority?

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

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

Mr. PORTER. Mr. Chairman, I certainly agree, and would encourage NIH to sue all of the mechanisms at its disposal to create a balanced interdisciplinary program of basic, applied, and clinical research to learn more about the ways to treat, cure, and prevent hepatitis C.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman for his response.

My second question relates to the Centers for Disease Control and Prevention. I understand from the private organizations which are trying to respond to the public's need for information about liver disease that they have experienced a fourfold increase in public inquiries about liver disease from patients, family members and physicians. Does the gentleman believe that the CDC has a role to play in meeting this public demand for information on liver disease?

Mr. PORTER. Mr. Chairman, if the gentleman will continue to yield, yes, I certainly believe it is within the mission of the Centers for Disease Control and Prevention to inform the public about this serious risk, and the prevention and treatment of infectious diseases such as hepatitis. I would encourage the agency to work collaboratively with national voluntary health organizations, which include professional societies and community-based patient groups, to help meet this need.

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from Illinois for his response. I feel strongly that the CDC should actively pursue a public information campaign to meet the rapid growth in public inquiries about liver disease.

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

Mr. Chairman, I rise to engage the gentleman from Illinois [Mr. PORTER] in a colloquy regarding traumatic brain injury. As the gentleman is aware, I have been working for 3 years for enactment of a comprehensive bill to address the needs of those affected with traumatic brain injury.

H.R. 248, of course, the Traumatic Brain Injury Act, passed the House earlier this week and is expected to pass the Senate before the week is out. We believe it will be this evening. The bill authorizes a number of activities that are essential to those with serious brain injuries: Prevention projects, enhanced NIH research, demonstration projects to improve access to health services, and epidemiological data collection.

We had hoped this bill would be signed into law by the time the House considered the Labor-HHS appropriation so that we could take the next step to fund these important new activities. I realize that that will not be possible under the rules of the House, but I would ask the chairman if he would consider supporting these activities in later action on the bill once they are authorized.

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

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

Mr. PORTER. Mr. Chairman, I am pleased to respond to the gentleman from Pennsylvania, and want to applaud his diligent efforts to enact legislation to address this important health problem.

As you point out, we cannot fund programs that have not yet been authorized, but if H.R. 248 is enacted in a timely way, it is my hope that the Senate and eventually the conferees will support its activities.

□ 1400

I am sure my colleagues on the committee recognize how devastating traumatic brain injury is to our country and its citizens, and we will do everything to be of help in this regard.

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

The CHAIRMAN pro tempore (Mr. EVERETT). The Clerk will read.

The Clerk read as follows:

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,438,265,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $195,596,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $819,224,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $725,478,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,256,149,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,003,722,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $631,989,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $333,131,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $308,258,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $484,375,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $257,637,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $189,243,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $59,715,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $212,079,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $487,341,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $701,247,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $416,523,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support

grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $37,000,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $189,267,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $26,707,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $150,093,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 1997, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $275,423,000: *Provided*, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $200,000,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,849,235,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $90,469,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $34,700,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $75,056,618,000, to remain available until expended.

For making, after May 31, 1997, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1997 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1998, $27,988,993,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $60,079,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, title XIII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,733,125,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to and available for carrying out the purposes of this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1997, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,301,000,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV-A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1998, $4,700,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $900,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $412,076,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–333 for fiscal year 1995 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1996 and 1997.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $950,000,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year: *Provided*, That $13,000,000 shall become available for obligation on October 1, 1996.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,480,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1997 shall be $2,480,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary

administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,854,036,000, of which $531,941,000 shall be for making payments under the Community Services Block Grant Act: *Provided,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $27,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $240,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,445,031,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1998, $1,111,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $810,545,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $148,999,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $11,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $29,399,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,066,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act.

SEC. 205. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1997, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 209. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 210. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided,* That the Congress is promptly notified of the transfer.

SEC. 211. None of the funds made available in this Act may be used by the National Institutes of Health to provide grants or cooperative agreements under the SBIR program under section 9(f) of Public Law 85–536 for research proposals when it is made known to the Federal official having authority to obligate or expend such funds that (in the process of technical and scientific peer review under section 492 of the Public Health Service Act) the median of the evaluation scores for the proposals in the review cycle involved is higher than the median of the evaluation scores in such review cycle for RO1 proposals.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Beginning on page 43, strike line 23 and all that follows through page 44, line 7.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 20 minutes, with the time divided equally between myself and the gentleman from Massachusetts [Mr. KENNEDY].

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

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] and the gentleman from Massachusetts [Mr. KENNEDY] will each control 10 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I rise today to object to a particular provision that was contained in this bill. I think anyone that recognized that this is basically writing legislation in an appropriations bill would recognize very quickly that, if you look at the specifics that are contained in this provision, that there is a major change in U.S. law, which is for the first time going to be backing off the standard for the SBIR Program.

People in the Chamber and listening on C–SPAN ought to understand that the SBIR Program is one of the most innovative and creative and successful programs that has been created in the Government of the United States. It sets aside just about 2 or 2.5 percent of all the funding that goes into every funding bill that comes through the Congress of the United States and makes certain that there is a small business component to how our funding is set.

I have fought very, very strongly and successfully to increase NIH funding. In this legislation, there is a funding increase of over 6.5 percent. Yet what we find is hidden in the appropriations

language a very devious and, I think, harmful piece of wording which essentially limits the small business component from what should be 2.5 percent of total funding down to 2 percent of total funding.

Now, there are those within NIH that would say that small businesses have not been able to come up with the kind of quality applications for funding that have been provided by universities. Universities receive 98 percent of the funding that comes out of NIH.

The truth of the matter is universities do something very, very well. They do basic research very, very well. The kind of research that we see in the SBIR Program is not basic research. It is applied research. It is specifically designed to create jobs for the people of our country and to create a competitive environment for the people of our country so that we can actually take the basic research which our universities and others do and use it to actually create real wealth for the American people.

Now, what is bizarre is that we use the standards for basic research to determine whether or not the applications that come in under the applied research portion of the bill which goes into the small business component as the standard for determining whether or not the small businesses are meeting the quality criteria that is required of the universities.

If we simply assessed what, in fact, was basic research versus that, in fact, was applied research, there would be more than enough quality applications submitted under the SBIR Program to attain the 2.5 percent level which was part of this bill and a part of this legislation before there was language submitted into the legislation which has been protected under the rule which no longer allows us to knock out the provisions that essentially provide authorization within an appropriations bill.

I wish we could knock this out on a point of order. The truth of the matter is that what we really see here is a devious and, I think, unfair attempt by the major universities and academic institutions of the country to come in and knock out just a 2.5 percent setaside for the small businesses of this country.

We fund, as I said, 97.5 percent. Today 98 percent of all the money that comes into NIH, which we have fought very hard to increase when every other account of the Government goes down, we have actually increased the NIH funding by 6.5 percent. But that is not good enough. My district, in Cambridge and all the rest of it up in Massachusetts, receives more money from NIH perhaps than any other district in the country, a fact which I am very proud of. But I am not proud of the fact that those same universities are going out through the back door of cutting and gutting the provisions that set aside funds for the SBIR Program.

I would hope that the Congress of the United States would take action today; if we are not successful today, that we will take action between now and the time that we actually mark up where we go to conference to make certain that the full assessment is done to determine whether or not it is in fact fair, justified or even good public policy to have the small business standard assessed by virtue of the academic standards that are met for basic research by the universities.

I would ask my friend, the chairman of the committee, the gentleman from Illinois [Mr. PORTER], if he would entertain a colloquy with me over the idea of perhaps meeting with those various interests, including people from NIH, from GAO, from the National Science Foundation, as well as those people in the biotech industry and people in the small businesses of this country and determine whether or not we in fact have achieved the best public policy by virtue of the legislation that was contained in today's action on the House floor.

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

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say to the gentleman that our concern with the SBIRs is not that there is a set-a-side for biomedical research. That is fine. Our concern is with the quality of research that is offered.

I think there are some very, very legitimate unresolved questions as to how you evaluate that quality. I think the gentleman has put his finger on an issue that has to be resolved in some sensible and good way. I would say that his suggestion that we bring together all of the concerned parties, including NIH itself, and sit down and work through this, I think people of good will can resolve this very easily. I would definitely support the gentleman in that conference and be willing to sit in on it and see if we cannot work this out. I am sure that we can.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman, who is perhaps one of the reasonable and, I think, an individual who has pursued, ever since I have served with him in the Congress, nothing but good public policy in all of the actions that he has taken, and it is a pleasure to serve with the gentleman from Illinois [Mr. PORTER]. And having said that, I think it is unfortunate that we in this legislation actually knock down what should have been a 2.5-percent funding level to a 2-percent funding level.

I think that if the review would indicate that there is not, in fact, good quality research that is coming in by the small businesses, then obviously we do not want to be funding it. But I think that it is unfortunate that we took action to actually knock down the funding level for the small businesses before the full assessment in terms of the basic research versus applied research differentials were taken into account.

But I think that if the gentleman is willing to try to take into account those differences at a meeting between now and the time we get to the conference, I would be happy to withdraw my amendment and look forward to meeting with the gentleman unless—I know that there were some other speakers, but they probably do not know we are even doing this.

So I would be happy to withdraw with that proviso that we do, in fact, have that meeting.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is withdrawn.

The Clerk will read.

The Clerk read as follows:

SEC. 212. EXTENSION OF MORATORIUM.—Section 6408(a)(3) of the Omnibus Budget Reconciliation Act of 1989, as amended by section 13642 of the Omnibus Budget Reconciliation Act of 1993, is amended by striking ''December 31, 1995'' and inserting ''December 31, 2000, or the first day of the first quarter on which the Medigrant plan for the State of Michigan is effective under title XIX of such Act.''.

SEC. 213. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to entering into a contract in accordance with subsection (c), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that (as of the date of the enactment of this Act) constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the conveyance specifies that, if the State of Louisiana engages in a material breach of the contract under subsection (c), title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c) The transfer described in subsection (b) may be made only if, before the transfer is made, the Secretary and the State enter into a contract whose provisions are in accordance with the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b) (referred to in this subsection as the ''transferred property'') will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve, and consistent with the memorandum of understanding signed June 11, 1996 by the Chancellors of Louisiana State University and Southern University.

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

Mr. Chairman, I ask my colleague from Illinois [Mr. PORTER] if he would please engage me in a brief colloquy.

I also want to thank the gentleman from Illinois for his tremendous leadership in crafting this bill. I am most grateful for the gentleman's continued strong support for medical research.

Two weeks ago, I introduced a bipartisan bill that would authorize expenditures for research into an extremely rare and deadly disease known as lymphangioleiomyomatosis, or ''LAM.'' LAM is especially cruel because it strikes only women, most of whom are of childbearing age. LAM victims develop painful cysts on their lungs and gradually lose their capacity to breathe. Because doctors know so little about LAM, they often misdiagnose it. Tragically, LAM patients die within 10 short years of their diagnosis. The intent of the LAM Disease Research Act is to build upon the excellent work undertaken by the National Heart, Lung, and Blood Institute; work encouraged by the gentleman and his subcommittee in its fiscal year 1996 report.

Were the rules different, I would have offered the LAM Disease Research Act as an amendment to the Labor-HHS appropriation. I understand, however, that such an amendment would be subject to a point of order. Therefore, I cannot offer my amendment.

It is my understanding, however, Mr. Chairman, that money appropriated under this bill may be used by the National Heart, Lung, and Blood Institute to study LAM and work toward a cure. I ask the gentleman if I am correct in that understanding, and I know that he joins me in being greatly concerned about the deadly LAM disease.

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

Mr. CHABOT. Yes, Mr. Chairman, I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman for his remarks. I might say to the gentleman that testimony was given before our subcommittee on this very deadly disease. I did manage to pronounce its name, as the gentleman from Ohio [Mr. CHABOT] did so successfully a moment ago. I am not going to try it again.

But let me say that he is correct that under this bill the money may be spent to research LAM along with other deadly diseases. In fact the Heart, Lung and Blood Institute has begun research into LAM, and I fully expect that effort to go forward.

Mr. CHABOT. I thank the gentleman from Illinois. I want to commend him for his efforts in this area. I and many, many people afflicted with this disease really do appreciate his efforts.

Mr. SOUDER. Mr. Chairman, I ask unanimous consent that I be allowed to offer my amendment. I missed by a few minutes the earlier time and would like to offer the amendment at this time.

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

Mr. PORTER. Reserving the right to object, Mr. Chairman, I would like to say to the gentleman from Indiana [Mr. SOUDER] under my reservation that we have so many amendments offered to the bill, that since he was not here at the time this portion of the bill was read I find great difficulty in going back now to pick up these amendments.

I think the gentleman perhaps, from Wisconsin, would also object to this, and while we would like to accommodate the gentleman from Indiana and would have accommodated him had he been here, I do not know that we can do it with so many amendments pending. I think we are going to have objection on the other side as well.

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

Mr. PORTER. I would object, yes, Mr. Chairman.

The CHAIRMAN. Objection is heard.

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

The CHAIRMAN. Does the gentleman from Wisconsin ask unanimous consent to return to that portion of the bill?

Mr. GUNDERSON. If necessary, Mr. Chairman. I thought we were on that portion of the bill.

The CHAIRMAN. The gentleman's amendment goes to a section of the bill that we have already passed in reading by paragraph, so the gentleman would have to ask unanimous consent in order to take up the amendment at this time.

Does the gentleman from Wisconsin [Mr. GUNDERSON] ask unanimous consent?

Mr. GUNDERSON. I do. I ask unanimous consent to offer my amendment.

Mr. PORTER. Mr. Chairman, reserving the right to object, I would say to the gentleman again it is the same problem, but I understand that the gentleman intends merely to make comments and then withdraw this amendment.

Mr. GUNDERSON. That is correct.

Mr. PORTER. On that condition, I would not object if he simply wants to strike the last word and present his arguments.

Mr. GUNDERSON. Mr. Chairman, I withdraw my unanimous-consent request and move to strike the last word.

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

Mr. GUNDERSON. Mr. Chairman, it was our intent on behalf of the Rural Health Care Caucus, and I apologize for the confusion on timing here to offer an amendment which would do two things. The amendment would increase spending for rural outreach grants and for rural transition grants by $10 million each. It was our intent personally, not by everybody, but at least by this Member, that we would take that money out of the $2.4 billion available for the social services block grant.

Why do I say that? I say that because if my colleagues will look at the committee report, the committee report intended that these programs would be funded out of that social services block grant.

Now, the reality is, in all due respect, that our rural counties do not get that much money under the social services block grant, that that money is truly available in this area.

Second, I think it absolutely essential that we understand the importance of these two particular programs, that perhaps all of the rural programs, these are the two programs most essential in guaranteeing access to health care in rural areas. The transition grants are the basis by which we make changes in rural hospitals in order to keep those health care access facilities alive, and they have been a very key program.

Yes, they should be changed from a demonstration project to a permanent project or permanent program, but what we have done on behalf of the Rural Health Care Caucus is we have introduced legislation that will consolidate these various programs into a rural health care program. Unfortunately, that was originally a part of the balanced budget reconciliation for last year. As my colleagues all know, that bill was vetoed by the President, through no fault of us, and so that has not been accomplished.

We have in the last week, on a bipartisan basis, introduced a Comprehensive Rural Health Care Improvement Act that includes these changes. It is our intent to get this done, if at all possible, before the appropriation process is complete, and at that point we would hope that we can then get the necessary funding for these programs.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS], my colleague and leader from the Committee on Agriculture.

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

The distinguished gentleman from Wisconsin is the cochairman of the Rural Health Care Coalition. I had the privilege only a session ago, and I was going to rise in support of his amendment; I do, and it simply has been described by the gentleman very well.

The problem is this bill includes only $4 billion for the rural health outreach grants. This is $27.3 million below the level of last year. As the gentleman has indicated, in the committee report we were supposed to get the full funding. This funding will provide support only for the continuation of grants that were funded before this year. As to the transition grants, and as the gentleman has indicated, both of these programs are vital to the rural health care delivery system, this bill simply zeros out all of the transition grant funding.

Now, what the gentleman was trying to do and what I certainly was going to support him doing is that we are increasing the social services block grant $99 million. We were simply going to ask for an additional $20 million of restoring that funding that would be under last year's level.

And so I guess I would ask the distinguished chairman of the full committee whether or not it is his intent when we go to conference, since I think, obviously, he is going to object when we offer this amendment, but could I have the assurance of the distinguished gentleman and the chairman, who I know has worked very hard, so that at least in conference we could restore these funds and we could restore a vital part of the rural health care delivery system?

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

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

Mr. PORTER. Let me explain what my feelings are about the program the way it is written. We talked, if I can say to the gentleman from Kansas and the gentleman from Wisconsin, earlier we talked about a program called Healthy Start, a demonstration program started under President Bush by Secretary Louis Sullivan at HHS, a very, very good program. I said in respect to this program and in respect to the State students incentive grants program, one that the President himself zeroed out in this budget and that we zeroed out and have steadfastly maintained it ought to be zeroed out, these are programs that have never been specifically authorized. They have operated under a demonstration authority just like this one has, the rural outreach grants, since fiscal year 1991, and in respect to rural outreach the current cycle of grants will end for the most part in fiscal year 1996.

The bill's funding level of $4 million would permit the few remaining grantees to continue operating through fiscal year 1997. But after $146 million of total funding this demonstration should be evaluated, the lessons learned from it and the resources provided, incorporated into existing programs that provide similar services or new legislation should be written to reflect that, and one of the great difficulties we have in Congress is that we start a demonstration project. SSIG is a prime example; 24 years of demonstration, and we kept funding it year after year after year.

And so I would say to the gentleman I would try to do my best to work out his concerns because I think there is undoubtedly a lot to be learned and a lot of good derived from this program, but if the gentleman, both from Kansas and from Wisconsin, and he is on the authorizing committee, if we could get this thing moved into legislation that applies broadly and not continue with those demonstrations year after year after year, we would make a lot of progress in getting our budget under control.

The CHAIRMAN. The time of the gentleman from Wisconsin [GUNDERSON] has expired.

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

□ 1430

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

Mr. GUNDERSON. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, as the gentleman from Wisconsin has indicated, we are striving to do just that in regard to authorizing language. We have a rural health care bill that is supported in a bipartisan effort on behalf of the Rural Health Care Coalition; 146 Members now support this effort, so we can get the authorizing language.

What I want to demonstrate to the distinguished chairman of the subcommittee is this. Last year, 309 hospitals all throughout our rural areas have applied for these grants. Sixty-five new grants were awarded. With the funding we have for these programs now, that is going to end. When we have Medicare reimbursement problems, when we have miles to go in regards to servicing our area, when we have major health care reform and managed care reform, this is the way we are going to transition.

These are good programs. We need the funding if we possibly can. We simply ask for $20 million, when it was cut by $26 million. It is very evident to me that with 309 hospitals applying for these grants almost on an emergency basis, I have small communities in my district who have no primary health care, a community of 8,000, which, with a grant, then had the primary care for 3,000 of these residents. We will simply have no health care in many, many areas.

So I would plead with the chairman that once we do our job in regard to the Rural Health Care Coalition, we can have at least adequate funding under the severe budget restrictions that we have. I thank the chairman for listening.

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

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

Mr. PORTER. If the gentleman would further yield, nothing would make me happier to see that by the time we go to conference on this bill we have authorizing legislation and we can fund that directly.

Mr. GUNDERSON. We are working toward that goal. I appreciate the support of both gentlemen.

Ms. WATERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise to engage the chairman of the subcommittee in a colloquy.

Mr. Chairman, first, I would like to thank the gentleman for his leadership in increasing NIH by over $800 million and the National Heart, Lung, and Blood Institute by some $83 million.

I rise to have this colloquy with the chairman of the subcommittee because I am very concerned about problems of women as it relates to cardiovascular diseases. It is not well understood or known, but heart disease is the No. 1 killer of women. However, women are not represented in research. For many years women and minorities were either absent or underrepresented in clinical trials. Most of the treatment and equipment are based on studies that have been limited basically to men.

Unfortunately, and surprisingly, many of the doctors in this country remain unaware of women's more subtle symptoms, such as shortness of breath, dizziness, and arm pain. They do not recognize these as symptoms of cardiovascular disease, and oftentimes when women go in complaining of these symptoms they are mistreated, misdiagnosed, or not treated at all. Of the women who die suddenly from heart attack, 63 percent of them had no evidence of previous heart disease. They did not know, there had been no other signs. But the fact of the matter is they have these symptoms that are unrecognized by doctors. Four out of 5 women are not aware that heart disease is the leading killer of women in this country.

I know that oftentimes we hear a lot about cancer, we hear a lot about other diseases. Most people think that cancer may be the No. 1 killer of women, but Mr. Chairman, I want Members to know that heart disease is the leading killer of women in this country. One in 5 females has some form of cardiovascular disease. Half a million females die from cardiovascular diseases each year. This is almost double the number of deaths of all cancers combined.

Mr. Chairman, appreciating the work of the chairman of the subcommittee with NIH and the way that he has worked to fund them, and I know he understands these problems, as we continue with this year's appropriations process, I would like to know if we can work together to ensure that NIH, in particular the Heart, Lung, and Blood Institute, focus a fair portion of their increased budget resources on research, prevention, and education programs for women, and at-risk women, including African-American women.

Mr. PORTER. Mr. Chairman, will the gentlewomen yield?

Ms. WATERS. I yield to the gentleman from Illinois.

Mr. PORTER. We would be very happy to work with the gentlewoman in this regard, Mr. Chairman, I think she puts her finger on a very serious problem, and to work also with NIH to ensure that they move in that direction.

Ms. WATERS. I appreciate that, Mr. Chairman. I think if we can work together to ensure the research, management, and support account for education programs of the National Heart, Lung, and Blood Institute, that we will eliminate the slippage that we see in funding levels. The chairman is aware that that account has been as high as $6 million, but it could fall to as low as $3 million this year.

We know that education can work. Education is the first line of preventing these diseases, and it is particularly important for women's heart disease. If we can work together through this process, we can ensure that the education budget shares in the increase provided to NHBLI.

Mr. Chairman, I hate to push this issue. I know that with all the work the gentleman is doing and all the attempts the gentleman is making, he is trying to focus attention on so many things, but I have gotten focused now on cardiovascular diseases of women, and I am very moved by the fact that many of my friends now who are my age are literally dying, women in their fifties who are dying from cardiovascular diseases.

I think we need not wait much longer until we have a higher number of women dying. We can in fact, with a little attention, focus some education so we can eliminate this as a major problem in our society.

Mr. PORTER. If the gentlewoman will continue to yield, Mr. Chairman, I would agree that NHLBI's public education activities are tremendously important, and I would be happy to work with the gentlewoman to ensure that they are well supported in the final product.

Ms. WATERS. I thank the gentleman very much, Mr. Chairman.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER]. I would say to the chairman, over the years he has been a strong supporter of the efforts to end domestic violence in this Nation. His commitment in the issue is reflected in his support of the Violence Against Women Act programs in the bill. He has committed all of the funds allocated to this subcommittee from the violent crime reduction trust fund to these crucial programs. Unfortunately, despite these efforts, these programs are not yet fully funded because the current 602(b) allocation falls short of the necessary funding levels.

As we know, the Violence Against Women Act was passed unanimously by this House in 1994. This Act was Congress' statement that we would not stand idly by while American women were injured by their husbands, boyfriends, or family members. It symbolizes our commitment to end the epidemic of domestic violence in our Nation.

Mr. Chairman, I was pleased to work with the chairman of the subcommittee on the provisions in the bill that funds the domestic violence programs. Currently this bill takes a large step forward in fulfilling our commitment to the women of this country. Working together, we have provided funding for battered women's shelters, victims of sexual assault, and local community programs to end domestic violence. In addition, we have also included full funding for the National Domestic Violence Hotline. The hotline, which opened in February received over 15,000 calls in its first 4 weeks alone. It is helping women all over the country receive the services that they desperately need.

Mr. Chairman, I know the chairman of the subcommittee did everything he could to fund these programs under the 602(b) allocation from the crime trust fund for this subcommittee. However, despite his commitment to these programs, we are still approximately $16 million short of full funding. Can we find a way to get these programs the funding they so desperately need?

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would like to thank the gentlewoman from New York for bringing this to our attention. I would also like to commend her for the wonderful work she has done on the subcommittee on behalf of the victims of violence. No one has been a stronger advocate, and she has kept our focus on these very, very important issues.

Like the gentlewoman, I believe that the Violence Against Women Act programs provide much needed services to victims of domestic violence throughout our country. I was glad to provide as much funding to these vital programs as I could under the current allocation to our subcommittee. I was particularly pleased to provide over $57 million to the battered women's shelters. This money is critical because it goes directly to the victims of domestic violence and helps them to escape the violence and begin their lives anew.

As pleased as I was to provide $61 million to the Violence Against Women Act programs, I believe these crucial programs should be fully funded. It is my understanding that the Senate subcommittee for Labor-HHS appropriations has a 602(b) allocation that will allow it to fully fund these programs.

In addition, it is my understanding that Chairman SPECTER currently intends to fully fund VAWA programs. In light of this, at conference I would plan to seek an adjustment of our 602(b) allocation to allow us to match senate funding levels. I am committed to doing everything I can to ensure that Violence Against Women Act programs are in fact fully funded.

Mrs. LOWEY. Mr. Chairman, I would like to thank the chairman for his dedication to eradicate domestic violence, and his commitment to fully fund these programs. Under his leadership we will have a program that truly assures that victims of domestic violence will receive the services they desperately need.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the remainder of title II is as follows:

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary for such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4) The Secretary will provide for the continuation at the transferred property of the projects (underway as of the date of the enactment of this Act) to make repairs and to make energy-related improvements, subject to the availability of appropriations to carry out the projects.

(5) The contract disposes of issues regarding access to the cemetery located on the transferred property, and the establishment of a museum regarding memorabilia relating to the use of the property to care for patients with Hansen's disease.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property with management, engineering, or dietary duties:

(A) The State will provide the individual with the right of first refusal to an employment position with the State with substantially the same type of duties as the individual performed in his or her most recent position at the transferred property.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (d)(3)(B) (relating to disability), as applicable with respect to the individual.

(7) The contract contains such additional provisions as the Secretary determines to be necessary to protect the interests of the United States, and the Secretary shall have final approval over the terms of the contract.

(d)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later than 30 days after the date on which the transfer was made.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual

separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be excluded from the computation of the annuity unless the individual separated from the service not later than 30 days after the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with management, engineering, or dietary duties, and who becomes an employee of the State pursuant to subsection (c)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever is applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by a State pursuant to subsection (c)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(e) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansens's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, is a patient of the Center and is receiving long-term care (referred to in this subsection as an ''eligible patient''), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient. Of the amounts appropriated for a fiscal year for the Public Health Service, the Secretary shall make available such amounts as may be necessary to carry out the preceding sentence.

(5) Except in the case of an eligible patient for whom it is not feasible to relocate for purposes of subsection (c)(3), each eligible patient may make an irrevocable choice of one of the following long-term care options:

(A) For the remainder of his or her life, the patient may reside at the Center.

(B) For the remainder of his or her life, the patient may elect to receive payments each year in an annual amount of $33,000 (adjusted for fiscal year 1998 and each subsequent fiscal year to the extent necessary to offset inflation occurring after October 1, 1996), which payments are in complete discharge of the obligation of the Federal Government under paragraph (4). If the individual makes the election under the preceding sentence, the Federal Government does not under such paragraph have any responsibilities regarding the daily life of the patient, other than making such payments.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5).

(f) For purposes of this section:

(1) The term ''Center'' means the Gillis W. Long Hansen's Disease Center.

(2) The term ''Secretary'' means the Secretary of Health and Human Services.

(3) The term ''State'' means the State of Louisiana.

(g) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

''SEC. 320. (a)(1) At the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

''(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and conduct and promote the coordination of research, investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and the complications of such disease.

''(3) Paragraph (1) is subject to section 213 of the Department of Health and Human Services Appropriations Act, 1997.

''(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease to any person determined by the Secretary to be in need of such care and treatment.

''(c) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purpose.''.

SEC. 214. (a) None of the funds made available in this Act or any other Act may be used to make any award of a grant or contract under section 1001 of title X of the Public Health Service Act for fiscal year 1997 or any subsequent fiscal year unless the applicant for the award agrees that, in operating the voluntary family planning project involved, the applicant will comply with the following conditions:

(1) Priority will be given in the project to the provision of services to individuals from low-income families.

(2) An individual will not be charged for services in the project if the family of the individual has a total annual income that is at or below 100 percent of the Federal poverty line, except to the extent that payment will be made by a third party (including a government agency) that is authorized, or is under a legal obligation, to pay the charge.

(3) If the family of the individual has a total annual income that exceeds 100 percent of such poverty line but does not exceed 250 percent of the line, the project will impose a charge according to the ability to pay.

(4) If the family of the individual has a total annual income that exceeds 250 percent of such poverty line, the project will impose the full charge for the services involved.

(5) Subject to paragraphs (1) through (4), the policies of the applicant will ensure that economic status is not a deterrent to participation in the project.

(b) None of the funds made available in this Act may be expended for the program under section 1001 of title X of the Public Health Service Act after the expiration of the 180-day period beginning on the date of the enactment of this Act unless the Secretary of Health and Human Services submits to the Congress, not later than such date of expiration, a report providing, to the extent that the information is available to the Secretary, the following information for the most recent fiscal year for which the information is available:

(1) The number of individuals who receive family planning services through voluntary family planning projects under such section 1001, and the demographic characteristics of the individuals.

(2) The types of family planning services chosen by recipients of services from such projects.

(3) The number of individuals served by such projects who are—

(A) at risk of unintended pregnancy; and

(B) from a family with a total annual income not exceeding 250 percent.

(4) The extent to which the availability of family planning services from such projects has, among individuals served by the projects, reduced the number of unintended pregnancies, reduced the number of abortions, and reduced the number of cases of sexually transmitted diseases.

(5) The extent to which the availability of family planning services from such projects has reduced Federal and State expenditures for—

(A) the program under title XIX of the Social Security Act (commonly known as the Medicaid program); and

(B) the programs under title IV of such Act (commonly referred to as welfare programs).

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 1997''.

The CHAIRMAN. Are there amendments to the balance of title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentlewoman from California [Ms. PELOSI], and amendment No. 4 offered by the gentlewoman from New York [Mrs. LOWEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

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

I rise in support of the Pelosi amendment, to strike the ergonomics rider from this legislation.

I had thought the radical House Republicans had learned their lesson last year, when their extremist agenda of adding legislative riders to appropriations bills led to two Government shutdowns. Unfortunately, as this bill shows, it is hard to teach old dogs new tricks.

The ergonomics rider is a clear demonstration of the Republican Party's utter disregard for both worker safety and science. The bill forbids the Department of Labor from issuing any rules, or even proposed rules, or even voluntary guidelines, to protect workers from ergonomics injuries. This despite the fact that ergonomic injuries represent the fastest growing workplace health problem, resulting in estimated annual workers compensation costs of $20 billion annually. But the bill goes even further.

Despite the pious claims of Republicans that they merely want regulators to use good data when they regulate, this provision adopts a ''hear no evil, see no evil, speak no evil'' attitude toward workplace safety. This bill actually forbids the Department of Labor from even collecting data about ergonomic injuries.

The Republican view is that what OSHA does not know OSHA does not have to regulate. Unfortunately, with respect to workplace safety, what you don't know can cripple you.

Make no mistake, this rider is not about ensuring that the Department of Labor regulates in a rational manner. This rider is about suppressing data, suppressing science and suppressing the truth. And American workers will suffer.

Let's strike this extreme rider from the bill. Let's help prevent another Government shutdown. Support the Pelosi amendment.

AMENDMENT OFFERED BY MS. PELOSI

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California [Ms. PELOSI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. PELOSI: Page 19, strike lines 8 through 15.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes 205, not voting 12, as follows:

[Roll No. 301]

AYES—216

Abercrombie	Beilenson	Boehlert
Ackerman	Bentsen	Bonior
Andrews	Berman	Borski
Baesler	Bevill	Boucher
Baldacci	Bishop	Browder
Barcia	Blumenauer	Brown (CA)
Barrett (WI)	Blute	Brown (FL)
Brown (OH)	Jackson (IL)	Pastor
Bryant (TX)	Jackson-Lee (TX)	Payne (NJ)
Campbell	Jacobs	Payne (VA)
Cardin	Jefferson	Pelosi
Chapman	Johnson (CT)	Peterson (FL)
Clay	Johnson (SD)	Peterson (MN)
Clement	Johnson, E. B.	Petri
Clyburn	Johnston	Pomeroy
Coleman	Kanjorski	Poshard
Collins (IL)	Kaptur	Quinn
Collins (MI)	Kennedy (MA)	Rahall
Condit	Kennedy (RI)	Rangel
Conyers	Kennelly	Reed
Costello	Kildee	Richardson
Coyne	King	Rivers
Cramer	Kleczka	Roemer
Cummings	Klink	Ros-Lehtinen
Danner	Klug	Rose
de la Garza	LaFalce	Roukema
DeFazio	LaHood	Roybal-Allard
DeLauro	Lantos	Rush
Dellums	Lazio	Sabo
Deutsch	Leach	Sanders
Diaz-Balart	Levin	Sawyer
Dicks	Lewis (GA)	Schroeder
Dingell	Lipinski	Schumer
Dixon	LoBiondo	Scott
Doggett	Lofgren	Serrano
Doyle	Lowey	Shays
Durbin	Luther	Skaggs
Edwards	Maloney	Skelton
Ehlers	Manton	Slaughter
Engel	Markey	Smith (NJ)
English	Martinez	Solomon
Eshoo	Martini	Spratt
Evans	Mascara	Stark
Farr	Matsui	Stokes
Fazio	McCarthy	Studds
Fields (LA)	McDermott	Stupak
Filner	McHale	Tanner
Flake	McHugh	Thompson
Foglietta	McKinney	Thornton
Forbes	McNulty	Thurman
Ford	Meehan	Torkildsen
Fox	Meek	Torres
Frank (MA)	Menendez	Torricelli
Franks (NJ)	Metcalf	Towns
Frisa	Millender-McDonald	Traficant
Frost	Miller (CA)	Velazquez
Furse	Minge	Visclosky
Gejdenson	Mink	Volkmer
Gephardt	Moakley	Ward
Gilman	Mollohan	Waters
Gonzalez	Moran	Watt (NC)
Gordon	Morella	Waxman
Green (TX)	Murtha	Weldon (PA)
Gutierrez	Nadler	Weller
Hamilton	Neal	Williams
Harman	Obey	Wilson
Hastings (FL)	Olver	Wise
Hefner	Ortiz	Wolf
Hilliard	Orton	Woolsey
Hinchey	Owens	Wynn
Holden	Pallone	Yates
Horn		Young (AK)
Hoyer		

NOES—205

Allard	Canady	Ewing
Archer	Castle	Fawell
Armey	Chabot	Fields (TX)
Bachus	Chambliss	Flanagan
Baker (CA)	Chenoweth	Foley
Baker (LA)	Christensen	Fowler
Ballenger	Chrysler	Franks (CT)
Barr	Clinger	Frelinghuysen
Barrett (NE)	Coble	Funderburk
Bartlett	Coburn	Gallegly
Barton	Collins (GA)	Ganske
Bass	Combest	Gekas
Bateman	Cooley	Geren
Bereuter	Cox	Gilchrest
Bilbray	Crane	Gillmor
Bilirakis	Crapo	Goodlatte
Bliley	Cremeans	Goodling
Boehner	Cubin	Goss
Bonilla	Cunningham	Graham
Bono	Davis	Greene (UT)
Brewster	Deal	Greenwood
Brownback	DeLay	Gunderson
Bryant (TN)	Dickey	Gutknecht
Bunn	Dooley	Hall (TX)
Bunning	Doolittle	Hancock
Burr	Dornan	Hansen
Burton	Dreier	Hastert
Buyer	Duncan	Hastings (WA)
Callahan	Ehrlich	Hayes
Calvert	Ensign	Hayworth
Camp	Everett	Hefley
Heineman	Mica	Sensenbrenner
Herger	Miller (FL)	Shadegg
Hilleary	Molinari	Shaw
Hobson	Montgomery	Shuster
Hoekstra	Moorhead	Sisisky
Hoke	Myers	Skeen
Hostettler	Myrick	Smith (MI)
Houghton	Nethercutt	Smith (TX)
Hunter	Neumann	Smith (WA)
Hutchinson	Ney	Souder
Hyde	Norwood	Spence
Inglis	Nussle	Stearns
Istook	Oxley	Stenholm
Johnson, Sam	Packard	Stockman
Jones	Parker	Stump
Kasich	Paxon	Talent
Kelly	Pickett	Tate
Kim	Pombo	Tauzin
Kingston	Porter	Taylor (MS)
Knollenberg	Portman	Taylor (NC)
Kolbe	Pryce	Tejeda
Largent	Quillen	Thomas
Latham	Radanovich	Thornberry
LaTourette	Ramstad	Tiahrt
Laughlin	Regula	Upton
Lewis (CA)	Riggs	Vucanovich
Lewis (KY)	Roberts	Walker
Lightfoot	Rogers	Walsh
Linder	Rohrabacher	Wamp
Livingston	Roth	Watts (OK)
Lucas	Royce	Weldon (FL)
Manzullo	Salmon	White
McCollum	Sanford	Whitfield
McCrery	Saxton	Wicker
McInnis	Scarborough	Zeliff
McIntosh	Schaefer	Zimmer
McKeon	Schiff	
Meyers	Seastrand	

NOT VOTING—12

Becerra	Gibbons	McDade
Clayton	Hall (OH)	Oberstar
Dunn	Lincoln	Vento
Fattah	Longley	Young (FL)

☐ 1501

The Clerk announced the following pair:

On this vote:

Mrs. Clayton for, with Mr. Longley against.

Mr. BILIRAKIS changed his vote from ''aye'' to ''no.''

Ms. MCKINNEY, Ms. MCCARTHY, and Mr. KLUG changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 263, not voting 12, as follows:

[Roll No. 302]

AYES—158

Ackerman	Blumenauer	Brown (OH)
Andrews	Blute	Bryant (TX)
Baldacci	Boehlert	Campbell
Barrett (WI)	Bonior	Cardin
Beilenson	Borski	Castle
Bentsen	Brown (CA)	Clay
Berman	Brown (FL)	Clayton

Clement
Collins (IL)
Collins (MI)
Conyers
Coyne
Cummings
Davis
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Greenwood
Gutierrez
Harman
Hastings (FL)
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kleczka
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Porter
Pryce
Quinn
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Schroeder
Schumer
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Wolf
Woolsey
Wynn
Yates
Zimmer

NOES—263

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Young (AK)
Zeliff

NOT VOTING—12

Becerra
Dunn
Fattah
Gibbons
Hall (OH)
Hancock
Lincoln
Longley
McDade
Oberstar
Vento
Young (FL)

☐ 1510

Mr. EDWARDS and Mr. FOLEY changed their vote from ''aye'' to ''no.''

Mrs. CLAYTON and Mr. WYNN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HEINEMAN. Mr. Chairman, on July 11, 1996, due to an error, I was incorrectly recorded on the Lowey amendment to H.R. 3755, the fiscal year 1997 Labor-HHS-Education appropriations bill. The record reflects a ''no'' vote on rollcall vote No. 302. I request the record reflect I intended to vote ''yes'' and emphasize my support for the Lowey amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EDUCATION REFORM

For carrying out activities authorized by the School-to-Work Opportunities Act, $175,000,000, which shall become available on July 1, 1997, and remain available through September 30, 1998.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, $7,204,130,000, of which $5,895,244,000 shall become available on July 1, 1997, and shall remain available through September 30, 1998, and of which $1,298,386,000 shall become available on October 1, 1997 and shall remain available through September 30, 1998, for academic year 1997–1998: *Provided,* That $6,042,766,000 shall be available for basic grants under section 1124: *Provided further,* That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1996, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $684,082,000 shall be available for concentration grants under section 1124(A) and $7,000,000 shall be available for evaluations under section 1501.

☐ 1515

AMENDMENT OFFERED BY MR. MICA

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

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 57, line 24, after the dollar amount, insert ''(increased by $20,000,000)''.

Page 57, line 25, after the dollar amount, insert ''(increased by $20,000,000)''.

Page 58, line 9, after the dollar amount, insert ''(increased by $20,000,000)''.

Page 66, line 9, after the dollar amount, insert ''(decreased by $20,000,000)''.

Mr. MICA. Mr. Chairman, I present this amendment today. It is slightly different than what was printed. I had hoped to increase this amount by $40 million; however, I have changed the amendment to $20 million.

Let me tell my colleagues what my amendment does today, and it is probably one of the most important amendments on this bill and dealing with education in particular. What this does is it, in fact, transfers from Washington bureaucracy to the local classroom education dollars.

What we in the Congress do and what we are doing through this appropriations procedure is, in fact, deciding how the resources of our Nation and the Congress get allocated to different programs.

This is an important amendment because it is part of the fundamental debate about what we have been talking about in Congress during this entire session. It is a fundamental question. It is not just how much money we throw at various problems and how much money we expend, but how we expend the money. That is the fundamental part of my amendment.

Let me tell my colleagues, I chair the House Subcommittee on Civil Service, and I know where the bureaucrats and the bodies are buried throughout our nearly 2 million employee Federal work force. There are 5,000 employees in the Department of Education, 5,000, and then thousands of other contract employees. Of the 5,000 full-time employees in the Department of Education, 68 percent are in Washington, DC.

What this amendment does is it does not cut any money from any programs, it does not cut any money for education, but what it does is it transfers some of that money that we as a Congress are appropriating and it transfers it from the bureaucracy and administrative account in Washington, DC, to the classroom. That is what this debate is all about.

This is not a debate on exactly how we can spend all the money and the regulations that come out of the Department of Education, and I cannot change that because this is an appropriations bill, and I would like to change some of the way we authorize the money. But what this does is it addresses a fundamental question. Do we spend the money up here on a big Federal education bureaucracy or do we

send the money to the classrooms, when we have instances where some of our classrooms do not have the resources, they do not have the materials, they do not have the teachers?

We have a clear responsibility in this Congress to make these important choices, and that is the choice this amendment gives us today. Do we spend it here in Washington on the 68 percent of the employees of the 5,000 who are located in Washington, DC or does that money go back into our local classrooms?

This is a very, very fundamental debate. I want to take a minute and talk a little bit more about what we are doing with education. I hear from parents all the time. I talk to my community college presidents. When we have students who cannot read their diplomas, when we have 71 percent of the students in one of my local community colleges entering that require remedial education, when we have a situation in education that I consider a crisis, when we have to put police and others in our classroom and fire other teachers and do not have the money for the resources that we need in our classroom, we, as a Congress, have an important responsibility to make these choices of where that money is spent.

So this is a simple amendment. it is a clear choice. Do we spend the money in Washington on bureaucrats and a large Department of Education?

I am not cutting the Department of Education. We will still have a Department of Education. But what we are doing is taking $20 million and we are putting it into title I programs, the programs that are really in our classrooms, that affect our children and their education.

So we are going to decide by my amendment whether we put those resources again in Washington or in the local classroom where our students and our teachers are really at the bottom end of the feeding chain, because we have built a huge bureaucracy, not just the 5,000 in Washington, DC, but we have exploded that bureaucracy to regional offices and then to State offices.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

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

Mr. MICA. Mr. Chairman, I remember serving in the legislature and I saw that bureaucracy. I saw the huge bureaucracy that we created and that we force, and I cannot solve those problems today with this bill, but what I can do is to help this House as it makes those important choices, and we will, by this amendment and by the agreement that we have reached, restore title I to its level of funding for last year.

So this is an important amendment. Again, it is a clear choice. Do we spend the money on bureaucrats in Washington, or do we spend it in local classrooms on students and teachers?

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

Mr. MICA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me. I am interested, does the gentleman have any idea of what percentage of discretionary education the Department of Education, the bureaucracy, or bureaucrats of which he speaks, is?

Mr. MICA. Mr. Chairman, reclaiming my time, the total amount of money that comes from Washington, DC, towards local education, I believe, is about 5 percent of all education funding.

Mr. HOYER. No, no, no, that is not what I asked. Does the gentleman know what percentage——

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I asked a question; let me answer the question. Of the money, discretionary money, that we spend on education—which is, as the gentleman points out, a relatively small percentage of the total amount spent on education in this country, 2 percent—2 percent, is administrative cost. Two percent is administrative cost, I tell my friend.

Mr. Chairman, I rise in opposition to this amendment. Of course, one could say we will put $20 million more in title I. We ought to put $20 million more in title I. We ought to put $100 million more in title I, I tell my friend from Florida, but we are not doing it because the 602(b)s have been squeezed very badly. Why? Because the Republican tax cut was deemed to be essential in a time when we are trying to balance the budget and serve our children.

I tell my friend, that 2 percent—2 percent—is administrative cost for the administration of the 98 percent of discretionary funds which is sent either to students or to schools and local school districts. Two percent.

All the gentleman wants to do is, as he frankly likes to do on a regular basis, attack the bureaucrats. These are real people doing important things, trying to make programs that this Congress adopts work. I frankly am fed up, I tell my friend, fed up with people rising on this floor and using ''bureaucrat'' as an epithet, as a slur, as an effort to dehumanize people that we have employed to try to carry out the policies and programs that we adopt.

Good people have to spend time every day trying to make sure that these policies and programs will work for Americans, for children, for families. ''Bureaucrat''—it is said with a snide smile sometimes, demagoguing for the people back home. I am fed up with it.

Yes, I represent a lot of Federal employees, and I am proud of it. They work hard and they do a good job, and I dare every one of you to ask the people who come from the private sector, from corporations, from businesses, large and small, ask them what they think of the quality of the morale and of the product of those people who work in Washington and around the country.

By the way, Mr. Chairman, only 20 percent work in Washington. The rest work in Florida, in California, in New York, in Texas, in Iowa, in Illinois, in every State in the Nation, trying to deliver the services that this Congress and the President—in previous administrations and in this one—decided were appropriate for the American public.

□ 1530

Two percent, I tell my friend from Florida, 2 percent overhead in education and 92 percent to the recipients, either students or local school districts or States, to deliver education to the students of this country to make us more competitive.

I am tired of this demagoguery. You can disagree with the programs, but we ought to stop demeaning the people that we have hired, because there are some demented souls in America who hear that debate and decide that they can go to the office building in Oklahoma City, angry at their government, angry at the policies of their government, and in a demented, deranged, sick manifestation of that sentiment, attack the people, persons, the individuals that we ask to carry out the responsibilities given to them by the Congress and the President of the United States.

I hope, Mr. Chairman, that this amendment is defeated. If the gentleman wants to put $20 million additional in title I, I will support it because it needs $20 million more. But to cut Federal employees further in the process when we are already reducing 272,000 plus probably another 50,000 or 100,000, I say to my friend, is wrong.

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

Mr. Chairman, I believe the gentleman from Florida [Mr. MICA] has put his finger on the right place to put more money, because title I concentration grants go to the schools that need the money most. I have been saying for quite some time now, and I want to say again, that one of the major problems with title I is that it comes out of that era of our Government where we felt that in order to get something passed here in the House for people who need it, we had to spread it around to every single congressional district, every school district in America. And title I money goes to school districts all over this country who have plenty of resources and no need for the additional money, and we ought to stop that practice.

The authorizing committee ought to address targeting this money where we have real serious problems with poor kids that have no opportunity, and stop sending it to school districts like some in my district; New Tria high school get title I money and the administrators and the parents will tell us

that it should not be sent to them at all.

Mr. Chairman, we ought to start deciding where our problems are and putting our money to solve those problems, instead of thinking that we have to buy votes in here by spreading it all across America, and so I would commend the gentleman to the extent that that is the place to put the money.

I would say to the gentleman from Maryland [Mr. HOYER] that I do not understand how anyone can stand up and say that the problem is with title I or any other spending that we have cut taxes. To my knowledge we have not cut taxes. It has been proposed but it has never been enacted.

No, the reason that we do not have enough money is that we have not had enough courage, the President has not had enough courage to sign a bill that would slow the rate of growth in entitlement programs that he could have signed last year but did not, that would take the pressure off the discretionary spending where we cannot solve our budget problems entirely.

We can make a contribution, sure. But we will never get the budget into balance if we don't address the growth in entitlement programs. This Congress has had the courage to propose good programs to do that. The President of the United States chose to veto that, I think in great error.

I am very reluctant to take money out of S&E accounts. It seems like an easy place; salaries and expenses, we will just take it out of that. The gentleman from Maryland is right. Federal employees are just like all the rest of us, they have families, they have kids, they have kids in school, they have mortgage payments to meet. Making a cut sounds easy, but it does affect real human beings who do an excellent job for our country for the most part.

And yet, I think the amendment does aim in the correct direction on providing greater money for concentration grants. I am not going to fight it for that reason. I am not enthusiastic about the place from where the gentleman takes the money.

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

Mr. Chairman, I stand in support of the Mica cut-the-bureaucracy, not-education amendment. I believe that it is the right thing to do. I do sympathize with the gentleman from Maryland that we are talking about real people, but I do want to point out that while we are downsizing the Federal Government, for some reason the Department of Education has almost skirted all the downsizing.

In 1992, the number of full-time equivalent employees was 4,876, and today it is 4,816. That is a decline of less 1 percent. Compare that to the Department of Defense and it has declined over 13 percent.

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

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, if the gentleman would bother to look at the size of DOE going back to 1980, he would discover that Department has declined in size already by 20 percent.

Mr. KINGSTON. Mr. Chairman, this is from the full-time equivalents as the gentleman knows.

Mr. OBEY. Mr. Chairman, that is exactly what I am talking about. The gentleman is talking about a 1-year bridge. What he is forgetting is that from 1980 up to until 2 years ago, the Department of Education had major, major, major reductions. If the gentleman is going to compare apples to oranges, let us do it over the decade not over the nanoseconds.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, I think that the point is that the declination in the size of the bureaucracy is the will of the American people, and it is necessitated by the fact that we have a deficit and a national debt of almost $5 trillion.

The deficit on an annual basis we pay nearly $20 billion a month in interest on. It is time to bring this thing under control. What the Mica amendment simply does is say let us take the money out of bureaucracy and put it in the classroom. I have been in one of the title I program classes in my district, and it is a very effective, hands-on program teaching kids how to read, how to improve their education skills, and so, forth. And this is not an education cut. It will help counties where there is over 15 percent of the kids below the poverty level.

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

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

Mr. MICA. Mr. Chairman, I just want to clear up a couple of points. First, the gentleman from Maryland who launched into the debate, first of all, I oversee the Federal work force as chairman, at least from the House side, as chairman of the Civil Service Subcommittee, and I greatly respect the efforts of our Federal employees throughout our Federal work force. But we have the neighborhood of 350,000 Federal employees within my speaking voice here in the Washington, DC area. And they do too have to experience some downsizing.

The Department of Education in the past year has had a 1-percent decrease. I heard the ranking member talk about the actual number of decreases in full-time employees and he is correct, but we have examined this in the Civil Service Subcommittee and seen where thousands and thousands of employees have been contracted out. And that is one of the problems that we have.

But the question here is now a cut of probably about 300 positions in the Department of Education, which would be between an 8- and 10-percent cut of the Washington work force in Washington, DC. I tell my colleagues that through normal attrition we lose between 6 and 7 percent, people who die or retire or go on to other positions. So I think this can be managed.

Mr. Chairman, I appreciate the ranking member's agreement to accept this amendment and support this amendment. And I also thank the chairman for his support of this amendment, also the gentleman from Georgia [Mr. KINGSTON], the gentleman from Wisconsin [Mr. NEUMANN], and other Members, the gentleman from Florida [Mr. SCARBOROUGH], and the 20 or 30 Members who are prepared to come out here and talk in favor of it.

Mr. KINGSTON. Mr. Chairman, reclaiming the time one of the things I hear over and over again from teachers in the classroom, and I visit lots of schools, is that they have too much of their day-to-day routine dictated out of Washington. This type of amendment reduces the influence of Washington command and control bureaucracy and allows teachers to teach children in their home counties as they see fit. I think it is a very good amendment, and urge my colleagues to support it.

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

Mr. Chairman, I would simply like to understand, if this amendment has been accepted, why are we palavering on it? Why do not we just move on?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MICA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEAL of Georgia: Page 57, line 24, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 57, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 58, line 4, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 66, line 9, after the dollar amount, insert ''(decreased by $1,000,000)''.

Mr. DEAL. Mr. Chairman, my amendment likewise deals with the area of title I basic education funding. It would simply transfer $1 million out of the management administration account and even though there have been transfers pursuant to the previous amendment, I would point out that in this one Office of the Secretary, half of the 100 employees there perform press-related activities. I believe that an additional million dollar transfer would certainly be appropriate into the classroom to deal with title I basic education, Mr. Chairman, that this is a minimal thing that we can do to help those in the classroom level of education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. DEAL].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $728,000,000, of which $615,500,000 shall be for basic support payments under section 8003(b), $40,000,000

shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $17,500,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles IV–A–1, V–A, VI, IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,235,383,000 of which $1,071,495,000 shall become available on July 1, 1997, and remain available through September 30, 1998: *Provided,* That of the amount appropriated, $606,517,000 shall be for innovative education program strategies State grants under title VI–A: *Provided further,* That the percentage of the funds appropriated under this heading for innovative education program strategies State grants that are allocated to any State or territory shall not be less than the percentage allocated to such State or territory from the total of the funds appropriated in appropriation laws for fiscal year 1996 for the combined totals of such grants plus Eisenhower professional development State grants, foreign language assistance grants, and the star schools program.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by parts A and C of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $167,190,000, of which $50,000,000 shall be for immigrant education programs authorized by part C: *Provided,* That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: *Provided further,* That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (except part I), $3,246,315,000, of which $3,000,000,000 shall become available for obligation on July 1, 1997, and shall remain available through September 30, 1998.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,509,447,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $43,041,000: *Provided,* That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $79,182,000: *Provided,* That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education Act, $1,329,669,000, of which $1,326,750,000 shall become available on July 1, 1997 and shall remain available through September 30, 1998: *Provided,* That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1 and 3 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $6,630,407,000, which shall remain available through September 30, 1998.

The maximum Pell Grant for which a student shall be eligible during award year 1997–1998 shall be $2,500: *Provided,* That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1996 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $29,977,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; $829,497,000, of which $15,673,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: *Provided,* That funds available for part D of title IX of the Higher Education Act shall be available to fund noncompeting continuation awards for academic year 1997–1998 for fellowships awarded originally under parts B and C of title IX of said Act, under the terms and conditions of parts B and C, respectively.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $187,348,000: *Provided,* That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $698,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994; the National Education Statistics Act of 1994; section 2102(c)(11), sections 3136 and 3141, parts A, B, and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $319,264,000: *Provided,* That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: *Provided further,* That none of the funds appropriated in this paragraph may be obligated or expended for the Goals 2000 Community Partnerships Program.

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, III, and IV of the Library Services and Construction Act, and title II–B of the Higher Education Act, $108,000,000, of which $2,500,000 shall be for section 222 and $1,000,000 shall be for section 223 of the Higher Education Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $320,152,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $54,171,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $27,143,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the

Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $420,000,000 for fiscal year 1997. The Department of Education shall use at least $134,000,000 for payment of administrative cost allowances owed to guaranty agencies for fiscal years 1996 and 1997. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1997, except after consultation with both the Chairmen and ranking members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 305. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 306. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

This title may be cited as the ''Department of Education Appropriations Act, 1997''.

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. PORTER

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

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 69, after line 23, insert the following:

SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(3)(A)(i)) is amended—

(1) in the matter preceding subclause (I), by striking ''The Secretary'' and all that follows through ''greater of—'' and inserting the following: ''The Secretary, in conjunction with the local educational agency, shall first determine each of the following:'';

(2) in each of subclauses (I) through (III), by striking ''the average'' each place it appears the first time in each such subclause and inserting ''The average'';

(3) in subclause (I), by striking the semicolon and inserting a period;

(4) in subclause (II), by striking ''; or'' and inserting a period; and

(5) by adding at the end the following: ''The local educational agency shall select one of the amounts determined under subclause (I), (II), or (III) for purposes of the remaining computations under this subparagraph.''.

(b) The amendments made by subsection (a) shall apply with respect to fiscal years beginning with fiscal year 1995.

Mr. PORTER. Mr. Chairman, this is a noncontroversial amendment. I understand that both sides on the authorization committee have agreed to it, as well as the gentleman from Wisconsin [Mr. OBEY] on our subcommittee. It has been scored by CBO as having no cost.

The amendment is a technical amendment to the impact aid law regarding payments for heavily impacted districts. Payments to these school districts have been made in the past on the basis of one of three formulas.

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

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, to save time, let me simply say we accept the amendment on this side of the aisle.

□ 1545

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY: After title III of the bill, insert the following new title:

''TITLE III–A—EDUCATION AND TRAINING PROGRAM INCREASES

ADDITIONAL AMOUNTS FOR EDUCATION AND TRAINING PROGRAMS

The amount provided in title I for ''Employment and Training Administration-Training and employment services'' is increased, the portion of such amount for ''Employment and Training Administration-Training and employment services'' that is specified under such heading to be available for the period July 1, 1997 through June 30, 1998 is increased, the amount provided in title II for ''Administration for Children and Families—Children and families services programs'' is increased, the amount provided in title III for ''Education reform'' (including for activities authorized by titles III and IV of the Goals 2000: Educate America Act) is increased, the amount provided in title III for ''Education for the disadvantaged'' is increased, the portion of such amount for ''Education for the disadvantaged'' that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is reduced, the portion of such amount for ''Education for the disadvantaged'' that is specified under such heading to be available for the period October 1, 1997 through September 30, 1998 is increased, the amount provided in Title III for ''School improvement programs'' (including for school improvement activities authorized by titles II–B and IV–A–2 of the Elementary and Secondary Education Act of 1965) is increased, the portion of such amount for ''School improvement programs'' that is specified under such heading to be available for the period July 1, 1997 through September 30, 1998 is increased, the amount provided in title III for ''Student financial assistance'' is increased, by $125,000,000, $125,000,000, $70,000,000, $250,000,000, $450,000,000, $1,000,000,000, $1,450,000,000, $258,000,000, $233,000,000, and $93,000,000, respectively.

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

Mr. PORTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Chairman, last year this committee funded the coming school year by providing funding for a combination of both fiscal years 1996 and 1997 by moving a portion of the funding for title I from 1996 into fiscal year 1997.

This year the committee has done the same thing for the following school year, which means the school districts will get one check in July and another in October. We in this amendment simply propose to do the same thing. We propose to increase the portion of that funding that goes out with the October check, which enables us to increase education funding for a number of programs.

The new result is that this amendment would increase funding for education and training programs by $1,246,000,000 over the same period of time, which is being considered in this bill.

Title I, overall, would be increased by $450 million; dislocated workers would

be increased by $100 million. That would enable us to provide one-half of the President's request for an increase so that 50,000 additional workers who lose their jobs because of the impact of foreign imports can get help to be retrained.

For Head Start, it enables us to add $70 million to maintain the same number of kids who were funded last year. For Goals 2000, which was begun by President Bush, and President Clinton was then Governor, and which was strongly supported by Governor Clinton, representing all of the Nation's governors at that time, Goals 2000 has been zeroed out by the committee. We would restore $250 million of that funding. That still leaves us $240 million short of the President's request.

For safe and drug-free schools, we would add $25 million. That would bring us back up to the 1996 funding level. For Eisenhower teacher training, we add $233 million. The committee has zeroed this money out. That still leaves us $42 million or 15 percent below 1996, even if you accept the added numbers in our bill. That would enable 286,000 math and science teachers to receive upgraded training under this proposal.

On handicapped education, we just had the gentleman from Pennsylvania [Mr. GOODLING] come to the floor and ask us to add $300 million for handicapped education by taking it out of NIH. The House rejected that amendment.

We would have asked that $100 million of that $300 million increase be provided. This is one-third of the increase asked for by the President, only we would not cut the National Institutes of Health in order to do it. We would do it by following the same procedure that this committee provided by way of title I funding.

This would enable us to begin to respond to the fact that the Federal Government has reneged on its responsibilities to local school districts for a long time to pay more fair share for the education of handicapped children.

For Perkins loans, we add $93 million, which would bring it back up to the 1996 level. The committee had limited Perkins loans. For summer youth, we add $25 million. Under the committee bill, 79,000 fewer children will be provided with summer jobs. With this addition, we would be able to meet the needs of approximately one-fourth of those children, still, a very small addition but one which we think is amply justified.

This, in my view, is the primary amendment to this bill. This amendment more than any other defines the differences between the two parties in terms of our priorities. We believe that a Congress which can afford to add $11 billion above the President's budget for Pentagon spending, a Congress which has tried to provide twice as many B–2 bombers as the Pentagon asked for, we believe that, if a Congress decides it is OK to do that, it certainly ought to be OK to try to restore some of the reductions that have been made in real dollar terms and in nominal dollar terms in the committee bill.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

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

Mr. OBEY. Mr. Chairman, without this amendment, this committee bill is the first step in a 6-year process that will reduce the investment that we make in our kids by 20 percent in real dollar terms. I do not think, and I do not think that the country thinks, that this is the way to prepare for the 21st century.

The children we are sending into the world of work today are going to have to be better prepared, better educated, better trained than any kids in the history of this country, if they want to get decent-paying jobs and provide a decent standard of living for their families. They do not do that, they are not going to be in a position to do that if we short-sheet this bill, if we short-sheet our ability to help the kids who are most difficult to educate in this country to get ahead.

This amendment, I apologize for the fact that it is so small because, even after this amendment, it still leaves us some $5 billion below the funding level for education and training that was contained in the bipartisan coalition bill on the budget just a couple of months ago. It is the very, very, very least that we should do to provide adequate education for our young people. It is far less than we can afford to do, but it is at least a nominal step forward from the committee bill.

I strongly urge passage of the amendment.

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

Mr. PORTER. Mr. Chairman, I do not press my point of order, no.

The CHAIRMAN. The gentleman withdraws his reservation of a point of order.

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

Mr. Chairman, I would like to ask the gentleman from Wisconsin if he could explain to the House how much total money would be added under his amendment and from where he would derive the funding.

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

Mr. PORTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, as I said earlier, we are adding $1.246 billion to the bill.

Mr. PORTER. And where is the gentleman deriving that from?

Mr. OBEY. Mr. Chairman, we are adding that by moving, just as the committee bill did on title I, we are moving a significant amount of money from title I expended in this year, moving it to the October payment, must as the committee has provided for an October payment, and that gives us ample room to provide the additions that I described.

Mr. PORTER. Mr. Chairman, first of all, let me say that we have been working with the minority all last night and all today, and we have never seen this gentleman's amendment. We knew nothing about the fact that it was going to be offered until it was offered. We did not have a copy, if I could have the attention of the gentleman from Wisconsin, we did not have a copy of the amendment prior to its being offered.

The gentleman and I both exchanged concern about not being informed of other Members' amendments just a moment ago, and this suddenly comes out without any prior notice to the majority that it was going to be offered.

I have to say, I am incredibly surprised by that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I am, too.

I must say two things. First of all, this is not the only thing that has come out with considerable surprise to Members of this House today, as Members will find out in days to come. And I would certainly say that I apologize for the fact that we did not make the gentleman aware of this amendment. We have been perfecting it up until the very moment, literally, that we offered it. And as the gentleman knows, because of the great difficulty in making certain that it was in order parliamentarily, we had to keep making adjustments until we could get it in shape to offer it.

Mr. PORTER. May I ask the gentleman if I can expect anymore surprises this evening or tomorrow?

Mr. OBEY. Mr. Chairman, none that I know of. Again, I would apologize to the gentleman for not getting it to him. I literally had still been working with the staff on this into the hours this afternoon trying to perfect it so we could, in fact, offer it and have it be made in order.

Mr. PORTER. Mr. Chairman, reclaiming my time, I will simply address the substance of the amendment.

Would we like to put in more money in Head Start or in special ed or in dislocated workers? Of course. What this amendment does is simply borrow from next year's 602(b) allocation $1.3 billion and make the same mistake that we were forced to make in the 1996 fiscal year final product, when the President absolutely insisted before he would sign the bill on additional spending that was not within our allocation. And it is a gimmick that no Congress should ever have engaged in and we should not have engaged in last year but had to in order to get the bill signed. I would oppose it on that ground alone.

It is simply a budgetary gimmick to take from next year and spend this year. It is going to have to be paid for sometime.

If I can say to the gentleman, once again, and say it as emphatically as I possibly can, while I realize that we are never going to be able to balance the budget by cutting discretionary spending and that we must address the rise in entitlement programs and we should not cut taxes, I would add to that as well, and I am not always happy with the allocations in function, but let me say to the gentleman, we have a job to do here and that is to get spending under control. And simply to try and squeeze it out of next year is adding more to the deficit ultimately, asking our children and grandchildren to pay the bills for spending that occurs right now.

I do not want to be any part of that.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, let me say that this may be a gimmick but this is a gimmick which the gentleman's own bill has engaged in to the tune of $1,298,000,000.

Mr. PORTER. Mr. Chairman, reclaiming my time from the gentleman, that gimmick was forced by the White House in order to get a signable bill and was not something that we engaged in. They wanted to put in more spending than we could possibly afford.

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

Mr. Chairman, I rise in support of the Obey amendment. Unless we adopt the Obey amendment, this bill reduces our commitment to education by an additional $400 million below last year's cut of over $1 billion. Mr. Chairman, there are a host of reasons for supporting the Obey amendment. Let me mention just a few.

First, education cuts will hinder our efforts to improve the overall productivity of our economy. The National Center on Education and Quality of the Work Force estimates that each 10 percent increase in education results in an 8.6 percent increase in productivity and that increasing education improves productivity more than increasing capital or increasing hours. In other words, making investments in education benefits the entire Nation.

□ 1600

As my colleagues know, one can transfer capital around the world, fluid capital, instantaneously; machinery in a matter of days. One can transfer capital anywhere. What gives us the cutting edge in competition in the global economy is education and training.

Second, we expect, Mr. Chairman, significant new enrollments in schools across the country in the next few years. In my own State of Michigan alone there will be 29,000 new enrollments by next year. Schools in my State will need to hire an additional 1,700 teachers. We should not be turning our back on local communities when their needs are increasing, and that is exactly what we will be doing if we do not adopt the Obey amendment.

Do not forget that in the last appropriations bill we cut education funding by over $1 billion.

Now my colleagues will hear today that this budget merely freezes last year's funding levels. That is not true. It cuts $400 million below last year's levels, but even so, freezing a billion-dollar cut is not something to be proud of.

I think it is very unfortunate that in this bill once again the Republican leadership, bowing to pressure from outside, has endorsed the elimination of Goals 2000. I would like to quote one of our witnesses before our committee this year commenting on Goals 2000. That was James Burge, vice president of Motorola. He said ''The business community has been supportive of bipartisan legislation to encourage education reform in the States, beginning with Presidents Bush's America 2000 proposal through President Clinton's Goals 2000 proposal.'' This was a bipartisan concept, Goals 2000. There is only one reason for eliminating this proposal: political posturing and pressure from certain extreme groups in the outside.

Goals 2000 is the most voluntary program we have. It is the simplest program, a 1-page application. Forty-eight States are participating in it. The Governor of Texas, the son of President Bush who started this concept, has endorsed and embraced Goals 2000, and why again are we insisting that those 48 States who have embraced Goals 2000, that they are wrong and we are going to pull the rug out from under them?

States are beginning to see some real improvements in their achievement levels under Goals 2000. Real, sustainable progress is being made because of Goals 2000. Goals 2000 had its roots with the Governors, was picked up by President Bush. Lamar Alexander frequently visited my office for several months pushing Goals 2000, although he denounced it during his primary election for President.

This is no time to pull that rug out. To my colleagues on the other side of the aisle who through the years have been supporters of education, I am convinced that the Obey amendment is the most important education vote we can cast. This will assure that the Federal Government will keep its support of education. Education is a local function. We want it to be a local function. It is a State responsibility, a very important State responsibility, but it is a very, very important Federal concern, and to help these States with voluntary programs to improve their educational standards, their delivery system, is something that reflects that Federal concern.

I urge support for the Obey amendment.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 80 minutes divided, 40 minutes to the gentleman form Wisconsin [Mr. OBEY] and 40 minutes to myself.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I rise in very strong support of this amendment.

Earlier in this debate today I quoted from ''A Nation at Risk,'' issued in 1983 by the Reagan Department of Education. In that report they said this:

> History is not kind to idlers. The time is long past when America's destiny was assured simply by an abundance of natural resources and inexhaustible human enthusiasm. We live among determined, well-educated and strongly motivated competitors. America's position in the world may once have been reasonably secure with only a few exceptionally well-trained men and women. It is no longer.

That is what this amendment is about.

I voted for a budget which balanced the budget by 2002. It cut $137 billion more from the debt that will be incurred over the next 6 years, and it provided for $45 billion more for education than the Republican alternative.

My colleagues, this amendment adds $1 billion to education in 1997 far short of the additional $6 billion in the Coalition budget.

The gentleman from Wisconsin [Mr. OBEY] mentioned a little earlier that there will be, over these years for which we budget, 3,410,000 additional students in our schools. Next year, there will be more students in America's schools than at any time before in history.

The gentleman from Florida [Mr. MICA] and I had a debate about adding $20 million to title I. He said that was important, to put money on the ground in schools for kids that needed help. The gentleman from Florida ought to be very enthusiastic about this amendment, and I presume he will vote for it.

The gentleman from Georgia [Mr. DEAL] offered an amendment to cut management and add $1 million to title I. That would not be noticed, of course, by the State of Georgia or any other State when we spread that among the school districts of this country. This amendment gives the gentleman from Georgia the opportunity to add $450 million to title I. Now, that is an important thing to do because what the chairman's bill does without this amendment is to take down the number of students that will be served in 1997 from the 6.8 million who receive them today to 6.6 million next year. That is 200,000 students that will not be served.

This amendment will add next year an additional 150,000 students over those provided for in the bill. Why is that important? Because under title I today, my colleagues, we serve only 53 percent of those students who are eligible. What does title I try to do? It tries

to take those students who are educationally and economically and culturally deprived and tries to make sure that they will be able to be participants in growing our economy and increasing the quality of our society.

This is not a esoteric or intellectual interest. This is a real interest for my children and the children of families across America.

This is a families first, children first amendment. That is why this amendment should be improved. If we do not pass this amendment, and we support the chairman's bill—and I might say the chairman was constrained by the 602(b), that is to say, the money he had available—we will cut from 53 percent of the young people served to 42 percent. That is 11-percent fewer children served in America in programs that the Reagan administration supported, the Bush administration supported, and the Clinton administration supported, to lift kids up, to educate them and make them full participants in our society.

Furthermore, this amendment adds $70 million to Head Start to serve 15,000 additional children, 15,000 additional children. We talk a lot about being concerned about one life, the ability to make one life better, more able to understand and to participate in and be advantaged by education. One life. This is 15,000 additional children and additional families, additional moms who want to see their children have a seat in Head Start, not to hear, ''No, there is no more room.''

This amendment also adds $250 million, as the gentleman from Michigan indicated, to Goals 2000 to provide for better quality education in America.

My colleagues, this was called a gimmick by the chairman of our committee. Let me point out that the Committee on the Budget has interposed no objection to this process.

Let me repeat to my colleagues, the Committee on the Budget has interposed no objection to this policy. As a result, my colleagues in this House, we are giving an opportunity to raise an additional billion dollars for educating kids to help families in America, which is what we all say we want to do. And we do that consistent with what the Committee on the Budget has approved within the framework of our numbers.

Mr. Chairman, I hope when the role is called on this amendment, my colleagues will vote ''yes'' for children, ''yes'' for families, ''yes'' for America.

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

Let me further comment for a moment on the procedure here.

First of all, it was our understanding before the Committee on Rules that the reason the gentleman from Wisconsin asked for additional time for general debate, and there was 2 hours allotted, was that we would not be seeing this generic type of Democrat priority amendment again. We had seen it in our subcommittee, and we had seen it in the full committee, in part, and it was our understanding it would not be offered.

Beyond that, it is being offered without any notice, without any chance for us to analyze whether it is different than previously offered or not, and I would say to the Members of the House that this is the Democrat wish list for funding for education that is not supported by anything except additional borrowing of money. It is part of the problem and not part of the solution, and I believe very strongly it is irresponsible in the extreme and in further forwarding funding where we have forward funded in the past in response to the President's demands that we spend more money than we have. And I would simply say the Members ought to reject this kind of approach out of hand. It is exactly what the problem is in Washington and the kind of problem that we are trying to solve by getting our budget into balance and not pull these kinds of gimmicks in funding in order to say that we are for this group or that spending or the like. I think it is the height of irresponsibility.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee.

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

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentleman from Ilinois [Mr. PORTER] yielding me as much time as I might consume, but I ask the Chair to advise me when I have consumed 4 minutes.

Mr. Chairman, this is a cute way to avoid the Budget Act and appear as if we are throwing money at education and saying the children need education dollars. The fact is, if we look at President Clinton's own budget, we see that in 1996 the total amount of funding that there is available for education, training, and employment and social services is about $39 billion, and it goes up in his budget substantially over the years to almost where it peaks at about $46 billion, and then by his own figures it starts to go down substantially in his plan to balance the budget.

Now, the President has said of course he wants to balance the budget. Ironically, his cuts do not really ever get anywhere until after the next term of office. I would not have any idea why that is, but we would assume that again it is typical liberal mentality and that we will worry about the real problems mañana; not this term, or even the next term of course, but the term after.

□ 1615

That shows though that even he talks about the need to cut back. That is not in keeping with the sentiment of this particular amendment, which throws money that we do not have at education.

Where does it really go? Does it go to the child? No, of course it does not go to the child. The current Washington bureaucracy in the Department of Education involves the Office of the General Counsel, Inspector General, Secretary of Education, the Deputy Secretary, Under Secretary of Education, Office of Public Affairs, Executive Management Committee, Reinvention Coordinating Council, Budget Services, Planning Evaluation Services, Office of Legislation and Congressional Affairs, Intergovernmental Agencies, Interagency Affairs, Secretary of Education, Office of Elementary, Secondary, and Post-secondary Education, et cetera, et cetera, et cetera.

The money goes to the Washington bureaucracy. Even if this amendment were adopted, the money go to the bureaucracy, which the gentleman from Wisconsin [Mr. OBEY] who has just preceded me in the well would hope to perpetuate because these are his constituents anyway.

Mr. Chairman, the point I want to make is under this bill, money for education goes up, money for student loans goes up. This is the projection from 1995 to the year 2000. Every year the estimated annual student loan volume and the cost goes up. The average student loan amount increases from $3,600 in 1995 to $4,300 in the year 2000. The maximum Pell grant, the overall student aid, the TRIO Program, the work study programs, all go up between fiscal year 1996 and fiscal year 1997.

Head Start, which has gone up 132 percent since 1990, is held even in fiscal year 1997. Title I, where in the last 7 years alone there has been an increase of 40-percent in title I grants to the States, it is being held even; again, a 40-percent increase over just what was spent in 1990. It goes on and on and on.

Look, there is never any end to the pleas for more money to help the children who need to be educated. The Federal Government only handles 5 percent of the total education dollars, and most of the money, 95 percent of the money spent on education for elementary and post-secondary education or secondary education, comes directly from the States and local governments. But, they never have enough money to spend.

The fact is, even if they took the money and spent it, it would go to the bureaucracy and not to the children. Where does the money come from? It comes from the American taxpayer, and increasingly, since World War II, the average American taxpaying family has contributed back then 5 percent of its annual income to Washington, DC and the Federal Government, and today, 25 percent of its annual income to Washington, DC, so the people who take their money can go back and get reelected every 2 years by saying, look what we have done for you with your cash. Even then, they have taken more and more and more over the last 50 years, and that is still not enough, because they have spent even more and even more and even more.

In 1980 they were spending $100 billion more than they were receiving in

revenues. By 1990 they were spending $300 billion more than they received. This year, even though we are spending $1.6 trillion in the Federal budget, it is still not enough, and we are spending $150 billion more than we collect.

As a result, all those accumulated deficits mean that we now have a national debt of $5.1 trillion, $20,000 for every man, woman, and child in America, and we are paying interest on that debt, the interest of which is soon to exceed what we spend on the defense of this Nation in a single year.

The first dollar that we spend in the Federal payroll goes to interest, not to defend America, but to interest on the debt. And yet they say spending is not enough. They want to drive this country into bankruptcy in order to get reelected. It is time we stopped it. Reject this amendment.

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

Mr. Chairman, whatever amendments Democrats offer to try to help people, we get the same response from the Republican side of the aisle: ''It is all going to the bureaucracy.'' Let me tell the Members where the money is going. We are trying to provide help for 15,000 more kids for Head Start, so we do not have to reduce the number by 15,000 this year from last year. The last time I looked, first-graders were not bureaucrats, they were kids who needed help.

We provide help for 450,000 kids under title I. Those are not bureaucrats, those are first- and second- and third-graders. We provide $250 million for school improvement. That goes to schools. It goes to neighborhood schools. We provide $233 million to restore the teacher training that they wiped out in the bill. That is 186,000 math and science teachers that will get the training they otherwise would not get. We restore $25 million for safe- and drug-free schools, not bureaucrats. I wish it could be $125 million. We restore $25 million to help 17,000 kids, not bureaucrats, get summer jobs. We restore $93 million in order to help 96,000 students, not bureaucrats.

We provide $150 million so 50,000 American workers who have lost their jobs because of trade can get help to get retrained. So do not give me this baloney about money going to bureaucrats. This money goes to workers, it goes to kids, it goes to neighborhood schools, it goes to working families. This is the bill above all others that is supposed to help kids and working families get ahead. Give me a break. Quit giving us that same old song.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member of the subcommittee for yielding time to me.

Mr. Chairman, I rise in strong support of the education and training amendment offered by Mr. OBEY of Wisconsin, The amendment overturns this bill's devastating funding shortfall in worker assistance and summer jobs, Head Start, support to local schools, and student aid. The $100 million increase in dislocated worker training means that 50 thousand additional, for a total over 600 thousand, workers would receive the critical training and related services they need to successfully re-enter the workforce. One might ask, just who are these people? Well, let me give you a basic snapshot: 54 percent are male; 73 percent are in the prime of their working career aged 30 to 54; 79 percent are white; 21 percent are minorities; over 40 percent have post high school education; and 17 percent are veterans. These are people, who in good times, have carried the weight of this country on their backs, and will resume doing so when they return to the work force. However, for now, as a result of some form of downsizing, they have been forced out of their jobs. These hard working people do not want a hand out, they just need a temporary helping hand. They deserve that much from their country.

The $25 million increase for summer jobs means that over 15,000 additional summer jobs can be supported. While this is an improvement to the bill, the number of summer jobs supported is still 65,000 fewer than the number currently supported, which is 521,000. The Summer Jobs Program is absolutely critical to furthering the development of the Nation's disadvantaged youth. As I am sure each of us knows, disadvantaged children from all backgrounds whether they are African-American, Hispanic, Native-American, or White—just do not have access to the critical linkages to the work force that they need. The Summer Jobs Program provides that ''critical link'' and marks disadvantaged youth's first step toward learning work ethics and gaining real work experience.

In fact, the unemployment rate among all teens almost triples that of the overall unemployment rate. For African-American teens, the rate of unemployment is more than five times that of the overall rate. The potential costs to society from not adequately developing and nurturing its disadvantaged youth is too costly to ignore. It is for these reasons that the President's fiscal year 1997 budget request includes $871 million to support 574,000 summer jobs. This Nation's investment in summer jobs pays for itself.

With respect to education, the Obey amendment provides for children's safety and academic achievement. By adding $25 million for safe and drug-free schools, children's safety in the classroom is much improved. These funds are absolutely critical in providing the over 40 million children served by the program a crime and violence-free classroom in which to learn. Schools use these funds to support conflict mediation, latchkey programs, substance abuse prevention, and violence prevention initiatives including counseling and support groups for at-risk students. The availability of resources to improve classroom safety have encouraged students, parents, and teachers to get involved in managing their schools. And, equally important, it has encouraged parents to get involved in managing their children's education. As a result, some of the schools are experiencing improvements in academic achievement and attendance. Also, dropout rates and suspensions are going down.

The $70 million increase for Head Start will make available 15,000 additional slots. Less than half of the estimated 2 million children who are currently eligible for Head Start are being served.

The restoration of funding, $250 million, for the Goals 2000 Program which was eliminated by the bill, means 6,800 schools will have access to the resources they need to raise academic standards and to continue to help students meet them. In my own State, Ohio, Goals 2000 funds are being used to advance local school improvements designed to enhance student achievement in math and other subject areas where students are lacking in proficiency, to increase and strengthen parental, business and community involvement in education, and to support partnerships with other school districts, colleges, and universities.

The $450 million increase for title I means that 450,000 additional children, as compared to H.R. 3755, will now have access to the critical assistance they need in basic reading and math. Title I funds have made a positive difference in communities across the country allowing schools to focus on early intervention strategies to help prevent academic failure, to help close the gap between the lowest achieving children and other children, between high- and low-poverty schools, and to involve parents more centrally in the education of their children.

The amendment's restoration of $233 million in funding to the Eisenhower Professional Development Program, which was eliminated by the bill—means that an estimated 286,000 teachers and other educators would receive the training and development they need to teach core academic subjects.

The restoration of $93 million in funding to the Perkins loan program means that approximately 96,000 students will be provided the additional financial aid they desperately need at a time when the cost of college is up. Providing a maximum award of $4,000, the Perkins student aid program is critical to helping make college affordable for low-income and middle class families alike.

Mr. Chairman, I stand here on behalf of the Nation's children. Let's not abandon them and their families. Let's fix this bill. I urge you to vote ''yes'' on the Obey education and training amendment.

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

Mr. Chairman, I want to try to put all this in perspective for people. The

total spending on primary and secondary education in this country is somewhere in the neighborhood of $280 billion. The Federal Government spends about $14 billion of that sum. That means about roughly 5 percent of the total. The cuts made last year between fiscal 1995, enacted in fiscal 1996, here in the Congress in education funding would amount to approximately three-quarters of 1 percent of the money spent on education.

So let me say, Mr. Chairman, to the gentleman on the other side of the aisle once again, he is saying the sky is falling, that we are doing terrible things to education, that we are short-changing the kids. Believe me, the gentleman is so, so far from the truth.

Let me say one other thing. If we follow the approach of this amendment, no appropriations subcommittee will ever be able to enforce the discipline of the Budget Act, or to live within their 602(b) allocations.

We will set ourselves on the course of borrowing from the next year ahead on and on in the most irresponsible way, and I would tell the Members that the gentleman from Maryland who just made his presentation, I believe I heard the same presentation four times now, and that may be very good propaganda, but I know it word for word. I think he would tell us if he were here that this is an irresponsible way to proceed, because I have heard him say it myself many, many times.

This is not serious legislation, Mr. Chairman, this is a propaganda game to see who can say they are spending the most and caring the most. It is irresponsible in the extreme.

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

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

Mr. RIGGS. Mr. Chairman, I appreciate the chairman of the subcommittee yielding so I can make this simple point. As the gentleman knows, I am a member of the Subcommittee on Labor, Health and Human Services, and Education, and I, too, have sat through this very informative presentation by the gentleman from Maryland [Mr. HOYER] and the gentleman from Wisconsin [Mr. OBEY] during the course of both the subcommittee and full committee markups.

As the chairman will recall, on both occasions we asked the minority to tell us how much per pupil funding, per pupil expenditures for public education by State and local education agencies has increased over that same corresponding time period. We have yet to get an answer to that particular question.

Since everyone participating in this debate acknowledges that public education is chiefly the responsibility of State and local education agencies, I think that is a rather important piece of information that is currently lacking from the debate. I call again on the minority to tell us and the American people how much per pupil funding has increased for public education over the same time period, as used by their charts.

□ 1630

Mr. PORTER. I thank the gentleman from California.

Mr. Chairman, I inquire of the Chair how much time is remaining on each side.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 28 minutes remaining, and the gentleman from Illinois [Mr. PORTER] has 29 minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from Mississippi [Mr. WICKER], a member of our subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of my subcommittee for yielding me this time.

Mr. Chairman, this amendment is a budget-busting amendment, make no mistake about it. During general debate last night, I attempted to point out what an important and integral part of the balanced budget question this entire legislation is. We need to ask ourselves with regard to this amendment, are we going to be able to make the tough decisions to actually reduce the deficit and stay on a glide path toward a balanced budget by 2002?

To adopt the amendment that is before us would be to add another $1.3 million in spending that we cannot afford and that we cannot expend and stay on that path.

A second question that is a legitimate concern for Members of this body is, can we adequately fund education in the context of the bill that has been reported by the Committee on Appropriations? I would simply point out to my colleagues, the chart that I have before me, student aid increases under this bill.

As my colleagues can see, Mr. Chairman, the maximum Pell grant will go up from $2,470 to $2,500 under this bill. Overall student aid will be increased under this bill between 1996 and 1997. An increase for the TRIO Program. An increase for the work study program.

With regard to Head Start funding, as my colleagues can see, this legislation in the context of a balanced budget provides a modest increase for Head Start. According to this chart in the last 7 years, Head Start funding has increased by 132 percent. That is a substantial commitment that this Congress has correctly made to this important program. As a matter of fact, since fiscal year 1989, the appropriation for Head Start has grown by 200 percent, reflecting the commitment of this Congress to Head Start funding. That amount will increase by some $31 million under the bill that we have before us.

Another point that my colleagues have made, particularly my friend from Maryland, is that we are trying to balance the budget and give tax relief to middle-class Americans at the same time. My colleague from Maryland says we cannot do that. As a matter of fact, Mr. Chairman, we can do that. In the budget plan that we have adopted that a majority of this body has voted for, we can do that. I want to provide tax relief for that middle-class family. I want to provide an opportunity for that family making $25,000 to $30,000 a year to have an extra $1,000 or $1,500 in their take-home pay. If we can do that and still provide an increase for Head Start and for the other programs that I have already outlined, then I think that is a bargain that we ought to take. That is an opportunity we ought to grab. I think the American people support that.

One last chart, and the chairman of the full committee has already alluded to this, this is a chart of President Clinton's budget for education, training, employment and social services out through 2002. As my colleagues can see, the President and his party have proposed dramatic increases in spending in these areas until 2000. That would be the end of the text presidential term. And then the President of the United States says, ''After 2000, we will make dramatic cuts in these programs.'' How are we going to do it? It has not quite been explained. I say that if we were to take this approach and adopt this sort of dramatic upswing and then hope for a cut in the out years that we will never balance that budget and I think every Member of this body on either side of the aisle knows that. It is the same with this amendment. This amendment says,

> Let's spend in fiscal year 1997 another $1.3 billion, and we're not going to get it out of another program, we're not going to take it out of some other line item, we're just going to borrow it from next year. Next year. We'll worry about it then.''

Is that not the problem that we have had that has led to the deficit that we are currently faced with? Is that not the problem that has led to a $5 trillion debt or has contributed at least to a $5 trillion debt in this country?

I urge my colleagues to say no to robbing from people tomorrow so that we can spend more money today. I urge my colleagues to vote against this budget-busting amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. CLAY], the distinguished ranking member of the Education Authorizing Committee.

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

Mr. CLAY. Mr. Chairman, I rise in support of the Obey education and training amendment and in opposition to H.R. 3755, the fiscal year 1997 Labor-Education-HHS appropriations bill.

Mr. Chairman, Republican appropriators boast that their budget preserves meaningful Federal support for education. Unfortunately, their behavior does not coincide with their rhetorical bragging.

The appropriations bill before us today does not preserve our commitment to the children of this country. It

shortchanges basic education and assistance to the most vulnerable student populations, withdraws support for State and local education reform, sabotages school improvement efforts, and denies opportunities for low-income students to pursue higher education as a reasonable goal.

Republicans attempt to package their fiscal year 1997 education budget as a freeze. But characterizing this atrocity as a budgetary freeze is like calling a termite an interior decorator. In reality, the bill represents a continued erosion of Federal support for education. The simple fact is this bill cuts education funding, and these cuts come on top of last year's $1.1 billion reduction in education dollars. Unfortunately, the Republican 6-year balanced budget calls for a continued downward slide in Federal education support.

I fail to see the logic of curtailing support for education, particularly in light of the increasing demands on our education system. School enrollments are rising to record-high levels. In the next 6 years, the period covered by the Republican budget plan, public elementary and secondary school enrollments are projected to increase by 7 percent, and college enrollment by 12 percent. Given these soaring increases in the student population, ever-increasing service costs, and shrinking local education budgets, these cuts will have disastrous results for our children.

It makes no sense to balance the budget by sacrificing investments in the young people who will assume awesome responsibility of leading the world. Investing in education yields extraordinary benefits in terms of increased productivity and economic growth. Equal access to education and educational excellence for all of our children require vigorous and responsible leadership. The bill before us today takes this country in the wrong direction.

Mr. Chairman, on the other hand, I support the amendment offered by my colleague, Mr. OBEY. His amendment would restore funds to assist 8,500 schools in improving the academic achievement of their students, provide basic education assistance for an additional 450,000 children from low-income communities, preserve professional development opportunities for 750,000 teachers and educators, and restore opportunities for 96,000 low-income students to receive Perkins grants to pursue higher education.

Finally, the bill's funding of training programs is woefully inadequate. In this era of increased global competition, we must rely more than ever on our Nation's most valuable resource: The skills and productivity of our workers. A strong training system is critical to our future. Regrettably, the Republican Congress continues to ignore this reality.

The Republican Congress cut over $3 billion from education and training in the 1995 rescission bill and the 1996 omnibus appropriations bill. Today we consider a bill that cuts further at training programs. The Republican bill would deny training opportunities to thousands of dislocated workers who seek retraining to improve their skills, and remain productive citizens. Job losses are inevitable in today's fast-paced economy, as corporate downsizing continues at an alarming rate. The faster dislocated workers can move into new jobs, the better it is for them, their families, and for the American economy. We cannot turn our backs on workers in need of retraining.

I urge my colleagues to reject the Republican approach to education and training. I urge Members to honor our commitment to students and workers by voting for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding me the time.

Mr. Chairman, the charts and graphs and the square root of last year's budget are all interesting, but I think they miss an essential point. That is, that traditionally and without exception, appropriate funding and aggressive support for education has been a bipartisan effort in this Congress. It was, after all, a Democratic President that proposed the GI bill and a Republican Congress that said yes. It was a Republican President that supported the great National Defense Education Act and a Democratic Congress that said yes. Together we have supported such things as drug-free schools and Head Start. The list is glorious and it was bipartisan until this Gingrich Congress. Until this Congress, for 50 years, both Democrats and Republicans joined hands as the American people wanted us to in appropriately funding education and now it has changed. Our Republican colleagues cut $1.1 billion out of the schools and the children of this country in the last Congress and now they propose to cut almost a half a billion more. The Obey amendment attempts to restore bipartisanship to education, to what it has traditionally been.

Mr. PORTER. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. RIGGS], a member of our subcommittee.

Mr. RIGGS. I thank the subcommittee chairman for yielding me this time.

Mr. Chairman, to hear all this compassionate discussion about public education makes me harken back to last year and our efforts to offer educational choice to the poor people of the District of Columbia. If we have a direct responsibility for any education system in this country, it certainly is the District of Columbia public schools and we were unable, because of Democratic opposition, to offer educational choice to the poor children of the District of Columbia and their families. These are children that are trapped in failing schools and trapped in circumstances that as far as I am concerned very seriously cloud their future and deny them educational opportunity, which is the cornerstone of American democratic society.

But the point I want to make during this debate is that simply throwing more money, more taxpayer dollars at our failing educational system has not helped the problem and it is not the answer. I think I can come down to floor here with pretty clean hands because I parted company with some of my California Republican colleagues, I certainly parted company with some of my colleagues on the Committee on Appropriations and voted against the defense spending bill last year because I thought it was excessive, only to later witness the President, who had opposed the bill and threatened to veto it, turn around and sign that bill into law because he claimed that he needed the $8 billion additional spending in that defense bill, which he had earlier called excessive, to help pay for our Bosnian mission which I think is in the long term doomed to catastrophic failure in that part of the world.

But I want to point out, here is what is missing from the charts and the statistics and the figures that are thrown around on the other side during this debate. Since 1970 per-pupil spending in this country, this was the point I tried to make earlier, per-pupil spending in this country has increased from $4,000 per pupil to almost $7,000, and that is adjusted for inflation, a $3,000 per-pupil increase after adjusting for inflation. Yet SAT test scores have dropped from a total average of 937 in 1972 to 902 in 1994.

There are a couple of other figures that I want to share with Members as well. We all recognize that education is suffering in this country. According to the 1994 National Assessment of Educational Progress, when testing for U.S. history achievement, 36 percent of fourth graders, 39 percent of eighth graders, and 57 percent of 12th graders failed to attain even a basic skill level. For reading achievement, the same National Assessment of Educational Progress test reports that 40 percent of fourth graders, 30 percent of eighth graders, and 25 percent of 12th graders failed to attain again basic skill sufficiency levels.

So where is all this money going? Because it is obviously not going into the classroom, it is obviously not producing the kind of educational results, the kind of educational improvement that we would like to see in this country.

Mr. Chairman, we really have to take this into account when we hear the other side talk about spending more and more money and growing our Federal education bureaucracy back here in Washington. When we took over last January and became the new Republican majority in this House of Representatives for the first time in 40 years, we started an inventory of all Federal education programs. That count today stands at 760 separate categorical Federal education programs and increasing. Seven hundred and

sixty education programs, administered by a bureaucratic, redtape, absolutely a maze of bureaucratic agencies. Thirty-nine separate Federal departments, agencies, boards and commissions to administer these 760 Federal education programs. These programs cost Federal taxpayers $120 billion in 1995. But only 51 of these programs are determined to be for the purposes of science, reading, or math. That is how far we have gotten away from the 3 R's in this country. Remember reading, writing, and arithmetic? I would add two others, respect and responsibility, which I think we all need to teach through our public schools. Only 3.6 percent of these 760 Washington Federal education programs are science related, only 1.8 percent are reading related, and only 1.1 percent of these programs are math related.

Mr. Chairman, it is very clear. We are not getting the bang for the buck, we are not getting the kind of results and the kind of accountability we should expect and demand in our public education schools in this country today.

I urge my colleagues, reject this argument and remember that the best thing we can do for our children is to balance the budget. The Democrats say that this bill hurts children but the fact is that we are balancing the budget for our children, for the first time in decades. If we do not get runaway Federal spending under control, we simply will not have money for college loans, we will not have money for Head Start, and we will not have money for children's health programs.

□ 1645

So we again are prioritizing spending. Remember, more money, based on the experience of the last few years, the last few decades in this country, does not necessarily mean better education.

Mr. Chairman, I urge my colleagues to reject the argument that throwing money at the problem is the solution. Qualitative educational reform and improvement is the answer.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I rise in support of the Obey amendment and in opposition to this bill and specifically in opposition to the bill's shortsighted allocations for education funding.

Mr. Chairman, if this country is truly going to meet the challenges of the 21st century, its children will meet the best education we can provide. I think we all agree on that point. However, this bill does not reflect that need.

We know that over the next several years, enrollment in public schools will rise to levels we have never seen before. In fact, the Department of Education estimates that America will need 50,000 additional teachers for the upcoming school year, just to keep class sizes the same as they were last year. This is not a 1-year anomaly—we expect these numbers to continue to increase over the next several years.

At the same time, we are facing a collapse of the current cohort of teachers. The baby-boomers are reaching retirement age. This will mean not only fewer teachers, but fewer role models and mentors for all of the new teachers we hope to acquire. All of this is happening during a time of extreme change in our society. For example the body of scientific knowledge changes daily. We simply can't expect teachers who were trained in this subject 20 years ago, or even 5 years ago, to be able to teach science effectively without the resources and the training they need to stay current. Constant retraining and strengthening of skills is essential—especially as we ask teachers to incorporate new technology into their classrooms.

However, this bill responds to this by doing exactly the opposite of what is needed. It eliminates the Eisenhower Professional Development Program—the one program that has provided national leadership in strengthening the skills of our Nation's teachers. The Department of Education estimates that the President's request for this program would have given 750,000 teachers hands-on training. Even keeping the level of funding equal to last year would have given 338,000 teachers the professional development necessary to teach the next generation the lessons they will need to survive in today's changing world. This does not even take into account the millions of teachers who access the Eisenhower clearinghouse on-line every year to share information about lesson plans and innovations, in order to make their classrooms better learning environments.

With this bill, none of that will take place.

And this is only one cut. I have not even spoken of the detrimental effects of eliminating Goals 2000 or rejecting the President's technology initiative. If we expect our schools to improve, we cannot take away the tools—and yes, the money—they need to do so. With enrollment increasing, with our current teacher cohort shrinking and becoming, on average, less experienced, and with technology developing faster than ever before, we must begin to invest more in education—not to cut, or simply maintain the efforts of previous years. I have always maintained that education is a local function, a State responsibility, but now more than ever, it must be an overarching national concern. I hope that before Members vote on this bill, they understand both the gravity of that decision and its implications for this country's education system.

Mr. PORTER. Mr. Chairman, could I inquire of the Chair how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 18 minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 25 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Obey amendment to restore vital funds for public education.

The amendment rejects the bill's slashing cuts in public education that hit children and working families at every level of their academic development. This bill will deny working American families the great equalizer of our time, the opportunity of a quality public education. It cuts safe and drug-free schools. It kicks 15,000 children out of Head Start, denies help in reading and mathematics to 150,000 kids, and it limits the ability of colleges and universities to grant student loans to middle-class families.

The Obey amendment honors the priorities values of working American families by making desperately needed educational investments. Education is vital to the productivity and the competitiveness of our Nation, both today and in the 21st century. Some of my opponents say that the Republicans have changed their tune from 4 months ago and have a newfound faith in the merits of public education. This is simply not true. Put families first. Put out kids first. Vote for the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN, because he talks slow.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague for an extra 30 seconds. Those of us from Texas, we talk a little slower.

I am just shocked that the Republican majority would be opposing this amendment that does not increase the deficit and yet it puts money where 80 percent of the American people want it, in education funding. Education is hard, it's difficult and it is not cheap, and we know it is not free. We cannot cut spending, as my colleague from California thinks, in education and expect it to improve. Education is tough when we spend the money. It is impossible when we do not spend the money. That is why the Obey amendment is so important. It increases title I funding, increases summer youth training programs, dislocated workers, Head Start it increases $70 million, title I funding for disadvantaged children, $450 million.

At a time when we see an increase in the student enrollment, as the chart in the front talks about, 7 percent increase, this bill cuts it. That is why the Obey amendment is so important.

If we do not restore the funding with the Obey amendment, then a number of us are going to have to vote against this bill because it is not preparing for the future of our country. It is cutting

the future of our country. Using the gentleman from California's argument that education is failing and it is because we are not seeing the improvement, the Pentagon might be zeroed out this year if we know what the GAO study said on the gulf war. We have to do better, not only with the Pentagon but also with education funding.

That is why the Obey amendment is so important for us to adopt and to pass.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I rise in serious opposition to some remarks that the gentleman from California [Mr. RIGGS] made. In fact, walking on the floor, I thought I was back in the Mississippi legislature when they were debating not whether or not to increase but whether or not there would even be mandatory education in the schools.

Mr. Chairman, Mississippi tried that. We went for almost 30 years without mandatory education, I say to the gentleman from California [Mr. RIGGS]. That is probably why our State ranks last in so many categories. It does not work. It costs to educate kids, and it costs more to educate kids with disabilities. There was a time when they were given a couple pots and pans and told to play in the backyard. Now we try to educate them and, yes; we spend a disproportionately high amount of money trying to educate those kids. But it is for the purpose of making them self-sufficient so that we do not have to pay welfare for them.

It costs money to educate children. My State tried the alternative. My State tried going without education and it is suffering for it. So I rise in complete argument with everything that the gentleman said and also want to remind you that the Republican Congress is increasing the annual operating deficit, not reducing it.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY], a member of the subcommittee.

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

Mrs. LOWEY. Mr. Chairman, I rise in very strong support of the Obey amendment to maintain our commitment to our Nation's children, workers, and our schools.

Mr. Chairman, the spending bill we are debating today provides insufficient funding for title I math and English instruction, Safe and Drug-Free Schools, and Head Start. When we consider that school enrollment will increase by 44,000 in New York State alone and that even modest inflation will mean higher costs everywhere, level funding is simply not good enough.

This bill also completely eliminates funding for Goals 2000, provides no new funds for the Perkins Loan program that helps families send their kids to college, and that is just not acceptable.

Mr. Chairman, what will this bill mean? New York City will need an additional $4.5 million in title I funds to provide remedial math and English instruction to their students. Under this bill, they just will not get it. More than 6,000 students and 260 teachers will be cut from the program under this bill next year alone. What is worse, if we follow the Republican budget resolution through the year 2002, 41,000 fewer students will receive title I instruction and 1,600 fewer teachers will be funded in New York City. Overall, the Republican budget resolution cuts funding for education and training by several hundred million dollars by 2002.

The Obey amendment would add $450 million to title I and bring funding up to the level requested by the President in his 6-year balanced budget plan. Under the amendment, over 100,000 students who would have lost remedial help can continue to receive it. An additional 250,000 to 300,000 disadvantaged students would receive the help they so desperately need.

Mr. Chairman, we are all concerned that American students have fallen behind their peers in other countries in math and science. To help push our students to the head of the world's class, the Obey amendment provides an additional $230 million for math and science professional development. This funding is crucial to help train teachers to prepare our students for the technical demands of the 21st century.

Mr. Chairman, I remember when I was in college and there was a great rush to catch up with Sputnik and there was a big move to invest in math and science, and we did so. There was a tremendous effort to invest in math and science at the time, and we made a real difference in our schools. Well, we need to do that again. This amendment restores funding to the Goals 2000 program to ensure that our schools are prepared for the 21st century.

In 1996, New York State received $25 million in Goals 2000 funds to help establish and meet challenging academic standards. Some in this Chamber may argue that schools do not see Goals 2000 money. However, 90 percent of Goals 2000 money that went to new York this year will reach local schools, 90 percent. So make no mistake about it, eliminating Goals 2000 will mean $22 million less to local schools in New York State, and that would be wrong.

In addition, this amendment adds $70 million for Head Start. That means 15,000 more slots in a program that ensures that young children will be ready to learn when they enter school. As written, this bill will deny Perkins loans to thousands of needy college students. This amendment restores $93 million for the Perkins Loan Program, enough to restore Perkins loans to 96,000 needy students who want desperately to achieve the American dream.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

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

Mr. Chairman, I find it interesting that 1 short week after cost of government day that says that all the income that American families and individuals make up until July 3 of any given year goes to support various aspects and various taxes, but basically it goes to fund the cost of government. The Republican vision for education is to return decisionmaking back to the local level. When we are already collecting taxes for more than half the year, perhaps we ought to reassess how those tax dollars are being spent, and more importantly, perhaps what kind of impact are they having.

When we take a look at putting more money back into the educational system in Washington, perhaps it is important to take a look at how Washington defines education. So often we say education in Washington is the Education Department, right? It is this agency, this Department that funnels education dollars back to States and local school districts. They are the ones that drive for excellence in education at the local level. They maybe have a few programs that do this targeting at different kinds of needs and specific requirements at the local level. It is a little bit more complex than that.

It is really a myth here in Washington, because in education, we really have embraced the myth that Washington can solve every problem in education at the local level.

What has this myth evolved to? The result of us in this Chamber believing that we can solve every problem means that we have developed 760 different education programs in this town; 760 different programs that people at the local level have to filter through. It is a good thing that these all go through the Department of Education, so at least the people at the local level can go to one agency and one bureaucracy in Washington and say: These are my requirements. How can you help me and where should I go to look for assistance?

□ 1700

Wrong. If you are at the local level and you have a problem and you think that maybe the Federal Government can help you, and you say which one of these 760 programs is targeted to help my specific requirements, I think I will go to the Department of Education and get a catalog of these. No, sorry, go to the Department of Education and then go to the 38 other agencies in Washington that have responsibility for education.

I am at the local level. I can go to 39 agencies and say, can you please help me find out which of these 760 programs can help me to solve my problem, 760 programs, 39 agencies. But they spend a lot of money. Yes, they spend about $120 billion per year.

It is time to take a look at the agencies, not the money.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank our distinguished ranking member for yielding me this time and also thank him for his leadership. This is a very important amendment because if there were nothing else wrong with this Labor-HHS bill there would still be three reasons, as I said yesterday, to vote against it: Education cuts, education cuts, education cuts.

The needs of our children and our schools are increasing rapidly and that this House is willing to shortchange them is shortsighted. Our children deserve better.

Mr. Chairman, as you know, the Committee on Appropriations voted to cut the President's request for funding for education by $2.8 billion. The Obey amendment would restore funding for some of the education and training programs that have been frozen, cut, or eliminated in this bill.

I am also pleased that the Obey amendment contains $100 million for dislocated worker training. This is a particularly difficult time for Congress to be freezing or cutting funds for dislocated worker training when workers are dislocated by virtue of trade and downsizing. I should not say virtue, but because of trade, downsizing, or technology. It is just exactly the wrong time for us to be cutting funding for their relocation and their training.

I am pleased also that there are funds for summer youth training. Some of those positions are restored, 16,000, even though the committee cut 79,000 summer job training positions. Of course, I am pleased with the increased funding that the Obey amendment provides for Head Start, Goals 2000, and title I.

Much has been said on the floor today about the Federal role in education, and over and over in the course of the debate in the committee, full committee, and here, about the fact that the Federal role is 5 percent of education funding in our country. Indeed, it is only 5 percent, but it is an important 5 percent, and under this legislation, as has been presented here today, we, this Congress of the United States, would not even be able to sustain that small responsibility as important as it is to our Nation's children.

Our children deserve to learn in a safe and drug free environment, to arrive at school ready to learn, to fully develop basic skills like reading and math, to have expanded access to new technologies, to be taught by well prepared teachers, to support higher education and to learn the appropriate skills to succeed in the 21st century workplace.

Sometimes it is difficult for some of us to understand when we have helped to teach our children to read and write that some children do not have that assistance at home. Title I helps provide that for children, and I am so pleased that the gentleman from Wisconsin [Mr. OBEY] has found a way to increase the funding for title I.

We are beholden as public servants, I believe, to provide these opportunities for our children. If we do not display this commitment, we are destined to slam head first into a crisis in education and a down turn in our Nation's productivity.

By this fall, 52 million students will be enrolled in elementary and secondary education schools. Local education budgets are stretched to the limits. Ask any local educator. Education is not just a local responsibility, however, and I addressed earlier the 5 percent that we provide that is very essential. It is the responsibility of all of us, and if we do not live up to it, our children will suffer great consequences.

The education of our children is at great risk. In my view, our Federal commitment to education is a measure of our sincerity about economic success, social progress, and our children's future. I hope our colleagues agree and that they will support this amendment.

So many times in the course of the appropriations bill we have to refer to the budget allocation that our chairman receives. He deserves credit on making the best of our allocation. Even so, I think we should keep our priorities in line with children first and support the Obey amendment.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MILLER], a member of our subcommittee.

Mr. MILLER of Florida. Mr. Chairman, the debate here is not who supports education more. Everybody supports education; the Democrats, Republicans. I have two children, one still in graduate school working on her master's in social work. We support education; that is not the debate. The debate is who is fiscally responsible in addressing the problem.

Do we go back to the irresponsibility and use smoke and mirrors and just build up debt and put debt on our children? We are talking about the future of our kids, and the future of the kids is dependent upon the debt we are putting on them. We have a debt of over $19,000 to every man, woman, and child in this country today. If we just build that up and build that up and spend, spend, spend, that is nice for today, but what are we doing for our children and grandchildren? That is what this debate is about.

We have to have fiscal responsibility. We have to have common sense when we get into spending, and we are talking about the future of our kids. That is what it is about. If we just throw more money, that does not necessarily solve the problem. We have increased spending for elementary and secondary education in this country from $4,000 per child in 1970 to $7,000 today.

The District of Columbia spends over $9,000 per child. Now, there is sending, lots more money, and what do we have to show for it? I doubt if there is a Member sitting in the room today that will put their kids in the public school in the District of Columbia, and that is throwing more money at it.

So I think the rhetoric is scare tactics and that is unfortunate. It has been tried on Medicare: Oh, the sky is falling. We are going to destroy Medicare. Hey, we all support Medicare. They support Medicare. We want to preserve Medicare. Education, the same thing. Everybody feels strongly about education. We need to educate our kids. It is the future of our country. But let us educate them in a fiscally responsible way and not burden them with more debt.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, this amendment is about $1.3 billion extra in Federal spending. No matter where we say the money is going to go, where is it going to come from? We asked the proponents, and they say we will take it out of the money that we were planning to spend next year. Where do we get the money next year? Well, from the year after that and the year after that.

Kind of reminds me of the husband who wanted the boat. He says to his wife, ''I am going to get a boat.'' ''Where are you going to get the money?'' ''I will take it out of the mortgage.'' ''How will you pay the mortgage?'' ''I will take it out of the electric bill.'' ''How are you going to pay the electric bill?'' ''I will take it out of the clothing budget.'' ''How are you going to buy clothing?'' ''I will take it out of the grocery budget.'' ''How are you going to buy groceries?'' ''I guess we will have to borrow.''

That is what this is about. This is about increasing the amount that we are going to borrow. From where do we intend to borrow this $1.3 billion? Well, there are many different ways. We could write a check, if we had one. We could put it on a MasterCard or an American Express or a Visa. But ultimately it means we are talking about borrowing that money from our children.

I have five of them. I do not want them to be buried in debt before they are even grown. I keep a chart in my office. It is on the wall. People come in and they can see every day what is the national debt: $5.1 trillion, $5,154,104,500,603 as of today, the share of each of my children, $19,329, and going up.

Where is the money going to come from? They want to borrow, borrow, borrow, borrow and put our kids in hock for it. This is not for the kids. This amendment is for the bureaucrats, to preserve 760 Federal programs in the name of education, and 95 percent of the education budget in this country comes from the communities and the States. It is not dependent upon the Federal Government.

What depends on the Federal Government is bureaucrats, 760 Federal agencies spread out among 39 departments. Department of Defense. I do not even know the names of some of these. Department of Energy. I do not know what ATBCB is or AG. I know what EPA is and HHS and HUD. But 760 Federal programs? How many bureaucrats are we trying to support on the backs of our children? That is what this is about.

If we believe in responsibility, if we believe that our children come first, then we should not pretend we are helping them by borrowing more money and putting more debt on their backs. Oppose the amendment. Let us keep some sanity. Let us get away from the notion that has dominated this body for so long that the American people are sick of it. Quit borrowing, let us keep the budget solid and keep on the path towards getting in it balance.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations and the Committee on the Budget.

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

Mr. KOLBE. Mr. Chairman, we have already heard that this really is not about education. We are all committed to education. There are philosophical differences as to whether or not the education can best be paid for at the Federal level or at the State and local level. I think most of us on our side of the aisle believe this is a local responsibility.

We can have programs that are better, more efficient, better funded, better for children if they are run locally and funded locally. But that is not really the issue that is involved here because we have increased spending. If we put all the spending of State, Federal and local spending together, we have increased dramatically.

Over the last 40 years, even when we take inflation into account, we have more than doubled the per capita spending. Can anybody in this body look at the statistics and say we are getting more for the dollars that we are spending on education? I doubt it.

So the issue really is whether or not we are going to spend more to provide for Federal bureaucracies. That is really what we are talking about, keeping the bureaucracies in place who run these Federal programs that amount to only 5 percent of the total education dollars.

Now, I know this is a little bit inside baseball, but the gimmick that is being used here is very clever, and I think my colleagues need to know about it. It is really a very clever device, because what they are doing is, rather than take the money out of any other account, reduce spending in any other place, because that might mean some pain in some other areas, in health care, or in higher education or in job training or something else, so rather than do that, we are going to forward fund. That is, we are going to take the money out of certain accounts and we are going to put it into the accounts in fiscal year 1998.

This is another year, not the year for which we are appropriating, but we will make it available on October 1 during the school year, October 1, 1997.

Now, the people on the other side have claimed, well, this has really already been done by the Committee on the Budget, and it is true. In the case of title I we did some of this forward funding. Why did we end up having to do that? Because the President last year on this bill said he would veto it if all the money he wanted for title I was not in the bill, and we could not take it out of any other place, so we had no choice but to forward fund that.

It is certainly not a practice that anybody should want to continue. It is certainly not a practice that anybody thinks we ought to replicate and make widespread in the Federal budget, because as the gentleman who spoke before me suggested, when we start doing this with one part of the budget, we can do it with all the parts of the budget. Why not forward fund defense or the Commerce Department and law enforcement, and so forth? And we will just keep borrowing it and putting it all into the next year's budget. We will take this year's and put it into the next year's budget.

□ 1715

Obviously, each year the problem becomes bigger as we try to deal with this problem. This is a bad process. We should not follow this process. We should not do this any further. We should reject this idea. We should stick to the budget resolution that we have adopted. We should not play these kinds of games and use these gimmicks. This amendment should be soundly rejected.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Economic and Educational Opportunities.

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

Mr. GOODLING. Mr. Chairman, where in the world were the bleeding hearts an hour and a half ago when I stood down in this well and pleaded with my colleagues on the other side of the aisle to face up to the mandate that they gave 21 years ago which is destroying every school district in this country? Not one of them was here.

Mr. Chairman, for 20 years they have refused to step up to the plate and put the 40 percent they promised into special education, and for 2 years my side of the aisle has done exactly the same. And now they want to exacerbate the problem.

Mr. Chairman, I will not have a snowball's chance in Hades of getting any money to step up to the plate to do something about the 40 percent unfunded mandate in special education because they are now taking the 1998 money away from me.

Where were they an hour and a half ago when they should have been here? Dislocated worker training is not an unfunded mandate. The summer youth training is not an unfunded mandate. Head Start is not an unfunded mandate. The Goals 2000 is not an unfunded mandate. Title 1 is not an unfunded mandate. Eisenhower Teacher Training, unfunded mandate, and it is not zeroed out either. It is moved into what we call chapter 2, which is where it should be, which gives the kinds of flexibility we need.

But to think my Democrat colleagues would then have the gall not to step up to the plate and do what they should do for local school districts, which is deal with the IDEA problem. Why are they falling behind in education in this country on the local level? Simply because of unfunded mandates from the Federal Government. They have to take their money that they would spend to upgrade education for the masses of students to spend on what we mandated for the few that are out there.

Mr. Chairman, I say to my colleagues on the other side, do not turn around and play games before an election like this and take away the possibility that at least next year, if I cannot do anything about it this year, at least next year being able to step up to the plate and help those local districts and do something about the unfunded mandate so that they can improve the education system. They know how to do it. We do not. But we mandate and they pay. Let us reverse that. Please reject this amendment above all.

Mr. PORTER. Mr. Chairman, I would inquire as to the time remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 4 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 13½ minutes remaining.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON], the chairman of the Subcommittee on Postsecondary Education, Training and Lifelong Learning of the Committee on Economic and Educational Opportunities.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, I was sitting in my office following the debate, and I heard the same old untrue tirade of how we are cutting student lending and how students will not be able to get help to go to college. I do not know how many young people we have scared into not even trying to get into school because of saying this untrue thing.

It seems to me that there is enough difference philosophically and politically between us on both sides of the aisle that we can make our points while still telling the truth, and I would implore that we do that. That

we not scare people needlessly with untruths.

Let me just give a new facts about student loans. This bill that we are working on right now, the Labor-HHS-Education appropriation bill for Federal student aid, this year increases Federal student aid $2.4 billion to $40.7 billion from the $38.7 last year. We continue to make student aid one of our priorities, and we increase funding for all of the major student aid programs.

Just a few examples: Pell grants we increase to $5.3 billion. That is a $428 million increase. The Pell grant maximum we raise to $2,500 from the $2,470. This is the highest maximum ever provided over the maximum that we increased last year. The work-study program we increase to $685 million. That is over $68 million increase from last year, higher than the President's request.

The TRIO Program we increase to $500 million. That is a $37 million increase.

The bill appropriately makes limited reductions in duplicative and outdated student aid assistance programs, but no student will have his or her aid decreased as a result of the bill.

Student aid funding in combination with Federal entitlements like student loans will increase aid available to students, as I said, this year by $2.4 billion. So please ignore the false rhetoric and misleading statements regarding student aid in this bill. This is a good bill.

Mr. OBEY. Mr. Chairman, I yield myself 9 minutes. I had thought there would be other speakers here, but there are not, so I will try to limit my remarks.

Mr. Chairman, we have heard a lot of rhetoric today and we have heard a lot of talk about bureaucrats. We have heard a lot of talk about mandates. The gentleman from Pennsylvania just asked where on earth were we when he offered his amendment just a few minutes ago. I will tell my colleagues where I was. I was right here, and I was voting against his amendment because I do not believe that we ought to reduce the funding in the committee bill for cancer research. I do not believe we ought to reduce the funding in the bill for Alzheimer's research. I do not believe we ought to reduce funding in the bill for the new clinical center at National Institutes of Health to replace a 50-year-old hospital. I make no apology for not wanting to cut those items.

As I indicated earlier, I think that where the gentleman wanted to put the money was fine. Where he got the money from was atrocious. And so if the gentleman wants me to be blunt about it, I voted against his amendment because it took care of one problem and it creates numerous others. And given all of the people who die from heart disease and cancer and Alzheimer's and Lou Gehrig's disease and all the rest, I am not going to go home and try to explain to people why I have voted to cut medical research. I do not believe in cutting medical research.

Having said that, let me repeat again what we are trying to do. I believe, and I think most people in this country believe, and I certainly think most people on our side of the aisle believe, that we are most clearly defined, both economically and morally, by where we rank the importance of helping our children, and where we rank the importance of helping people who struggle every day to make ends meet, to stay one paycheck ahead of the bill collector, and hopefully to find some way to help their kids get ahead in the process. And I also think we are judged by how we deal with the most unfortunate members of our society.

This bill makes quite clear that our top priority is education. Now, it has been said: ''Oh, my goodness, if we move this money out of this fiscal year into the next fiscal year in order to provide more head room to meet education needs in the country, that we are adding to the deficit next year.'' Absolutely not so. All we are suggesting is that next year we ought to be spending more money than we otherwise will be spending on education, and maybe, just maybe, that means that the majority in this House will not make the same decision next year that it made this year when it decided that new Pentagon toys were more important than better education for our kids.

Mr. Chairman, I simply do not believe that next year we ought to add $11 billion to the Pentagon budget above what the President has asked for and what the Pentagon itself has asked for. After all, we already spend 2½ times as much as all of our military opponents put together. Add up any list one wants to name. We spend 2½ times as much as they do.

I do not think we are nearly as much at risk from a Soviet or from a Russian soldier or a Russian tank as we are from cancer, Alzheimer's, bad education, bad discipline in schools, and weak worker training for workers who are expected to compete in a world economy.

So what we are trying to do is not give more money to bureaucrats. I repeat where this money goes. We are trying to see to it that my Republican colleagues do not knock an additional 15,000 kids out of Head Start, which this subcommittee bill will, and we are trying to see to it that they help 450,000 American kids who otherwise will not be helped to learn math and science and how to read. We are asking that they restore 70 percent of what we cut out of the Goals 2000. That money goes to schools to improve school quality.

We ask that they restore 85 percent of the money that was cut in Eisenhower teacher training so that we can provide 186,000 math and science teachers with upgraded training.

We ask that the restore Safe and Drug-Free School funding to the 1996 level. We ask that they provide $25 million more for summer jobs than the committee bill does so that rather than stripping 79,000 kids out of that program next year, that we can at least help 17,000 of the 79,000 kids that they are dumping out of that program next year.

On Perkins loans, we are asking that 96,000 young people in this country get Perkins loans that otherwise would not get them because they zeroed out the program.

We are asking, last, that we provide $100 million more than the committee provides so that 50,000 American workers, not welfare recipients but workers who have been dumped out of their jobs because of the consequences of trade and imports, so that they can get some training to get a second start in providing a decent income for their families.

Mr. Chairman, let me point out, this does not violate the Budget Act. This does not exceed the budget. This comes in, in fact, $5 billion below the bipartisan Coalition budget which was provided for education and training. I would suggest, Mr. Chairman, that, if anything, this is too modest.

I would simply add one point in closing. When my colleagues look at this bill, this above all others is the bill that the Congress produces each year which is supposed to be focused on creating greater opportunity for working people and creating greater opportunity for people just starting out in life. That is what this bill is supposed to do. It is, as Bill Natcher used to say, the ''people's bill.'' We are trying to provide greater educational opportunity. We are trying to provide greater training opportunity for workers, and that is all this amendment does.

It can be attacked for being socialistic, which is a joke. It can be attacked for spending too much money. It seems to me that we are far better off spending money here than we are in spending additional money to buy additional B–2 bombers that we do not need. And I would also say, Mr. Chairman, that in the end, I think this more than any other amendment on any appropriation bill this year defines the differences in priorities between the two parties.

So, Mr. Chairman, I would respectfully suggest that if Members vote for this amendment, what they will be doing is trying to pull us away in some small measure from the determination demonstrated in this bill to take the first step which, over a 6-year period, will lead to a 20-percent real reduction in the amount of deliverable education support for our youngsters in this country.

☐ 1730

That is where this committee bill wants to take us. This committee bill wants to say: ''OK, we are going to stealthily begin the process under which at the end of the 6 years, under the budget resolution—which you have adopted on your side of the aisle—that we will be spending 20 percent less than in real dollar terms to support the education of our children and the training

of our workers.'' We simply do not believe that is the best way to prepare America for the 21st century.

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

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

First of all, I have heard the other side say several times in the course of the debate that we were zeroing out the Perkins loan program. That is simply, plainly not true. There is $6 billion in circulation under the program. We are simply not adding additional capital this year to the $6 billion.

Mr. Chairman, this is not a serious amendment. I have heard the gentleman from Maryland [Mr. HOYER] for years now, because he and I would always agree on this in subcommittee markup, oppose forward funding of exactly this type and denounce it as fiscally irresponsible in the extreme. And yet he got up and debated in favor of the amendment, knowing very well that that is exactly the kind of funding that he himself opposes. No, it is not a serious amendment.

It is, however, a very serious propaganda effort by the other side to say somehow Democrats are more concerned than Republicans are about educating kids and yet they know that is something that could not be further from the truth and is not true.

No, we can never seem to outbid the other side in terms of saying how much we are going to spend and that, therefore, makes us more concerned because the other side takes not responsibility for the bottom line. They simply say, ''we would spend and add to the deficit. We do not care what level of debt we put upon our children and grandchildren. We are willing to do anything to say that we are more concerned about education than you are.'' That is total nonsense.

What is true, Mr. Chairman, is that we are going to do the job of education better for the kids than has been done by the Democrats over the last 40 years.

The gentleman from California [Mr. RIGGS] pointed out very forcefully, we have spent far more money on education and have gotten worse results. What we are going to do is work for programs that work better for the kids and get results.

Ms. WOOLSEY. Mr. Chairman, when it comes to investing in our children's education, the new majority needs to take a refresher course in basic arithmetic because their numbers just don't add up.

Just take a look at this bill: At the same time school enrollment is expected to increase by 7 percent by 2002, the new majority is proposing to cut funds for education by 7 percent.

This means our schools will have larger classes, fewer teachers, and fewer learning resources, like textbooks and computers. While enrollment increases.

I would recommend that my friends on the other side of the aisle study the history of the Goals 2000 Program, which they are proposing to eliminate.

They would learn that it was a Republican President, President Bush, who first championed the need for education reform. It was the Bush administration which crafted the Goals 2000 Program to meet that need and enlisted the help of Democratic Governors, such as then-Governor Clinton, to get goals 2000 passed by Congress.

Eliminating funds for Goals 2000 means ending support to almost every State in this country, as they work to establish high national learning standards and to ensure that all their students can meet those standards. My State of California will lose approximately $42 million.

I wonder how many of the Members who support this bill have taken a field trip recently to a local school, and talked to the students and their families? Are they telling these kids and their parents that they want to cut the funds that help kids learn basic reading and math, cut the funds for special education and cut funds for safe and drug-free schools?

In addition, this bill completely ignores the President's technology initiative, which joins public and private resources to get computers in all our classrooms and to give teachers the training they need so that every American student will know how to use modern technology in school and on the job.

And what about the teachers? Do they know that this bill eliminates the valued Eisenhower Professional Development Program? We need, and expect, so much from our teachers these days. They need to be a combination of Mother Theresa, Mr. Chips, and Bill Gates—yet, the new majority wants to end funding for professional development?

Maybe the supporters of this bill should audit a college course, and get to know some of the more than 200,000 college students who will be affected by the bill's provision to eliminate new funding for the Perkins Loan Program. They would learn, firsthand, what those of us who support this amendment to increase funding for education already know—the cost of college is increasing too rapidly for many students to afford, and they need our help to continue their education and get the skills they'll need for the high-tech, high-wage jobs of tomorrow.

Americans want a good education for their kids, and they expect responsible national leadership to help them get it. I hope my colleagues will ''get it'' too, and support the Obey amendment and support American students and schools.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY: At the end of title III of the bill, insert the following new title:

''TITLE III V–B—WOMEN'S EDUCATIONAL EQUITY INCREASE

''The amount provided in title III for 'school improvement programs' (including for activities authorized by title V–B of the Elementary and Secondary Education Act of 1965) is increased, and the amount provided in title III for 'education research, statistics, and improvement' is reduced; by $2,000,000, and $2,000,000, respectively.''

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

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

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be divided, 10 minutes to the gentlewoman from New York [Mrs. LOWEY], and 10 minutes to myself.

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

There was no objection.

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] will be recognized for 10 minutes, and the gentleman from Illinois [Mr. PORTER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Along with my distinguished colleague from Maryland, Mrs. MORELLA, I am very pleased to offer an amendment to the bill that will provide $2 million in funding to the Women's Educational Equity Act programs. Currently, the bill eliminates funding for these important educational programs.

Abolishing the critical WEEA program is simply unfair to girls and women throughout this Nation. These programs successfully opened previously closed doors for girls in school and in the workplace.

The WEEA programs cost $2 million, and that money pays off in a big way. As my colleagues all know, women still earn only 72 cents for every dollar earned by men. The glass ceiling has kept women from achieving success in upper management. The best way for women to break through these economic barriers is by becoming better educated, particularly in nontraditional jobs which are generally higher paying.

The Women's Educational Act programs will give today's girls the ability to become tomorrow's high-wage earners. These programs help girls to succeed in math, the sciences and other nontraditional classes. In addition, WEEA supports programs that keep girls from dropping out, in keeping with the national goal of increasing graduation rates to at least 90 percent by the year 2000. Other programs are designed to eliminate discrimination against girls in the classroom and to develop programs, materials, and curricula free of gender bias.

Let me tell my colleagues about a few of the successful projects funded by WEEA.

In Massachusetts, the Preengineering Program helps girls to enhance their performance and their participation in math and science, classes and encourages them to pursue careers in engineering, science and technology. In Chairman LIVINGSTON's State of Louisiana, the Women's Leadership Development Program works with high school girls, teen mothers, and female educators to keep girls in school and, by graduating, to increase their independence and self-sufficiency.

In Florida, Project Can provides young women with training and information about high-skilled, high-wage careers that can provide them with economic self-sufficiency.

My amendment will be offset by reducing funding for research at the Department of Education by $2 million. In this bill, research is increased by $16 million over fiscal year 1996 and over $15 million more than the administration requested. While I certainly support the research efforts of the Education Department, I believe that we must save the successful Women's Educational Equity Act programs. Cutting these programs is incredibly shortsighted. We may save some money this year, but we are sacrificing the future of today's young women.

With the WEEA programs, these girls can learn the skills they need to become independent and economically successful. Let us not let them down. Our amendment is supported by the American Council on Education, the PTA, the American Association of University Women, the Association of Women in Science, the National Organization of Women, the Older Women's League, and many other organizations.

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

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

Mr. Chairman, there is nothing wrong with the program that the gentlewoman wants to fund. In fact, for years I was a very strong supporter of that program. The question, however, is where it is to be funded.

We have made a very strong effort, and this is some of what we are talking about in making government work better for people. We have made a very, very strong effort in approaching our bill over the last two cycles, this being the second cycle, to take small programs that are very expensive to administer and put them into larger programs where they can be administered much more effectively and efficiently and this is one that we did that to.

This is a program that is presently not funded. Why not? Because the money is put into education research and improvement, and the program can be carried out there very easily.

Now the gentlewoman would want to take the money out of education research and improvement and put it back into a separate line item for women's educational equity. I suggest that that is wonderful symbolism, and we all are concerned about women's educational equity. I am and I have supported it for a long, long time. But I do not see the point of doing that.

I think we have to go back to the core programs, the larger ones that can be more effectively administered instead of having a favorite line item for every single Member of the House and every single Member of the Senate and make a very inefficiently run department.

The Department of Education has 240 separate programs to administer. Sit down with anybody in the Department under any administration, Republican or Democrat alike, and they will tell you this is crazy. It is nonsense to administer all these separate programs.

We have made a very, very conscious effort to try to move smaller programs into larger ones so that they can be funded and have some discretion over in the Department as to where the funds ought to go. This is one of them.

I would simply urge the Members to reject the amendment, not because women's educational equity is not important. It is very important. But allow the Department to pursue it through the educational research and improvement account where they have been pursuing it. It is perfectly well done there. It saves administrative expense, and I believe that it is equally well served there as having its own separate line item.

I would oppose the amendment for that reason.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds, just to respond to our distinguished chairman, although I agree with the gentleman that consolidation of programs when it makes sense is a good idea. Whenever we can save money in administration, I think it is a good idea. But this happens to be a jewel of a program, if we can target money to specific programs that are known to work effectively.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA], my distinguished cochair of the Congressional Caucus on Women's Issues.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me. As she mentioned, the gentlewoman from New York, Mrs. LOWEY, and I chair the Congressional Caucus for Women's Issues. This is a high priority for us. I think for all of the women in the United States, as well as the men in terms of wives, daughters, nieces, et cetera.

I want to respond also to the chairman of the subcommittee, and I have mentioned earlier that I think he has done a yeoman job on this bill. I think he has really tried to treat very sensitively all of the programs. I would submit to the gentleman that this is a small program that focuses on what its primary objective is. It is like bringing Government closer to the people and closer to the people who are administering it.

Mr. Chairman, I rise to urge my colleagues to vote in favor of the Lowey-Morella amendment. This amendment would restore $2 million for women's educational equity programs. The funding would come from educational research, a program which would receive, in this bill, an increase of $16 million over the fiscal year 1996 amount and more than $15 million over the budget request.

I believe that in order to achieve educational excellence in our schools, we must eliminate gender bias. In 1974, the Women's Educational Equity Act [WEEA] was established to promote title IX, which barred sex-discrimination in federally funded programs. Over the years, WEEA has funded research, training programs, and other projects to promote educational equity for girls and women. More than 20 years after the enactment of WEEA, a pattern of gender equity still persists in our Nation's schools.

Research by the American Association of University Women [AAUW] shows that during the school years, girls receive less teacher attention then boys and less constructive criticism. Girls' self-esteem drops dramatically as they move through adolescence, and they continue to drop-out of high level math and science courses. Although girls score as well as boys on math tests, by the time they are 17, they have fallen behind. High school girls still earn more credits then boys in English, history and foreign languages, but fewer in math and science. Women earn more than half of all bachelor's degrees, but their degrees are clustered in traditional fields for women such as nursing and teaching.

WEEA provides schools with the materials and tools needed to comply with title IX. WEEA promotes projects that help girls to become confident and self-sufficient women. These projects help to prevent teen pregnancy, keep girls in school until graduation, and steer them toward careers in math and science. A current project of WEEA is designed to clarify for schools a definition of sexual harassment and what the law requires them to do. WEEA funds also initiated the observance of Women's History Month, which has alerted students across the country of the important contributions of women.

Mr. Chairman, we must not allow WEEA programs to fall by the wayside. Girls and women have made great strides through the programs funded under WEEA. I urge my colleagues to support the Lowey-Morella amendment to continue funding for WEEA. Our efforts to reform and improve education will not be complete unless we address the needs of all of America's school children.

□ 1745

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. KILDEE], the distinguished

ranking member from the authorizing committee.

Mr. KILDEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, as former chairman of the elementary and secondary vocational subcommittee and as a teacher and as a father of a daughter, I stand here to support this amendment very strongly. I support it as a separate program also, not to be buried in another program, because we need to build sensitivity to the rights and abilities of all women, all students.

I recall a few years ago when my daughter and my two sons and I were flying, the cabin attendant came by and gave my two sons pilot wings and gave my daughter stewardess badges, and I told the cabin attendant at that time, I am sure my daughter would rather have the pilot wings.

That situation exists in our schools yet today, too, where they steer people in a certain direction because of their gender. We have to break down this gender bias, and this program as a separate program is important, because that gender bias still exists in society, and that includes our schools. So it is very, very important that we keep this program as a separate program, not buried in another very good program.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Lowey amendment to restore funding to the Women's Educational Equity Act.

We have talked much in this Congress about preparing our children for the future and teaching personal responsibility. The programs administered under the Women's Educational Equity Act, in place for the last 20 years, have made great strides to accomplish these goals for girls.

Girls and young women face a number of real and serious obstacles that often keep them from reaching their full potential, such as lack of skills or self-confidence, teen pregnancy, sexual harassment, violence in the classroom, and intentional and unintentional sex discrimination.

Through projects and outreach programs, girls learn job skills for traditional and for nontraditional, high-paying careers. They learn to reject the notion of traditional employment for women and embrace education in a variety of fields. It is sad but true that girls and women still need to be told in our society that they are capable of anything. These programs helps girls become confident, educated and self-sufficient. They remind and encourage girls that they can become self-sufficient adults who make a great contribution—our scientists, world leaders, working mothers, Members of Congress.

Mr. Chairman, I ask my colleagues, for the sake of the future of your daughters and granddaughters, to vote for the Lowey amendment to restore funding to this important program.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York, and in great support of women and girls in our education system.

I support this amendment because often the barriers to girls' participation in the classroom or on the playing field are unintentional. Often these barriers are subtle and go unnoticed. But the fact remains that girls in our country, and the consequences are profound.

Mr. Chairman, as we move toward the 21st century, there is no question that girls and boys need top-notch math and science skills. Women earn more than half of all bachelor's degrees, yet, their degrees are clustered in traditional fields for women, which often means lower paying jobs.

Unless we combat this problem, women will have fewer economic opportunities, women will continue to a lower quality of life than men, and these inequalities will persist into the next century.

We must make sure this does not happen.

As a member of the Economic and Educational Opportunities Committee, I am working hard to improve education for girls and boys, for women and men.

Programs funded through the Women's Educational Equity Act is a way to achieve this goal.

When you vote on this amendment, I urge you to think of your sister; your wife; your granddaughter. Vote for the Lowey amendment, and vote for equality in education.

Mrs. LOWEY. Mr. Chairman, I yield such time as she may consume to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the amendment of the cochairman of the Women's Caucus to emphasize the importance of girls' education with respect to science. This is an important amendment.

Mr. PORTER. Mr. Chairman, I yield myself 30 seconds, simply to say that I understand that the gentlewoman in her remarks had said the American Council on Education endorses this amendment. We have received a call just now. The American Council on Education does not endorse the amendment. We just received the call.

Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Wyoming [Mrs. CUBIN].

Mrs. CUBIN. Mr. Chairman, I am speaking in opposition to this amendment. This amendment, some of the language in it says:

Gender equality policies and practices. The program provides teacher training to encourage gender equity.

First of all, Mr. Chairman, I think it is important, and I am speaking here today on behalf of our children, this program was zeroed out in fiscal year 1996, as we know, The fact remains that if we do not reach a balanced budget, if we do not make the appropriate steps to balance the budget, then none of our children, boys and girls, will have a future, will be able to preserve the American dream.

We know a child born today owes $187,000 only in interest on the national debt. If I had started a business the day Jesus Christ was born and spent $1 million a day every day from then through today, I would still not have lost my first $1 trillion, and we are $5 trillion in debt.

Mr. Chairman, this is not a legacy that we can send onto our children, whether they are male or female. I very much resent the opportunity not to be able to compete with anyone, man or woman, on a level playing field. I do not think that women feel that they are in a position where they cannot compete. I think so much of this discussion is a generational problem. The young women that I know believe that they can compete, and that they can do equally as well in this society.

Yes, I freely admit in the years that I was in college and the years when I was younger, I agree there was discrimination, and it was harder for women to make their way in the professional world. But I believe times have changed, and I also believe that we need to cut programs that are not as effective as they should be, because we have to spend our money in wise use in this budget. We need to do that for the sake of our children.

I am very determined. I will not be a party to leaving a country to my children or other people's children that is not in as good a condition as the country that I received from my parents. We need to save the American dream for them, and we cannot do that if we continue to spend money on irresponsible programs. I ask on behalf of the children and families in America that we defeat this amendment and get on with our business.

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

Mr. Chairman, I would simply say to the gentlewoman, I was prepared to yield some of my time to speakers on the gentlewoman's side, with the understanding that she was not going to ask for a recorded vote on this. Since I now understand the gentlewoman is going to ask for a recorded vote, I find it difficult to do that. Therefore, I will simply close after the gentlewoman proceeds with her final speakers.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Mr. PORTER. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I am sure that the remaining speakers who are going to speak on the gentleman's generous time would clarify the issues, so that I have confidence that he would

want to continue to yield the time to them.

I know that our distinguished Member, the gentlewoman from Connecticut [Mrs. JOHNSON], would like to speak, and we have a few speakers here to share my 1 additional minute.

Mr. PORTER. Maybe I should not have opened this subject, Mr. Chairman. I wanted to explain why I was unable to yield the time.

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

Mrs. LOWEY. Mr. Chairman, it is my pleasure to yield 40 seconds to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of this amendment. This small program has made an enormous difference in creating among girls in America the belief that they have a wide range of opportunities in our society.

One of our biggest problems right now is teen pregnancy, and the teen-to-teen pregnancy prevention is enabling girls to see that math and science open worlds of opportunity, that staying in school matters, that self-esteen is there for them to get. This program funds projects that do exactly that for girls. We must not pull back on a single dollar that can help our girls understand that life is full of opportunity.

Mrs. LOWEY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [PATSY MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I ask unanimous consent that the debate on this amendment be extended by an additional 10 minutes.

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

Mr. PORTER. Reserving the right to object, Mr. Chairman, I was about to yield my remaining time, except for 1 minute, to the side of the gentlewoman from New York [Mrs. LOWEY], if that would help. Could we do it that way?

Mrs. MINK of Hawaii. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. PORTER. Mr. Chairman, I yield the remainder of my time, except 1 minute, to the gentlewoman from New York [Mrs. LOWEY].

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] yields 2½ minutes to the gentlewoman from New York [Mrs. LOWEY], and he retains 1 minute for himself.

Mrs. LOWEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentlewoman for yielding time to me, and I thank my colleague, the gentleman from Illinois [Mr. PORTER], the distinguished chairman of this committee, for the time that is so precious to defend this amendment, to urge its adoption. It is only $2 million, and it is basically a research program. It is moneys that are coming out from a research program in the department, and we are using this method to earmark the money for an area that might otherwise be ignored.

It is so important that we fund the research and training and impetus to the classrooms and to the schools to keep encouraging them to emphasize the importance of equity in education. Our girls are not being encouraged properly into the fields of math and high-tech and science, and they need this special way of dealing with this issue, especially in the elementary ages. They need programs that enhance role models. The whole thing of history, women's history month, is to find all of the people in the country, women, who have excelled in these programs, and to encourage our young people to follow that route.

□ 1800

If we just support research in general in the department, and the committee has been very generous, and I commend them for it by adding $16 million, but if we leave this area into this general, nebulous research and not carve out a special program of only $2 million for the girls, for the sake of equity in education, we are going to really love the tremendous ground that we have achieved thus far. I happen to be the author of this program, and I applaud the gentlewoman for raising this issue once again.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, as generous and knowledgeable as our chairman the gentleman from Illinois, Mr. PORTER, is, and of course he has the strong support of the ranking member, the gentleman from Wisconsin, DAVE OBEY, I do not think they realize how important this is. This is a very important amendment which the gentlewoman from New York, Mrs. NITA LOWEY, has put in. She asked for merely $2 million. This $2 million will being recognition to the women in this country. It was a very hard fight to get this recognition for women. Please, I beg the gentleman from Illinois [Mr. PORTER] and the Members who are not supporting this amendment to turn around and think what an important time this is. Women fought hard to get here. We need your support to be sure that this $2 million will focus this similar block grant, because I know and most Members know, when this money is allocated, women's equity will not be at the top of the list and when the money is allocated, we will be at the end. Please support the Lowey amendment.

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

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] is recognized for 20 seconds.

Mrs. LOWEY. Mr. Chairman, to close this debate, I would like to thank my colleagues with whom I have worked so closely on this issue over the years. Having seen the results of these programs, having seen the educational programs that have encouraged women to get into fields of math and science and engineering, I would again like to appeal to all my colleagues to support this very important amendment. We can work to cut out a lot of programs, but this is one in which we should invest.

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

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 1 minute.

Mr. PORTER. Mr. Chairman, let me say again, I have supported this program in the past, I think it is important, but line items are not meant for recognition. If so, we have too many already. This program can be and is presently administered under the education research and improvement line item. That is where it is right now. There is not a separate line item for it. That is where it ought to remain. To put it simply back into existence either as recognition or symbolism to me is simply not the way we ought to proceed. There are too many separate programs. They are all worthy, of course. They all have defenders. But we have managed to cut down on the number of single programs with high cost to administer, put them under larger accounts like educational research and improvement. We have done it here. I would ask the Congress to keep that exactly as it is and allow us to reduce the number of programs and do a much more efficient job.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: After title III of the bill, insert the following new title:

''Title IIIC—Bilingual Education Increase

Of the amount made available under the heading ''IMPACT AID'' for Federal property payments under section 8002 of title VIII of the Elementary and Secondary Education Act of 1965, $10,000,000 is transferred and made available as an additional amount under the heading ''BILINGUAL AND IMMIGRANT EDUCATION'', of which $6,800,000 shall be for carrying out subpart 2 of part A of title VII of such Act.''

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect very much the process of the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY] and also the question of the importance of education that has been debated on this floor today. I supported the Obey amendment and

will support it once it comes to the floor again for a vote, because I believe the priorities of education says to the American people that we would invest in the front end and not the back end, the back end meaning incarceration, imprisonment, hopelessness and joblessness for Americans. Interestingly enough a recent report cited that the lack of promise of our recent immigrants comes mostly from their lack of understanding of English and their inability to have the appropriate job skills to move into mainstream America.

Coming from the State of Texas, I can say to you that I applaud local officials and the Governor of the State of Texas that have not tried to create a wedge issue on immigration. We have in fact included our new immigrants and have worked very hard to provide them with the resources that they need to integrate into our society. Bilingual education is the key to providing people the opportunity to open the door that gives them an even playing field, and particularly it is important to provide the dollars added professional development training of teachers so that they can educate those who come into our school system. Although the committee has worked hard in this area, I think it is important that we recognize that more dollars are needed to support bilingual education. This particular amendment would have offered an extra $10 million to ensure that bilingual education is both respected and enhanced in the professional and development training and to provide the access to those teachers who would teach our children. Recognizing that the source that I have taken such moneys from deal with Impact education, and might I say that I recognize all those who worked so hard in the Impact education area, I would note that it was only 235 school districts that are impacted on this out of 14,000, but nevertheless it is an important issue.

But I raise this amendment because I think it is important again to focus on the question of bilingual education. I would simply ask my colleague from California [Mr. BECERRA], who is on the floor, if he would accept me engaging him in a colloquy on bilingual education.

This amendment is one that I have offered, though I am going to ask for unanimous consent to withdraw it. But the reason, of course, is to comment, I think both of us have been in the Committee on the Judiciary and we have heard that studies offered by the Rand Commission that have talked about the front end investment versus the back end. So I am hoping that we can all join together and work on increasing the dollars for bilingual education to ensure that direct dollars to the school systems but as well to training bilingual teachers and enhancing their professional development. I query Mr. BECERRA for his input on the importance of this kind of training and expanding bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentlewoman for yielding, and would say that I agree with everything she has said. All the information we have, the data and any studies you look at show that we are absolutely in need of teachers who can help transition a lot of our young students who are not yet proficient in English so that they can become fully proficient. What we have found is that the best way to do that is to not let them fall behind in math, in geography and science while they are trying to learn English but let them learn all those subjects so that within 3, 4, or 5 years they are actually in fully mainstream course work.

I would agree with the gentlewoman completely we do need to see more funding, we do need to see some money allocated to the professional development component of bilingual education so we can have the teachers that we need to teach. We are drastically by tens of thousands of teachers understaffed in our schools for bilingual education and hopefully we will see something remedied as we go through the process of trying to pass a bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I may make an inquiry to the chairman of the Appropriations Subcommittee, I had wanted to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] but I do want to allow the gentlewoman from California [Ms. Millender-McDonald] to comment on this.

Would the gentleman yield me time to enter into a question of him so that I can yield to the gentlewoman?

Mr. PORTER. Mr. Chairman, if the gentlewoman will yield, we expected that she was going to offer the amendment and then withdraw it. We see that there are other speakers on both sides. Perhaps we could simply agree to a 10-minute time limit on this amendment and all amendments thereto and divide it between yourself and myself and finish it in the next 10 minutes.

Ms. JACKSON-LEE of Texas. I would appreciate that.

Mr. PORTER. I ask unanimous consent to do that, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] and the gentleman from Illinois [Mr. PORTER] will each control 5 minutes.

The Chair recognizes the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. I thank the gentlewoman from Texas for yielding me this time.

Mr. Chairman, I would like to just speak on behalf of the increase in funding for bilingual education. We do recognize that there are numerous students now coming into the public school systems that are non-English-speaking students. There is a critical need for teachers to teach these students English. I am appealing to those who are on the Committee on Appropriations and my colleagues to increase bilingual education, thereby providing these young people a qualified teacher who can help them to learn English. It is important, it is critical for the future of our country to have these young folks who are thousands, increasing thousands, in the public schools, to have a teacher who can teach English to them.

I am urging that we support the increase in bilingual education that will afford us the opportunity to train teachers to teach these students.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Texas.

The amendment seeks to cut funding from the Federal Impact Aid Program and transfer the moneys to bilingual education.

Without debating the merits of bilingual education, let me emphasize that cutting impact aid, especially section 8002 of the program, will be devastating to schools around the country that depend upon this assistance.

Local governments cannot collect property tax revenue from federally-owned property, which affects their ability to provide sufficient revenue to the local school system. Section 8002 of impact aid reimburses local governments for the lost tax revenue.

Funding for impact aid represents the Federal Government's commitment to reimburse local governments impacted by a Federal presence. By cutting these funds, regardless of the reason, we are essentially turning our back on this commitment.

I represent the Highland Falls-Fort Montgomery School District, which sits adjacent to the U.S. Military Academy at West Point, and is very dependent on the moneys it receives from the Impact Aid Program to survive. I fear the gentlewoman's amendment, if passed, could seriously jeopardize the school district's ability to remain open or adequately serve its students.

The Federal Government must live up to the commitment it has made to the communities in my district and across the country who depend on the Impact Aid Program. The bill contains a modest amount of funding to reimburse land-impacted school districts like the one I represent. I urge my colleagues to oppose this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think I mentioned and stated earlier for the record that I

offered the amendment and asked unanimous consent to withdraw it in order to enter into a colloquy with the gentleman from Illinois [Mr. PORTER] if he would on the question of the importance of bilingual education.

□ 1815

We realize that there are so many interests involved in this bill dealing with Education and Health and Human Services. Certainly, I believe that we could have enhanced this legislation by additional funding for bilingual education. However, in the spirit of cooperation, I would simply say to the gentleman who has worked hard, along with the gentleman from Wisconsin [Mr. OBEY], that I would like to join with others to make sure that we have the number of bilingual teachers and the proper training for those teachers to ensure that we invest in the front end and not the back end, to make our new immigrants have access to English and to ensure that the children who are in our schools are fully educated in some of our States.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, let me say that I support transitional bilingual education that moves young people from their native language as quickly as possible into English and teaching them then in English. But I do not support bilingual education as has been practiced in many of our larger cities where kids are kept in their native language for year after year instead of moving them to English. So, to the extent that we transition and actually use the bilingual program as it was originally intended to move children as quickly as possible into the English language and being taught in the English language, I support it.

Ms. JACKSON-LEE of Texas. Reclaiming my time, and simply forwarding or completing my remarks, let me say that we probably have a slight disagreement on that. It is my concern that we continue to teach children as long as they need to be taught in order that they can move into the mainstream. However, I will seek to work with those who will work with me to ensure that we do provide the right kind of resources for bilingual education, a fair assessment of resources for bilingual education.

Mr. BECERRA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I am actually quite encouraged to hear the chairman's remarks because I think, if he were to go to some of the large cities like mine in Los Angeles, what he would find is that transition is actually occurring rapidly. But when you have a situation where, like in Los Angeles, you have so many new kids coming in who are in a situation where they must learn anew—in fact, you have some kinds who have never seen a computer so they do not even know how to say computer even in their native language—it takes some time for a school to be able to show the success. But if you look at the individual children, the average time of stay in a bilingual education program is 3 years. So they are transitioned to a fully mainstreamed program of English-only instruction in about 3 years.

So I am very encouraged to hear the chairman's remarks and I hope that we are able to do something because over the last decade, bilingual education has taken about a 60-percent cut in funding. So these are kids who are trying to learn who have seen their funding at the Federal level cut by 60 percent.

I have a figure here that says that the Department of Education recently estimated that we are short approximately 175,000 bilingual education teachers to help these kids transition quickly into mainstream instruction.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I think Texas will work with California and many other States that are impacted by this need for additional funds. I would simply encourage all of my colleagues that we work to make sure that we invest in the front end and not the back end.

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

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

Mr. PORTER. Mr. Chairman, I would inquire of the Chair at this point, we have 3 minutes of our time remaining, whether we are not entitled to use that before the amendment is withdrawn.

Mrs. JACKSON-LEE of Texas. Reclaiming my time, then, Mr. Chairman, if the gentleman is going to have another speaker.

Mr. PORTER. Why does the gentlewoman not reserve the balance of her time?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman reserves the balance of her time and withdraws her unanimous-consent request.

The gentleman from Illinois will have the right to close.

Mr. PORTER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank my friend from Illinois for yielding.

This is an issue in bilingual education that I have done a good deal of study on, and I think it is important for us to have a balanced view of what is taking place in bilingual education. Thirty percent of the Hispanic students in America drop out of school. The lowest pay rates in America today come to Hispanic youngsters because they do not have training in the English language. Kids in bilingual education are not in their for 3 years. They are in there for as long as 9 years, and they get 30 minutes a day at the most in English language.

This comes from U.S. News & World Report, that did an in-depth study on bilingual education. They concluded that, along with the crumbling classrooms, along with the crumbling classrooms, violence in the hallways, bilingual education has emerged as one of the dark spots in the grim tableau of American public education.

Today I wish that the person who is introducing this amendment would talk to some of her constituents in Texas, for example, Ernesto Ortiz, who said: They teach my kids in school in Spanish so they can become busboys and bellhops. I am trying to teach them English at home so they can become doctors and lawyers.

That is what I am saying today. Let us give these new Americans the same chance to have part of the American dream that we have historically given our new Americans. There is a 30-percent dropout. This is not an issue between the kids in school. This is an issue of the bureaucracy. The only people who are for this are the bureaucrats. In New York City, kids are put in bilingual education. Why? Because of their surname, and then the parents cannot get them out of these educational classes.

In New York City, the parents had to take the school board to court to get their kids out of bilingual education so their kids could have an equal chance. If my colleagues want to establish linguistic ghettos in America, vote for this type of amendment. But if my colleagues want this country to be equal and have everyone have an equal chance, then vote against amendments like this. Americans, all Americans should have the same chance to be part of, get part of the American dream that all of us have had.

English is a language of opportunity in the United States. The way people are kept down is if you keep them in bilingual education. You have to immerse young Americans in the English language so that they can compete. We want all Americans to have an equal chance, and we have to begin with giving all Americans an equal chance with the English language. Otherwise we are going to keep these kids in linguistic ghettos, and we are opposed to that in any form.

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

Mr. FAWELL. Mr. Chairman, I rise in strong opposition to the Jackson-Lee amendment, which would transfer $10 million from section 8002 impact aid funds to bilingual education.

As we all know, States and localities provide approximately 95 percent of education funding in the United States. The largest source of this funding is local property taxes. When a school district loses 10 percent of its taxable property to the Federal Government, the local schools are severely impacted. In 1950, Congress responded to this problem by creating the Impact Aid Program. I have always been a strong supporter of this program.

Mr. Chairman, Burr Ridge School District 180 in my congressional district is 1 of 8 districts in Illinois that qualifies for section 8002 impact aid funds. In the case of Burr Ridge school district, three-fourths of the assessed value of the school district is federally owned land at Department of Energy's Argonne National Laboratory. When the Federal Government does not pay its share for the Federal property taken off the tax rolls, the burden falls to local homeowners.

Mr. Chairman, as you may know, the entire section 8002 impact aid program costs about $17.5 million. This funds federally impacted school districts at about 40 to 50 percent of funds they are qualified to receive. In the case of Burr Ridge school district, these funds go directly to teaching positions, reading programs, and special education. Unlike most Federal aid programs, such as title 1 and drug-free schools, impact aid directly funds schools which are adversely impacted by the presence of Federal lands.

Mr. Chairman, I urge the House to strongly oppose the Jackson-Lee amendment, and support our responsibility to serve federally impacted schools.

The CHAIRMAN. All time has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute, please.

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

Mr. SOLOMON. Mr. Chairman, I would just have to object. We have to expedite these bills. We cannot carry them on any longer.

Ms. JACKSON-LEE of Texas. Will the gentleman from Illinois [Mr. PORTER] allow me time to ask unanimous consent to withdraw the amendment?

Mr. PORTER. Mr. Chairman, I would inquire of the Chair, is there any necessity for yielding time to the gentlewoman from Texas to ask unanimous consent to withdraw the amendment?

The CHAIRMAN. The gentlewoman can ask unanimous consent to withdraw her amendment without additional time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to avoid any more ugly talk about bilingual education, I ask unanimous consent to withdraw the amendment so that those of us of good will can work together to ensure that the children are educated and we are investing in America.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania. Page 66, line 9, after the dollar amount, insert the following: ''(reduced by $1,923,000)''.

Page 70, line 24, after the dollar amount, insert the following: ''(increased by $1,923,000)''.

Mr. FOX of Pennsylvania. Mr. Chairman, I understand there is an agreement agreed to by both sides, by the ranking member, the gentleman from Wisconsin [Mr. OBEY], and also by the chairman, the gentleman from Illinois [Mr. PORTER]. I would just make brief remarks, if I may, in support of the amendment.

The Foster Grandparents Program pairs low-income adults with special needs children. The foster grandparents themselves are active, healthy older Americans who have a desire to stay active in their communities but do have limited incomes. The children that are served in the Foster Grandparents Program have special needs and are considered at risk.

Some of the children included in this program are: children with HIV/AIDS; children with severe physical, mental or emotional disabilities; children suffering from serious or terminal illnesses; children who were abused or neglected; and pregnant teens.

The foster grandparents spend 40 hours in training and orientation. Then they are matched with approximately four children. The grandparents are then required to work 4 hours a day for 5 days a week participating in activities with the children.

The benefits of the program include enabling seniors to increase their own standard of living by offering them a small stipend for their work.

The Foster Grandparent Program has also done an outstanding job at providing matching funds from the State and local level and from the private sector. As a matter of fact, the Foster Grandparent Program is currently averaging a 46 percent matching level. In my hometown of Montgomery County, the Preschool Intervention Program, a program for children ages 3 to 5, lost their grandma and are in desperate need of help. After placing a call to the local Foster Grandparent Program, they were told that there was simply not enough money to provide a new grandparent for them.

In a similar situation, Mr. Chairman, a drug treatment center that rehabilitiates drug-addicted mothers and their children recently lost two grandparents. But this can be avoided, Mr. Chairman, with the passage of my amendment and the adoption by both sides of the aisle because it will restore the funding for the Foster Grandparents Program to the fiscal 1995 level, an increase of only $1.9 million, which would equal 550,000 volunteer hours from Federal dollars, an additional 550,000 in non-Federal match, about 1,000 additional volunteers, and 4,000 additional children that can be served.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time. I will be ever so brief.

This is an important amendment. I hope Members on both sides of the aisle will join us in supporting this amendment. Really what we are talking about is prioritizing the Foster Grandparent Program. As Mr. FOX indicated, this really is the ultimate public-private partnership and the return on our investment is really very, very excellent. It taps into one of the most underutilized resources in this country, our senior citizens. Most importantly, it is revenue neutral.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I simply would say to the gentleman from Pennsylvania that this is a very good amendment. The gentleman has shown great leadership and support for the Foster Grandparent Program, and we would accept the amendment.

Mr. LAZIO of New York. I rise today to support the amendment offered by Mr. FOX. I have had the pleasure over the past few years to work with the Foster Grandparents Program as well as the other programs within the National Senior Service Corps. Last year I was successful in offering an amendment adding $13.8 million to the National Senior Service Corps and have worked with Mr. PORTER this year to secure a $4.5 million increase. I commend Mr. PORTER for the commitment he has made to these programs.

For over 30 years the National Senior Service Corps programs, which include Foster Grandparents, have brought needed services to communities across America and have provided hundreds of thousands of service opportunities to older Americans.

America's seniors have a wealth of experience and knowledge which must be engaged. As we look at today's social problems, it is essential that as a nation we look toward those who have faced adversity before, and now stand as examples of that which makes America great. Currently, America's seniors are greatly underutilized in solving today's problems.

Foster Grandparents help to fulfill community needs which may otherwise go unmet. Activities conducted by Nation Senior Service Corps and Foster Grandparents volunteers include: serving the homeless, providing hospital volunteer services, training, tutoring, serving emotionally disturbed children, serving the terminally ill, caring for children who are born with drug addictions and HIV, as well as many, many others.

The money spent on these programs goes a long way to aid both the seniors who volunteer and, more importantly, those who receive their valuable services. We should support America's senior citizens in utilizing their talents and experiences to better themselves and their communities.

I urge my colleagues to support this amendment.

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

The amendment was agreed to.

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

Mr. Chairman, I do so for the purpose of entering into a colloquy with the chairman. I want to compliment the chairman for his leadership in developing a very good bill in difficult circumstances. In order to stay within the

restrictive subcommittee 602(b) allocations, difficult decisions are required.

I am particularly pleased to see the increase in funding provided to the National Institutes of Health given these funding restrictions. As the chairman knows, there are many worthy medical research projects underway at NIH and throughout the country. In time, I believe that this research will alleviate the suffering of a great many people throughout our country. I am particularly concerned that adequate research regarding hyperemesis, or severe morning sickness, including nausea and vomiting, a condition that by one estimate affects over 50,000 pregnant women a year, is not being adequately conducted.

In addition to decreasing pregnant women's productivity in their jobs and private lives, this condition can lead to hospitalization due to severe dehydration.

□ 1830

In fact, in 1993, 43,000 women that we know of were hospitalized for severe morning sickness. Severe hyperemesis can lead to a decision to terminate a pregnancy or even lead to death in extreme cases.

I know of only one NIH study, ''Nausea, Vomiting Nutrition and Pregnancy,'' that is, in part, looking at this problem, yet the majority of women in this country have been or will be pregnant at some time during their life and a majority of them will experience morning sickness.

Does the chairman agree with me that a problem this pervasive is a serious health problem to which the National Institutes of Health should give priority, including devotion of resources for basic clinical research?

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

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

Mr. PORTER. Mr. Chairman, I would agree with the gentleman, and would encourage NIH to use all mechanisms at its disposal to support basic applied and clinical research that addresses the problem of hyperemesis in pregnant women.

Mr. ORTON. Mr. Chairman, reclaiming my time, I thank the gentleman for his support and for his response.

Mr. Chairman, I include for the RECORD the following material:

BRIGHAM AND WOMEN'S HOSPITAL, HARVARD MEDICAL SCHOOL, OBSTETRICS AND GYNECOLOGY EPIDEMIOLOGY CENTER,

Boston, MA, July 10, 1996.

Hon. WILLIAM ORTON,
Washington, DC.

DEAR CONGRESSMAN ORTON: I've been informed of your interest in Hyperemesis Gravidarum and would like to share my concern regarding the need for further research in this area and some very interesting preliminary findings from a pilot study conducted at our institution.

Although there have been no reliable studies that have documented the incidence of severe hyperemesis, estimates suggest that as many as 2% of all pregnancies require hospitalization for this condition. It is clear that this represents a substantial public health problem considering that most women who suffer from this condition do not seek appropriate medical care.

We have recently reported (and are in the process of preparing for publication) results from a pilot study suggesting that factors that contribute to high prenatal estrogen levels may be important in the etiology of this condition. As you can see from the attached abstract presented at the recent Society for Epidemiologic Research Meetings, we have observed that the risk of hyperemesis requiring hospitalization increases 3-4 times with each 15 gram increase in consumption of saturated fat (equivalent to one 4oz cheeseburger). Although we do not know the mechanism by which this dietary association may influence the risk of hyperemesis, we do know that a diet high in saturated fat will increase estrogen production.

To better study the influence of diet and hormones on the risk of severe hyperemesis, we would like to identify women as close to the time of their conception as possible and then measure their hormonal profile to see which profiles are more predictive of the subsequent onset of severe nausea and vomiting. We have proposed such a study to NIH which was not funded during this most recent cycle. However, we will review the evaluation when it becomes available and consider a resubmission.

If you would like any additional information concerning our research in this area please don't hesitate to contact me directly. Thank you for your interest in this area which certainly deserves much more high quality research.

Sincerely yours,

BERNARD L. HARLOW.

SATURATED FAT INTAKE AND THE RISK OF SEVERE HYPEREMESIS GRAVIDARUM

(By L.B. Signorello, B.L. Harlow, S.P. Wang, and M.A. Erick, Harvard School of Public Health and the Obstetrics and Gynecology Epidemiology Center, Brigham and Women's Hospital)

Hospitalization for hyperemesis gravidarum (nausea and vomiting during pregnancy) occurs in up to 2 percent of all pregnancies. Women suffering from this condition can experience malnutrition and severe weight loss, resulting in adverse health effects for both themselves and their babies. The authors conducted a case-control study to examine the potential association between dietary factors and the risk of severe hyperemesis gravidarum (HG). With previous research suggesting an association between estrogen levels and risk of nausea and vomiting, the aim of this study was to investigate the role of modifiable dietary factors that may influence prenatal estrogen production and/or metabolism. Cases were 50 women who were hospitalized for HG and who delivered livebirths at Brigham and Women's Hospital (BWH) between 1/1/92 and 12/31/95. Controls were 100 women who delivered livebirths at BWH during the same time period and who experienced less than 10 hours of nausea and less than 3 episodes of vomiting over the duration of their pregnancies. Data were collected via self-administered food-frequency questionnaires, with reference to the average diet during the year just prior to the pregnancy. Summary measures for the average daily intake of macro- and micro-nutrients were calculated from this data. Preliminary results using a multivariate logistic regression model indicate that high intake of total fat increases the risk of HG (odds ratio (OR)=2.2 for each 25 gram increase, 95% CI 1.1–4.2). Further investigation revealed that this association was driven primarily by saturated fat intake, with an OR of 3.5 (95% CI 1.4–8.5) for each 15 gram increase in daily saturated fat intake (equivalent to 1 four ounce cheeseburger or 3 cups of whole milk) after adjusting for age, body mass index, total energy intake, and vitamin C consumption. This finding suggests that saturated fat intake may be a strong risk factor for HG and that modifying the intake of this type of fat could prevent the onset or lessen the severity of HG. The extend to which saturated fat serves as a market for prenatal hormone levels warrants further investigation.

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

Mr. Chairman, America's children could once again become the innocent victims of shortsighted proposals to cut education programs.

The American people remember last year, when the majority unleashed an all-out assault on title I, Head Start, Goals 2000, bilingual and immigrant education, student loans, and a host of other valuable programs.

Well, here we go again. We have an education budget for 1997 that looks a lot like last year's proposal. Many of the cuts that appeared in their 1996 budget proposal have been given starring roles in 1997.

The plan for 1997 falls more than $2.8 billion short of President Clinton's request. Proponents of the plan claim that they are merely freezing education funding at last year's levels, yet their proposal would cut the Federal education budget by $644 million from last year.

At the same time, 1 million additional children who rely on these programs will be enrolled in America's schools by the fall of 1997. California's K–12 enrollment is expected to be 350,000 higher in 1997 than it was 2 years previously.

Considering this growth, the majority's plan grossly underfunds education programs. The level of underfunding in my home State of California is staggering:

Total funding for education in California falls $328 million short of what is needed.

Goals 2000 is underfunded by nearly $55 million.

Title I—more than $66 million below what is needed.

Safe and Drug-Free Schools Programs—underfunded by nearly $8 million.

Immigrant education programs—more than $14 million below what is needed.

Special education—underfunded by more than $33 million.

Job training and education—more than $3 million below what is needed.

Adult education—underfunded by nearly $5 million.

Even the smaller but equally as important programs that help children in California will suffer under the majority's plan. For example, homeless children and youth—more than $750,000 below what is needed; Indian education—underfunded by more than $800,000.

The majority needs to learn that the American people don't want to see cuts

in education. Americans overwhelmingly rejected the cuts that were proposed last year. Perhaps the advocates of these cuts should listen to their colleagues on the other side of the aisle who have put forth a families first agenda, which would balance the budget without draconian cuts in education.

Mr. Chairman, I would hope that we would pass the Obey amendment that is on the floor or that we would reject the bill before us because it shortchanges America's children.

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

Mr. Chairman, I would like to speak in response to some of the comments that the gentleman from Wisconsin had made during the debate on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE], on which all time being used, there could be no response.

There seems to be in this country a complete mistaken belief that bilingual education programs and the use of languages other than English in the classroom or anywhere else in this society somehow weakens the ability of a country and a society to move forward.

One of the problems that we have in this country right now, I believe, is that some people have taken certain very emotional issues and put them forth in a way that scares the American public. And why not? If we tell the American people that bilingual education or any other program in the Nation threatens the use of English as the official language in this country or the language of this society, then certainly good-hearted, well-intentioned, and good patriotic Americans respond to that by saying, oh, my God, there is a problem here that we have to attack.

But there is no problem. All we have to do is ask any parent of any child in this country where the family speaks a language other than English or a second language what they see, what they envision for their children, and every single one of their parents, unless they are not in their right state of mind, would tell you that they want the child to learn to speak English, to function within the society, to grow within the society.

However, what we have done in this country in the last few years, and, unfortunately, it has been going on for much too long, is to suggest to people that there are a couple of things that are going to wreck this society and one of them is the existence of languages other than English in the society.

Now, whenever I speak on this subject I use myself as an example. I speak Spanish, I speak English. I read Spanish, I read English. I write in Spanish, I write in English. I can listen to music in either language, I can read literature in either language, I can function in either language. I do not think that my existence in this House shows in any way, shape, or form that my knowledge of another language has caused a problem. I think in Spanish at times and speak in English, and it has not confused me. I understand the issues well and in no way am I handicapped.

We are handicapped as a nation, however, when we send messages throughout the world that if you want to deal with us you must deal with us in English or we shall not speak to you. If you want to trade with us you should trade with us in English or we shall not speak to you. And if you want to play baseball on the ballfield we will only speak English, otherwise I will never speak to you.

I suggest that that is a very narrow-minded approach, and all I would ask is people who support this movement of making English the official language, and therefore attack all other languages, to simply understand that the growth of a nation as great as ours is not just an economic growth, it is not just a military growth, it is not just a growth of a democracy; it is also the ability to work with other people throughout the world and to say to them we are not afraid of your language, in fact, we want to learn your language. We want to learn your culture.

Let me make one last point. During the 1970's, as I have said on a couple of occasions on this floor, there were the famous spaghetti westerns that Sergio Leone put out. These were western movies made in Italy and the actors spoke in Italian and in French and Spanish and in English. It is sad to note that even then, and nothing has changed, it was only the American actors who had to have their voices dubbed in other languages while the European actors dubbed their own voice in various languages.

What is the fear? Let us be honest about bilingual education. It is simply a program that takes you as a child speaking another language and teaches you information in your language until you learn to speak English, with the intent being that by the third grade or the fourth grade we will move you over to English, and then if in the process you maintain a second language, in my opinion, that only strengthens the society. That does not weaken the society.

Mr. Chairman, let me just say that when I learned that ''Jorge Washington es el Padre de la Nacion'', I learned in Spanish that George Washington was the father of the Nation. It was the same information. I just learned it in another language first.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. HASTINGS of Florida. Mr. Chairman, I would like very much to thank the gentleman for yielding, and I want to associate myself with the remarks of the gentleman, and add that I am just returned from the European Parliament, the Organization of Security and Cooperation in Europe, where 53 member nations were represented. English was the second language of most of the persons there. They all spoke either two or three languages.

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

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

Mr. HASTINGS of Florida. Mr. Chairman, if the gentleman will continue to yield, in Sweden, where this meeting was held, children are mandated at age 7 to learn English. In Australia, where I visited last year, it is mandatory that their children learn two Asian languages.

I am finding it abhorrent that we continue this debate, and I just wish to associate myself with the remarks and the leadership of the gentleman.

Mr. SERRANO. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments, and I would hope that people in this country would understand that to speak more than one language actually strengthens you; it does not weaken you in any way.

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

Mr. Chairman, I agree with the gentleman that just spoke about English as a common language, but it is also very, very important to have multilingual, especially in the trade and economic issues that we have.

I do disagree with my colleague, the gentleman from California [Mr. FILNER]. He quite often states his own opinion as fact, and he is factually challenged and I would like to tell my colleagues how.

First of all, the Federal Government only provides about 5 percent of the total revenue for education; 95 percent of education funding comes from State and local funds. Now, it is legitimate for those that want the Federal Government to handle more of that burden to say we can spend more money out of the Federal Government. My point comes from the waste, the fraud and the abuse that happens at the Federal level. It is better to handle it at the State level.

Let me give you a couple of examples.

□ 1845

Of that 5 percent that the Federal programs give for education, the committee identified over 760 education programs; 760 programs. Everybody wants a good program and, in fact, back in my own district I went back and everybody was coming and saying, Duke, we have all these programs and these are great programs. And you can fall into that pit. But what it does is that it spreads that 5 percent out so much that we get very little back to the classroom. In some areas, we get as little as 23 cents on the dollar and in other areas about 32 cents on the dollar. That is not good business.

We have taken, for example, Goals 2000 with 45 instances in the bill that says ''States will.'' we have taken that and saved the money from that. The

President's direct lending program, I wish we could totally cut it out and do it privately. Why? Because to administer the direct lending Government program cost $1 billion more to administer just capped at 10 percent. GAO did a study and said it would take $3 billion to $5 billion just to collect those dollars.

We took those savings and capped the administrative fees and we increased, I would say to the gentleman from California [Mr. FILNER], we increased Pell grants. We increased student loans by $3 billion. We increased access to student loans by 50 percent. We did not cut. We added it.

We took Federal programs which my colleagues on the other side would rather spend money on the Federal level, and we are returning that money to the States and getting a bigger bang for the dollar. The vision.

If my colleagues want to work on something in education, we have less than 12 percent of our classrooms that have a single phone jack. Before Republicans and Democrats, the testimony has been that over 50 percent of the jobs in the near future are going to require high-technology skills and we do not have the tools.

Mr. Chairman, one thing I disagree with in the bill, we ought to have more money for Eisenhower grants, not less. Why? Because if we are going to expect our teachers to learn how to turn on a computer and teach the children in the future, these high-technology skills to meet their efforts in the 21st century, then we have got to train our teachers to do that. It is a disagreement I have with the bill, but overall we have added dollars for education. We have taken the Federal Government out of it and turned it back to the American people, and we have given it to the people that need it: students, not the bureaucracy.

Mr. PORTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 conclude at 11 p.m. this evening and; the bill be considered as having been read; and, no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment numbered 3, by Mr. HEFLEY, for 5 minutes;

Amendment numbered 5, by Mrs. LOWEY, for 30 minutes;

Amendment numbered 23, by Mr. GUTKNECHT, for 10 minutes;

Unnumbered amendment by Mr. CAMPBELL, for 10 minutes;

Unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes;

Amendment numbered 1, by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes;

Either amendment numbered 12 or 13, by Mr. SANDERS, for 10 minutes;

Amendment numbered 14, by Mr. SANDERS, for 10 minutes;

Amendment numbered 15, by Mr. SOLOMON, for 5 minutes.

Amendment numbered 16, by Mr. SOLOMON, for 5 minutes;

Amendment numbered 18, by Mr. CAMPBELL, for 20 minutes;

Unnumbered amendment by Mr. ROEMER, for 10 minutes;

Unnumbered amendment by Mr. TRAFICANT, for 5 minutes;

Amendment numbered 28, by Mr. MCINTOSH, for 10 minutes; and

Either amendment numbered 7 or 29, by Mr. MICA, for 5 minutes.

Mr. FORBES. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3756 TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–671) on the resolution (H. Res. 475) providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore (Mr. FORBES). Pursuant to House Resolution 472 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3755.

☐ 1851

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration the bill (H.R. 3755) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 69, line 25. Pursuant to the order of the House of today, further consideration of H.R. 3755 for amendment in the Committee of the Whole pursuant to House Resolution 472 will conclude at 11 o'clock this evening and the bill will be considered as having been read.

The text of the remainder of the bill is as follows:

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $53,184,000, of which $432,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $202,046,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1999, $250,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out

the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,579,000 including $1,500,000, to remain available through September 30, 1998, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $812,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,757,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $974,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $144,692,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: *Provided further,* That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,656,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,753,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,920,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,263,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,923,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $460,070,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1998, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $19,422,115,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $25,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1998, $9,690,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,899,797,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: *Provided,* That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1998: *Provided further,* That not less than $1,500,000 shall be for the Social Security Advisory Board.

From funds provided under the previous paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $160,000,000, to remain available until September 30, 1998, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term ''continuing disability reviews'' has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $250,073,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $6,335,000, together with not to exceed $21,089,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $223,000,000, which shall include amounts becoming available in fiscal year 1997 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $223,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1998, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,898,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,268,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in this Act may be transferred to the Office from the Department of Health and Human Services, or used to carry out any such transfer: *Provided further,* That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare program.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' include any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes.

SEC. 513. None of the funds made available in this Act may be used by the National Labor Relations Board to assert jurisdiction over any labor dispute when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the labor dispute does not involve any class or category of employer over which the Board would assert jurisdiction under the standards prevailing on August 1, 1959, with each financial threshold amount adjusted for inflation by—

(A) using changes in the Consumer Price Index for all urban consumers published by the Department of Labor;

(B) using as the base period the later of (i) the most recent calendar quarter ending before the financial threshold amount was established; or (ii) the calendar quarter ending June 30, 1959; and

(C) rounding the adjusted financial threshold amount to the nearest $10,000; and

(2) the effect of the labor dispute on interstate commerce is not otherwise sufficiently substantial to warrant the exercise of the Board's jurisdiction.

SEC. 514. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than emergency medical assistance or a benefit mandated by the federal courts to be provided by the State.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997''.

The CHAIRMAN. No amendment shall be in order except for the following amendments which shall be considered as read, shall not be subject to amendment, except as specified, or to a demand for a division of the question in the House or in the Committee of the Whole, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 3 by Mr. HEFLEY for 5 minutes; amendment No. 5 by Mrs. LOWEY for 30 minutes; amendment No. 23 by Mr. GUTKNECHT for 10 minutes; unnumbered amendment by Mr. CAMPBELL for 10 minutes; unnumbered amendment by either Mr. THOMAS or Mr. BUNNING, and a substitute if offered by Mr. HOYER, for 20 minutes; amendment No. 1 by Mr. ISTOOK, and a substitute if offered by Mr. OBEY, for 30 minutes; either amendment No. 12 or 13 by Mr. SANDERS for 10 minutes; amendment No. 14 by Mr. SANDERS for 10 minutes; amendment No. 15 by Mr. SOLOMON for 5 minutes; amendment No. 16 by Mr. SOLOMON for 5 minutes; amendment No. 18 by Mr. CAMPBELL for 20 minutes; unnumbered amendment by

Mr. ROEMER for 10 minutes; unnumbered amendment by Mr. TRAFICANT for 5 minutes; amendment No. 28 by Mr. MCINTOSH for 10 minutes; and either amendment No. 7 or 29 by Mr. MICA for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. FOX of Pennsylvania. Mr. Chairman, I would ask the gentleman from Illinois [Mr. PORTER], as chairman of the committee I wanted to ask you a few questions, if I can, regarding a subject very close to both of us, and that is the domestic violence programs under the Violence Against Woman Act. I understand that the current bill now calls for $63.4 million in the new bill.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would say to the gentleman, yes, that is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, reclaiming my time, this represents a 15 percent increase in the programs in a bipartisan bill, including the Chrysler amendment for $2.4 million.

Mr. PORTER. Again, Mr. Chairman, the gentleman is correct.

Mr. FOX of Pennsylvania. Mr. Chairman, I further understand that this legislation is forward thinking and consistent with all the goals of this Congress in helping women avoiding domestic violence problems to children and families and includes also additional funding for battered women shelters.

Mr. PORTER. Yes.

Mr. FOX of Pennsylvania. And the rape prevention and services and the domestic violence hotline; is that correct?

Mr. PORTER. Mr. Chairman, it is.

Mr. FOX of Pennsylvania. Mr. Chairman, I would say to the gentleman, thanks to him and the rest of the committee, and especially for his leadership as being someone who in a bipartisan way helped us forge, I think for the next generation of families, decrease in domestic violence and increase in family unity because of his leadership in these programs. And I thank him for his efforts in this regard.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Wisconsin [Mr. OBEY]; and the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 198, noes 227, not voting 8, as follows:

[Roll No. 303]

AYES—198

Abercrombie	Gejdenson	Oberstar
Ackerman	Gephardt	Obey
Andrews	Geren	Olver
Baesler	Gonzalez	Ortiz
Baldacci	Gordon	Orton
Barcia	Green (TX)	Owens
Barrett (WI)	Gutierrez	Pallone
Becerra	Hall (OH)	Pastor
Beilenson	Hall (TX)	Payne (NJ)
Bentsen	Hamilton	Payne (VA)
Berman	Harman	Pelosi
Bevill	Hastings (FL)	Peterson (FL)
Bishop	Hefner	Peterson (MN)
Blumenauer	Hilliard	Pickett
Blute	Hinchey	Pomeroy
Bonior	Holden	Poshard
Borski	Hoyer	Rahall
Boucher	Jackson (IL)	Rangel
Brewster	Jackson-Lee (TX)	Reed
Browder	Jacobs	Richardson
Brown (CA)	Jefferson	Rivers
Brown (FL)	Johnson (SD)	Roemer
Brown (OH)	Johnson, E. B.	Rose
Bryant (TX)	Johnston	Roybal-Allard
Cardin	Kanjorski	Rush
Chapman	Kaptur	Sabo
Clay	Kennedy (MA)	Sanders
Clayton	Kennedy (RI)	Sawyer
Clement	Kennelly	Schroeder
Clyburn	Kildee	Scott
Coleman	Kleczka	Serrano
Collins (IL)	Klink	Sisisky
Collins (MI)	LaFalce	Skaggs
Condit	Lantos	Skelton
Conyers	Levin	Slaughter
Costello	Lewis (GA)	Spratt
Coyne	Lipinski	Stark
Cramer	Lofgren	Stenholm
Cummings	Lowey	Stokes
Danner	Luther	Studds
de la Garza	Maloney	Stupak
DeFazio	Manton	Tanner
DeLauro	Markey	Taylor (MS)
Dellums	Martinez	Tejeda
Deutsch	Mascara	Thompson
Dicks	Matsui	Thornton
Dingell	McCarthy	Thurman
Dixon	McDermott	Torkildsen
Doggett	McHale	Torres
Dooley	McKinney	Torricelli
Doyle	McNulty	Towns
Durbin	Meehan	Traficant
Edwards	Meek	Velazquez
Engel	Menendez	Vento
Eshoo	Millender-McDonald	Visclosky
Evans	Miller (CA)	Volkmer
Farr	Minge	Ward
Fattah	Mink	Waters
Fazio	Moakley	Watt (NC)
Fields (LA)	Mollohan	Waxman
Filner	Montgomery	Williams
Flake	Moran	Wilson
Foglietta	Murtha	Wise
Ford	Nadler	Woolsey
Frank (MA)	Neal	Wynn
Frost	Oberstar	Yates
Furse		

NOES—227

Allard	Frisa	Myers
Archer	Funderburk	Myrick
Armey	Gallegly	Nethercutt
Bachus	Ganske	Neumann
Baker (CA)	Gekas	Ney
Baker (LA)	Gilchrest	Norwood
Ballenger	Gillmor	Nussle
Barr	Gilman	Oxley
Barrett (NE)	Goodlatte	Packard
Bartlett	Goodling	Parker
Barton	Goss	Paxon
Bass	Graham	Petri
Bateman	Greene (UT)	Pombo
Bereuter	Greenwood	Porter
Bilbray	Gunderson	Portman
Bilirakis	Gutknecht	Pryce
Bliley	Hancock	Quillen
Boehlert	Hansen	Quinn
Boehner	Hastert	Radanovich
Bonilla	Hastings (WA)	Ramstad
Bono	Hayworth	Regula
Brownback	Hefley	Riggs
Bryant (TN)	Heineman	Roberts
Bunn	Herger	Rogers
Bunning	Hilleary	Rohrabacher
Burr	Hobson	Ros-Lehtinen
Burton	Hoekstra	Roth
Buyer	Hoke	Roukema
Callahan	Horn	Royce
Calvert	Hostettler	Salmon
Camp	Houghton	Sanford
Campbell	Hunter	Saxton
Canady	Hutchinson	Scarborough
Castle	Hyde	Schaefer
Chabot	Inglis	Schiff
Chambliss	Istook	Seastrand
Chenoweth	Johnson (CT)	Sensenbrenner
Christensen	Johnson, Sam	Shadegg
Chrysler	Jones	Shaw
Clinger	Kasich	Shays
Coble	Kelly	Shuster
Coburn	Kim	Skeen
Collins (GA)	King	Smith (MI)
Combest	Kingston	Smith (NJ)
Cooley	Klug	Smith (TX)
Cox	Knollenberg	Smith (WA)
Crane	Kolbe	Solomon
Crapo	LaHood	Souder
Cremeans	Largent	Spence
Cubin	Latham	Stearns
Cunningham	LaTourette	Stockman
Davis	Laughlin	Stump
Deal	Lazio	Talent
DeLay	Leach	Tate
Diaz-Balart	Lewis (CA)	Tauzin
Dickey	Lewis (KY)	Taylor (NC)
Doolittle	Lightfoot	Thomas
Dornan	Linder	Thornberry
Dreier	Livingston	Tiahrt
Duncan	LoBiondo	Upton
Ehlers	Lucas	Vucanovich
Ehrlich	Manzullo	Walker
English	Martini	Walsh
Ensign	McCollum	Wamp
Everett	McCrery	Watts (OK)
Ewing	McHugh	Weldon (FL)
Fawell	McInnis	Weldon (PA)
Fields (TX)	McIntosh	Weller
Flanagan	McKeon	White
Foley	Metcalf	Whitfield
Forbes	Meyers	Wicker
Fowler	Mica	Wolf
Fox	Miller (FL)	Young (AK)
Franks (CT)	Molinari	Zeliff
Franks (NJ)	Moorhead	Zimmer
Frelinghuysen	Morella	

NOT VOTING—8

Dunn	Lincoln	Schumer
Gibbons	Longley	Young (FL)
Hayes	McDade	

□ 1912

Mrs. KENNELLY changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. LOWEY] on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 129, not voting 10, as follows:

[Roll No. 304]

AYES—294

Abercrombie	Fattah	LaHood
Ackerman	Fawell	Lantos
Andrews	Fazio	LaTourette
Baesler	Fields (LA)	Lazio
Baldacci	Filner	Leach
Barcia	Flake	Levin
Barrett (WI)	Flanagan	Lewis (GA)
Bartlett	Foglietta	Lightfoot
Becerra	Foley	Lipinski
Beilenson	Forbes	LoBiondo
Bentsen	Ford	Lofgren
Bereuter	Fowler	Lowey
Berman	Fox	Luther
Bevill	Frank (MA)	Maloney
Bilirakis	Franks (CT)	Manton
Bishop	Franks (NJ)	Manzullo
Blumenauer	Frelinghuysen	Markey
Blute	Frisa	Martinez
Boehlert	Frost	Martini
Bonior	Furse	Mascara
Borski	Ganske	Matsui
Boucher	Gejdenson	McCarthy
Browder	Gephardt	McCollum
Brown (CA)	Geren	McDermott
Brown (FL)	Gillmor	McHale
Brown (OH)	Gilman	McHugh
Bryant (TX)	Gonzalez	McKinney
Bunn	Goodlatte	McNulty
Cardin	Goodling	Meehan
Castle	Gordon	Meek
Chabot	Goss	Menendez
Chapman	Green (TX)	Mica
Chrysler	Greenwood	Millender-McDonald
Clay	Gunderson	Miller (CA)
Clayton	Gutierrez	Minge
Clement	Hall (OH)	Mink
Clinger	Hall (TX)	Moakley
Clyburn	Hamilton	Molinari
Coleman	Harman	Mollohan
Collins (IL)	Hastert	Montgomery
Collins (MI)	Hastings (FL)	Moran
Condit	Hayworth	Morella
Conyers	Hefner	Murtha
Costello	Heineman	Myrick
Cox	Hilleary	Nadler
Coyne	Hilliard	Neal
Cramer	Hinchey	Neumann
Crapo	Hobson	Ney
Cummings	Hoke	Norwood
Danner	Holden	Oberstar
Davis	Horn	Obey
de la Garza	Houghton	Olver
Deal	Hoyer	Ortiz
DeFazio	Jackson (IL)	Orton
DeLauro	Jackson-Lee (TX)	Owens
Dellums	Jacobs	Pallone
Deutsch	Jefferson	Pastor
Diaz-Balart	Johnson (CT)	Payne (NJ)
Dicks	Johnson (SD)	Payne (VA)
Dingell	Johnson, E. B.	Pelosi
Dixon	Johnston	Peterson (FL)
Doggett	Jones	Peterson (MN)
Dooley	Kanjorski	Pickett
Doyle	Kaptur	Pomeroy
Dreier	Kasich	Portman
Duncan	Kelly	Poshard
Durbin	Kennedy (MA)	Quinn
Ehlers	Kennedy (RI)	Rahall
Ehrlich	Kennelly	Ramstad
Engel	Kildee	Rangel
English	Kingston	Reed
Ensign	Kleczka	Richardson
Eshoo	Klink	Riggs
Evans	Klug	Rivers
Ewing	LaFalce	Roberts
Farr	Roemer	Smith (NJ)
Ros-Lehtinen	Smith (WA)	Upton
Rose	Solomon	Velazquez
Roukema	Spratt	Vento
Roybal-Allard	Stark	Visclosky
Royce	Stearns	Volkmer
Rush	Stenholm	Walsh
Sabo	Stokes	Wamp
Salmon	Studds	Ward
Sanders	Stupak	Waters
Sawyer	Tanner	Watt (NC)
Schaefer	Tate	Waxman
Schiff	Taylor (MS)	Weldon (FL)
Schroeder	Tejeda	Weldon (PA)
Scott	Thompson	Weller
Seastrand	Thornton	Whitfield
Serrano	Thurman	Wilson
Shaw	Tiahrt	Wise
Shays	Torkildsen	Woolsey
Sisisky	Torres	Wynn
Skaggs	Torricelli	Yates
Skelton	Towns	Young (AK)
Slaughter	Traficant	Zimmer

NOES—129

Allard	Dornan	Myers
Archer	Everett	Nethercutt
Armey	Fields (TX)	Nussle
Bachus	Funderburk	Oxley
Baker (CA)	Gallegly	Packard
Baker (LA)	Gekas	Parker
Ballenger	Gilchrest	Paxon
Barr	Graham	Petri
Barrett (NE)	Greene (UT)	Pombo
Barton	Gutknecht	Porter
Bass	Hancock	Pryce
Bateman	Hansen	Quillen
Bilbray	Hastings (WA)	Radanovich
Bliley	Hefley	Regula
Bonilla	Herger	Rogers
Bono	Hoekstra	Rohrabacher
Brewster	Hostettler	Roth
Brownback	Hunter	Sanford
Bryant (TN)	Hutchinson	Saxton
Bunning	Hyde	Scarborough
Burr	Inglis	Sensenbrenner
Burton	Istook	Shadegg
Buyer	Johnson, Sam	Shuster
Callahan	Kim	Skeen
Calvert	King	Smith (MI)
Camp	Knollenberg	Smith (TX)
Campbell	Kolbe	Souder
Canady	Largent	Spence
Chambliss	Latham	Stockman
Chenoweth	Laughlin	Stump
Christensen	Lewis (CA)	Talent
Coble	Lewis (KY)	Tauzin
Coburn	Linder	Taylor (NC)
Collins (GA)	Livingston	Thomas
Combest	Lucas	Thornberry
Cooley	McCrery	Vucanovich
Crane	McInnis	Walker
Cremeans	McIntosh	Watts (OK)
Cubin	McKeon	White
Cunningham	Metcalf	Wicker
DeLay	Meyers	Williams
Dickey	Miller (FL)	Wolf
Doolittle	Moorhead	Zeliff

NOT VOTING—10

Boehner	Hayes	Schumer
Dunn	Lincoln	Young (FL)
Edwards	Longley	
Gibbons	McDade	

□ 1021

Mrs. ROUKEMA changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: Page 83, after line 8, insert the following:

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio [Mr. TRAFICANT] and a Member opposed will each control 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. Chairman, the amendment is straightforward. Anyone who would place a fraudulent ''Made in America'' label on an import would be ineligible to compete on any contract or subcontract under this bill, and be subject to debarment and suspension under laws already established.

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

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side we have no objection to the amendment, and accept it.

Mr. TRAFICANT. Mr. Chairman, I also want to thank the gentleman from Wisconsin for all the help over the years on appropriation bills with these measures.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Chairman, we have no objection to the amendment on this side, and we accept it.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HEFLEY: Page 71, line 6, after the dollar amount, insert the following ''(reduced by $1,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado [Mr. HEFLEY] and a Member opposed will each control 2½ minutes.

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

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I many consume.

Mr. Chairman, both sides have agreed to the amendment. This is the amendment to strike $1 million from the Corporation for Public Broadcasting, the $1 million that goes to the Pacifica

Radio Network. For several years we have offered this amendment. We have passed it in the House. This year we hope it would get through the entire process.

Mr. Chairman, in the past, I have offered amendments to the Labor/HHS/Education appropriations bills to decrease Federal funding for the Corporation for Public Broadcasting by $1 million. I now ask again for a $1 million reduction in CPB appropriations because this is roughly the amount of money that the Pacifica Radio Network receives each year from the CPB.

Based in Berkeley, CA, Pacifica is a network of 5 radio stations with at least 57 affiliates that carry its news service and talk shows. I believe the Federal Government should stop pumping dollars into Pacifica—via the CPB—and stop footing the bill for the outrageous hate programming Pacifica has distributed.

Let me list a few examples of the racist, anti-Semitic programming that has spewed out of Pacifica's networks for at least 30 years.

In 1969 Pacifica's New York station broadcast an anti-Semitic poem written by a young black girl with lines like, ''Hey, Jew Boy with the yarmulke on your head/You pale-faced Jew Boy, I wish you were dead.''

In 1983 Pacifica's Washington, DC station permitted its announcer to ''tell potential presidential assassins to use more powerful guns than John Hinckley used'' when he tried to kill President Reagan.

During Pacifica's ''Afrikan Mental Liberation Weekend'' in 1993, the network allowed its guest, Nation of Islam leader Louis Farrakhan, to state that Jews are a ''pale horse with death as its rider and hell close behind.'' A caller to the show then suggested, ''The Jews haven't seen anything yet * * *. What is going to happen to them is going to make what Hitler did seem like a party.''

And just this year, the Pacifica network in Berkeley aired a show in which a guest claimed that ''the U.S. Congress and the White House are Israel occupied territory.''

Now I don't have anything against free speech—nor do I want to monitor Pacifica's programming schedule. However, I do not want to force the American taxpayer to subsidize this kind of programming at Pacifica. Let the network produce such shows on their own dollar—that is what they claim to be doing anyway! Pacifica states that it is the ''nation's first listener-supported, community-based radio network.'' And private donations to this network have increased over the years. So I would think that Pacifica could get along fine without Federal funding to support their broadcasts.

The government should not be in the business of promoting radio shows that fan the flames of racism and hatred. Therefore, Mr. Speaker, I submit my amendment to reduce the funding for the Corporation for Public Broadcasting by $1 million. Let's put a halt to the Federal funds flowing into the Pacifica Radio Network.

Mr. Chairman, if I am correct that both sides have agreed to accept it, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, I rise today to express my vigorous support for continued Federal funding for the Corporation for Public Broadcasting and my opposition to the Hefley amendment. The CPB provides countless hours of joy, education and entertainment to over one hundred million Americans each week. Through stations and projects that range from public television, to radio programming, to the World Wide Web, the CPB reaches virtually every household in America with a television, radio, or computer.

The average American child will watch more than 4,000 hours of television by kindergarten. The CPB helps parents to use the television as an educational tool. Few American children have not explored the depth of their imagination as they watched the Land of Make Believe with Mr. Rogers. And as Americans continue the life-long learning process, the CPB provides such classics as Masterpiece Theater, Great Performances and a plethora of documentaries exploring diverse subjects in a depth rarely found elsewhere. In short, CPB programs have become an integral part of American life.

CPB programs extend to the Internet as well. In 15 projects across the country, students consult experts online, publishing their writings and receiving educational assistance on the World Wide Web.

In areas of our Nation where the local newspaper is published just once a week, public radio is one of the few sources of daily local news and live events, functioning as a lifeline for many. In addition, CPB radio service provides radio reading service for the blind.

For a mere one dollar and nine cents per American, we can offer Americans a chance to learn, explore and expose themselves to ideas they would not otherwise have free access to. Federal funding of CPB must be kept at the highest level possible.

At a time when many in Congress are concerned about the violent and offensive content on commercial television, it is especially surprising to find so much hostility directed at the CPB which produces some of the best educational and family entertainment available.

All of the programs and services I have just mentioned would be put at risk by the Hefley amendment. This amendment seeks to stop Federal funding for Pacifica-Radio because of what Mr. HEFLEY claims to be antisemitic and racist programming. I have been informed by the Corporation for Public Broadcasting that the comments Mr. HEFLEY is concerned with were made by callers to shows, not by the hosts of the program. In fact, it is included in Pacifica-Radio's own charter that antisemitic or bigoted remarks about any group are grounds for a programs removal from the air.

In addition, this amendment would not accomplish its purported goal. Congress set up specific guidelines as to how CPB awards its radio grants. CPB does not have the discretion to deny a grant because they do not like a program and/or its content. If a grant applicant meets the criteria set forth by Congress, CPB is obligated to award the grant. Cutting an arbitrary $1 million will not end broadcasts by Pacifica, but it will hinder all the worthwhile work done by the CPB.

We may well strongly disagree with or dislike comments made in many broadcast arenas. When such comments are made, it is our responsibility to condemn those comments, not to make an across-the-board cut from the budget which funds the very worthwhile programming provided by the CPB. I urge my colleagues to vote no on the Hefley amendment.

The CHAIRMAN. Is there a Member opposed to the amendment?

If not, the question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

AMENDMENT OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 87, after line 14, insert the following new section:

SEC. 515. The amount provided in this Act for ''DEPARTMENT OF EDUCATION—Student financial assistance'' is increased; and each of the amounts provided in this Act for ''DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses'', ''DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities'', ''DEPARTMENT OF EDUCATION—Departmental Management—Program administration'', ''Federal Mediation and Conciliation Service—Salaries and expenses'', ''Federal Mine Safety and Health Review Commission—Salaries and expenses'', ''National Council on Disability—Salaries and expenses'', ''National Labor Relations Board—Salaries and expenses'', ''National Mediation Board—Salaries and expenses'', ''Occupational Safety and Health Review Commission—Salaries and expenses'', ''Prospective Payment Assessment Commission—Salaries and expenses'', and ''United States Institute of Peace—Operating expenses'', are reduced; by $340,000,000 and 15 percent, respectively.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

□ 1930

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

Mr. Chairman, on the front page of the USA Today, the article right here

says, ''College Dropout Rate Hits All-time High.'' College dropout rate hits all-time high.

One of the reasons that the college dropout rate is hitting an all-time high, according to this article and according to a score of students that I have talked to in the third district of Indiana, is because the cost of college continues to escalate higher and higher and we are unable to provide enough sufficient aid through Pell grants and Stafford loans and student assistance programs to adequately keep many of these students, especially moderate and low-income students, in the school.

Let me give further evidence, Mr. Chairman. The AP story again, leading off the wire today, quote, ''A combination of rising tuitions, increased job opportunity, a growing economy and concerns about student aid can lead to more students not returning to school,'' unquote.

I give a certain amount of credit to the Republican Party for increasing the Pell grant this year by $25. $25, Mr. Chairman, maybe will buy a textbook for the student to go to Indiana University.

If we were keeping up with inflation-adjusted Pell grants to make sure that we make the best investment possible for our students, Pell grant maximums would be at $4,300 today. In this bill today they are at $2,500. My amendment would simply take the $2,500 level up to $2,600 and have an offset to pay for it by taking it out of salaries and expenses in the Department of Labor and the Department of Education. So there are offsets for this. It is revenue neutral.

Let me further say, Mr. Chairman, that when the Pell grant was in effect several years ago, it covered about 50 percent of the costs of college. So if your tuition at Indiana University was $3,000, it would roughly cover about $1,500 of that. Today the Pell grant barely covers 20 percent of the cost of students going to college.

Mr. Chairman, there are many reasons that we need to do something about bringing this Pell grant up.

I intended to offer this amendment today before having discussions with the Secretary of Education today and members of the Republican party, both on the House side and the Senate side, and I understand that Senator HATFIELD and others are going to try to increase the 602(b) allocations and put about $1.3 billion more into the education account.

In a conversation today with Secretary Riley, he said that he would be willing to work with Members of Congress to see that a great deal of this $1.3 billion be put into the Pell grant program so that we can make this the best investment possible, and, that is, making sure that our students are able to go to college.

We have a larger and larger gap, Mr. Chairman, between the haves and the have-nots in our society. The haves generally have a college education or generally have the ability to get to a two-year college. The have-nots are increasingly cut out of education opportunities and their future. My amendment puts a great deal of emphasis on what has been the foundation, the cornerstone of helping our young people get to college and that is the Pell grant.

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

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Indiana [Mr. ROEMER] has 1 minute remaining, and a Member opposed would have 5 minutes. Is there a Member opposed to the amendment?

Mr. MILLER of Florida. Mr. Chairman, my understanding is that the gentleman is going to withdraw the amendment.

Mr. ROEMER. That was my intention. I was hopeful that the gentleman from Illinois [Mr. PORTER] would be on the floor, and I had hoped that he might say a couple of things about how important the Pell grant is in terms of helping us get our young people in college. But he obviously is not on the floor at this time.

Mr. MILLER of Florida. Mr. Chairman, I claim the time.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. MILLER] is recognized in opposition for 5 minutes.

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

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

Mr. MILLER of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me simply suggest, I know the gentleman from Illinois [Mr. PORTER] is probably trying to get a bite to eat just like I am going to be trying to get a bite to eat. I am sure that both of us would like to see additional funding for Pell grants. I think we have considerable concern about making the kind of reductions we would have to make in some of the worker protection agencies, for instance, in order to fund this.

Let me simply say it is my hope that the Senate is going to be adding some money to Pell grants, and if they do, I certainly will want to see funding added in conference. I thank the gentleman for raising the issue and thank him for being willing to withdraw the amendment and work with us to try to produce a better number in conference.

Mr. PORTER. Mr. Chairman, I would inquire who has the time.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] has the time at the moment in opposition to the amendment, and the gentleman from Indiana has 1 minute remaining.

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

Mr. Chairman, I simply want to respond to the gentleman and say that we have put Pell grants at a very high priority. We raised them to the highest level in history with the largest increase in history last year and are raising them again this year. I very much share the gentleman's concern about Pell grants, and we will work with him to see what we can work out in the final conference report and negotiations with the White House.

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

Mr. Chairman, I thank the gentleman from Illinois. I certainly applaud President Clinton and Secretary Riley for what they are tying to do for higher education and higher education costs. I thank the gentleman from Illinois for his comments and certainly the gentleman from Wisconsin [Mr. OBEY] for his work on this amendment.

College tuition costs, Mr. Chairman, have doubled in the last 10 years. So we need to do more than increase this to $2,500, even though it is the highest level ever. It should be at $4,300, not $2,500. So I would encourage the members of this Committee on Appropriations in the conference committee to put as much of that $1.3 billion as possible back into the Pell grant program so that we do not see the dropout rate that we are seeing noted in the AP stories and on the front page of the USA Today.

Mr. Chairman, I think there is bipartisan agreement that Pell grants do need help, and I would hope that we would work together with the Secretary of Education, Mr. Riley, and Republicans and Democrats together to see this increased in the conference committee.

With that, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

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

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

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES. None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance.

AMENDMENT AS MODIFIED OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I ask unanimous consent to substitute a

modified amendment which has been approved by the manager of the bill.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment as modified, offered by Mr. SOLOMON:

Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTION.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

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

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed, each will control 2½ minutes.

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

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

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

Mr. Chairman, what my amendment would do would be to say that none of the funds available under this bill could be used to promote the legalization of currently listed illegal drugs in this country.

Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992, marijuana use jumped 137 percent among 12- and 13-year-olds, and even worse, 200 percent among 14- and 15-year-olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illegal drugs, and we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

Mr. Chairman, I would hope that my amendment would be accepted. It is terribly important for the young people of this Nation.

Mr. Chairman, President Clinton recently asserted that drug use has dropped over the past 3 years. This is simply not true.

The truth is that during the Reagan-Bush years, drug use dropped from 24 million in 1979 to 11 million in 1992. Unfortunately, those hard fought gains have been wasted. Under president Clinton's watch this trend has been reversed and drug use is again on the rise.

I think Americans need to ask themselves during this Presidential election year, ''Is my child better off today than he was 4 years ago?''

In fact, Mr. Chairman, the Department of Health and Human Services recently reported that since 1992, marijuana use among young people has increased an average of 50 percent per year. Even more disturbing, since 1992 marijuana use jumped 137 percent among 12–13 year olds and 200 percent among 14–15 year olds. Nearly 1.3 million more young people are smoking marijuana today than in 1992.

Without laws that make drug use illegal, experts estimate that three times as many Americans will use illicit drugs. And we know that an increase in drug abuse leads to an increase in violence and domestic abuse.

It is for these troubling reasons that I am offering this amendment today. My amendment is simple—none of the funds available under this bill can be used to promote the legalization of drugs.

However, my amendment would still allow the study and research of substances in Schedule I for medical purposes. If it was discovered that there was significant medical evidence that the drug is an effective and safe medical treatment then nothing in this amendment would preclude anyone from bringing the drug to market.

In a speech last year entitled ''Why the U.S. Will Never Legalize Drugs,'' our Nation's drug czar, Lee Brown called drug legalization the moral equivalent of genocide.

Legalizing addictive, mind altering drugs is an invitation to disaster for communities that are already under siege. Making drugs more readily available would only propel more individuals into a life of crime and violence.

In fact, current statistics show that nearly half of all men arrested for homicide and assault test positive for illegal drugs at the time of arrest.

According to the Partnership for a Drug Free America, 1 out of every 10 babies in the United States is born addicted to drugs. Infants and children living with drug-addicted parents are at the highest risk of abandonment or abuse. A study in Boston found that substance abuse was a factor in 89 percent of all abuse cases involving infants.

Listen to the words of Joseph Califano, former Secretary of Health, Education and Welfare and the current president of the National Center on Addiction and Substance Abuse at Columbia University. ''Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber.''

This amendment simply reaffirms our government's policy that Schedule I drugs should not be legalized.

Those members who support the legalization of drugs should not support this amendment. But those members that want to show the people of this country that we are committed to providing a better future for our children and grandchildren—please vote ''yes.''

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

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

Mr. PORTER. Mr. Chairman, we think it is a good amendment and accept it.

Mr. SOLOMON. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I claim the 2½ minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 2½ minutes.

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

Mr. Chairman, I take the time to simply make the statement that I do not intend to oppose the gentleman's amendment, but I am still concerned. I do not want to put any impediment in the way of persons who are dying of painful diseases and who can find some relief from pain from the use of marijuana in a medically prescribed way.

I reserve the right in conference to make certain that we are not, from the floor of the House where everybody is healthy and comfortable, causing problems for people who are sick or are in pain.

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

Mr. OBEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would tell the gentleman that I have done extensive research on this matter. The American Medical Association supports this amendment because they feel it in no way would hinder the treatment of patients with cancer, which I have had a lot of that in my own personal life and family. So I assure the gentleman we do not intend to do that.

Mr. OBEY. Mr. Chairman, with that understanding, I withdraw my objection and would accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. SOLOMON].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SOLOMON

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

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

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SOLOMON: Page 87, after line 14, insert the following new sections:

SEC. 515. (a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice.

(regardless of when implemented) that prohibits, or in effect prevents—

(1) the maintaining, establishing, or operation of a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of title 10, United States Code, and other applicable Federal laws) at the institution or subelement); or

(2) a student at the institution (or subelement) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 516. (a) DENIAL OF FUNDS FOR PREVENTING FEDERAL MILITARY RECRUITING ON CAMPUS.—None of the funds made available in this Act may be provided by contract or grant (including a grant of funds to be available for student aid) to any institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that the institution (or any subelement thereof) has a policy or practice (regardless of when implemented) that prohibits, or in effect prevents—

(1) entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of Federal military recruiting; or

(2) access to the following information pertaining to students (who are 17 years of age or older) for purposes of Federal military recruiting: student names, addresses, telephone listings, dates and places of birth, levels of education, degrees received, prior military experience; and the most recent previous educational institutions enrolled in by the students

(b) EXCEPTION.—The limitation established in subsection (a) shall not apply to an institution of higher education when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) the institution (or subelement) has ceased the policy or practice described in such subsection; or

(2) the institution has a longstanding policy of pacifism based on historical religious affiliation.

SEC. 517. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York [Mr. SOLOMON] and a Member opposed each will control 2½ minutes.

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

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

Mr. Chairman, the amendment I am offering with the gentleman from California [Mr. POMBO] has passed the House several times, most recently on the VA–HUD appropriation bill.

Mr. Chairman, in many places across the country, military recruiters are being denied access to educational facilities, preventing recruiters from explaining the benefits of an honorable career in our Armed Forces to our young people. Likewise, ROTC units have been kicked off several campuses around the country.

What my amendment would intend to do would be to prohibit any of these funds from going to contractors or colleges or universities that do not allow military recruiters on campus to offer these honorable careers in our military or where they have a policy of banning Reserve Officer Training Corps organizations on their campus I would hope that the Members would once again unanimously approve this amendment.

Mr. Chairman, this amendment today would simply prevent any funds appropriated in this act from going to institutions of higher learning which prevent military recruiting on their campus or have an anti-ROTC policy.

Mr. Chairman, institutions that are receiving Federal taxpayer money just cannot be able to then turn their back on the young people who defend this country.

It is really a matter of simple fairness, and that is why this amendment has always received such strong bipartisan support and become law for Defense Department funds.

Mr. Chairman, recruiting is the key to our all-volunteer military forces, which have been such a spectacular success.

Recruiters have been able to enlist such promising volunteers for our Armed Forces by going into high schools and colleges and informing young people of the increased opportunities that a military tour or career can provide.

That is why we need this amendment.

A third part of the amendment would also deny contracts or grants to institutions that are not in compliance with the law that they submit an annual report on veterans hiring practices to the Department of Labor.

In the same vein, this is simple common sense and fairness to the people who defend our country, Mr. Chairman.

All we are doing here is asking for compliance with existing law.

I urge a ''yes'' vote on the amendment.

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

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

Mr. PORTER. Mr. Chairman, we believe this is also a good amendment and would accept it.

Mr. SOLOMON. I thank the gentleman.

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

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

The amendment was agreed to.

□ 1945

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) Limitation on Use of Funds for Agreements for Department of Drugs.—None of the funds made available in this Act may be used by the Secretary of Health and Human Services to enter into—

(1) an agreement on the conveyance or licensing of a patent for a drug, or another exclusive right to a drug;

(2) an agreement on the use of information derived from animal tests or human clinical trials conducted by the Department of Health and Human Services on a drug, including an agreement under which such information is provided by the Department of Health and Human Services to another on an exclusive basis; or

(3) a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) pertaining to a drug.

(b) EXCEPTIONS.—Subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend the funds involved that—

(1) the sale of the drug involved is subject to a reasonable price agreement; or

(2) a reasonable price agreement regarding the sale of such drug is not required by the public interest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, as many Members know, the U.S. taxpayer is the single largest supporter of biomedical research in the world, spending $33 billion in 1994 alone for biomedical and related health research. Unfortunately, our taxpayers are unwittingly being forced to pay twice for drugs because this Congress is deeply beholden to the very profitable giant drug companies.

Members heard it right, our constituents are not getting a fair return on the investment of their hard-earned money, paying twice for pharmaceutical breakthroughs, first as taxpayers and second as consumers. This harms consumers, and it is a form of corporate welfare to many of the world's largest corporations.

The bottom line of this amendment is that when taxpayers spend billions and billions of dollars in developing a new drug, the taxpayer as a consumer should get a break and we should not be giving all of this research over to the private industry who then sells the product to our consumers at outrageous profits.

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

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say on this side of the aisle I will be willing to accept the gentleman's amendment. I think it is a good public interest amendment.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

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

Mr. Chairman, the gentleman is repeating his amendment that was defeated last year on a 141–284 vote. It relates to the reasonable pricing clause that was in effect for NIH cooperative research and development agreements, CRADA's, and license agreements until April 1995.

This provision was originally put in place in response to public concern about the pricing of the AIDS drug AZT, even though AZT had not been developed through a CRADA or exclusive license. It was controversial from the start, and NIH decided to conduct an extensive review of the policy. They held public hearings, consulted with scientists, patient and consumer advocates, and representatives of academia and industry.

The director of NIH, Dr. Varmus, concluded after this review that, and I quote. ''The pricing clause has driven industry away from potentially beneficial scientific collaborations with Public Health Service scientists without providing an offsetting benefit to the public.''

The review also indicated that NIH research was adversely affected by an inability of NIH scientists to obtain compounds from industry for basic research purposes. No other Federal agency has a reasonable pricing clause. No law or regulation expressly requires or permits NIH to enforce such a provision. No comparable provision exists for NIH extramural grantees like universities to impose price controls on the licensees of products they develop with NIH funds.

Contrary to the impression some may have, the principal function of NIH research is not to develop drugs. NIH supports the basic research that is the foundation for the applied research that the drug companies do. NIH focuses on research that is critical for eventual application, but which is not specific enough to meet the profitability test that private industry requires.

The drug companies focus their research on bringing products to market and their investment is considerable. In 1994, the industry supported almost $14 billion in health research and development, which is more than half the entire U.S. public and private investment.

While it is appealing to think that reimposing the reasonable pricing clause may lower health care costs and benefits to consumers, we must face the possibility that it will drive drug companies out of their collaborative ventures with NIH and ultimately deny patients access to important lifesaving drugs.

I doubt that anyone in this Chamber has a detailed understanding of the impact of this complex issue. I would like to rely on Dr. Varmus' judgment in this matter and the decision of the Clinton administration. I might add, I would hope that Congress does not try to intervene, and for these reasons I must strongly oppose the amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I rise in support of the Sanders amendment. Consider the case of levamisole. Eleven million dollars in N.I.H. research lead to the discovery that this drug to prevent worms in sheep could also prevent some 7,000 cancer deaths each year. No pharmaceutical company paid for this research, the American taxpayer did. But, what happened when a pharmaceutical company entered the picture? A drug that costs 6 cents a dose for sheep skyrocketed to $6 a dose for colon cancer patients.

A few years ago, the television program ''Primetime Live'' highlighted the problem of levamisole costs in the State of Florida. In Florida, some people were so desperate for levamisole they turned to the black market, where sheep pills are ground up into human-sized doses.

Asked about that price differential between the sheep and human products, the pharmaceutical executives simply said, ''A sheep farmer probably would not pay $6 a pill,'' but, ''someone dying of cancer that pays $1,200 for a treatment regimen, whose life is saved, is getting one of the most cost-effective treatments they can ever get.''

Well, I resent paying for the development of a drug and then paying 100 times what a sheep farmer pays for it.

This is an outrageous abuse of public funds. Let's make sure we get our money's worth on our investment. Support the Sanders amendment.

Mr. PORTER. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 2 minutes remaining, and the gentleman from Vermont [Mr. SANDERS] has 2½ minutes remaining.

Mr. PORTER. I have the right to close, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment to restore a reasonable pricing clause for drugs that are developed at taxpayer expense. Let me make it clear, this affects, this amendment only affects those drugs that are developed at taxpayers' expense. It does not affect any drugs that are developed solely by the private sector and by the pharmaceutical companies themselves.

Mr. Chairman, I am a strong supporter of taxpayer accountability. Taxpayers who fund this biomedical research to the tune of billions of dollars should not be forced to pay excessive prices for the drugs that they themselves have helped develop, but that is exactly what is happening.

Mr. Chairman, the drug companies are now free, after getting taxpayers' money to develop their product, to gouge those very same people 10, 20 times the cost of their own product. They charge that to the American people who are paying for their research. The American people end up paying twice.

Now, is that not nice? This is a corporate form of welfare, and it has got to stop. Drug companies are making fortunes off the backs of working people. If they developed the product themselves at their own expense, the Government should not step in. But we have continually said in this Congress that we want to cut down the expenses of Government, cut down welfare. This is welfare for the rich, for the corporations. The American people should not be insulted by being forced to pay for the research of a company who then turns around and gouges them for the price of the product that has been developed.

Mr. Chairman, I support the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Vermont for yielding me the time.

Mr. Chairman, this amendment is about simply fairness. It says that when taxpayers foot the bill for research, they should not have to pay again for it at the drug counter. We invest millions of dollars in pharmaceutical research. More than 40 percent of all U.S. health care research and development comes from the U.S. taxpayer.

This amendment, the Sanders amendment, says that drugs developed with taxpayer dollars cannot be sold back to the taxpayers at excessive prices. Without a reasonable pricing clause, the taxpayers pay to develop the drug, only to get their pockets picked when they go to the pharmacy.

In the 1990's, the drug industry was the Nation's most profitable, with an annual profit of 13.6 percent, more than triple the average of the Fortune 500 companies. So while the argument goes that they invest a great deal in R&D, there is plenty left over for them to give back to the taxpayer, and that is what this amendment calls for.

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

Mr. Chairman, in closing, I just want to repeat that we have already voted on this. It lost by a margin of better than two-to-one the last time it was voted on.

There are times when we simply have to trust the officials that we have chosen. The Clinton administration has chosen Dr. Varmus to head the NIH. He

has looked into this extensively. He believes very strongly that this amendment is ill-advised. He believes that it is counterproductive to achieving the purpose for which it is intended, and I would simply urge Members to listen to his professional and scientific judgment and to reject the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

AMENDMENT OFFERED BY MR. CAMPBELL

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

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL: Page 87, line 12, strike ''or'' and insert a semicolon.

Page 87, line 14, insert before the period the following:

; or public health assistance for immunizations with respect to immunizable diseases, testing and treatment for communicable diseases whether or not such symptoms are actually caused by a communicable disease

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

Mr. Chairman, it is my hope that this will not be a controversial amendment at all.

A bit of background. An amendment was added to the original bill by my colleague and friend from California [Mr. RIGGS] putting a restriction on the funding of any benefits where the Federal official in charge of distributing those benefits was aware that the recipient was an illegal alien, not legally present in the United States. To his own amendment, the gentleman from California [Mr. RIGGS] added an exception, the exception being where the kind of service was appropriate to a medical emergency.

But this language was not parallel with the language that is presently in conference in the immigration bill. That language covers not only medical emergencies but communicable diseases. I, therefore, went to the gentleman from California [Mr. RIGGS] and asked whether he would have any objection to making his language conform to the language in the immigration bill by the addition of the language in my amendment. He informed me it was agreeable, and it is my hope that the minority will also find it agreeable, and at the appropriate time I will yield to my colleague from Colorado who might have another request on this point.

This amendment would add an additional exception, to guarantee that medical service is provided for communicable diseases and those symptoms of conditions that may reflect communicable diseases, even if they do not actually reflect communicable diseases, because obviously the sick person, the individual who is ill would not know if the symptoms of which he or she complains were caused by a communicable condition or not.

So the entirety of the amendment adds to the exceptions such public health assistance for immunications with respect to immunizable diseases, and treatment for symptoms of communicable disease, whether or not such symptoms are actually caused by a communicable disease.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield.

Mr. CAMPBELL. I yield to the gentleman from Colorado.

□ 2000

MODIFICATION TO AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I ask unanimous consent that the gentleman's amendment be modified by language that has been filed at the desk.

The CHAIRMAN. Does the gentleman from California [Mr. CAMPBELL] yield for the purpose of that request?

Mr. CAMPBELL. Mr. Chairman, I was attempting to accommodate the gentleman. If the Chair would instruct me as to the proper way to proceed, I would do so.

The CHAIRMAN. The Chair is trying to ascertain whether or not the gentleman has yielded to the gentleman from Colorado for the purpose of allowing a modification.

Mr. CAMPBELL. I did indeed. That is a correct statement, Mr. Chairman.

The CHAIRMAN. The clerk will report the modification.

Mr. SKAGGS. Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

Mr. RIGGS. Mr. Chairman, reserving the right to object, I do so for the simple reason that I have not had a chance to confer with the gentleman from Colorado or see his language.

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

Mr. RIGGS. Further reserving the right to object, I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I would be pleased to explain it to the gentleman. Through understandable and good faith inadvertence, this particular item was not dealt with in the catalog of pending items. It has, I think, agreement on the part of both sides, having to do with really requiring a report on an MSHA matter. I do not believe there is any controversy. I appreciate the gentleman's forbearance.

Mr. RIGGS. Mr. Chairman, further reserving the right to object, I am reliably informed that the gentleman's unanimous-consent request is not really germane to the issue which concerns me, which is the language that I inserted in the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of gentleman from Colorado [Mr. SKAGGS] to dispense with the reading of the modification?

There was no objection.

The CHAIRMAN. Is there objection to the modification of the amendment offered by the gentleman from Colorado [Mr. SKAGGS]?

There was no objection.

The CHAIRMAN. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SKAGGS; At the end of the amendment, add the following:

SEC. . The Mine Safety and Health Administration shall not close or relocate any safety and health technology center until after submitting to the Committee on Appropriations of the House of Representatives a detailed analysis of the cost savings anticipated from such action and the effects of such action on the provision of services, including timely on-site assistance during mine emergencies.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I believe that the amendment offered by my good friend, the gentleman from California [Mr. CAMPBELL], is an important amendment. It does have the effect of perfecting or refining the language that I incorporated into the committee bill during the full committee markup.

My amendment in the full committee was intended, as the gentleman knows, to codify and strengthen current law by prohibiting the use of any funds provided under this legislation to provide any illegal alien with any direct benefit under the jurisdiction of the Departments of Labor, Health and Human Services, and Education, with the exception of emergency medical services or those services and benefits mandated by the Federal courts that the States provide to illegal aliens.

Mr. Chairman, I want to mention that my amendment was intended to mirror language in California's Proposition 187, which was a statewide ballot initiative, and it ultimately became a referendum in our State.

Mr. CAMPBELL. Mr. Chairman, I have no time left to reserve; is that correct?

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

Does any Member claim the time in opposition to the amendment?

Mr. TORRES. Mr. Chairman, I am opposed to the Campbell amendment.

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

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

Mr. Chairman, I rise in reluctant support of the amendment offered by my esteemed colleague from California.

While he is trying to temper the language Mr. RIGGS included in the bill to restrict Federal benefits to undocumented individuals, we need more than tempering, we need to defer to the committees with jurisdiction.

Let me reiterate what I said in committee—

We ought to let these difficult and complex issues be sorted out by the committees in charge of immigration law, rather than as part of the appropriations process.

The amendment offered by Mr. CAMPBELL provides an exception for only one of many programs that are provided under this bill. It does not provide for an exception for compensatory education for the disadvantaged, special education, worker safety programs, substance abuse and mental health services, child welfare services, family support and preservation programs and many others.

In committee, I tried to strike the restrictive language that Mr. RIGGS offered in subcommittee—in this effort I was seeking to permit the authorizers to do their work. To my dismay, my amendment lost by a close vote, 23 to 24.

Mr. Chairman, we have an immigration bill awaiting conference that addresses these very concerns. Both the House and Senate bills would eliminate the eligibility of unlawful immigrants to all Federal programs funded in whole or in part by Federal, State, or local government funds, with certain exceptions.

I am extremely wary of the application of the language in section 514. It is not known how it would affect the expenditure of funds by State and local entities nor how it would affect the ability of non-profits and churches to use their own funds to assist ineligible immigrants in affected programs.

I am also wary of the likely increase in discrimination against Hispanics and Asians. The unfortunate result may be that some eligibility workers act out their prejudices by denying services to those they think are here unlawfully, because of appearance, accent or other characteristics.

By applying willy-nilly the restriction of Federal funds to children, to the elderly and to the poor, the results are much more complex than saving a few dollars.

Let me tell you why:

No. 1, in most cases it is already illegal to provide Federal benefits to undocumented individuals.

No. 2, in the case where the courts mandate the provision of Federal benefits, will we restrict benefits that may be associated with that program? Take the case of education, will this bill restrict the provision of Head Start or assistance in raising math and science education levels or vocational education?

The bill, in effect, would permit these children to go to school, but not enjoy any of the tools to get an education.

Let me conclude my remarks regarding this provision by reading from a letter sent to members of the Appropriations Committee from Education Secretary Riley:

> I am writing you concerning Section 514 of the 1997 Labor-HHS-Education Appropriations bill. This provision, which was added during subcommittee consideration, is extremely vague and its intent and likely impact are both highly unclear. As you know, the Administration is strongly opposed to any provision that might be read to jeopardize any child's right to full participation in public elementary and secondary education, including preschool programs.

I ask my colleagues to remember that we have a bill that addresses this very issue. Ultimately, the Riggs language is pure political folly—for the purpose of playing to the chorus of immigrant bashers.

Mr. Chairman, I urge my colleagues take into consideration the underlying intent of this Riggs language which Mr. CAMPBELL has tried to modify, when they vote on the Campbell amendment.

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

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

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding.

I believe that the amendment that I offered to the language of the gentleman from California [Mr. RIGGS] improves the bill language and that I am expanding the exceptions.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from California [Mr. CAMPBELL].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, number 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. SANDERS: At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used to make any payment to any health plan when it is made known to the Federal official having authority to obligate or expend such funds that such health plan prevents or limits a health care provider's communications (other than trade secrets or knowing misrepresentations) to—
>
> (1) a current, former, or prospective patient, or a guardian or legal representative of such patient;
>
> (2) any employee or representative of any Federal or State authority with responsibility for regulating the health plan; or
>
> (3) any employee or representative of the insurer offering the health plan.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

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

Mr. Chairman, I intend to withdraw this amendment, and I believe I will be entering into a colloquy with the majority leader in a moment, but before I do that I want to talk about what this amendment is about and why we offered it.

This amendment touches on an issue that is of growing consequence to tens of millions of Americans as this country moves from traditional health care to HMO's and to managed care. What this amendment deals with is the need to break the gag rules that are being imposed by insurance companies and HMO's on our physicians and how they relate to their patients.

It seems to me pretty clear that if a doctor-patient relationship means anything, that when we walk into the doctor's office we want to know that our physician is being honest with us, is telling us all of the options that are available to us. We do not want to see that our physicians cannot tell us an option because an HMO or an insurance company might think that that option is too expensive and that that insurance company has told the doctor not to convey that option to us. That is not what the doctor-patient relationship is supposed to be about.

That is what my amendment deals with, specifically with Medicare and Medicaid. The fact of the matter is there is a bill moving past the House, gaining widespread support, offered by the gentleman from Iowa [Mr. GANSKE] and the gentleman from Massachusetts [Mr. MARKEY], which addresses this issue and makes it broader. It goes beyond Medicare and Medicaid, dealing with all health care providers, and I strongly support that bill.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment that would free Medicaid and Medicare patients from the gag rules imposed on many health care professionals and their patients.

As a cosponsor of the Ganske-Markey-Nadler legislation and the author of the Health Care Consumer Protection Act that would place many more restrictions on HMO's, I am keenly aware of the dangerous effect that can result from efforts to cut costs by HMO's at the expense of patient care.

In many cases health care professionals are told they may not give patients a full assessment of their health

care needs; they may not tell the patient the full truth about available treatment options because it could cut the profit margin for the HMO if the patient actually gets the treatment he or she needs. Under these gag rules doctors are often compelled to lie to their patients. Patients are prevented from receiving a true assessment of their medical needs. This is nothing short of immoral.

Health care providers should not be barred from providing health care. Patients seeking medical treatment have a right to an honest assessment of their needs and of available treatment options. Patients seeking medical treatment have a right to an honest assessment of their needs.

Mr. Chairman, I urge my colleagues to join me in supporting this amendment that would lift the gag rule at least for Medicare and Medicaid recipients.

Mr. PORTER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 5 minutes.

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. ARMEY], the majority leader.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I understand the gentleman from Vermont [Mr. SANDERS] intends to withdraw the amendment after he and I discuss a few points.

I wonder if I might, Mr. Chairman, address the gentleman by pointing out that a majority leader will seek to bring a similar bill, H.R. 2976, before the House under suspension of the rules pending minority approval.

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I understand the gentleman's concern that the bill be moved quickly enough to allow action by both Houses before the end of the session, and the majority leader will seek to accomplish that.

Let me just add, I know we have talked about this statement before, but if the gentleman would bear with me, let me just add, as we have discussed, of course, the majority leader will act in all good faith and intention to accomplish precisely what I have said. But as the gentleman understands, that will be done in full consideration of the rights of any committee of jurisdiction to which jurisdiction has been assigned. And I pledge to the gentleman my cooperation and my support and my encouragement in this effort at each juncture along the line.

Mr. SANDERS. Mr. Chairman, I thank the majority leader very much for his comments, and I ask unanimous consent to withdraw my amendment.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. LOWEY: Page 85, line 14, strike ''(a)''.

Page 85, line 15, strike the dash and all that follows through ''(1)'' on line 16.

Page 85, line 17, strike ''; or'' and all that follows through page 86, line 4, and insert a period.

Mr. CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York [Mrs. LOWEY] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

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

Mr. Chairman, I rise today to offer an amendment with the gentlewoman from Connecticut [Mrs. JOHNSON] to strike the ban on early-stage embryo research contained in this bill. The ban will bar the Federal Government from pursuing lifesaving research.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise today in strong support of the Lowey amendment to lift the current ban on Federal funding for human embryo research. Lifting this ban would not allow the creation of human embryos solely for research purposes. Embryos would be donated by patients undergoing in vitro fertilization treatment, who would offer them after their treatment was successful.

These are pre-implantation embryos. We must keep in mind that this kind of research does not involve human embryos or fetuses developed in utero or aborted human fetal tissue.

Much like our current organ donor efforts, the donation of embryos can improve the health and well-being of millions of Americans—and even save lives. Human embryo research can enable hospitals to create tissue banks which would store tissue that could be used for bone marrow transplants, spinal cord injuries, and skin replacement for burn victims.

Medical research on human embryos also shows promise for the treatment and prevention of some forms of infertility, cancers, and genetic disorders. This research may also lead to a reduction in miscarriages and better contraceptive methods.

The National Institutes of Health and their human embryo research panel has recommended how to address the important moral and ethical issues raised by the use of human embryos in research. The panel developed guidelines to govern this kind of federally funded research. Their strict standards ensure that the promise of human benefit from embryo research in compelling enough to justify the research project.

Most importantly, whether or not we allow Federal funding and regulation of pre-implantation embryo research, this research will continue to be done in the private sector, but without the consistent ethical and scientific scrutiny that the Federal Government and NIH can provide.

I know that our differences on this issue come from deeply held religious and philosophical views. And those views, everyone's views, need to be respected. But the potential therapeutic and scientific benefit this research holds must be taken into account and the value of Federal protocols governing this research is also important as we move forward. Please support the Lowey amendment to allow this vital research to continue.

The CHAIRMAN. Is there a Member who claims the time in opposition?

Mr. DICKEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. DICKEY] for 15 minutes.

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

Mr. Chairman, this is not a bill about research or science; it is an attack on the sanctity of life. It is an attack on the moral conscience of our Nation. The current law, as signed by the President, passed in this House and the Senate, provides that there shall be no Federal money given for the creation or the experimentation of a human embryo. That law has been the law since President Carter signed an executive order when he was President, and every President has done that since then.

This is distinguished from fetal tissues, which is a legitimate, though I have objections to it, a legitimate scientific effort. In that particular matter, fetal tissue research comes after an abortion, and we were told at that time that Parkinson's disease and diabetes was in the scope of what we were trying to do. Here we have no direct promise, no testimony, no science at all telling us that we might have anything to come from this.

Mr. Chairman, this is what Nazi Germany did during that time. No results. After 17 years of private research, there have been no results. There is still no prohibition against the private research, and it can still go on.

We might hear in this discussion that there is a spare-embryo circumstance. There are no spare embryos when these are lives. We cannot allow Federal funds to be used to terminate lives, for the creation or the experimentation which is a lethal experimentation because it is eliminating lives is not acceptable.

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

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, just to respond to my dear friend, the gentleman from Arkansas [Mr. DICKEY], I find it very offensive to compare this debate to the activity in Nazi Germany. In fact, perhaps the gentleman compares all the research that is being done at the National Institutes of Health to Nazi Germany.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, this is a very, very sensitive subject obviously; one that NIH has looked into very, very extensively.

Mr. Chairman, I listened to the testimony of Dr. Eric Wieschaus, who won the Nobel Prize last fall for his work with embryo development, and he testified in response to my question that he felt NIH should support human embryo research.

Dr. Varmus, the head of NIH, has made compelling arguments to support this research because of the potential advances it could generate in knowledge about fertility, miscarriage, and contraception. It could also lead to breakthroughs in the use of embryonic stem cells, which have great promise in transplantation for treatment of diseases such as leukemia, spinal cord injury, immune deficiencies, and blood disorders.

Mr. Chairman, the creation of spare embryos is a necessary and inevitable part of in vitro fertilization and it seems to me, at the very bottom line, that given the potentials for addressing and overcoming and preventing human disease, their use in research gives meaning to their existence which would otherwise simply not exist. They would be discarded in the normal course of events.

Mr. Chairman, this would give meaning to their existence; would help in biomedical breakthroughs; and I think the amendment of the gentlewoman from New York for that reason deserves support, and I urge Members to support it.

Mr. DICKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], cosponsor of this bill.

Mr. WICKER. Mr. Chairman, I thank the gentleman from Arkansas for yielding time, and I rise in opposition to the Lowey amendment and in support of the language adopted by the Committee on Appropriations and reported to this floor by a bipartisan vote.

The language that is in the legislation right now, Mr. Chairman, is current law. It was adopted last year by the House of Representatives. It was passed by the Senate. It was signed by President Clinton. We have no threat of a veto if we keep this current language in the bill.

Let me try to frame this issue further by saying what this issue is not about. This issue has nothing to do with the so-called woman's right to choose. It has nothing to do with that aspect of the abortion debate. It has nothing to do with fetal tissue research. That is a separate issue entirely.

This issue also has nothing to do with making anything illegal. The language that is in the committee bill would not make anything illegal. It would permit private research which is ongoing to continue. Private embryo research is legal now, and it would continue to be legal.

Further, the language that is in the bill now would not do anything to the present status of in vitro fertilization or the private research that is going on in that regard.

What the Lowey amendment would do, however, is cause our Government to embark into an area of research which we have never, never before been willing to do as a government. As the chairman of the subcommittee stated, this is a very sensitive issue. It is also a very important issue for millions of Americans. As a matter of fact, 76 percent of Americans oppose funding for the type of research that the Lowey amendment would sanction. This goes to the very profound questions of human life and to very sensitive questions of bioethics.

Proponents of the Lowey amendment say there is a distinction between spare embryos and embryos created for research purposes. But the leading experts say there is no distinction. Let me quote Dr. Robert Jansen of the National Health and Medical Research Council. He says,

> It is a fallacy to distinguish between surplus embryos and specially created embryos in terms of embryo research. The reason I say this is that any intelligent administrator of an in vitro program can, by minor changes in his ordinary clinical way of doing things, change the number of embryos that are fertilized.

Mr. Chairman, this amendment would begin this Government down a very slippery slope. The Federal Government has never funded this research. Let us leave it to the private sector, and let us respond to the 76 percent of Americans who say do not use tax dollars to fund embryo research.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I rise in support of the Lowey amendment which would strike the bans on this research that could lead to lifesaving results. Early-stage embryo research is vital as it has the potential to address treatment and prevention of infertility, people who want children, want to bring in life into this world.

It could lead to cures for childhood cancer and genetic disorders such as cystic fibrosis, muscular dystrophy, mental retardation and Tay-Sachs. It could lead to the reduction, if not the elimination, of miscarriages.

Why should the Government not conduct this research? The reason the Government should conduct the research is that they have these embryos that are otherwise going to be discarded.

Mr. Chairman, I think it is important to understand this is very important research. The National Institutes of Health, through the universities and other research centers throughout the country, is the leading premier research activity in this Nation. We should not stop the research that could lead to these important breakthroughs.

What this amendment does not involve: It does not involve genetic engineering. It does not involve the sale or creation of embryos.

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It does not involve the examination or use of human embryos developing inside the woman. Rather, the embryos to be used in this research are to be donated by couples who have undergone various medical treatments, including in vitro fertilization that helped them conceive.

After the medical procedures are complete, these embryos are otherwise just going to be discarded. In other words, the embryos used in this type of research would be less than 14 days old. The amendment would not permit the creation of embryos solely for research purposes.

I support the amendment.

I rise today in support of Congresswoman LOWEY's amendment, which would strike the ban on early-stage-embryo research. Essentially, this amendment would permit life saving research on embryos, which would otherwise be discarded.

Early-stage-embryo research is vital, as it has the potential to address the treatment and prevention of infertility, childhood cancer, and genetic disorders, such as cystic fibrosis, muscular dystrophy, mental retardation, and Tay-Sachs disease. It may help lead to the reduction and prevention of miscarriages. Furthermore, early-stage-embryo research could help us learn more about what causes birth defects and ultimately teach us how to prevent them. And, it could also improve the success of bone marrow transplants, repair spinal cord injuries, and help develop improved methods of contraception.

However, also important, is what this amendment does not involve. It does not involve genetic engineering; it does not involve the sale or creation of embryos; and it does not involve the examination or use of human embryos developing inside the woman.

Rather, the embryos to be used in this research would be donated by couples, who have undergone various medical treatments, including in vitro fertilization, that help them conceive. After the medical procedures are complete, these embryos are usually discarded.

In other words, the embryos used in this type of research would be less than fourteen days old. They would consist only of a few cells with no developed organs and no sense of feeling. This amendment would not permit the creation of embryos solely for the purposes of medical research. Instead, it would allow this crucial research to be performed on already existing embryos that would ultimately be discarded.

For all of these reasons, prohibiting early-stage embryo research will hold the health of millions of Americans hostage to anti-choice politics, and as a result would severely restrict the quality of our scientific and medical research. This amendment would greatly benefit people with cancer and leukemia, people who

are unable to have children, children with birth defects, people who suffer from or carry genetic diseases, and people with spinal cord injuries and nervous system disorders, and I urge my colleagues to vote in support of it.

Mr. DICKEY. Mr. Chairman, I yield 2 minutes and 30 second to the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong opposition to the Lowey amendment which would appropriate taxpayer funds for harmful experimentation on and then the destruction of so-called test tube babies. The Lowey amendment reverses current law and guts the pro-life Dickey-Wicker amendment which the Committee on Appropriations wisely adopted and seeks to extend into fiscal year 1997.

I believe the gentleman from Arkansas [Mr. DICKEY] and the gentleman from Mississippi [Mr. WICKER] deserve high praise for their deep reverence for and sensitivity to human life. Their amendment to the Labor-HHS bill last year has prevented Federal funds from being used to turn test tube babies into human guinea pigs who are wanted and desired only for their research utility.

The Lowey amendment is yet another manifestation of an extremist pro-abortion mindset that regards human life at its most vulnerable stages as innately worthless, expendable and cheap. The Lowey amendment dehumanizes and trivializes the miracle of human life.

Mr. Chairman, like so many other ethical problems that Congress has been called upon to unravel in the last few years, this issue gained currency with the Clinton administration. The problem was this: There is no question that interesting information could be obtained by cutting up living human embryos to see what makes them tick. This is also true of unborn children at all stages of gestation, newborn babies, 3-year-olds and adults. Many things can also be learned from experiments on cadavers or on animals, but for some purposes there is just no substitute for cutting up living human beings.

If researchers could only be allowed to set aside certain individuals for these purposes, the rest of us might deserve some benefit, or so the argument goes. Yet somehow deep down all of us know that this is wrong. Even some supporters of abortion on demand generally recognize that an unborn child still has some value, some real value and this dehumanizes those children.

The illogic of the Lowey amendment is its tacit admission on the one hand that it is unethical and immoral to federally fund the creation of human embryos in a petri dish for the purposes of scientific experiments while at the same time declaring it ethical and worthy of Federal outlays to perform harmful experiments on and again then to destroy what is euphemistically called spare embryos.

If the private sector makes them, the Feds will take them, keep them alive. Let them develop, perform all kinds of harmful experiments on them and then destroy them. If federally funded researchers need more embryos on whom to perform ghastly experiments, no problem. The network of IVF clinics will produce them, and this commodity of human life will then be poured down the drain.

Mr. Chairman, I ask Members to vote against the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, in a few hours, we will be asked to vote on a bill which increases funding for the National Institutes of Health by 6.9 percent. That funding increase is certainly a step in the right direction.

But at the same time that this Congress is increasing funding of medical research, we are trying the hands of medical researchers.

Early stage human embryo research, Mr. Chairman, is one of the most promising methods of medical research currently at our disposal. It is ridiculous that Members of Congress, most of whom are not scientists, I might add, want to tie the hands of researchers at the National Institutes of Health. Who knows how best to do this job? They do. This is like telling the people at NASA, Mr. Chairman, to build the space station but forget about using computer technology in doing so.

The Lowey amendment simply will reverse the ban on human embryo research.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Lowey amendment. I speak up not so much as a scientist who had done basic science research or a physician who has actually studied embryology but mainly as a concerned citizen. This is clearly a very controversial issue.

I think it is inappropriate to use taxpayers funds for this kind of a purpose, and it is a very dubious scientific benefit, contrary to some of the claims that have been made by the gentleman from California as well as others. I can even quote from people who were involved in studying this issue. Dr. Brigid Hogan, a scientific expert on the NIH Human Embryo Research Advisory Panel, said: ''We are not going to be curing anybody of these tumors by doing research. On the other hand, the basic biology is extremely interesting.''

That is what we are talking about funding here, a very controversial, ghastly subject according to many Americans, including myself, and it is just going to be very, very interesting. Furthermore, we have a quote from Daniel Callahan, president of the Hastings Center, which is an IVF institute. He said: The NIH advisory panel ''report notes that four countries already allow embryo research and that it has been going on for some years in private laboratories in this country. Yet not a single actual benefit derived so far from that research is cited to back the claims of great potential benefits from having even more of it.''

We are not outlawing this research. We are saying we are not going to use Federal dollars for that purpose.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, one of the miracles of our generation is in vitro fertilization. A husband and wife unable to have a child through this discovery are able to join together the sperm and the egg in a glass dish and create an embryo that is implanted in the would-be mother that leads to a beautiful child. Can there be anything more wondrous than this in the time that we live in?

What the gentlewoman from New York [Mrs. LOWEY] is suggesting is that during this process in this same dish more than one embryo is created. There they are as small as a period, the little dot pinhead. What the gentleman from Arkansas wants to do is to prohibit the doctors from even looking at these embryos, these spare embryos created to see if there is some problem that might lead to a miscarriage. For them, that is an exploitation of life. For me, it is ridiculous to reach these extremes. These are wanted children, husbands and wives trying their best to bring loving children into this world. To prohibit all research on this embryo is going way beyond what is necessary. I support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

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

Mr. VOLKMER. Mr. Chairman, I rise in strong opposition to the Lowey amendment, which would require taxpayers' money to be used for research on live human embryos. I ask all Members to vote against it. This language does not, the language in the bill does not stop research on human life embryos. It does stop taxpayers' money from using it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], a member of the committee.

Mr. FAZIO of California. Mr. Chairman, I rise in support of this amendment to strike the Dickey-Wicker amendment from this bill.

It is clear that the Members who have offered it and have placed it in the bill are not opposed to in vitro fertilization or at least that has been their statement. They seem to be not opposed to research when it is done at Sloan Kettering or private research facilities, only when the National Institutes of Health, the primary research

institution in this country is involved. I find this very hard to understand.

These embryos come from those who would want to have a child. It for them is a pro-life effort. They want, through in vitro fertilization, to create life. And as part of that process, they willingly volunteer to allow embryos that would otherwise be discarded or deteriorate to be used in research to help solve some of the most fundamental health care crises that impact American lives, families, individuals, people we all know and love.

These are people who simply want to be part of a solution to these health care crises. We ought to allow them to be part of it. We ought not to ban the NIH from involvement.

Mr. Chairman, I rise in strong support for the amendment offered by the gentlewoman from New York [Mrs. LOWEY]. The Lowey amendment would strike the ban on early-stage embryo research that is currently in the underlying bill.

If this ban remains in place, the Labor-HHS appropriations bill will bar the Federal Government from pursuing life saving research.

The research currently banned by this bill could lead to important medical advancements in the fight against miscarriages, birth defects, infertility, cancer and genetic disease, leukemia, spinal cord injuries, immune deficiencies, and blood disorders.

Such life-giving research is supported by the American Medical Association, the American Academy of Pediatrics, the American Association of Cancer Research, and the Association of American Medical Colleges, to name but a few.

The Lowey amendment simply allows research on embryos that would otherwise be discarded or allowed to naturally deteriorate. The embryos used for research are originally created by couples attempting to have a child through in vitro fertilization and other medical procedures.

These embryos are generally discarded once the procedures are completed, however, the couple can give its permission for the embryos to be used in research.

These embryos are less than 14 days old. They consist of just a few cells, and have not yet developed internal organs or a spinal cord.

It should be also noted that early-stage embryo research does not include cloning, genetic engineering, or the use of aborted fetal tissue.

Earlier this year, the President announced that use of Federal funds to create embryos solely for research purposes would be prohibited. In light of this Executive order and stringent NIH guidelines, we can be assured that this research will be conducted with appropriate safeguards and the highest levels of integrity.

This ban shuts the door on important biomedical research which has benefited millions of Americans who suffer from painful and costly diseases.

I urge my colleagues to support the Lowey amendment.

Mr. DICKEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong opposition to the Lowey amendment. This amendment was rejected when it was offered in the full Appropriations Committee and I want to urge my colleagues to reject it today.

The supporters of this amendment claim that this funding will be used only to do experiments on ''spare'' embryos that would be discarded anyway.

We, as a Congress, have already addressed this question. In 1985, Congress was made aware of abuses in some NIH research programs. These programs were conducting risky experiments on unborn children who were scheduled for abortions. At that time we wisely enacted a law insisting that federally funded research should treat these children the same as children intended for live birth. This law protects human embryos in the womb at every stage and is still in effect today. There is no reason that it should not be extended to protect human embryonic children outside the womb.

Where will these spare embryos come from? The majority will come from women involved in infertility programs.

What about the personal health risk for women who are involved in fertility programs? Women are given drugs to help them superovulate. This allows the doctors to harvest multiple eggs for fertilizing, freezing, and then implantation in the woman.

The drugs used for this process have many serious side effects for a woman, including a heightened risk of malignant ovarian cancer. How would the government be able to know whether or not a clinic was deliberately risking a womans health in order to produce additional embryos for research?

Supporters of this amendment will also argue that we need this research in order to find cures for cancer and other deadly diseases. It is interesting to note that over 17 years of privately funded research of this type have produced no significant results, only the suggestion that if there were Government funds available could there possibly be a breakthrough.

Even a member of NIH's Human Embryo Research Panel admitted that ''we're not going to be curing anybody of these tumors by doing research. But on the other hand, the basic biology is extremely interesting.'' I hardly think that Federal funds should be used for highly controversial research just so that some scientist without a conscience can be kept interested.

I was recently made aware of a letter from Dr. Robert White, who is a professor and director of neurological surgery at Case Western Reserve University which happens to be one of the premier medical schools in this country. He was given the opportunity to appear before the Human Embryo Research Panel that is responsible for making recommendations about research in this area. Dr. White noted that all of the research recommended by this panel could be just as easily conducted on embryos of lower animal species such as monkeys and chimpanzees. Dr. White also expressed his deep concern that there were only one or two individuals with any real scientific training or experience in the area of human embryo research on this panel. Only two people on a panel that is going to decide the moral appropriateness of this research?

Research that will affect the lives of millions of Americans.

How do Americans feel about this type of research? A poll taken by the Tarrance Group revealed that 74 percent of Americans were opposed and that men and women were equally opposed to this type of research.

If we pass this amendment we will be saying as a Congress that we are not interested in funding programs that help create, protect, or enhance human life but we'll give you money to experiment on young life and then destroy it. I urge my colleagues to vote ''no'' on this amendment. It is the right and morally responsible vote.

Mrs. LOWEY. Mr. Chairman, I yield myself 20 seconds to read the list of groups that support this amendment: The American Medical Association, the American Medical Women's Association, the American Pediatric Society, the American Psychological Society, the American Society of Human Genetics, the American Society for Reproductive Medicine, the Association of Academic Level Centers, the Association of American Medical Colleges, the Association of American Universities, and on and on and on.

Mr. Chairman, I am very honored to yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman from New York for yielding me time, and I proudly rise in support of her amendment.

Let us talk a little bit about this. When you do in vitro fertilization, let us face it, you are not going to have any embryos unless the people are willing to consent to give up the egg and the sperm. There is no way a doctor can capture those from someone and steal them from them and they walk down the street. So you have two willing people involved here.

Second, you have a dish of embryos and you cannot implant all of them in the uterus because the threat of multiple birth would crowd out each other. So then what you have is some embryos that are going to be discarded or might be used for research, if and only if the consenting adults agree.

I cannot imagine what is controversial about that. I think that is the most pro-life position of all, pro-quality of life. I think it is very, very important we stand firm and not yield to the flat Earth caucus on this issue.

□ 2045

Mr. DICKEY. Mr. Chairman, I yield a minute and a half to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise in opposition to this amendment. I understand this is a complex issue, but after 17 years of research not one person in this body can stand up and tell me one positive medical outcome that has come from this research. There is none in the scientific literature, there is none projected. We hear: could, might, may. The fact is there is no proof, there is no scientific study at this time of any quantifiable benefit.

It was mentioned earlier that some people just oppose the Government. I oppose all people researching this effort. And I would take just a moment for us to look at what happened on AIDS testing of newborn babies and the very group of ethicists that our Government used to say it is fine to test a newborn baby, identify that it has HIV, and then never tell the mother or the child that it is infected. Those are the kind of ethicists that are telling us that it is OK.

Mr. Chairman, this is not OK. This is destroying and disrupting various great precious quality of life. I am opposed to it, the Government being involved in it; I am opposed to it, private sector being involved in it. We dare not tread. We have had 17 years to prove that we have no benefit.

It is extremely interesting, I agree, Mr. Chairman, but it is also extremely wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank my colleague for yielding me the time and again for her leadership in bringing this amendment to the floor.

Please let us not have this body turn into the Flat Earth Society. Just when science sees a new horizon in research, a new era of discovery, this amendment wants us to stop and turn back.

Let me say that I agree with our colleagues who say that we should not be involved in the creation of embryos for research. I completely agree with my colleagues on that score. But when embryos are created for in vitro fertilization and there is an opportunity to do research on the excess created there for that purpose, to produce a child, then we must, I think, take advantage of the opportunity presented to us.

Early-stage embryos research can lead to important medical advances and prevention of loss of pregnancy, of infertility and diagnosis and treatment of genetic disease and prevention of birth defects and in treatment of childhood and other cancers as we study how cells multiply.

I urge our colleagues to support the Lowey amendment and to support the advances in science as we approach a new century.

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

The CHAIRMAN. The gentleman from Arkansas has 3 minutes remaining.

Mr. DICKEY. Mr. Chairman, I think this is going to be for 30 seconds.

The names of the people who are in opposition to this amendment or the names of the organizations:

The Family Research Council, the Christian Coalition, the National Right to Life, the Eagle Forum, the American Life League, the National Conference of Catholic Bishops. Mrs. LOWEY's amendment, if adopted, would have taxpayers funding for legal experimentation, abortions and bizarre experiments.

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

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

The CHAIRMAN. The gentlewoman from New York is recognized for 2 minutes and 55 seconds.

Mrs. LOWEY. Mr. Chairman, many of us have lost friends and family members to breast cancer, muscular dystrophy, leukemia, and so many other diseases. We have shared their pain, we have shared their heartache.

I want to make it very clear: We are not talking about creating embryos.

Many of us have friends and families who have been through a procedure of in vitro fertilization with the hopes of having a beautiful child. We are talking about embryos, cells, four live cells no larger than a pin. These cells have been created as part of the process of couples wanting to have a child. These couples then have to make a decision as to whether they discard these embryos or whether they want to give some other family the hope of life.

That is what this is all about, allowing these embryos, these cells to be used to save another life.

I just received a call today from a family hoping that perhaps this will be the answer. I heard from my colleagues, my distinguished colleagues, that there has been no research that has been successful. I have lost many family members to breast cancer. Mr. Chairman, we have spent millions and billions on trying to solve that problem.

Do we say, well, we have not solved the problem, so we just give up?

Yes, we have made important advances, and I am hoping that perhaps there will be a great breakthrough in other illness because of this research.

When we look at the list, almost every medical association; I just received a letter today from 15 medical and educational organizations that support this amendment. I am not a physician. But when 15 medical and educational organizations support this amendment, this Congress is going to tell these physicians, the National Institutes of Health, that they cannot use this procedure to perhaps bring life to people who have no hope?

What this Lowey-Johnson amendment does is simply allow research on embryos that would otherwise be discarded or allowed to naturally deteriorate. And remember, the embryos used in this research are less than 14 days old. Embryos at this stage consist of a few cells, have not developed organs or a spinal cord. The cells are the size of a dot, as I mentioned.

President Clinton again has made it very clear that early-stage embryo research may be permitted but that the use of Federal funds to create embryos solely for research purposes would be prohibited.

We can all be assured that the research at the National Institutes of Health will be conducted with the highest level of integrity. No embryos will be created for research purposes, and I ask my colleagues to support this amendment to support life.

Mr. DICKEY. Mr. Chairman, I would like to inquire as to how much time we have to close.

The CHAIRMAN. The gentleman from Arkansas has 2½ minutes remaining.

Mr. DICKEY. Mr. Chairman, I yield that time to the most distinguished gentleman from Illinois [Mr. HYDE], the most credible voice on this subject that we have in the House of Representatives.

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

Mr. HYDE. Mr. Chairman, I thank my dear friend from Arkansas, Mr. DICKEY, for those extravagant words.

The gentlewoman, my good friend from California, Ms. PELOSI, talks about the Flat Earth Society. That is interesting because the science is on our side. As I recall, there are two medical doctors, M.D.'s, on our side. I have not seen any M.D.'s or even Ph.D.'s, although there may be a hidden Ph.D. over there in English literature or something, but the science is from our side.

Now, we are not talking about creating the embryos. We understand that. It is the using of the embryos. It is treating living human entities as things. That is the big distinction. The abortion culture, the in vitro experimentation culture, the embryo research, all of these things have one thing in common, and, colleagues, strangely, and this may sound wierd, in common with Marxism, and do my colleagues know what it is? Denying instrinsic worth or value to a human being. That is the common thread between the abortion culture which denies intrinsic value to somebody, and they, because of the size, because it is tiny, it is microscopic, it is created in a petri dish, it is therefore something to be used for experimentation.

I mean I am not denying the good motives and the need to push back the borders of research, although strangely enough in 20 years very little has been accomplished in this sort of research. But the problem is our colleagues are talking about living human beings, albeit tiny and microscopic, but size surely does not make a difference, and whether my colleagues respect the dignity in the innate, inherent, intrinsic dignity or whether it is a thing to be used, that is what we are talking about, and that is the common thread through all of this.

Mr. Chairman, we assert there is value, intrinsic value, in that tiny little premicroscopic embryo that has been fertilized, and our colleagues are saying, yes, but let us use it and experiment for a greater cause.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I would be anxious to know if the distinguished

gentleman does support in vitro fertilization.

Mr. HYDE. Not really, not really. No, I do not.

The CHAIRMAN. All time for debate on this amendment has expired.

Mrs. LOWEY. Mr. Chairman, may I ask unanimous consent for an additional 2 minutes?

The CHAIRMAN. The request would have to be even-handed on both sides of the question.

Ms. PELOSI. It is so we could yield to the gentleman from Illinois [Mr. HYDE].

The CHAIRMAN. The time has been established and equally divided by the full House for these amendments, and while time can be extended by unanimous consent, it has to be allocated to both sides of the argument.

All time has expired, and the Chair is prepared to put the question.

The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentlewoman from New York [Mrs. LOWEY] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management'' for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses'' for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

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

My amendment is a very simple and straightforward amendment. It restricts the use of Social Security and Medicare trust fund money to pay for union activity at the Social Security Administration. I am offering this amendment because I chair the Social Security Subcommittee and I take my oversight duties of the Social Security Administration and the trust funds very seriously.

Social Security affects almost every man, woman and child in this country, and its integrity cannot be compromised. A year ago I requested a GAO audit of the use of trust fund moneys for union activity, and while we knew that the trust funds were helping pay for these activities, the GAO audit revealed the extent to which the costs were dramatically increasing. Currently about $8.1 million of trust fund moneys are used to pay people who work at SSA, not serving the taxpayer and beneficiaries, but doing full-time union work.

□ 2100

That might not sound like a great deal of money to some, but taxpayer-financed spending for union activity at SSA has doubled in the last 3 years. Let me say that again. Trust fund spending on union activity at SSA has jumped from $4 million in 1993 to $8 million in 1995, a 100 percent increase.

In addition to this huge jump in spending, the number of SSA employees who work full time on union activities increased 83 percent in 3 short years. In 1993, 80 SSA employees worked full time on union activities. By 1995, this number had escalated to 146 SSA employees working full time on union activities.

These employee salaries, health benefits, and pensions come from money set aside for the Social Security benefits of our elderly and disabled citizens. These 146 SSA employees devote 100 percent of their time to union work. This means that Americans are paying their Social Security taxes for meetings on such issues as office furniture, office space allocation, and who gets a bonus at the end of the year. This is not how Social Security trust funds should be used. I am certain seniors and taxpayers around this country would agree.

I ask my colleagues to join me in supporting this amendment, and assuring our citizens that the Social Security trust funds are used for their intended purposes: the retirement and the well-being of our disabled and senior citizens in this country.

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

The CHAIRMAN. Is there a Member who wishes to be recognized in opposition to the amendment?

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment Offered by Mr. HOYER as a substitute for the Amendment Offered by Mr. BUNNING of Kentucky: Page 87, after line 14, insert the following new section:

SEC. 515. (a) LIMITATION ON TRANSFERS FROM MEDICARE TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title II—Department of Health and Human Services—Health Care Financing Administration—Program Management'' for transfer from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Medical Insurance Trust Fund may be used for expenditures for official time for employees of the Department of Health and Human Services pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(b) LIMITATION ON TRANSFERS FROM OASDI TRUST FUNDS.—None of the funds made available in this Act under the heading ''Title IV—Related Agencies—Social Security Administration—Limitation on Administrative Expenses'' for transfer from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund may be used for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, or for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title.

(c) PROTECTION OF EMPLOYEE REPRESENTATIVE.—Nothing in this section shall be construed to—

(1) deny the right of Federal employees to organize or be fully represented by their unions, or

(2) prohibit the Commissioner of Social Security or the Secretary of Health and Human Services from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide for the smooth functioning of such Administration or Department.

The CHAIRMAN. The amendment offered as a substitute for the amendment is not separately debatable. The time to debate the substitute will come out of the allocation of time on either side, so the gentleman may discuss the substitute under his time in opposition to the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

Mr. HOYER. Mr. Chairman, I would ask, that means that we have 10 minutes on both the substitute and on the amendment?

The CHAIRMAN. The gentleman is correct. The gentleman from Maryland [Mr. HOYER] has 10 minutes on both the Bunning amendment and the amendment offered as a substitute, and the gentleman from Kentucky [Mr. BUNNING] has 10 minutes remaining on both.

Mr. HOYER. He has such time remaining as he did not consume?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. I thank the chairman for the clarification.

Mr. Chairman, I yield myself 2¼ minutes.

Mr. Chairman, I rise to offer this substitute. I want to say that this substitute does not derogate the comments in any way that the gentleman from Kentucky made. His point was that we ought not to be spending trust fund money on organizing activities or representational activities. In this substitute, we adopt the very same language offered by the gentleman from Kentucky in our sections A and B.

When I say ''we,'' I offer this amendment on behalf of the gentleman from Indiana, Mr. JACOBS, ranking member of the Subcommittee on Social Security of the Committee on Ways and Means, the gentlewoman from Maryland, Mrs. MORELLA, and the gentlemen from Virginia, Mr. MORAN, and Mr. DAVIS.

In the third paragraph of our substitute, Mr. Chairman, all we do is clarify that the preclusion of expending money for representational purposes out of the trust fund does not mean that we are precluding representation. That is the key of our substitute. I would hope there would be no Member opposed, frankly, to our substitute, because the purpose of the amendment is simply to say that Social Security trust funds or Medicare trust funds will not be used.

We are adopting that premise, and we include the gentleman's language.

Under the Civil Service Reform Act of 1978, Federal employees can be granted official time to perform activities that are in the joint interest of the union and the agency.

I ask my colleagues, particularly on the Republican side of the aisle, to understand what I just said. The Federal law in 1978 provides, because, I would suggest, it is consistent with the gentleman's premise under the TEAM Act passed by this House, passed by the Senate, ready to go to the President, and therefore I think our substitute does not undermine it, not only undermine it, does not touch the intention of the gentleman from Kentucky to say no trust funds, but also does not undermine the ability of employees to be represented and to negotiate with their agencies.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

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

Mr. Chairman, most Americans are familiar with May 7, tax liberation day. We labor all the year up until May 7 to pay our income taxes. A date they may not be familiar with is July 3, government freedom day. We labor the rest of May and all of June to pay for Government regulations and interest on the national debt, so it was just July 3 that Americans began working for themselves, instead of Government.

Last night on NBC News, most Americans, I am sure, were startled to find out that those taxpayers' dollars were going to pay for people who do no Government work whatsoever; that in fact, full-time, paid for by taxpayers' dollars, they do union work and union organizing.

To add injury to insult, we found out on the program that they are paid out of trust fund moneys, not just Social Security trust fund money, but Medicare trust fund money, that same trust fund President Clinton's trustees said is now going bankrupt in the year 2000 instead of 2001. While Clinton's trustees were painting more red ink, out of that trust fund were people being paid who did no work for the taxpayers, full-time for the unions.

I would tell the gentleman that his amendment is still unacceptable because, as I read his amendment, after it says that none of the funds can be used, he says nothing in this section shall be construed to deny the right or prohibit the commissioner from carrying out those self-same activities. He believes he has found a safe harbor by saying the trust fund money perhaps will not be touched. But it is the taxpayers' money not being spent for its intended purposes that I think is the fundamental problem.

Last night, Lisa Myers held up a fax that had been sent to one of these union workers from the gentleman from Missouri, DICK GEPHARDT, and the House Democratic leadership, and said, ''I thought you said politics was supposed to stay out of this. Is this right?'' Ruth Pierce, the Social Security Administrator, looked Lisa Myers in the eye and said, ''I will yield to Congress what is a right law and what is a wrong law, but it's the law.''

I will tell the Members, it is the wrong law. This is the chance to change it. Reject the substitute, go with the amendment offered by the gentleman from Kentucky [Mr. BUNNING]. No trust fund moneys, indeed no taxpayer moneys, ought to go for this kind of private sector inurement at the expense of that hard-working taxpayer who spends half the year paying for a program and for a government, and he does not even get to have any employees work for him at all.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. JACOBS], ranking member of the subcommittee on Social Security.

Mr. JACOBS. Mr. Chairman, I listened with interest to the comments of the gentleman from California [Mr. THOMAS]. I direct his attention to the exact language of the substitute. In my opinion, it does not say anyplace that any taxpayers' money can be used, whether it is trust fund money or whether it is general revenues, either. All it says is that the Commissioner shall not be prohibited ''from requesting employees of the Social Security Administration or the Department of Health and Human Services to represent other employees on task forces to improve customer service, promote health and safety of agency employees and customers, or streamline or otherwise provide smooth functioning of such Administration or Department.''

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

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

Mr. THOMAS. Mr. Chairman, if we look at No. 1, it says ''deny the right of Federal employees to organize or be fully represented * * *.'' Can the gentleman assure me that fully represented does not mean a full-time person paid for by taxpayers?

Mr. JACOBS. I give the gentleman my solemn assurance it does not mean that.

Mr. THOMAS. But in fact, it can be interpreted that way. I know and understand and love the gentleman from Indiana, but his assurance does not guarantee that it is not taxpayers' dollars.

Mr. JACOBS. Mr. Chairman, I think it does if we all agree in legislative history. It does not say they can use any taxpayers' money. It simply says that the gentleman from Kentucky is not proposing that the unions be outlawed if they collect their own dues and pay for their own representation. That is the only intent of it. That is what it says.

Mr. THOMAS. If the gentleman will continue to yield, very briefly, it is not the intent of this gentleman from California to deny legitimate union activities. Our concern is, paid for by taxpayers's dollars. These phrases do not preclude it. That is the problem.

Mr. JACOBS. That is my concern, too. If we want to do a little comity here, if we want to do what all of us say we want to do, namely, prohibit the use of public funds to pay the union people to do union work, if that is our purpose, and that is my purpose, to prohibit the use of any taxpayers' money, trust fund or otherwise, to pay union representatives or union officials to do work on the taxpayers' money, then that is what the substitute intends to do, accepts that fully. It simply wants to clarify that nothing in this should be interpreted to mean that the union itself must disband and not represent the people with their own money.

Mr. THOMAS. If the gentleman will continue to yield, would the author of the substitute agree with the gentleman that no taxpayer funds are intended to be used for union activity on the job site?

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

Mr. JACOBS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I would say in answer that I do not believe that any money that is inconsistent with the law will be spent. I do not know the answer that the gentleman from Indiana [Mr. JACOBS] gave. But he knows more about it than I do.

Mr. THOMAS. If the gentleman will yield further. The gentleman does his profession well with that response, because I do not know what that means. It means it may or may not.

Mr. JACOBS. Nothing shall deny the right of Federal employees to organize or be fully represented by their unions, I repeat. That is all. That is all it deals with here. It does not say they can get a nickel from the taxpayers to do that. That is not the intent of it.

But on these task force things like the Japanese method, which Mr. Demming gave to our people and our people turned down and he went over and gave to them, where the workers come in and say they could probably save a little money if you tilt those Venetian blinds and not blind the people all afternoon, that kind of thing, that is the whole purpose of this. We accept the proposal of the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

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

Mr. PORTER. Mr. Chairman, I rise in support of the budget amendment and in opposition to the substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON, a member of the subcommittee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I am glad the gentleman approves of the budget amendment, because that is what is good. When the GAO discovered this breach of faith, I was outraged. It was my understanding all trust fund monies were dedicated for seniors and future recipients who worked their entire lives paying for the system.

It was President Clinton who, as a payoff to the unions for political support, made union employees equal partners with association managers, and stated that Social Security Administration managers could not correct or question the actions of union employees.

What is worse is that while unions take money from the trust fund, they also continue to collect $4.3 million for themselves in union dues, and we have no idea where that money is spent. One more time. The unions collect millions in dues, and still continue to take money away from the trust fund to do work that has nothing to do with providing benefits to our seniors.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, this amendment offered by Chairman BUNNING is nothing more than a classic example of traditional Republican union bashing, and a backdoor assault on President Clinton's executive order to improve labor/management relations through the use of Partnerships.

Every Member of this Congress is concerned about preserving and strengthening the Social Security Trust Fund. We all want to ensure that monies in the Trust Fund are being used to provide benefits and services to seniors in the most efficient and cost effective means possible.

And efficiency and cost effectiveness is exactly what the ''union activities'' at Social Security are set out to achieve.

Efficiency at the Social Security Administration goes to the heart of the way in which individual cases are handled. As the Social Security Administration is being downsized, and as systems are being redesigned, the input of the Social Security employees—the caseworkers—is, and should be, an invaluable contribution to management decision making.

Management alone can not be expected to know everything about how work is done, or how it can best be done. Consultations with Social Security workers are key to creating the best systems possible. And these consultations are what we are talking about today when we discuss union activities.

The union activities at the Social Security Administration are far less mysterious than the Republicans want to make them appear. In fact, union activities at Social Security are very similar to those at many private companies, including General Motors, Ford, and Chrysler—companies where it is common practice for workers to be paid for official union time.

As a former mayor, I've been involved in many negotiations with unions over the years. I've learned that unions are rarely 100 percent accurate in their positions, and management alone seldom has all of the right answers.

The best solutions to common workplace problems are those that are crafted with input from both labor and management.

Union activities at Social Security, which make up—mind you—only three one-hundredths of 1 percent of the total administrative costs for the Social Security Administration, are geared at improving the way in which benefits are delivered to senior citizens and the disabled.

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue funds and the trust funds.

Mr. Chairman, in a time when we are all trying to make government smaller and more efficient—less bureaucratic and more like the private sector—it seems to me that we should encourage government agencies to use the same innovative management techniques and partnerships that have been embraced by successful companies like Saturn, Corning Glass, and Harley Davidson. It seems as if everyone except the Republicans in this House knows that old fashioned top-down management is a thing of the past.

We owe America's senior citizens the most efficient Social Security Administration possible. This amendment is nothing more than a politically motivated attempt to scare America's senior citizens, and I urge my colleagues to oppose it.

☐ 2115

In full compliance with the law, union activities at Social Security are paid for by a combination of funds derived both by general revenue and trust funds, and we are correcting that in our substitute.

I have been involved in union negotiations time and again, and unions are never 100 percent correct. And, something else, management is never 100 percent correct.

Social Security is in the midst of downsizing. Their systems are being redesigned. There is anxiety in the workplace. That is not unlike what is happening across the rest of America tonight.

The result of a healthy workplace where people have high morale is consultation. What we have here is a frontal assault on union activities, which we attempt to address in a reasonable substitute.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN].

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

Mr. LAUGHLIN. Mr. Chairman, with all due respect to the gentleman from Massachusetts, my good friend and classmate, he misses the point. This is not about union activity. This is about Social Security trust fund money paid by hardworking men and women who have paid tax money on their hardworking wages into the trust fund for their senior years.

As a member of the subcommittee, I sat through all the hearings, and not one time did I hear justification for using Social Security trust fund money for any of the activities that are being addressed here.

I sent out a letter last week informing my constituents that trust fund money was being used for union activity. In 3 days, I have gotten over 400 responses and not one response said, GREGG. I want you to keep allowing the money to be used for union activity.

Every contact was angry. They said, ''I'm appalled, I'm shocked that the money I paid into the trust fund is not going for my retirement or for disability. I'm appalled that it is going to union activity.''

Mr. Chairman, I urge support of the chairman's amendment.

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

The CHAIRMAN. The gentleman from Maryland is recognized for 2¼ minutes.

Mr. HOYER. Mr. Chairman, my good friend the gentleman from Texas has just spoken very actively, strongly. Our substitute does exactly what he

wants done. It precludes, as does the gentleman's amendment from Kentucky, the expenditure of any funds from either the Social Security trust fund or the Medicare fund. What it does not do is say Employees, tough luck, get out of town. We're not going to let you organize, we're not going to let you follow the Federal law, which precludes, by the way, any official time being used to conduct internal union matters, organizing workers, soliciting members for conducting union elections or for any partisan political activities. That is precluded by Federal law right now.

What is not precluded is activity that is funded in the private sector, as the gentleman from Massachusetts indicated, but allows employees to represent their fellow employees and to work with management on official time to make their jobs better, more efficient and more productive.

The concern that has been raised, that is, of spending money out of the trust fund, is agreed to on this side by our substitute. What is not agreed to is the obvious underlying intent, and that is to undermine the workers' ability to have effective representation, period.

For that reason, I would ask Members on both sides of the aisle, particularly those who voted for the TEAM Act on the theory that management could include employees for the purpose of sitting down, discussing and negotiating working conditions and objectives and ways and means. That was the issue in the TEAM Act.

If you believed that, if it was not just a subterfuge to undermine the ability of workers to organize, then you ought to support this substitute, and I urge all the Members of the House to do so.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS].

(Mr. COLLINS of Georgia asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kentucky.

Mr. Chairman, American workers are mandated to pay into the Social Security trust fund throughout their working lives. They do so with the understanding the Federal Government will responsibly manage those assets on providing Social Security benefits to retired and disabled Americans.

Mr. Chairman, under the new authority given to government unions by the current administration, the Social Security Administration spent 12.6 million taxpayer-dollars on union-related activities in 1995.

That's right Mr. Chairman, the Clinton administration spent $12.6 million, on expenses that had absolutely nothing to do with ensuring our Nation's retirees and disabled receive the benefits they have earned.

In addition, $12.6 million in 1995 represents a 100 percent increase over the $6 million the Social Security Administration spent on union activities in 1993.

Recently, the Commissioner of the Social Security Administration testified about the increases in trust fund assets that are spent on union activities.

Commissioner Chater could not provide the members of the subcommittee with any specifics about how the $12.6 million spent on union activities improved the processing or administration of Social Security benefit claims. Most alarmingly, she was unable to provide the committee with any detailed assurances that union-related expenditures will not continue to double in the next 2 years.

This amendment will bring a halt to the wasteful expenditure of Social Security funds and ensure that we are managing these vital assets responsibly.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. RIGGS].

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

Mr. RIGGS. Mr. Chairman, I rise in strong opposition to the Hoyer substitute and in strong support of the Bunning limitation amendment to prohibit the Social Security Administration from using payroll taxes to pay the salaries of full-time union representatives.

Mr. Chairman, I seek this time to bring to the attention of the chairman I perceive to be a very serious problem in the Social Security Administration. Reading the Washington Post the other day I happened across an article by James Glassman.

I was shocked and dismayed to discover that the Social Security Administration, responding to a 1993 Presidential Executive Order, which has increased the number of union representatives that work in Social Security offices around the country to 146. That is an increase of 66 employees. Calculate the 66 full time salaries, benefits and pensions, and you have a total extra cost of $12.6 million that American taxpayers are going to have to shoulder.

This blatant waste of Social Security Funds in inexcusable, given that the Social Security Trust Fund is approaching insolvency. It flies in the face of all of our efforts to downsize and reinvent government. Within the Social Security Administration, for example we have been successful eliminating direct cash benefits for drug addicts and alcoholics.

There is simply no excuse to significantly increase administrative costs in this manner. In fact, I question the motives of an Executive Order directing the additional employment of union representatives. It has always been my understanding that it is the responsibility of the unions themselves to ensure fair representation in the workplace. It is not the responsibility of the federal government. In fact, given the recent actions on the part of the unions, this smacks of campaign politics.

We as Appropriators and Members of Congress have a obligation to spend taxpayer dollars wisely and responsibly. I am very concerned that this action by the Social Security Administration is not altogether altruistic and completely contrary to our efforts to make our federal government less wasteful and more responsive to average Americans.

Mr. Chairman, I include for the RECORD the news item, I mentioned.

[From the Washington Post, June 25, 1996]

WHAT CAN GOVERNMENT DO?

(By James K. Glassman)

In a modern republic such as ours, politics frequently produces good policy—that is, it's a system that finds out people's desires and acts on them. But politics rarely produces good government—that is, it's a system that puts policies into place in a messy, inefficient, often counterproductive way.

''Look,'' says Peter Drucker, the great management guru, in a recent interview with the editor of Inc. magazine, ''no government in any major developed country really works anymore. The United States, the United Kingdom, Germany, France, Japan—none has a government the citizens respect or trust.''

The big problem, Drucker says, is that ''no one, as far as I can see, is yet asking the right question: What can government do?'' Not what should it do, but what can it do.

I've always been a ''should'' kind of guy—questioning whether government has the right to involve itself in the arts, agriculture, railroading, etc. But Drucker's ''can'' perspective is a brilliant way to look at the problem.

Consider Social Security. Yes, government should help poor people retire with dignity. But can it run an efficient retirement system for the entire nation? It's doubtful, given political pressures—for example, the need to please labor unions, which spend millions to help elect Democrats.

Here's a typical horror story: Using the payroll taxes of Americans, the Social Security Administration is paying the salaries of 146 full-time union representatives who work in Social Security offices around the country. The average annual salary of these taxpayer-paid union officials is $41,970. Ninety-four of them make at least $40,000, and one makes $81,000.

The General Accounting Office reported on this union activity recently, at the request of Rep. Jim Bunning (R–Ky.), a Ways and Means subcommittee chairman. Jane Ross of GAO said her office ''found that over 1,800 designated union representatives in SSA are authorized to spend time on union activities.'' Total time: more than 400,000 hours. Total costs to the taxpayers: $12.6 million.

What makes this episode so outrageous is that it's perfectly legal. After an executive order by President Clinton in 1993, full-time union reps at SSA jumped from 80 to 146, according to GAO. Total costs to the taxpayer doubled. Meanwhile, the Social Security trust fund is approaching insolvency.

The truth is that effectively running a retirement scheme for a nation of 260 million may not be something that a government is able to do.

By contrast, the private sector has learned, through trial and error and the pressures of the marketplace, to handle complex financial transactions—and give good service. For example, Fidelity Investments, with 20,000 employees, handles 20 million mutual-fund customers—marketing, buying and selling stocks, sending out regular statements. Fidelity's managers don't stand for election, so they don't have to pander to labor, or any other interest group, for votes. They're free, subject to market forces, to run their business.

It's no accident, either, that costs of government-run health care systems—Medicare and Medicaid—are rising so fast. The federal government—under political pressure from doctors, hospitals, seniors, governors and insurers—simply can't cut expenses and deliver good service the way that companies subject mainly to the pressures of the marketplace can. (For an even more horrifying example, look at the Veterans' Administration, with

its own 58-health-care institutions, providing jobs for constituents of nearly every member of Congress.)

The point is that politics can, with validity, produce a national health policy. But it should not be the force that shapes the management of that policy.

One solution to the problems of both Social Security and public health care is to get the government out of management entirely. Let it issue vouchers with which Americans themselves can purchase retirement plans or medical services from private firms. There should be oversight, but not a 65,000-employee bureaucracy.

On management issues, the Clinton administration gets credit for interest, but not for action. The president brags about eliminating government jobs. Yes, but of the 192,000 cut, 145,000 were in the Defense Department—a ''peace dividend'' brought about by the end of the Cold War. We can't really cut government jobs unless we cut government functions.

Drucker says that the United States doesn't have a government that ''citizens respect or trust,'' But as we've seen over the past year, citizens not only distrust government, they distrust politicians who say they will dismantle it. That's the paradox for Republicans.

But what citizens do know is that government today is out of control. So here's my suggestion to Bob Dole (or Bill Clinton): Announce right now that, if elected, you will freeze government in place. No more new programs, no additional spending on current programs, no increases in tax revenues.

A hard freeze of this sort would leave the deficit at about $140 billion, a safe number. Then, over the next four to eight years, we can debate what government should—and, more important, can—do.

For doubters, Dole can issue an ''Outrage of the Week'' report on excesses like the 146 union officials at Social Security or the $5 billion in fraud, which, according to a new study by Citizens Against Government Waste, afflicts the Food Stamp program.

But we can't bring government back under control with a single contract or a single election. As Drucker says, ''Government, rather than business . . . is going to be the most important area of entrepreneurship and innovation for the next 20 to 25 years.'' So let's freeze now, and get those entrepreneurs to work on solutions.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, I rise in strong support of the Bunning amendment and ask Members to reject the Hoyer amendment.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I want to thank the people in my district who work for the Social Security Administration who brought this to light, some very brave people who bucked the system, who bucked the union to say that seniors' money, Social Security trust fund money, should not pay for union representation on the job.

The fact is, union Members pay $4.3 million a year. Let us let the union use that to pay for people to represent them in the workplace. It is about balancing the budget, it is about being good stewards with our seniors' money. It is about doing the right thing. Please support the amendment. Please do not support the substitute.

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

The CHAIRMAN. The gentleman from Kentucky is recognized for 1¼ minutes.

Mr. BUNNING of Kentucky. Mr. Chairman, first of all, let me assure my good friend from Massachusetts and my good friend from Maryland that I was a union negotiator for 12 years, so I know something about unions. But they were in the private sector, and they were not supported with Social Security and Medicare trust fund money.

We know what our amendment does. We know that it requires the Social Security Administration to use Medicare and trust fund money only for the purpose for which it was collected from hard-working, tax-paying Americans. They pay FICA tax to the Treasury so it can be used for retirement and disability payments under Social Security.

About the Hoyer amendment, we are not sure. But I will tell the gentleman from Maryland, if he would like to sponsor appropriation bill to use taxpayer funding from general revenues for union activities at the Social Security Administration, an any other agency of the Federal Government, because I believe employees are entitled to be represented, I suggest that he do that as part of the appropriations process.

I urge support of the Bunning amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] will be postponed.

AMENDMENT OFFERED BY MR. ISTOOK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ISTOOK: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act, when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) any portion of such funds is knowingly being used by such entity to provide services after March 31, 1997, to a minor, other than a minor who—

(A) is emancipated under applicable State law;

(B) has the written consent of a custodial parent or legal guardian to receive such services; or

(C) has an order of a court of competent jurisdiction to receive such services, based on—

(i) the court's assumption of custody over the minor; or

(ii) actions of a custodial parent or legal guardian that present a continuing threat to the health and safety of the minor and precludes the obtaining of consent under subparagraph (B); and

(2) The State in which such services are provided has not, after the date of the enactment of this section, enacted a statute that excludes the minor seeking a title X service from the parental consent requirements as to that particular service.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma [Mr. ISTOOK] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this amendment concerns how we are spending $200 million a year of our Federal tax money, one-third of which goes to provide contraceptives, condoms, birth control pills, and related services to teenagers, to minors, with neither the knowledge nor the consent of their parents.

As a parent of 5 children, 3 of them teenage girls, Mr. Chairman, and public school students, I am well aware of the different times that parental consent is necessary for so many things. For example, this is a form from the Fairfax County, VA, public schools.

To go on a field trip, they have to have written consent from their parents. To get authorization for medication, even aspirin, to be administered to a minor in public school, in most cases you have to have a signed permission slip from the parent or the guardian. This is from the school that my children attend, again echoing that to have medication, even something as simple as aspirin given to a student, you cannot do it without the consent of their parents.

But, Mr. Chairman, under Federal law, it is something different. Under Federal law, Mr. Chairman, and this is from the Federal regulations, if they want to obtain services under the so-called title X, Family Planning Services, then if they want to, and they do, all the information is kept confidential only to that minor child. Their child is sexually active, may have a sexually transmitted disease, is at risk of pregnancy and all the complications that come from it with a child involved in that activity, and 1.3 million of them a year in this country are receiving federally funded assistance in bypassing their parents, isolating them from the

love, the counsel, the nurture, and the moral guidance of their parents under Federal law.

Mr. Chairman, I submit that is wrong. I submit that this country in caring about its children says we want them to have the guidance of their parents, and yet this is another part of the Federal law that specifies that regardless of their family income, this is supposed to be a low-income family program, if they want this confidentiality, then you disregard what mom and dad and anyone else in the household is making and so this child, by themselves, qualifies for this Federal program.

One-third of its services, one-third of the $200 million a year, is going to minors with neither the knowledge nor the consent of the parents.

Mr. Chairman, since this program has been underway, since 1970 when it began, we were told this is going to reduce teenage pregnancy, this is going to reduce out-of-wedlock births with teenagers, and they still try to manufacture some statistics trying to claim it. But, Mr. Chairman, their projections do not hold up.

There is only one set of statistics that is really kept on this. It is kept through the Centers for Disease Control, the U.S. Health and Human Services Department, and is shown on this graph from it, since this program went into effect. The number of out-of-wedlock births with teenage mothers in the United States has doubled, the rate of teenage out-of-wedlock births has doubled because the Federal Government is inviting them to go around the moral guidance of their parents on these most intimate and personal issues.

This amendment simply states we are not going to do it. We are going to require parental consent if this is to go on. Normally it is a matter of the States to decide. Fine. If the States decide otherwise, they can do it in their State, but they would have the say-so. I ask Members' support of the amendment.

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

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] claim the time in opposition to the amendment?

Mr. OBEY. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

Mr. OBEY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY as a substitute for the amendment offered by Mr. ISTOOK: In lieu of the matter proposed to be inserted, insert the following:

SEC. . None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless it is made know to the Federal official having authority to obligate or expend such funds that the applicant for the award certifies to the Secretary that it encourages family participation in the decision of the minor to seek family planning services.''

□ 2130

Mr. OBEY. Mr. Chairman, I ask unanimous consent that 8 minutes of my 15 minutes be given to the gentleman from Pennsylvania [Mr. GREENWOOD].

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

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GREENWOOD] will control 8 minutes, and the gentleman from Wisconsin [Mr. OBEY] will control 7 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

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

Mr. Chairman, this amendment is very simple. The Istook amendment would prohibit title X services to minors unless they have written parental consent or a court order acting as parental consent. The Obey-Greenwood-Lowey substitute would prohibit funds unless the entity encourages consultation with family members.

Mr. Chairman, I want to be very clear. I do not believe teenagers should engage in sex until they are married. That may make me old-fashioned but that is what I happen to believe. But I also recognize the world in which we all live. The United States has the highest rate of teen pregnancy of any industrialized country in the world.

This committee had an opportunity to fund the President's teen pregnancy prevention plan in this bill. It chose not to do so. Now, unless we are careful, we will make what services there are remaining to prevent teenage pregnancies even more difficult to obtain. When minors delay diagnosis and treatment, especially in cases of sexually transmitted diseases or HIV, their health, their future fertility and life can be put at risk. Kids ought to be encouraged to talk with their parents, but we also ought to be careful that, in the process of trying to encourage that, we do not increase health risk to the general public and that we do not in the process invite more abortions that are performed because of careless pregnancies.

That is what this amendment tries to do. It tries to establish a careful bipartisan balance between two justifiably strong moral concerns in this society.

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

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would simply note that the amendment offered by the gentleman from Wisconsin [Mr. OBEY] only echoes existing law. It is already in section 1001 of the Public Health Service Act that there is supposed to be this very encouragement for family participation, which is totally undercut by the existing Federal law saying it is not required.

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

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the substitute amendment. This amendment, title X, already requires that providers encourage family participation in reproductive health decisions, and this amendment strengthens that mandate.

I agree that parental involvement should be encouraged, encouraged, not mandated. In fact, in order to encourage teens to seek necessary reproductive health services, virtually every State in the country has enacted legislation to permit minors to receive care for sexually transmitted diseases without parental consent. Many States have already put statutes on their books that allow minors to obtain birth control information governed carefully by State law. We should not override those statutes. States are closer to this problem than we are. Teenagers denied contraceptive services do indulge less responsibly.

Mr. ISTOOK. Mr. Chairman I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I only asked for 1 minute because I am pleased there are so many Members on our side that want to speak out on this.

I would like to begin the way the gentleman from Oklahoma [Mr. ISTOOK] did, talking proudly about his daughters. As a father and a grandfather of eight young ladies, I take this parental rights thing very seriously. But here is what we are neglecting on those who oppose the Istook amendment. With parents' rights, as with most rights, there are also responsibilities, and young people will sometimes follow peer pressure and the lines of least resistance.

What they are doing by going against the Istook amendment is taking away parental responsibilities, the responsibility of playing a role in the counseling and guidance of young people. We are talking about one-third of the people that have access to title X funds. That is about 1,300,000 teenagers that are covered here

States can opt out and keep in mind that the Istook amendment is reinforcing standing Federal Law. Parents' rights and parents' responsibilities, it is a winner with Americans across this country. Do not take away those responsibilities.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, last year an attempt was made to zero out the title X family planning program. That attempt failed here on the floor of the House. This year the gentleman from Oklahoma [Mr. ISTOOK] is offering

an amendment to limit access to these important services. This is not an issue of abortion. Let me emphasize that once again. And we are talking here about services for poor, young women. We are talking about a successful program that prevents 500,000 abortions from occurring in our country every year.

A study published by the Journal of Pediatrics found that 85 percent of teens would not seek care for sexually transmitted infections if parental consent or notice were required. I have a letter from the American Academy of Pediatrics, the American Academy of Family Physicians, and the American College of Obstetricians and Gynecologists opposing parental consent. They confirm that mandating parental consent will prevent teens from seeking contraceptive services, placing them at increased risk for sexually transmitted diseases and unintended pregnancies. It is a very, very poorly advised amendment.

AMERICAN ACADEMY OF FAMILY PHYSICIANS; AMERICAN ACADEMY OF PEDIATRICS; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,

JUNE 11, 1996.

Hon. JOHN EDWARD PORTER,

Chairman, House Appropriations Subcommittee, Labor, Health and Human Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN PORTER: As national organizations representing over 170,000 physicians dedicated to improving the health care of adolescents, we write to urge you to oppose any amendment offered to the FY97 Labor, Health and Human Services and Education Appropriations Act that would require parental notification or parental consent for services received by adolescents in clinics funded by Title X, the national family planning program. As physicians who care for adolescents, we always encourage family involvement in their health care. Our organizations have adopted principles stating that health professionals have an ethical obligation to provide the best possible care and counseling to respond to the needs of their adolescent patients. This obligation includes every reasonable effort to encourage the adolescent to involve parents, whose support can increase the potential for dealing with the adolescent's problem on a continual basis.

Most teens seeking services at Title X clinics are already sexually active. Mandating parental consent may prevent these teens from seeking contraceptive services, placing them at an increased risk for sexually transmitted diseases and unintended pregnancies. Studies indicate that one of the major causes of delay by adolescents in seeking contraception is fear of parental discovery. Parental consent or notification provisions would be counterproductive to the ongoing efforts of physicians and the Congress to prevent such cases among the nation's young people.

Under our federal system, the states determine whether or not parental consent is needed for the treatment of minors. While states require consent before a minor receives medical treatment, 23 states have recognized the special issues surrounding family planning services and have instituted exceptions explicitly allowing young women to obtain contraceptive services without parental consent. Congress should not override these states' authority in this area by adopting an amendment to require parental notification or consent in order for family planning clinics to receive Title X funding.

While we applaud the efforts of the Committee to ensure that parents are involved in minor's health care decisions, we believe that such involvement is best achieved by the efforts of physicians and their patients in a manner which respects the adolescent's right to confidential health care. Forced parental involvement, in our view, will have a negative impact on the physician-patient relationship, as well as have the unintended consequence of deterring adolescents from seeking important health care services. Accordingly, we urge you to oppose any amendments mandating parental notification or consent for Title X services in the FY97 Labor, Health and Human Services, and Education Appropriations Act.

Sincerely,

KENNETH L. EVANS, MD,
Chairman, Board of Directors, American Academy of Family Physicians.

MAURICE E. KEENAN, MD,
President, American Academy of Pediatrics.

RALPH W. HALE, MD,
Executive Director, American College of Obstetricians and Gynecologists.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in support of the Istook amendment. As a grandmother of six young children, it amazes me that, while parents are called to give permission for everything, they could have their children go to school and come back with an intrauterine device implanted that could cause sterilization, infection and even in some cases loss of life.

The parent has been told when the child goes into emergency. The basic question is whether or not parents should be informed about very basic and fundamental questions concerning their son or daughter's well-being. In an age when kids are bombarded with sex and stimuli from the media and in the world that we would remove the parents from the equation until the issue is a crisis is not acceptable. We need parents to be parents, not government to be parents and until there is a crisis.

I think my colleagues need to start thinking about the statistics that we have faced. When we that were pro-abortion and pro-contraceptive started in the early 1970's with the title X's to decrease parental involvement and increase government involvement by giving kids help outside of the family, we started a trend that now has doubled out-of-wedlock births. It has not been successful. We know when you remove parents, it does not work. So what do we risk on allowing the States to put parents back into the equation? That is what we are asking here today, States rights. Put the parents back into the equation with the guidance of the States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to one of the coauthors of the amendment, the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to the Istook amendment that will require consent for minors receiving title X services and in strong support to the Obey-Greenwood-Lowey amendment to the amendment.

Let us make it very clear, when a teenager comes to a family planning clinic, the family planning clinic is not making them sexually active. I am the mother of three beautiful grown children, and I want to make it very, very clear that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services

Let us debunk the myth, these kids are not coming to that clinic and suddenly becoming sexually active. In fact, what we are trying to do is provide these services for these youngsters who come to the clinic so that they can avoid spreading sexually transmitted diseases. I think it is important to note that the bill as it is now encourages family participation. That is exactly what we want to do, encourage family participation, not mandate it.

Mr. Chairman, I rise in opposition to the Istook amendment that will require parental consent for minors receiving title X services. In addition, I am proud to join Mr. OBEY and Mr. GREENWOOD as a sponsor of the amendment to the amendment. The Istook amendment will just lead to an increase in teen pregnancies and abortion, and in teens with STD's and HIV.

Last year, as you all remember, opponents of family planning attempted to eliminate the title X family planning program. Their efforts, thankfully, were rejected by this House and by the American public. However, they clearly did not learn anything from their defeat. This amendment is just one of several assaults against the title X program this year. Two earlier attempts to limit the program were defeated in committee 2 weeks ago.

Why would anyone try to limit a program that successfully prevents teen pregnancies and abortions? They do it because the Christian Coalition tells them to. A recent Christian Coalition legislative alert called this amendment one of ''the first steps to end the infamous Title X program!''

The Istook amendment will place the health of young American women at great risk. Approximately 1 million teens currently receive some medical services from title X clinics. This requirement will create a real barrier to these services for hundreds of thousands of teens.

Studies show that many teens—especially those who are abused or who fear an extreme reaction from their parents—will stop seeking medical services for STD's if forced to get their parent's consent. In addition, most teens will continue to have sex but just forgo contraceptives rather than seek parental consent. I do not believe that any of us think that those are acceptable results.

The title X statute already requires providers to encourage family participation in reproductive health services. The Obey amendment reflects the spirit of the current statute. In fact, the majority of young people already involve a

parent or other responsible adult when they seek family planning services. The Istook amendment will ultimately only cause those teens who do not want to tell their parents to forgo needed services.

I think that we need to debunk one myth right now. Parental consent laws do not keep teens from having sex. I support abstinence-based programs for teenagers, but the fact is that most teens are already sexually active when they first come to a title X clinic seeking family planning services. The Istook amendment will just keep those young people from getting the family planning services they need.

In addition, I would like to note that the medical and public health community overwhelmingly supports confidentiality for adolescents seeking family planning services. The American Academy of Family Physicians, the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists all oppose this amendment.

In conclusion, my colleagues, I urge you to defeat the Istook amendment. Barring teens from family planning services will only lead to horrible results—more teen pregnancy, more kids having kids, and more abortions. This amendment will just create thousands of unnecessary tragedies.

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

Mr. RIGGS. Mr. Chairman, I thank my good friend and colleague for yielding me the time.

States' rights have been mentioned during this debate. I want to point out back in 1982, early in the Reagan administration, the Department of Health and Human Services proposed a regulation to require parental notification, not consent, notification for contraception and 39 States opposed that proposed regulation.

I have a lot of respect for the gentleman from Oklahoma and my other colleagues who have spoken on this, but my concern is that the Istook amendment would have a chilling effect, in fact, could be counterproductive to our main goal here, which is to reduce the number of unwanted abortions in American society by reducing the number of unwanted pregnancies.

So I have to urge support of the Obey-Greenwood amendment and urge the defeat of the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, I rise tonight in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Service Health Act.

The fact is, Mr. Chairman, that this is a Federal program. We have heard a lot about States' rights tonight from some pretty unique sources with regard to States' rights. But the fact is, this is a Federal program. There are Federal taxpayer dollars used in order that teenagers can go around their parents and, under the cloak of secrecy, not allow information to be passed to their parents. The fact is that government should not be standing in the way of the parent-child relationship. The parent is the one that the child should be going to with regard to advice when it comes to these troubling times in their life, and I ask for strong support of the Istook amendment so that we can rebond the parent-child relationship.

Mr. Chairman, I rise in strong support of the Istook amendment to require that minors obtain parental consent from a parent or legal guardian before they can receive services available under title X of the Public Health Service Act. I am appalled that a teenager girl can walk into any clinic that receives funding under title X and receive contraceptives, treatment for a sexually transmitted disease, or counseling on how to avoid pregnancy without her parent's permission. Teenagers are children themselves—and as a father of three young children, with the fourth one on the way, I cannot begin to comprehend how I would feel if one of my children were receiving such services without my knowledge or consent.

By failing to require that parents give our consent to our children when they receive sexual advice, we are doing a huge disservice to parents and our children. Many people have voiced concern that if we require parental consent, teenagers may not get the necessary services to protect their health. Let me make this perfectly clear: this is not about health care. If this were really a health care issue, parental consent would be required before any of these services would be rendered to a minor. A teenager cannot receive a aspirin at school, have a physical exam, or even get their ears pierced without the consent of a parent or legal guardian. Yet we are willing to ignore these very appropriate requirements at the Federal level and write a muiltimillion dollar check for birth control and sexual advice for teenage boys and girls. This is simply and patently absurd. If we believe that teenagers are more and more estranged from their parents, this is clearly not the solution to bridging the generation gap. It is inappropriate for the Federal Government to do anything to infringe upon a parent's tie to their children. I urge you to support this amendment. The relationship between a child and the Federal Government should never take the place of a relationship between a parent and a child.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, if teenagers are denied confidential and affordable access to family planning services, they will be at a greater risk for sexually transmitted diseases, for unintended pregnancies and more likely to get an abortion. Many teenagers are not able to speak to their parents about these issues, and many parents do not act responsibly and will not give their consent. These factors should not be a barrier to an adolescent coming in and getting needed counseling and contraceptive information and contraceptive services and other health care services that are provided in these title X clinic.

I urge opposition to the Istook amendment.

□ 2145

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Chairman, I rise in strong opposition to the Istook amendment and in favor of the Obey substitute. This amendment would do great harm to our efforts to reduce the incidence of sexually transmitted diseases, including HIV/AIDS, in our young people, and to our efforts to lower the number of unintended pregnancies and abortions.

On the face of it, it may seem reasonable to require parental consent for family planning services. But, this amendment ignores the realities of the young people who seek care at these clinics. The vast majority of these teens are already sexually active and have been for almost a year, on average. Most end up seeking services because they are afraid that they may be pregnant or that they have a sexually transmitted disease. Minors who go to clinics are strongly encouraged to involve their parents, and many do bring a parent with them on subsequent visits.

A recent study in the Journal of Pediatrics determined that 85 percent of adolescents would not seek treatment for sexually transmitted diseases, including HIV/AIDS, if parental consent and notification requirements were imposed.

Mr. Chairman, we are talking about consent and not notification.

Let us vote for the Obey substitute and protect teen health.

Delay will only endanger the health of these teens, not help them. And, delay will only lead to unintended pregnancies and more abortions.

This amendment is also troubling because it undermines State laws. Don't be misled by the State opt-out provision. Only State laws passed after the date of enactment would be valid. Thus, the laws of 49 States that already allow minors to receive STD services without parental consent would be nullified. Each of the 49 States would then have to pass new laws reinstituting their current laws. This is an affront to States' rights, and should be rejected.

The medical community is also overwhelmingly opposed to parental consent requirements for minors. The American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, and the American Public Health Association, all agree that contraceptive services, prenatal care, and STD/HIV diagnosis and treatment should be available to adolescents without their parents' consent or knowledge.

Mr. Chairman, I urge my colleagues to vote to uphold States' rights and to protect teen health. Vote "no" on the Istook amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I believe many people are missing the point of this. In the last 26 years we have found this program, using $200 million a year of Federal taxpayers' money to help teenagers sneak around behind the backs of their parents, does not work. It has doubled the out-of-wedlock birthrate among teenagers. We need to get parental responsibility back involved if we expect to improve the standards and return accountability in this country.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this is not a debate about whether to fund family planning or title X. The only question is whether we believe that parents should raise our children or whether we think that government officials should raise our sons and daughters.

Parents must consent before their children attend field trips, if their children are absent from school, for their children to receive treatment for a twisted ankle, and parents must consent for their children to participate in sports after school. Should this same parent not also have to consent before their children receives contraceptives or treatment for a sexually transmitted illness? That is the only issue raised by the Istook amendment.

Without this amendment, when it comes to sexually transmitted diseases, contraceptives and planning families, parents need not apply. The Istook amendment puts parents first again. It says that what is common sense for movies, fields trips and football should also apply to serious medical treatment.

Mr. OBEY. Mr. Chairman, may I inquire how much time each party has remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 3 minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 4 minutes remaining; and the gentleman from Oklahoma [Mr. ISTOOK] has 6 minutes remaining.

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

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

Mr. Chairman, I rise in support of the Obey substitute. My friend, the gentleman from Oklahoma [Mr. ISTOOK], and I share parenthood. I have four children. I understand the impulse to want to make sure that parents are involved. Ideally we want our young people to abstain from sexual behavior. We all want that, we all hope that, and we do our best for that. And if they do become involved, if they make mistakes, ideally they can come and talk to mom and dad. That is the ideal. That is what we spend our whole lives as parents trying to achieve. But we do not all succeed.

Some parents cannot talk about sex to their children, and some children cannot talk sex to their parents. That is the real world. So what happens? How do we strike a balance when we have a young lady who is afraid that she is pregnant? Kids do not go to family planning clinics because they are thinking about having sex; they go because they have been having sex; they go because they are afraid that they are pregnant; they go because they fear that they have a sexually transmitted disease.

What happens to those kids who cannot get parental consent? They do not get treated for disease. They do not get treated for sexually transmitted diseases. We have more teenage pregnancies. We have more teenage abortions.

The Obey amendment strikes the right balance. It requires these agencies to encourage the involvement of their families, and that is what we all should be about. A child untreated for HIV becomes a child, a teenager, with AIDS. When kids cannot get the diagnosis or treatment for that disease, they die. That is how important this is.

Mr. ISTOOK. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I stand here very strongly supporting the Istook amendment for parental consent. I have to say there is life after teenagehood. My two children are now in their 20's, but as a mom and as a former teacher, I wholeheartedly support the idea and the main issue of this amendment, which is to give back parental consent, that moms and dads can have the right to talk with their children about this and not feel that it has been handed over to the Federal Government.

I might say that I have spent a couple of times in my office as a State legislator with moms crying in the office because they found out that their children were able to go to a clinic and get much information and the parents who really wanted to speak to their children about this were left out of the loop.

Now, I want to remind people, yes, the State legislatures across America, if they so choose, can waive the parental consent requirement, and that is very important with me. But I wanted to point out that since title X has been in existence, since 1970, we are talking about a program that wanted very sincerely, when it started, to decrease out-of-wedlock and teenage pregnancies, and there has been a lot of times that it has been successful.

But, Mr. Chairman, we just have to look at our own local programs and talk to families and know the statistics are saying that it is skyrocketing. The teenage out-of-wedlock births are skyrocketing and children need to have moms and dads involved in their life.

What we have done at the Federal level is just say sex is OK because we help to avoid the consequences.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, in the ideal world, if there were an ideal world, perhaps the amendment offered by the gentleman from Oklahoma would make sense. I am the father of a teenager. I wish we had that ideal world where communication was as we wish it would be. In the real world this proposal, sadly, is a dangerous one. It will inevitably mean more unintended pregnancies, more abortions, more sexually transmitted diseases.

That is why the Obey substitute is the sound way to go here. It has nothing to do, as allegations have been raised, about Government bureaucrats getting involved in sexual activities of our children. That is a total red herring. What it does have to do with is recognizing the realities of teenage sexual behavior in the last part of the 20th century in this country, and how we are going to deal with that reality not in a wishful way, not in a mythical Ozzie and Harriet way, but in a way that works, making sure that our kids get the health services that they need.

Mr. Chairman, I oppose this amendment which would make it more difficult for young people to obtain family planning assistance.

This amendment would require, unemancipated, minors to get written consent from a parent or to get a court order to be eligible for any services through title X family planning programs unless the State passes a new law excluding minors from the requirement. For the record, Mr. Chairman, title X programs do not provide abortion services.

Mr. Chairman, I understand the desire of the gentleman from Oklahoma to promote communication between teenagers and their parents—and in an ideal world all young people would get their parents consent in all important decisions. But, in the real world, many teenagers don't always seek their parents' consent for the actions, including engaging in sexual activity.

Many teenagers simply will not use contraceptives or get screening or treatment for sexually transmitted diseases if they must first get a parent's written consent—and surely not if they must get a court order.

If this amendment becomes law, fewer teenagers will have access to contraceptives and the other services offered by title X family planning programs, including breast and cervical cancer screening, routine gynecological exams, HIV screening and treatment for sexually transmitted diseases. Again, for the record, title X programs do not provide abortion services.

If this amendment becomes law there will be more teenage pregnancies. If this amendment becomes law, more teenagers will fall victim to sexually transmitted diseases. If this amendment becomes law, the resulting increase in teenage pregnancies will lead to more abortions. That's why the American Medical Association, the American Academy of Family Physicians, and the American Academy of Pediatrics oppose this amendment.

Teenage pregnancy is a national problem that exacts a high societal and fiscal price. There are about 1 million teenage pregnancies each year in this country. However, there has been progress in the fight to reduce teenage pregnancies over the past 2 or 3 years and title X programs play an important part in that

fight. According to Planned Parenthood, publicly funded family planning services prevent 256,000 unintended teenage pregnancies each year, an estimated 100,000 of which would have ended in abortion. In addition, each dollar spent on family planning services saves over $4.00 in medical, welfare, and other social services costs.

Mr. Chairman, title X programs serve lower income Americans. While lower income teenagers and their families will suffer the most in the form of unwanted pregnancies and health problems if this amendment becomes law, the Nation as a whole will be the worse for the additional unplanned pregnancies, abortions, and disrupted young lives.

I urge a ''no'' vote.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time. This is about Washington bureaucrats, it is about a faceless Washington bureaucrat making decisions for the relationships between parents and kids. Washington bureaucrats in their infinite wisdom have decided that school officials cannot give their child as aspirin, but can provide condoms without parental consent.

It assumes that a Washington bureaucrat is better able to teach your child sex education than the child's parents. The myth is that Washington cares more about the well-being of a child than his or his parents. President Clinton actually said it best: Governments do not raise children, but parents do.

Let us remove this faceless bureaucrat from being involved in these types of decisions, let us not encourage bureaucrats to counsel children to have a dialog with your parents, let us get the bureaucrat out and recognize we need to be working on establishing relationships between parents and children and it is best done there without a Washington bureaucrat in the middle.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, what I want to do, very quickly, is to draw attention to this painting again, this faceless bureaucrat, and put a name and a face to it, and it would be me as a schoolteacher, Mr. GILCHREST, who realizes that parents should be involved in every stage of their children's lives, no matter what it is.

I encourage Members to vote for the Obey substitute because he reemphasizes the fact that we should involve parents in the situation. As a schoolteacher, I often talked to parents that were very concerned about their children. I also talked to parents where the mother had a live-in boyfriend and she did not care about anything that her child did. I also talked to parents where the father was a drug addict and the mother was an alcoholic and they did not care about their children. I also talked to parents where the father sexually molested his children and abused and beat their mother.

There are times, Mr. Chairman, when the school official, which was me in many instances, for years came to the child's aid and counseled them as a substitute parent. So we need all of this. We need parental guidance, love, compassion, discipline, all of that. I encourage the Obey amendment.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, every year Planned Parenthood counsels, refers or performs over 230,000 abortions, an absolutely staggering number of children who die. Taxpayers subsidize the counseling and the referring as part of title X.

Every year tens of thousands of teenage moms, many of them frightened and extremely impressionable, walk into Planned Parenthood and other title X clinics carrying perfectly healthy babies only to leave that clinic having had their babies shredded and ripped apart by powerful suction machines or killed by chemical poison. In many of these cases the parents have no idea this is happening.

The bottom line in this legislation and the amendment, which is really a sense of the Congress offered by the gentleman from Wisconsin [Mr. OBEY], is that our current policy trusts strangers more than they do the parents. There is a bypass in the legislation offered by the gentleman from Oklahoma [Mr. ISTOOK], that if there is a dysfunctional family, there is a way of getting around it. But I think we need to put our trust, invest our hopes more into the parents and stop looking for the government bureaucrats and so-called counselors, strangers, to take care of our daughters.

Mr. OBEY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I do not think any Member of the Congress needs to sit here and take lectures from any Member of Congress about how we deal with our own children. I think every Member of this House trusts their children before they trust another Member of Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Istook amendment, and I oppose the amendment because it will limit access to family planning services. This changes the law in 23 States and the District of Columbia. And I believe limited access to these services will lead to more abortions.

Let's be clear on this amendment. This is not parental notification. This is parental consent, and there's a big difference.

For the past 25 years, family planning services have been made available to low-income women and men through the Title X Program. In many cases, this program is their only source of health care. We're talking about basic primary health services, not abortion services. By law, title X funds cannot be used to pay for abortions. Through family planning services, unintended pregnancies have been reduce. Low-cost contraception can prevent the tragic personal and social impact of unwanted pregnancies and can save our health care system up to $14,000 per woman, over 5 years of use, compared to the cost of childbirth or pregnancy termination.

The bottom line is that this amendment will limit access to family planning services. And I believe limiting access to these services will lead to more abortions. This is a health care issue, not an abortion issue.

I urge my colleagues to oppose the amendment.

□ 2200

I believe these services will actually lead to more abortions. Let us be clear on this amendment. It is not parental notification. This is parental consent, and there is a big difference. For the past 25 years, family planning services has been made available to low-income women throughout the title X program. In many cases this is the only health care source that these people have. This is a basic health care issue; it is not one of abortion because, by law, title X funds cannot be used for that.

Mr. Chairman, I believe that we should oppose the Istook amendment and pass the Obey substitute.

Mr. ISTOOK. Mr. Chairman, how much time remains on either side?

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] has 2½ minutes remaining; the gentleman from Pennsylvania [Mr. GREENWOOD] has 30 seconds remaining and the gentleman from Wisconsin [Mr. OBEY] has 1 minute and 50 seconds remaining. The gentleman from Wisconsin has the right to close.

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

Mr. Chairman, this vote is going to show whether we believe in families and family responsibility or in Government taking over the major aspects of what we teach our children.

President Clinton says: Government does not raise children; families do. I say to my colleagues, Then show you mean it. I know a friend who came to me. He has a 16-year-old daughter. He found out that she had been going to a title X clinic for a couple of years. He did not know anything about it until she ended up pregnant and had had an abortion. He said, ''Can the Government do this to our family? I could have helped, but I could not because I did not know.''

As parents, my wife and I know our approval was necessary if our girls wanted to get their ears pierced, when one of our five children went on school field trips, if they simply needed aspirin at school, or even to handle many medical emergencies. Yet Federal law say kid don't need anyone's okay to get birth

control, family planning counseling, or even medical treatment, so long as it relates to sex.

Title X—Title Ten—of the Federal Public Health Service Act provides birth control, treatment of sexually transmitted diseases, and family-planning counseling to adults and minors alike. Created in 1970, the intent was to serve poor families, but that has changed. Federal regulations now let a minor child, or a woman, be considered as a family of their own, so they're eligible regardless of how high their household's income may be. It all costs taxpayers almost $200 million a year.

Today one-third of title X's clients are teenagers. This means 1.3 million youngsters each year get special support directly and fully from Federal tax dollars, just for their sexual activity. Current law not only lets teens escape parental consent; it also lets them prevent even a simple notice to their parents of what is going on. Even for those with no stable home life, the law likewise evades their guardians and other family members. Supporters of title X claim it reduces out-of-wedlock and teen pregnancies. But Federal statistics prove that the out-of-wedlock birthrate for American teenagers has doubled since title X began in 1970. Our Federal safety net has induced teens to believe that premarital sex is safe and that its consequences are avoidable, until they later learn otherwise.

But forget statistics. Is it right for Government to help teens evade their parents regarding teenage sex and its consequences? This hits the heart of America's values. This most intimate moral issue is the crucial link leading to welfare dependency, single-parent homes, school drop-outs, juvenile crime, and a vast array of social problems. Why has our Government spent 26 years helping teens to avoid their most loving and helpful counselors—their parents?

It's been far too many years since Congress has addressed this issue. But I'm offering a crucial amendment to the Labor, Health and Human Services, and Education and spending bill—under which title X is funded—to reinstate the principle of parents' role and responsibility regarding their children. The amendment simply requires minors to obtain consent from a parent or legal guardian, as governed by each State's own law on such issues, before they can receive federally financed contraceptives, treatment of sexually transmitted diseases, or related counseling. Each State legislature can then define the scope of when parental consent is needed or not—just as States do on other parent-child issues.

President Clinton has said ''governments don't raise children, but parents do.'' Yet he and too many others have not supported parental consent regarding title X. If he and others really believe in and trust families, it's time for Government to quite separating our children from their parent's love and guidance, especially on key moral issues such as teenage sex.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, this vote will show whether this House lives in a dream world or in the real world. In the real world, not every child can talk to his parents or her parents. In the real world, there are child abusers as parents; there are absentee parents; there are ignorant parents; there are children who as teenagers who are sexually active.

Mr. Chairman, the vote on this amendment will determine whether they get contraception or AIDS; whether they get contraception or have an abortion; whether they get contraception or the back of our hands.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma that would require teens to obtain written parental consent before receiving any services at family planning clinics that receive title X funding. These clinics serve as critical entry points into the health care system for young people where they can obtain the full range of services including general checkups, routine gynecological exams, breast and cervical cancer screening, screening and treatment for sexually transmitted diseases, screening for HIV, and family planning services. Adolescents already tend to underutilize existing health care services. Setting up more barriers to their access to services will only exacerbate this problem.

These clinics strongly encourage their patients to discuss their concerns and cases with their parents. Most minors do bring a parent or responsible elder with them when they seek these vital health care services. Many adolescents feel comfortable and safe speaking with their parents normally and will communicate with them in times of crisis. However, due to a myriad of circumstances, there are many teenagers who feel they cannot discuss such issues with their parents. Eighty-six percent of the teenagers who used title X-funded services for the first time were sexually active long before they entered the clinic. I know there are some who believe that teenagers, faced with reduced access to birth control, would reduce sexual activity. Unfortunately, that's not how the world works. Preventing them from gaining access to vital resources for preventing unwanted pregnancies and the spread of AIDS and other STDs will not change that. There will be more cases of AIDS and more teen pregnancies.

One in every five American youngsters is infected with some form of sexually transmitted disease before the age of 21. The fastest growing population of Americans who have AIDS is among 18–24 years olds. This amendment will increase the number of teenage pregnancies, abortions, and of youth who contract diseases.

This amendment also seriously encroaches on States' rights. It will nullify current laws that exist in 50 of the States that do not require teens to have parental consent for screening and treatment of STD's. It would also nullify laws in 28 States that permit minors to receive pregnancy testing services without consent, and in 24 States that explicitly allow teens to receive family planning services including the distribution of contraceptives. The amendment includes a provision that would allow States to enact new laws after passage of this bill, which would override the Federal requirement. This process is a costly waste of taxpayers' money and States' time when most of these services are time sensitive. These States have already decided this issue yet this amendment would nullify those laws. The majority has consistently fought to minimize large government and return power to the States, yet here it is attempting to overrule long standing State laws.

Enforced parental consent will also disproportionately impact low-income teens who can not afford needed services in private medical offices. The Labor, Health and Human Services, Education bill mandates that priority for family planning services be given to individuals from low-income families, as it should be. This amendment creates a double standard in availability of these services to adolescents. Confidentiality and access to vital services are already protected for those who can afford private health care. However, this amendment would restrict access to these services for those who can not afford private health care.

I encourage my colleagues to vote ''no'' on this amendment.

Mr. OBEY. Mr. Chairman, I yield 25 seconds to the gentlewoman from New York [Mrs. MALONEY].

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

Under the Istook amendment, teenagers who are too afraid to consult their parents for advice will not get any advice at all. That could cost them their health, their future fertility, even their lives. We need a policy for the real world, not an ideal world.

Oppose the Istook amendment.

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

Mr. Chairman, imagine three children. The first child is the child we would all like to raise. The child abstains from sexual behavior long beyond their minority status. The second child makes a mistake and becomes involved sexually and that child has a great relationship with mom and dad, and the world works again as the gentleman from Oklahoma would like it to.

But, Mr. Chairman, there is a third child in the world and that is a lonely child with very poor parents, no communication skills, and the terror of being pregnant or suffering from AIDS. That is the child we need to think of in this vote.

Support the Obey amendment.

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

Mr. ISTOOK. Mr. Chairman, I yield the remaining 2 minutes to the gentleman from Oklahoma [Mr. COBURN].

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

Mr. COBURN. Mr. Chairman, I think everybody here wants the same thing for our children. The fact is that we do not know how well this system that we have works. And for the young third child that the gentleman from Pennsylvania [Mr. GREENWOOD] described, we have a problem, there is no question. We have a problem today with the system that we have.

Mr. Chairman, there are some things that we do know about title X. That where less money is spent, there is less pregnancy, there is less sexual activity, there is less sexually transmitted

disease, there is less abortion. Where there is more money spent, there is more of each of those.

Mr. Chairman, I do not know what causes that. I do not know whether the cart is before the horse or after the horse. I honestly do not know. We do not know. We are all going based on what we think.

The one thing I do know as a practicing physician is that if a child comes into my clinic, a parent has to sign this permission slip to get a shot, to get a wound closed if the parent is not there, to get any service from me as a physician. I have to have had the parent's permission to do that, with the exception of giving that child sexual activity protection.

Mr. Chairman, the point being we have to work through what the gentleman from Maryland [Mr. GILCHREST] says. If we fail in our responsibility as a parent, should the Government bypass that failure or should we work to reemphasize and replace the responsibility, hard as it may be, on that dysfunctional parent, on that failing family, on that failing parent?

What I say, and what I believe, is that we should work hard to move the responsibility back. Where we fail, let us correct where we are failing. Let us work to solve those problems, but let us not disinvolve the parent in this process.

Mr. Chairman, we cannot do both. Nobody questions the motivations of my colleagues when they think we should do it the other way. I think that they are just as well-intentioned as I am. I do not want the first child to get pregnant out of wedlock.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California, [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, as a mother of four, including a young adult daughter and a preteen daughter, I want my children to seek my advice if not my approval on health-related matters, particularly those related to reproductive issues. But their willingness to talk to me and their father is based on trust and respect and cannot be mandated by requiring parental consent.

The Istook amendment nullifies the statutes in the 49 States that allow teens to consent for screening and treatment for sexually transmitted diseases. It also nullifies the law in 23 States which explicitly allows teens to consent for family planning services.

This amendment undercuts any pretense of this body in assuring the primacy of States' rights. Mr. Chairman, the Istook amendment jeopardizes health, does nothing to bring parent and child together, and imposes Washington one-size-fits-all views on policies and procedures already decided by a majority of the States.

This is a tough vote, but it is clear to this mother that the right vote is in opposition to the Istook amendment and in support of the Obey substitute, which goes farther in encouraging parental involvement in important health and reproductive questions of our children.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Istook amendment to the 1997 Labor-HHS Appropriations Act.

Ladies and gentlemen, the proposal which we are discussing right now is one of the most cruel and irresponsible measures taken up by this Congress.

That is saying a lot, since this Congress should get the Olympic gold medal for cruel and irresponsible measures.

The Istook amendment will require teenagers to obtain parental consent for any title 10 services, including treatment for sexually transmitted diseases, pregnancy testing, or basic gynecological health care.

At first glance, that may seem benign. I'm a parent, most of our fellow colleagues are parents. Of course we want to be involved in our adolescent children's lives. Let's just say we're all for family unity, and get that argument over with now.

But the Istook amendment isn't benign, it is not about family unity. Indeed, the Istook amendment is a killer.

If passed, this proposal would prevent many young adults from receiving reproductive health care—care that could save their lives, care that could prevent abortions, care that could stop the spread of sexually transmitted diseases.

If passed, the Istook amendment would result in an enormous amount of misery for young women and young men. Young people who are just starting out and who may not have a sympathetic adult to turn to.

To me, that is unconscionable. But, I'm pleased to let you know that I'm not alone in my sentiment. I'm in good company. Listen to what the American Medical Association has to say about this proposal:

> The A.M.A. opposes regulations that require parental notification . . . since it would create a breach of confidentiality in the physician-patient relationship.

And this is what the American Academy of Family Physicians, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists have to say about the Istook amendment:

> Parental consent or notification provisions would be counter productive to the ongoing efforts of physicians and the Congress to prevent [unintended pregnancies and sexually transmitted diseases] among the Nation's young people.

These are the experts, folks. These are doctors, and they know what they are talking about.

I would also like to say, if one of your goals is to reduce the number of abortions, and if one of your goals is to cut the welfare rolls, you must vote against the Istook amendment.

Please remember, you will be asked to vote for a welfare bill in a few weeks which would drastically cut benefits to welfare recipients and their children.

Title 10 family planning programs prevent women from dropping out of the work force due to unwanted pregnancies. Title 10 family planning programs prevent welfare dependency.

I urge everyone in this Chamber to defeat the amendment. Prevent unwanted pregnancies which cause welfare dependency.

Do the right thing. Vote ''no'' on the Istook amendment. I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

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

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

Mr. CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, is it correct that no vote is taken at this time on the underlying amendment because first the substitute must be disposed of then, after a recorded vote and after the disposition of the substitute, there will be the disposition of the underlying amendment on which we have been debating?

The CHAIRMAN. The gentleman states the situation correctly.

Mr. ISTOOK. I thank the Chairman.

AMENDMENT NO. 28 OFFERED BY MR. MCINTOSH

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

The CHAIRMAN. Mr. Clark will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 28 offered by Mr. MCINTOSH: Page 87, after line 14, insert the following new section:
>
> SEC. 515. None of the funds made available in this Act to the Department of Labor may be used to enforce section 1926.28(a) of title 29, Code of Federal Regulations, with respect to any operation, when it is made known to the Federal official having authority to obligate or expand such funds that such enforcement pertains to a requirement that workers wear long pants and such requirement would cause the workers to experience extreme discomfort due to excessively high air temperatures.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana [Mr. MCINTOSH] and a Member opposed will each control 5 minutes.

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

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

The Chair recognizes the gentleman from Indiana [Mr. MCINTOSH].

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

Mr. Chairman, next to me here I have got a blowup of the weather map for today. The yellow spots indicate the 70

degrees, the orange is the 80 degrees, and the red is the 90-degree temperatures. This is a relatively mild day this summer, but as we can see, much of our country is covered in 80- and 90-degree heat.

But I am not here to give a weather report, Mr. Chairman. I am here to talk about an important issue that I would like to raise in this bill which we have tried to resolve with OSHA, the Occupational Safety and Health Agency, and it has to do with their requirement that inadvertently, I believe, but nonetheless has the effect of requiring our paving crews, men and women who are working to build roads throughout America in this mid-summer heat, to wear long pants and long shirts.

Mr. Chairman, I want to read a quote from one of those men who works in a road project in my district, Roger Overby, who said, ''Personally, I don't like the government telling me how to dress.''

Every day this summer he and the other members of his road crew have been working hard on various projects in my district, and as it gets hot they have been asking whether they could wear shorts to work when they show up on these very hot days in the road crew. Unfortunately, this OSHA regulation has been interpreted in an inflexible manner rather than a common-sense manner to say that they must wear long pants and long sleeve shirts. The bureaucrats back in Washington, where it is air conditioned, may not worry about the effects of having to work outside in 100-degree heat, but I think it is time we listened to the workers who tell us they think they can handle this job safely in shorts and short sleeved shirts.

It is the intent of my amendment to allow the workers to notify their employers and OSHA of conditions where they feel the risk of heat exhaustion is greater than any risk they may have from handling the asphalt, and in that case the rules and regulations under OSHA's current standards, section 1926.28, would not require them to wear those long pants and those long-sleeved shirts.

Let me give a little background. Mr. Chairman. Last summer a company in my district, E&B Paving, was fined for allowing their workers to wear shorts on the job when temperatures exceeded 100 degrees. As a result the company now has a rule that they must always wear long pants and long-sleeved shirts.

Mr. Chairman, I want to read a couple of quotes from the workers. ''I've laid asphalt for 20 years and I can tell you this is common sense. The temperatures are so hot, we would be able to decide for ourselves what we want to wear. Personally, I don't like the government telling me how to dress.'' Roger Overby.

''It is just overbearing. We need ventilation or we might have heat stroke. All we're asking for is a choice.'' Dennis Benefiel, E&B Paving Crew foreman.

''Sometimes the heat is well over 100 degrees and we actually had guys so hot because they are wearing long pants, they had to stop working and sit down in the shade in recover.'' That is from Ron Richmond who is a grade foreman.

My amendment, Mr. Chairman, is one that is very simple. It simply says that we are going to give the workers a choice that they can wear shorts this summer and in the future when they are working in the 90- and 100-degree heat to make our roads the best roads in the world.

The long and the short of it, Mr. Chairman, is let us give the road workers a break.

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

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

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

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

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

Mr. OBEY. Mr. Chairman, I withdraw my reservation of a point of order and seek the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. Let me simply say I am of a mixed mind on this amendment. The gentleman and I had a conversation earlier today, as he knows, and I indicated at that time that because he had described his amendment to me as being one which made clear that this was a matter of choice for workers, I told him I thought I would have no objection. The language is somewhat different than I had expected. I would have no problem accepting the amendment, provided that we understand that in conference I want to make sure of two things.

No. 1, that the language is sufficiently clear so that we know that it is a worker choice being exercised here. And second, I would simply note that when asphalt is being used on road surfaces, I am told that its temperature can exceed 300 degrees, and it can cause severe burns when it sticks to skin. So I reserve the right in conference to make certain that if workers are making a choice, it will be an informed one.

But having said that, I would withdraw my objection and accept the amendment.

□ 2215

Mr. MCINTOSH. Mr. Chairman, I welcome the opportunity to work with the ranking member to address those concerns and conform the language to reflect exactly those concerns, because I think they are exactly what we are intending to do with this amendment.

Mr. DELAY. Mr. Chairman, I rise in support of the McIntosh amendment. This is a classic case of regulations gone haywire. Since when does the Federal Government get into the business of prescribing a dress code for a private company? How can an agency enforce such a regulation with a straight face.

We should give workers enough credit to let them decide what is appropriate dress to conduct their jobs. Contrary to what some bureaucrats may believe, the Federal Government does not always know best. As Roger Overbey, an equipment operator for a paving company in Indiana stated, ''They don't think we have common sense. Personally, I don't like the government telling me how to dress.''

I don't like it either. Federal bureaucrats in Washington, sitting in air conditioned rooms, should not be allowed to fine companies that try to keep their employees from getting heat stroke by giving them discretion to decide what they feel most safe and comfortable wearing to do their jobs.

The Federal Government may be Uncle Sam, but in this case it is the Wicked Stepmother. I urge a yes vote on the McIntosh amendment.

Mr. CLAY. Mr. Chairman, I must oppose the McIntosh amendment.

This amendment is a ridiculous exercise in micromanagement. The amendment supposedly attempts to prevent a Federal agency, the Occupational Safety and Health Administration, from enforcing a requirement that doesn't really exist, all because a State agency, in the sponsor's home State, levied a fine against a construction firm.

The paving contractor involved had allowed an employee to be exposed to hot paving material with no protective equipment for the employee's legs and feet. As a result, the contractor was fined by the State of Indiana OSHA.

In response, this silly amendment tries to prevent Federal OSHA from enforcing a regulation that supposedly requires workers to wear long pants in very hot weather.

But let's look at the relevant OSHA regulation. It doesn't require workers to wear long pants. Rather, all the regulation says is that the ''employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where * * * [there is] the need for using such equipment to reduce the hazards to the employees.''

Obviously, there are times when long pants are appropriate for safety purposes. For example, the National Institute for Occupational Safety and Health says that, because of the large risk of severe burns, workers who pour hot asphalt should wear long pants.

This amendment is a waste of the House's time. Since the State of Indiana OSHA fined the paving contractor, the gentleman should propose this amendment in the Indiana legislature, not here in the Congress.

This amendment should be defeated.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. MCINTOSH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAMPBELL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL: At the end of the bill, after the last section (preceding the short title), insert the following new section:

SEC. . None of the funds made available in this Act may be used to order, direct, enforce, or compel any employer to pay backpay to any employee for any period when it is made known to the Federal official to whom the funds are made available that during such period the employee was not lawfully entitled to be present and employed in the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CAMPBELL] and a Member opposed, will each control 10 minutes.

The Chair recognizes the gentleman from California [Mr. CAMPBELL].

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

The amendment that I propose at this point should not be necessary. It deals with something that is so obviously commonsensical that it is surprising that we need to address it but we do.

Here is the example. There are many others, but this is the illustration I would like to use. Illegal aliens come to the United States, violating our immigration laws, are hired by an employer. After several months, some of those illegal alien employees who are here in violation of our law engage in union activity. The employer fires them because they were engaging in union activity. That employer violates the National Labor Relations Act.

A few months pass, and the National Labor Relations Board holds that it was indeed a violation of the National Labor Relations Act to fire those employees whether they were legal or illegally in the United States because they were engaged in union activity.

So far, the story is common and not particularly surprising. But now it turns so. The National Labor Relations Board, as an example of what is done in other agencies as well but in this particular example, orders the employer to pay the salaries for these people who should not have been here in the first place from the time that they were fired to the time that they are ordered reinstated.

The Board has got a problem. It cannot order illegal aliens to be reinstated because they are not legally here. Nevertheless, it orders that a paycheck go from the employer to these employees who should not have been here for the period of time they were not working from the time they were fired to the time of the finding by the National Labor Relations Board.

Can we imagine anything sending a more mixed signal about America's immigration policy than a letter coming from a Federal Government agency, enclosing a check from an employer to a citizen of another country addressed to that citizen of that other country in that other country with a paycheck for the time that they were not actually even working in the United States when they should not even have been in the United States?

That is the situation I am dealing with in this amendment. Let me be clear what I am not dealing with. I am not dealing with an unscrupulous employer although in this instance there are two kinds of being unscrupulous, unscrupulous employer who did not pay at all for the hours worked. That would be subject to State law, not subject to Federal law.

What we are dealing with here is only when the employee is fired by the employer for a reason that violates Federal law and the remedy normally is reinstatement plus backpay during the period of time you are out of work, but it simply should not include backpay when the person had no right to be here in the first place. That is the situation before us.

This issue came to the U.S. Supreme Court in 1984. Justice O'Connor writing for the majority in the Sure-Tan opinion said as follows:

In computing backpay, the employees must be deemed ''unavailable'' for work, and the accrual of backpay therefore tolled, during any period when they were not lawfully entitled to be present and employed in the United States.

That is very clear statement of the law by the Supreme Court of the United States. We would think that would have settled it. It did not. Circuit courts have split in interpreting exactly that phrase, even though to me it is really quite clear.

So today we must clarify what is the intent of Congress. Should an employer who violates the labor law be cited by the National Labor Relations Board? Yes, of course. Should that employer be subject to a finding of illegality? The entry of an order and contempt citations for violating that order? Yes, of course.

But should that employer be forced to give backpay, to give pay to persons who did not work during the time calculated for this backpay when they should not even have been in the United States? Well, some say yes. What is their point of view. Why do they reach that conclusion?

The answer is in order to vindicate the purposes of the Federal statute, to punish the employer. I understand. But it seems to me that you must balance the other interests, namely in the immigration laws of the United States. Because to order an employer to pay somebody who is not working but had been discharged from work at a time when that person was not even legally in the country is to ask the employer to violate the immigration laws of the United States, to pay them when they should not have been here, when it would have been an illegal act for that employer to have hired them.

It is an absurdity which should be corrected. So how do we punish the employer? Well, other Federal statutes carry with them their own fines and penalties. The reason why this became an issue is that the National Labor Relations Act does not carry with it a fine unless an employer is ordered not to engage in particular conduct and then violates that order and then contempt citation is available. That still is a remedy available under the act.

In giving weight only to the vindication of the Labor Act, the decision in this particular case and others like it ignore the equally important, and in this area obviously ignored position is of immigration, that we are giving people an incentive, a welcome, a point of view that is inconsistent with their being here illegally.

The other argument raised in favor of this policy is, well, employers will be tempted to exploit illegal aliens. But let me go through exactly how fallacious that argument is. Nothing in this amendment takes away the obligation under State law for an employer to pay an employee for the time that that employee works. That is settled. That is not an issue in Federal law.

It is hard to believe that an illegal employee coming to the United States is drawn to do so by the prospect of receiving backpay for a period of time when they had been fired from their job in violation of the Federal Labor Relations Act. Surely, no illegal immigrant to this country is coming anticipating such backpay.

Is it a possibility that an employer will exploit an employee who is here illegally? Yes, of course that is. So we need to sanction the illegal employment of persons who have no right to be in this country. We do that directly under IRCA and under Simpson-Mazzoli, and we do that under other Federal statutes as well. That is the way to deter the hiring of the illegal.

Think of the attraction given to an illegal immigrant to our country. Think of the undermining of the policy of protecting our border by a message from the Federal government including in it a paycheck received during a time that employee had no right to be here.

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

Mr. OBEY. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 10 minutes.

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

I do not want to see illegal aliens in this country. I want our laws enforced. I do not want illegals to undercut the pay of U.S. workers. There is enough of that going on already. But I frankly am not at all sure that I like the idea of their getting backpay or any other pay. But it would seem to me that unless a provision is created by this amendment that would require such pay instead of going to illegal aliens to go into the Treasury of the United States, then the amendment is deficient and would create an incentive for employers to fire or threaten to fire

immigrants and to encourage immigrants to illegally work lest they be exposed by their employers.

It is bad enough for employers to hire workers who they know are illegals. But for them to take advantage of illegal aliens, pay them wages which are either substandard or denied at all in the end is to turn substandard wage workers into slaves. That would be even worse.

So I would simply suggest that, while the amendment may have a good intention, I do believe that it would have the effect of enabling some unscrupulous importers of illegal aliens to be able to avoid their legal responsibilities and to undercut American wages of American workers in the process.

I suspect this amendment is going to be accepted by the committee on the majority side, and there is not much I can do about that. But I will certainly, I want the gentleman to know, work in conference to try to correct the deficiencies that I see in this amendment because right now I honestly do believe that, despite the gentleman's best intentions, it does create loopholes for unscrupulous employers.

I do not believe by any means that scrupulous employers would take advantage of that loophole. But laws are not made for people for whom we have great expectation of compliance. Laws are made because we recognize that there are persons who are always looking to avoid compliance. So I express great caution to the House and reserve the balance of my time.

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

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I want to thank my friend and colleague from California for his very thoughtful approach to this. I must say that I disagree with his interpretation of that Supreme Court decision in the Sure-Tan case, which he cites, and say that the NLRB, the National Labor Relations Board, in its decision, I believe, was eminently correct in saying that backpay for anyone who is employed is appropriate because in this particular instance what the NLRB was trying to say is we must protect the provisions of the NLRA, National Labor Relations Act, which are trying to preserve rights for employees.

I would say to my friend that what we are really talking about is the fact that in this particular case at issue which caused the gentleman some concern and the case of Sure-Tan, what we have is a case where employees would have been paid for work which would have been performed but for the illegal, the unlawful firing by the employers of these particular individuals. That is why the NLRB decided that it was absolutely appropriate for backpay to be issued because, but for the unlawful activity of the employers, there would have been pay provided to these employees.

Now, we get to the next issue of, well, these individuals as employees were here without documentation and may not have been authorized to work. What the court has said, and I believe if we look to the case in the 9th circuit, I think it was the Filbro case, and I will try to get the specific citation in a second. What the 9th circuit said was that in fact the Supreme Court in the Sure-Tan case cited by the gentleman from California, the Supreme Court did not say that you should not award any type of backpay to someone who is undocumented.

□ 2230

But what you should do is make sure it is based on the status of the employee had it not been for the unlawful conduct of the employer. So had that employee been working but for the unlawful firing by the employer, then in that case if would be under the NLRA entitled to back pay as that particular employee.

What my colleagues would have, if they allow the gentleman's amendment to pass, is a case where they punish the employee for the employer's unlawful firing, and they do nothing to the employer. They let the employer escape all punishment for having committed an illegal act.

Sure-Tan, I would submit, is prospective; it is not retrospective as the gentleman from California, I would allege, is trying to make it. And for those reasons I would urge people to vote against this particular amendment.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 4 minutes remaining.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding this time to me.

I agree that we should not allow people who are here illegally, want to be here illegally, and I voted for even tougher enforcement, but I am concerned about unjust enrichment of unscrupulous employers, and it does seem to have disincentive to have the incentive—many of these people employing people are here illegally know that they were here illegally, and they will have the incentive, it seems to me, to disregard, when they knew they had some illegal employees, the Labor Relations Act. And the problem is, the gentleman has made clear, the gentleman from California, the Labor Relations Act was decided to be one where the sanction included back pay. There is no fine in cases in part because it is back pay.

Therefore, I would be opposed to removing the current sanction without imposing another one. And I understand we have got some legislative difficulties, but the gentleman's party controls the agenda; why not bring a bill out that addresses this? Because what we are doing here is, by penalizing the illegal alien, which ought to be done, they are unjustly enriching an unscrupulous employer, indeed in some cases a twice unscrupulous employer, because they are talking now by definition about providing some monetary benefit to an employer who has, one, employed people who are here illegally, maybe knowingly, and, two, violated the labor laws.

So I would ask the gentleman, why not at the same time try to substitute some alternative sanction?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I think the gentleman's analysis and that of our colleague from Wisconsin is correct. I think that the optimal way to solve this problem is to have a fine upon the employer equal to the amount of the back pay that would otherwise be due to the employees but as to which the employees are not eligible because they have no right to be in the country. That way we would achieve both the deterrent effect regarding the employers' violation of law and yet not give enrichment to the employee.

Mr. FRANK of Massachusetts. I agree. Why do we not do that?

Mr. CAMPBELL. If the gentleman continues to yield, I cannot do that under this appropriation bill. What I can do, what I am doing and what I have offered publicly and repeat in a conversation I have had earlier tonight——

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

Mr. FRANK of Massachusetts. Will the gentleman give us 30 more seconds of his time to continue this?

Mr. CAMPBELL. Might I inquire how much time I have?

The CHAIRMAN. The gentleman from California has 2 minutes remaining and the gentleman from Wisconsin has 2 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield 15 seconds to me?

Mr. CAMPBELL. I yield 15 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, as the gentleman knows, we can do a lot. I mean we could have gone to the Committee on Rules. I have seen broader gaps created by the Committee on Rules to allow legislation than this one.

So I know the gentleman is sincere, but I would hope, and my colleague knows that the conference committees can do a lot, so I would hope out of a sense of decency the gentleman would follow through and that we would, in fact, substitute a sanction before this bill is through.

Mr. CAMPBELL. Mr. Chairman, is it correct that I do not close; the other side closes?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, we would accept the amendment with the understanding that we would work this out in conference.

Mr. CAMPBELL. Mr. Chairman, I yield myself the balance of my time to close.

I think the correct answer is the one we have discussed tonight. I would like to move toward that.

My guess is it ought to be done through authorizing legislation, but by passing this appropriation provision I have the opportunity to bargain for that correct outcome.

I conclude simply by reading first of all a word of compliment.

Mr. FRANK of Massachusetts. Bargain collectively?

Mr. CAMPBELL. I believe in everyone's right to bargain collectively and their right to choose not to be represented by a union as well. And I would conclude with a word of compliment to my colleague from California who has graduated from a superb law school and whose excellence in legal training is demonstrated by his debating me tonight. My colleague from Massachusetts regrettably did not attend as well the law school. He attended the same law school I did, indeed 2 years behind me. But enough on that.

Let me close with a quotation with which I began. The Supreme Court Justice O'Connor, I believe, stated it correctly when she said in computing back pay the employees must be deemed unavailable for work and the accrual of back pay therefore told during any period when they were not lawfully entitled to be present and employed in the United States, end quote.

It seems to me so simple, so obvious, that to rule otherwise is to send a very confused message and to undermine the Immigration and Naturalization Act.

Mr. OBEY. How much time do I have remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin has 2 minutes remaining. The Chair would hope that the gentleman uses his full 2 minutes because the Chair has enjoyed this introduction to law school.

Mr. OBEY. Mr. Chairman, I must confess that I am not a lawyer, and that is the first time in the week I have had any applause from that side of the aisle. Keep it coming.

I yield myself the balance of the time.

Let me simply say, Mr. Chairman, that I do believe that the way to deal with this is in the authorization process. I think that if this amendment were adopted into law in its present form, it would in fact create perverse incentives which would have the effect of encouraging illegal immigration, and that is why I do not personally want to accept it at this moment.

However, I understand that the majority is going to accept it. I will not press the point. I will simply say that we must work this out so that we can avoid a situation in which employers will wind up benefiting from their ability to break the law, and with that I would yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, having listened to the debate, I wonder if the chairman would summarize the difference between the Sure-Tan case and the Felbro case.

The CHAIRMAN. The Chair believes the gentleman has not stated an appropriate parliamentary inquiry.

The Chair will put the question, however, on the amendment from the gentleman from California.

The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 15, insert the following:

TITLE IV—HEAD START CHOICE DEMONSTRATION PROGRAM

SEC. 601. SHORT TILE.

This title may be cited as the ''Head Start Choice Demonstration Act of 1996''.

SEC. 602. PURPOSE.

The purpose of this title is to determine the effects on children of providing financial assistance to low-income parents to enable such parents to select the preschool program their children will attend.

SEC. 603. PROGRAM AUTHORIZED.

(a) RESERVATION.—The Secretary shall reserve, and make available to the Comptroller General of the United States, 5 percent of the amount appropriated for each fiscal year to carry out this title, for evaluation in accordance with section 608 of Head Start demonstration projects assisted under this title.

(b) GRANTS.—

(1) IN GENERAL.—The amount remaining after compliance with subsection (a) shall be used by the Secretary to make grants to eligible entities to enable such entities to carry out at least 10, but not more than 20, Head Start demonstration projects under which low-income parents receive preschool certificates for the costs of enrolling their eligible children in a Head Start demonstration project.

(2) CONTINUING ELIGIBILITY.—The Secretary shall continue a Head Start demonstration project under this title by awarding a grant under paragraph (1) to an eligible entity that received such a grant for a fiscal year preceding the fiscal year for which the determination is made, if the Secretary determines that such eligible entity was in compliance with this title for such preceding fiscal year.

(c) USE OF GRANTS.—Grants awarded under subsection (b) shall be used to pay the costs of—

(1) providing preschool certificates to low-income parents to enable such parents to pay the tuition, the fees, and the allowable costs of transportation (if any) for their eligible children to attend a Head Start Choice Preschool as a participant in a Head Start demonstration project; and

(2) administration of the demonstration project, which shall not exceed 15 percent of the amount received in the first fiscal year for which the eligible entity provides preschool certificates under this title or 10 percent in any subsequent fiscal year, including—

(A) seeking the involvement of preschools in the demonstration project;

(B) providing information about the demonstration project and Head Start Choice Preschools to parents of eligible children;

(C) making determinations of eligibility for participation in the demonstration project for eligible children;

(A) such children receiving preschool certificates under this title: and

(B) such children not receiving preschool certificates under this title.

SEC. 609. REPORTS.

(a) REPORT BY GRANT RECIPIENT.—Each eligible entity receiving a grant under section 603 shall submit to the evaluating agency entering into the contract under section 608(a)(1) an annual report regarding the demonstration project under this title. Each such report shall be submitted at such time, in such manner, and accompanied by such information, as such evaluating agency may require.

(b) REPORTS BY COMPTROLLER GENERAL.—

(1) ANNUAL REPORTS.—The Comptroller General of the United States shall report annually to the Congress on the findings of the annual evaluation under section 608(a)(2) of each demonstration project under this title.

(A) the annual evaluation under section 608(a)(2) of each demonstration project under this title; and

(B) each report received under subsection (a) for the applicable year.

(2) FINAL REPORT.—The Comptroller General shall submit a final report to the Congress within 9 months after the conclusion of the demonstration program under this title that summarizes the findings of the annual evaluations conducted pursuant to section 608(a)(2).

SEC. 610. NONDISCRIMINATION.

Section 654 of the Head Start Act (42 U.S.C. 9849) shall apply with respect to Head Start demonstration projects under this title in the same manner as such section applies to Head Start programs under such Act.

SEC. 611. DEFINITIONS.

As used in this title—

(1) the term ''eligible child'' means a child who is eligible under the Head Start Act to participate in a Head Start program operating in the local geographical area involved;

(2) the term ''eligible entity' means a State, a public agency, institution, or organization (including a State or local educational agency), a consortium of public agencies, or a consortium of public and nonprofit private organizations, that demonstrates, to the satisfaction of the Secretary, its ability to—

(A) receive, disburse, and account for Federal funds; and

(B) comply with the requirements of this title;

(3) the term ''evaluating agency'' means any academic institution, consortium of professionals, or private or nonprofit organization, with demonstrated experience in conducting evaluations, that is not an agency or instrumentality of the Federal Government;

(4) the term ''Head Start Choice Preschool'' means any public or private preschool, including a private sectarian preschool, that is eligible and willing to carry out a Head Start demonstration project;

(5) the term ''Head Start demonstration project'' means a project that carries out a program of the kind described in section 638 of the Head Start Act (42 U.S.C. 9833);

(6) the term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965;

(7) the term ''parent'' includes a legal guardian or other individual acting in loco parentis;

(8) the term ''preschool'' means an entity that—

(A) is designed for children who have not reached the age of compulsory school attendance; and

(B) provides comprehensive educational, nutritional, social, and other services to aid such children and their families; and

(9) the term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for fiscal year 1997, and such sums as may be necessary for fiscal years 1998 and 1999, to carry out this title.

SEC. 613. OFFSET.

The amounts otherwise provided in this Act for the following account is hereby reduced by the following amount:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, $15,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida [Mr. MICA] and a Member opposed will each control 2½ minutes.

Mr. PORTER. Mr. Chairman, I would reserve a point of order on the gentleman's amendment.

Mr. OBEY. Mr. Chairman, likewise I would also reserve a point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. MICA].

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

Mr. Chairman, this is a simple amendment. It does, however, create some problems because it creates a new title in the bill and actually some new authorization and will be called out of order, but I think it is important that we offer this amendment.

I am a strong supporter of Head Start, and Head Start should give our least advantaged children a head start in their education. The way I got involved in this is in a simple manner. One of the Head Start programs in central Florida, one of the parents who was involved in it came to me and said the Head Start program is not running well, it is disorganized, and they are spending a lot of money.

So I started looking into it to answer some of the constituents' complaints and concerns about how a child was faring in this program, and I really was startled to find that in a Head Start program in central Florida that serves two counties, that in fact we spend a total of $7,325 per student; that is local cost, that when one thinks the children had a head start with a certified teacher, that in fact there are 25 teachers in the program and 25 aides, not one certified teacher, and yet the program has almost 25 administrators for the program.

Now, the administrators in this program earn from about $20,000 to $50,000. The uncertified teachers make from $12,000 to about $16,000. And I thought it was time that we brought some of this administrative overhead to a halt and started concentrating on the quality of education in these programs so indeed we give our children a head start.

So that is the purpose of my amendment. It would create a demonstration program that would allow us to in fact have a Head Start program without all of this overhead, without all of this administrative cost, without all of this bureaucracy.

So it is a simple amendment. It takes Head Start. It allows Head Start, on a demonstration project basis, to proceed without the high administrative costs and overhead, and hopefully it can meet the intent of Head Start, which is to give our children a quality education.

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

Mr. PORTER. If the gentleman is going to withdraw his amendment, I would not insist on it, no.

Mr. MICA. Mr. Chairman, in fairness to the gentleman and thankful for his cooperation earlier on another amendment, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Florida [Mr. MICA] is withdrawn.

AMENDMENT OFFERED BY MR. GUTKNECHT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA: Page 87, after line 14, insert the following new section:

SEC. 515. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each control 5 minutes.

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

Mr. GUTKNECHT. Mr. Chairman, I ask unanimous consent that the gentleman from Oklahoma [Mr. COBURN] control the 5 minutes.

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

There was no objection.

Mr. PORTER. Mr. Chairman, I ask for the opposition time.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] will control 5 minutes in opposition.

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

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

I would first of all like to thank the committee Chair and the subcommittee chairman for their hard work to reduce spending. I do appreciate the hard work that they have put into this. This is a difficult challenge.

Just to restate what this is all about, this once again is the amendment to take 1.9 percent across the board from all of the discretionary spending in the remaining bills, and the reason of course is when we passed our budget conference committee report a few weeks ago, people on the other side of the aisle and frankly some of the people on our side of the aisle criticized us because we were allowing spending to go up. And in fact the deficit is going to go up this year contrary to what we were told last year.

So some of us got together, some of us freshmen, and decided that we were going to offer a 1.9 percent reduction on every bill that was remaining in terms of the appropriation bills to recover the $4.1 billion.

This is about keeping the faith, this is about keeping our promises, this is about restoring the American dream for our children, and if we are not willing, Mr. Chairman, to reduce this small amount of expenditure, this 1.9 percent, how is it that we can look at our constituents and particularly the children in our districts and say that we are going to be able to make $47 billion worth of cuts in just a couple of years?

□ 2245

I think a journey of a thousand leagues begins with a single step. This is a very small step. It is a very small price to pay, but I think if we are willing to make these small sacrifices along the way, then ultimately we can balance the budget, we can secure a good future for our children. This is one small step.

I might add, Mr. Chairman, this 1.9 percent across-the-board reduction will reduce only $1.2 billion of the $66 billion in discretionary spending. This is only one-half of the increase over last year.

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

Mr. Chairman, this amendment may sound reasonable. I have to say to the gentleman from Minnesota and the gentleman from Oklahoma that I was actively supporting such amendments when the now minority party was in the majority. The difference, of course, was that their budgets were always going up. Ours have been going down. This bill, last year, cut $9 billion and

carried 40 percent of the discretionary spending cuts that were enacted in the House.

And yes, the Senate and the President of the United States insisted on putting about half of that back in, so the final cut was only about $4.5 billion, but that is a very substantial contribution to deficit reduction.

This year we cut the salary and expense account by 2% on virtually every program and department and agency in the bill. The gentleman is proposing to cut roughly the same amount. The Committee bill essentially provides level funding. The gentleman's amendment would cut some of the real priorities in this bill that our side very strongly supports.

Job Corps, an excellent program; it would cut it by $21 million. The total JTPA, it would be cut by $75 million; health centers, $15 million; health professions, about $7 million; Ryan White, $15 million; the maternal and child health block grant, $12 million; Centers for Disease Control and Prevention, a very high priority, $41 million.

NIH would be cut by over $240 million. This institution is one of the highest priorities for Federal spending. The gentleman's amendment would cut cancer research in the National Cancer Institute $45 million; refugee and entrance assistance, by about $8 million; the social services block grant, that we just raised by $100 million, would be cut by $47 million; education for the disadvantaged, (title I) $127 million; special education, that the chairman of our committee came and said was such a high priority, and I agree with him, by almost $62 million.

I cannot accept the amendment because we have already made the cuts. We have already done what the gentleman is attempting to achieve. Once again, we would emphasize as appropriators, we cannot balance the budget by cutting just discretionary spending. What we must aim at is cutting the rate of increase in the entitlement programs, if we are ever going to get this budget into balance.

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

Mr. COBURN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment to the Labor-HHS-Education appropriations bill.

Mr. Chairman, the message was clear when I ran for the House of Representatives, the message was clear when we considered last year's appropriations bills, the message was clear when we passed this year's budget resolution, and the message is still clear as we consider the amendment before us: Washington spends too much of someone else's money.

Many of those someone elses are the hardworking men and women in southwest Indiana who sent me here to stand up and say no. They sent me here to say no to overtaxing families. They sent me here to say no to burdensome regulations that extinguish any spark of entrepreneurial spirit. They sent me here to say no to runaway government spending, which is why I stand before this body today.

It is a simple fact of life that someone is going to have to pay for our failure to act responsibly. Do not be misled. This 1.9 percent solution is nowhere near the answer to our budget woes. This simply will get us back to where we were a few short weeks ago. I ask for support of the amendment.

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

Mr. Chairman, the issue here is not whether or not our appropriations committees have done a good job. We think they have. The issue is that the national debt is rising by $600 million every day. What this amendment is talking about is saving two pennies, two pennies for our children, two pennies for our grandchildren, three days' worth of the rise in the debt. That is all we are talking about saving.

If we were going to go into a crisis situation where we were forced economically to make the decisions that are necessary to put our budget in balance, we would all agree that there would be efficiencies that could be gleaned that we are not gleaning at this time. There would be things we could accomplish that we are not.

The chairman of the committee said we essentially had a flat budget for Labor-HHS. I would respectfully disagree. Mr. Chairman, the point I would make is that a $2.5 billion increase in this appropriation bill is not seen as a flat budget by most of the people in the United States. What we are asking is that 1.9 percent, two pennies in savings, be accomplished. We can accomplish it through efficiency. It can be accomplished through flexibility and efficiency. The fact that we do not attempt to do that speaks poorly of us as a body.

Mr. Chairman, I would say this bill appropriates $65.7 billion in discretionary spending. The spending for the bill, including all the entitlements, is $285 billion. That portion of entitlements this does not affect. It does not change. I agree with the chairman that they have done a good job and that we need to control entitlement spending.

The fact is this House, this body, this administration, has not controlled entitlement spending. So what else are we to do to protect our children, to preserve the opportunity for the future? Two percent, 2 pennies in efficiency, our children are worth that, our seniors are worth that, the entire country is worth that. I would ask the body to consider saving two pennies for our children and grandchildren.

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

Mr. PORTER. Mr. Chairman, I yield the remainder of my time to the gentleman from Wisconsin [Mr. OBEY.]

Mr. OBEY. Mr. Chairman, I would simply say that the subcommittee chairman has already indicated why we should oppose this amendment. I do not know many of my constituents who are asking that we cut this bill, this bill's Cancer Institute funding, by $45 million; or that we cut our efforts to combat heart disease by $27 million; or that we cut our child care efforts by $18 million, especially in the midst of efforts to provide welfare reform; or that we cut Head Start by $68 million; or that we cut vocational education by $20 million; or that we cut the Federal work-study program, where students work for the assistance they get to go to college, by $13 million.

The preventive health services block grant, there is not a politician in this House who does not go home and repeat the mantra, ''We must engage in preventative health care.'' This amendment would cut the preventive health service block grant by $3 million. I think the chairman has already adequately summarized why this amendment is ill-advised. I do not think the country wants us to provide billions of dollars in the purchase of new fighter aircraft that we do not need to buy until 7 years from now at the same time that we are even further reducing the efforts to help our children get a good education and our workers get the best training in the world.

The CHAIRMAN. All time has expired.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 472, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] will be postponed.

PRIVILEGED MOTION OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer a privileged motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. SMITH of New Jersey moves that the Committee do now rise with a recommendation that the enacting clause be stricken from the bill.

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin, Mr. OBEY, the ranking member on the committee, to ask him a question, a very simple question.

In looking at the amendment that he offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the parental involvement and makes it essentially a sense of the Congress, in looking at the language that has been given to us, at the top of it it has, from Planned Parenthood, their ID number, and it is a faxed copy of the language, apparently, and this is what I hope the gentleman will clarify, right from Planned Parenthood.

In title V, section 503, the legislation reads: ''No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress.''

Mr. Chairman, this may be in error, but we have from the gentleman's staff a copy of the language of the bill, and it has, from Planned Parenthood, their ID number, which suggests to this Member, and I hope the gentleman will clarify this, that this language was written and then tendered and offered to this Congress, written by Planned Parenthood. Is that the case?

Mr. SMITH of New Jersey. Mr. Chairman, I take these 5 minutes to make an inquiry of the gentleman from Wisconsin [Mr. OBEY], the ranking member on the committee.

I am holding in my hand the amendment that Mr. OBEY offered, the substitute to the Istook amendment, the Obey substitute, which in essence guts the real and tangible parental involvement provisions of Istook and makes it essentially a sense of the Congress. In looking at the actual page of text that was given to staff the amendment offered at the top of the page one immediately notices that it is a fax from Planned Parenthood. The question arises as to what role Planned Parenthood had in drafting the language. I hope the gentleman will shed light on this. Again, the top of the page reads as follows: From Planned Parenthood ID 202–293-4349. The Obey language then follows. Title V, section 503 of the labor HHS bill: ''No part of any appropriations contained in this act shall be used to pay the salary or expenses of any grant or contract recipient or agent acting for such recipient related to any activity designed to influence legislation or appropriations pending before Congress.'' Mr. Chairman Planned Parenthood gets tens of million of dollars from title X—so its a fair question as to whether or not they are drafting amendments for themselves.

Mr. Chairman, there may be a satisfactory explanation for this but we have from the gentleman's staff a copy of the language of the bill, and it has ''From Planned Parenthood,'' and their ID number, which suggests to this Member, and I hope the gentleman will clarify whether or not this language was written and offered to this Congress, by and for Planned Parenthood. Is that the case?

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

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

Mr. OBEY. Mr. Chairman, that is absolute, total nonsense and baloney. I absolutely totally resent the implication. Anyone who knows me knows I have been around here long enough to write my own amendments. I wrote this amendment in the full committee. I discussed it then. If the gentleman has a copy of something from Planned Parenthood, it is because they got a copy of the amendment and faxed it to somebody else, and the gentleman ought to know better than to even ask that question.

Mr. SMITH of New Jersey. Mr. Chairman, I am asking the question, they had no influence in writing this legislation?

Mr. SMITH of New Jersey. Mr. Chairman let the RECORD show that this page of text with ''From Planned Parenthood'' came from your staff. It is clearly a fair question as to who wrote this amendment? Did Planned Parenthood influence the text?

Mr. OBEY. You are asking what?

Mr. SMITH of New Jersey. I ask the gentleman, did they write the amendment?

Mr. OBEY. I wrote the legislation, every word of that.

Mr. SMITH of New Jersey. I appreciate that clarification, Mr. Chairman. We know they lobby and they do write legislation that ends up on this floor.

Mr. SMITH of New Jersey. I appreciate that explanation, Mr. OBEY. It's still a mystery as to how the language disseminated by your staff to ours ended up as a fax from Planned Parenthood.

Mr. OBEY. I do not write legislation for any lobbyist.

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

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in opposition.

Mr. OBEY. Mr. Chairman, I find the comment ironic, because for the last 2 weeks Planned Parenthood has been lobbying against my amendment, and only after they reached the rational conclusion that they could not win by following their own whim did they finally reluctantly come in behind my amendment and support it.

I have spent many an hour trying to persuade people that my amendment should be offered in order to demonstrate respect for the idea that we ought to support consultation with parents any time you have teenagers involved. The gentleman very well knows that for the first 10 days, Planned Parenthood was opposing my amendment, and only in the last day and a half did they agree to support it.

I would say that is about 10 days late, but I would rather have their support late than not have it at all, because I deeply believe that there is an obligation on the part of all of us, no matter what side of the issue we stand on, to try to work together to find common ground, rather than to always try to find ways to exploit differences. That is why I offered the amendment in the first place. That is why we had bipartisan support for it, because we were trying to demonstrate strong and sincere respect for the idea that parents ought to be consulted whenever possible.

I have worked with the gentleman time and time again trying to work out language on these touchy amendments, and the gentleman knows better than to even raise that kind of a question.

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

The motion was rejected.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE.

The CHAIRMAN. Pursuant to House Resolution 472, proceedings will now resume on these amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentleman from Colorado [Mr. HEFLEY]; amendment No. 12 offered by the gentleman from Vermont [Mr. SANDERS]; amendment No. 5 offered by the gentlewoman from New York [Mrs. LOWEY]; the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Kentucky [Mr. BUNNING]; the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; and amendment No. 23 offered by the gentleman from Minnesota [Mr. GUTKNECHT].

□ 2300

The Chair will reduce to 5 minutes the time from any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 219, not voting 9, as follows:

[Roll No. 305]

AYES—205

Allard	Chrysler	Ganske
Archer	Clinger	Gekas
Armey	Coble	Geren
Bachus	Coburn	Gilchrest
Baker (CA)	Collins (GA)	Gillmor
Baker (LA)	Combest	Goodlatte
Ballenger	Condit	Goss
Barcia	Cooley	Graham
Barr	Cox	Greene (UT)
Barrett (NE)	Crane	Greenwood
Bartlett	Crapo	Gutknecht
Barton	Cremeans	Hall (TX)
Bereuter	Cubin	Hamilton
Bilirakis	Cunningham	Hancock
Bliley	Deal	Hansen
Boehner	DeLay	Hastert
Bonilla	Diaz-Balart	Hastings (WA)
Bono	Dickey	Hayworth
Brewster	Doolittle	Hefley
Brownback	Dornan	Herger
Bryant (TN)	Dreier	Hilleary
Bunning	Duncan	Hobson
Burr	Ehrlich	Hoekstra
Burton	English	Hoke
Buyer	Everett	Hostettler
Callahan	Ewing	Hunter
Calvert	Flanagan	Hutchinson
Camp	Foley	Hyde
Canady	Fowler	Inglis
Castle	Franks (CT)	Istook
Chabot	Franks (NJ)	Johnson, Sam
Chambliss	Frisa	Jones
Chenoweth	Funderburk	Kasich
Christensen	Gallegly	Kelly

Kim
King
Kingston
Klug
Kolbe
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff
Zimmer

NOES—219

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green (TX)
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wynn

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 2322

Messrs. MILLER of California, GEJDENSON, KENNEDY of Rhode Island, BERMAN, and KLECZKA changed their vote from ''aye'' to ''no.''

Messrs. EVERETT, THOMAS, HOEKSTRA, CALLAHAN, and HILLEARY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. SANDERS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 11, as follows:

[Roll No. 306]

AYES—180

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chabot
Chrysler
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
de la Garza
Deal
DeFazio
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Edwards
Engel
Ensign
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Frost
Furse
Gephardt
Gordon
Green (TX)
Gutierrez
Gutknecht
Hamilton
Hastings (FL)
Hefner
Hilleary
Hilliard
Hinchey
Hoke
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCrery
McDermott
McHale
McKinney
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—242

Allard
Archer
Armey
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chapman
Chenoweth
Christensen
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Markey
Martini
McCarthy
McCollum
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meyers
Mica
Miller (FL)
Moakley
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman

Studds
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Dunn
Gibbons
Gilman
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

☐ 2381

Mr. DE LA GARZA changed his vote from ''no'' to ''aye.''

Messrs. EHRLICH, MEEHAN, and PETE GEREN of Texas changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. LOWEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offerd by the gentlewoman from New York [Mrs. LOWEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 307]

AYES—167

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Rangel
Reed
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Zimmer

NOES—256

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Zeliff

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Petri
Yates
Young (FL)

☐ 2338

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. CLAYTON. Mr. Speaker, on rollcall vote 307 I was unavoidably detained. had I been present, I would have voted ''aye.'' I would have voted ''aye'' on the Pelosi amendment.

AMENDMENT OFFERED BY MR. HOYER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland [Mr. HOYER] as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 201, noes 220, not voting 13, as follows:

[Roll No. 308]

AYES—201

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)

Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn

NOES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—13

Bateman
Blute
Collins (IL)
Dunn
Gibbons
Greenwood
Hall (OH)
Hayes
Lincoln
McDade
Torkildsen
Yates
Young (FL)

□ 2346

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUNNING OF KENTUCKY

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were 1 ayes 421, noes 3, not voting 9, as follows:

[Roll No. 309]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOES—3

Beilenson
Houghton
Johnston

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

☐ 2353

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment offered as a substitute for the amendment.

The Clerk designated the amendment offered as a substitute for the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 232, noes 193, not voting 9, as follows:

[Roll No. 310]

AYES—232

Abercrombie	Dicks	Hoke
Ackerman	Dingell	Holden
Andrews	Dixon	Horn
Baesler	Doggett	Houghton
Baldacci	Dooley	Hoyer
Barrett (WI)	Doyle	Jackson (IL)
Bass	Durbin	Jackson-Lee (TX)
Becerra	Edwards	Jacobs
Beilenson	Ehlers	Jefferson
Bentsen	Ehrlich	Johnson (CT)
Bereuter	Engel	Johnson (SD)
Berman	Eshoo	Johnson, E. B.
Bilbray	Evans	Johnston
Bishop	Farr	Kanjorski
Blumenauer	Fattah	Kaptur
Blute	Fawell	Kelly
Boehlert	Fazio	Kennedy (MA)
Bonior	Fields (LA)	Kennedy (RI)
Bono	Filner	Kennelly
Borski	Flake	Kleczka
Boucher	Foglietta	Klink
Brewster	Foley	Klug
Browder	Ford	Kolbe
Brown (CA)	Fowler	Lantos
Brown (FL)	Frank (MA)	Lazio
Brown (OH)	Franks (NJ)	Leach
Bryant (TX)	Frelinghuysen	Levin
Campbell	Frost	Lewis (CA)
Cardin	Furse	Lewis (GA)
Castle	Ganske	Lofgren
Chapman	Gejdenson	Longley
Clay	Gekas	Lowey
Clayton	Gephardt	Luther
Clement	Geren	Maloney
Clinger	Gilchrest	Manton
Clyburn	Gilman	Markey
Coleman	Gingrich	Martinez
Collins (MI)	Gonzalez	Martini
Condit	Gordon	Mascara
Conyers	Goss	Matsui
Coyne	Green (TX)	McCarthy
Cramer	Greenwood	McDermott
Cubin	Gunderson	McHale
Cummings	Gutierrez	McInnis
Davis	Harman	McKinney
de la Garza	Hastings (FL)	McNulty
DeFazio	Hefner	Meehan
DeLauro	Hilliard	Meek
Dellums	Hinchey	Menendez
Deutsch	Hobson	Meyers
Millender-McDonald	Pickett	Spratt
Miller (CA)	Pomeroy	Stark
Miller (FL)	Porter	Stokes
Minge	Pryce	Studds
Mink	Ramstad	Tanner
Moakley	Rangel	Thomas
Molinari	Reed	Thompson
Moran	Regula	Thornton
Morella	Richardson	Thurman
Murtha	Riggs	Torkildsen
Nadler	Rivers	Torres
Neal	Rose	Torricelli
Nethercutt	Roukema	Towns
Ney	Roybal-Allard	Traficant
Oberstar	Rush	Upton
Obey	Sabo	Velazquez
Olver	Sanders	Vento
Orton	Sawyer	Ward
Owens	Schiff	Waters
Oxley	Schroeder	Watt (NC)
Pallone	Schumer	Waxman
Pastor	Scott	Williams
Payne (NJ)	Serrano	Wilson
Payne (VA)	Shaw	Wise
Pelosi	Shays	Woolsey
Peterson (FL)	Sisisky	Wynn
	Skaggs	Zeliff
	Slaughter	Zimmer

NOES—193

Allard	Gallegly	Paxon
Archer	Gillmor	Peterson (MN)
Armey	Goodlatte	Petri
Bachus	Goodling	Pombo
Baker (CA)	Graham	Portman
Baker (LA)	Greene (UT)	Poshard
Ballenger	Gutknecht	Quillen
Barcia	Hall (TX)	Quinn
Barr	Hamilton	Radanovich
Barrett (NE)	Hancock	Rahall
Bartlett	Hansen	Roberts
Barton	Hastert	Roemer
Bateman	Hastings (WA)	Rogers
Bevill	Hayworth	Rohrabacher
Bilirakis	Hefley	Ros-Lehtinen
Bliley	Heineman	Roth
Boehner	Herger	Royce
Bonilla	Hilleary	Salmon
Brownback	Hoekstra	Sanford
Bryant (TN)	Hostettler	Saxton
Bunn	Hunter	Scarborough
Bunning	Hutchinson	Schaefer
Burr	Hyde	Seastrand
Burton	Inglis	Sensenbrenner
Buyer	Istook	Shadegg
Callahan	Johnson, Sam	Shuster
Calvert	Jones	Skeen
Camp	Kasich	Skelton
Canady	Kildee	Smith (MI)
Chabot	Kim	Smith (NJ)
Chambliss	King	Smith (TX)
Chenoweth	Kingston	Smith (WA)
Christensen	Knollenberg	Solomon
Chrysler	LaFalce	Souder
Coble	LaHood	Spence
Coburn	Largent	Stearns
Collins (GA)	Latham	Stenholm
Combest	LaTourette	Stockman
Cooley	Laughlin	Stump
Costello	Lewis (KY)	Stupak
Cox	Lightfoot	Talent
Crane	Linder	Tate
Crapo	Lipinski	Tauzin
Cremeans	Livingston	Taylor (MS)
Cunningham	LoBiondo	Taylor (NC)
Danner	Lucas	Tejeda
Deal	Manzullo	Thornberry
DeLay	McCollum	Tiahrt
Diaz-Balart	McCrery	Visclosky
Dickey	McHugh	Volkmer
Doolittle	McIntosh	Vucanovich
Dornan	McKeon	Walker
Dreier	Metcalf	Walsh
Duncan	Mica	Wamp
English	Mollohan	Watts (OK)
Ensign	Montgomery	Weldon (FL)
Everett	Moorhead	Weldon (PA)
Ewing	Myers	Weller
Fields (TX)	Myrick	White
Flanagan	Neumann	Whitfield
Forbes	Norwood	Wicker
Fox	Nussle	Wolf
Franks (CT)	Ortiz	Young (AK)
Frisa	Packard	
Funderburk	Parker	

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

☐ 0000

Mr. BONO changed his vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] as amended.

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

RECORDED VOTE

Mr. FOX of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The majority paging system is inoperative. Members should not rely on them for announcing votes.

This is a 5-minute vote.

This vote was taken by electronic device, and there were—ayes 421, noes 0, answered ''present'' 2, not voting 10, as follows:

[Roll No. 311]

AYES—421

Abercrombie	Camp	Dreier
Ackerman	Campbell	Duncan
Allard	Canady	Durbin
Andrews	Cardin	Edwards
Archer	Castle	Ehlers
Armey	Chabot	Ehrlich
Bachus	Chambliss	Engel
Baesler	Chapman	English
Baker (CA)	Chenoweth	Ensign
Baker (LA)	Christensen	Eshoo
Baldacci	Chrysler	Evans
Ballenger	Clay	Everett
Barcia	Clayton	Ewing
Barr	Clement	Farr
Barrett (NE)	Clinger	Fattah
Barrett (WI)	Clyburn	Fawell
Bartlett	Coble	Fazio
Barton	Coburn	Fields (LA)
Bass	Coleman	Fields (TX)
Bateman	Collins (GA)	Filner
Becerra	Collins (MI)	Flake
Beilenson	Combest	Flanagan
Bentsen	Condit	Foglietta
Bereuter	Conyers	Foley
Berman	Cooley	Ford
Bevill	Costello	Fowler
Bilbray	Cox	Fox
Bilirakis	Coyne	Frank (MA)
Bishop	Cramer	Franks (CT)
Bliley	Crane	Franks (NJ)
Blumenauer	Crapo	Frelinghuysen
Blute	Cremeans	Frisa
Boehlert	Cubin	Frost
Boehner	Cummings	Funderburk
Bonilla	Cunningham	Furse
Bonior	Danner	Gallegly
Bono	Davis	Ganske
Borski	de la Garza	Gejdenson
Boucher	Deal	Gekas
Brewster	DeFazio	Gephardt
Browder	DeLauro	Geren
Brown (CA)	DeLay	Gilchrest
Brown (FL)	Dellums	Gillmor
Brown (OH)	Deutsch	Gilman
Brownback	Diaz-Balart	Gonzalez
Bryant (TN)	Dickey	Goodlatte
Bryant (TX)	Dicks	Goodling
Bunn	Dingell	Gordon
Bunning	Dixon	Goss
Burr	Doggett	Graham
Burton	Dooley	Green (TX)
Buyer	Doolittle	Greene (UT)
Callahan	Dornan	Greenwood
Calvert	Doyle	Gunderson

Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

ANSWERED ''PRESENT''—2

Forbes
Souder

NOT VOTING—10

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Smith (NJ)
Yates
Young (FL)

□ 0007

Mr. MORAN changed his vote from ''no'' to ''aye.''

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 23 OFFERED BY MR. GUTKNECHT

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 313, not voting 9, as follows:

[Roll No. 312]

AYES—111

Allard
Archer
Bachus
Baker (CA)
Barr
Barton
Bilbray
Brownback
Bunning
Burton
Campbell
Chabot
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Doolittle
Dornan
Dreier
Duncan
Ewing
Fields (TX)
Funderburk
Geren
Goodlatte
Graham
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hayworth
Hefley
Herger
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
LaHood
Largent
Laughlin
Lewis (KY)
Linder
Lucas
Manzullo
McInnis
McIntosh
Metcalf
Meyers
Mica
Minge
Montgomery
Moorhead
Myers
Myrick
Neumann
Norwood
Nussle
Parker
Peterson (MN)
Petri
Pombo
Portman
Pryce
Quillen
Ramstad
Roberts
Roemer
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Solomon
Souder
Spence
Stockman
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Weldon (FL)

NOES—313

Abercrombie
Ackerman
Andrews
Armey
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Poshard
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Collins (IL)
Dunn
Gibbons
Hall (OH)
Hayes
Lincoln
McDade
Yates
Young (FL)

□ 0014

Mr. BARCIA changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Chairman, I rise in support of the amendment offered by Mr. KENNEDY of Massachusetts. The measure would strike the provision in the bill that prohibits the National Institutes of Health from awarding grants under the Small Business Innovation Research Program unless the median grant score of the pool of these grants is equal to or better than that of investigator-initiated research project grants.

The provision as contained in the bill is unfair to small businesses. The small business segment of the U.S. economy produces the largest number of jobs and carries the country through good times and bad.

The variance in scores among these two very different types of grants should be expected as they have a different type of focus and purpose. Research project grants are intended to perform basic research in order to expand, enhance, and gain new knowledge. Small business innovation grants are for the purpose of developing products and for the commercialization of these products.

These two types of grants are very different. We must realize that in its current form the bill is mixing of apples and oranges. I understand from the small business community who competes for these grants, that at present, SBIR grant reviewers who are more experienced in basic research than in product development. If this is the case, SBIR grantees are being treated unfairly. To quote one of the small businesses in my district, ''by requiring that the SBIR's have an equivalent or better median score to RO1's is like failing all oranges as fruit because they are not red enough or crispy enough for the apple inspectors.''

Mr. Chairman, while the bill has brought critical attention to this important situation, pointing to the need to fix the program, we do not need to break it, to fix it as the bill would do in its current form. I urge my colleagues to be fair to small businesses. Vote ''yes'' on the Kennedy amendment.

Mr. HORN. Mr. Chairman, I rise today in support of H.R. 3755, particularly the provision in title I, section 105 which requires that no funds of the Department of Labor shall be disbursed ''without the approval of the Department's Chief Financial Officer or his delegatee.'' The purpose of the provision is to ensure that the Chief Financial Officer has the authority necessary to oversee the finances of the Department in order to ensure fiscal accountability.

The Chief Financial Officer Act of 1990 is one of the most important pieces of legislation we have to ensure that the Federal Government adheres to effective financial management practices. The CFO Act demands that agencies get their financial affairs in order, that they prepare financial statements that can be independently audited, and that these financial statements receive a clean bill of health, that is, an unqualified opinion, from the auditors.

The CFO Act has been instrumental in changing the ethos in agencies from one of complete indifference about accountability to sober realization that fiscal accountability matters. A success story that appeared in the Washington Post on June 6, 1996, entitled ''Cleaner Paper Trail Leads Out of the Woods,'' highlighted the National Park Service, an entity within the Department of the Interior. Stung by criticism in the House of error filled data and math errors that resulted in a $150 vacuum cleaner to be listed as worth more than $800.000 and a $350 dishwasher as a $700,000 asset, the Park Service overhauled its accounting practices and changed from being an agency with poor financial management to one that obtained a clean opinion on its fiscal year 1995 financial statements. Without the CFO Act, the poor state of financial management would have remained unrecognized and, therefore, uncorrected.

Section 105 of H.R. 3755 will provide the Chief Financial Officer of the Department of Labor with the authority he needs to ensure that Labor sees similar improvement in financial management during the years to come. As chairman of the Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight, which oversees the Chief Financial Officer Act, I commend Chairman PORTER and strongly support that effort.

[From the Washington Post, June 6, 1996]

CLEANER PAPER TRAIL LEADS OUT OF WOODS

(By Stephen Barr)

The National Park Service has received, in the parlance of the government's accountants, a clean opinion. Now the Park Service can prove its numbers add up, that its annual financial statements are accurate.

That did not seem to be the case last year. Bad data and math errors had led the Park Service to list a $150 vacuum cleaner as worth more than $800,000 and a $350 dishwasher as a $700,000 asset, according to testimony at a House hearing.

The Park Service, stung by the portrayal and the criticism by House Republicans, began an intensive effort to meet new accounting standards and prove that it knew where and how every dollar was being spent.

''We needed to restore that confidence,'' said Park Service Comptroller C. Bruce Sheaffer. In less than a year, the agency has overhauled its accounting practices and recently produced financial statements for fiscal 1995 that met with approval from the Interior Department's inspector general.

''The Park Service took aggressive action,'' Interior Assistant Inspector General Judy R. Harrison wrote, noting that the agency ''has made significant improvements in the internal control structure.''

The Park Service turnabout is but one of several underway in the executive branch. Until Congress wrote the Chief Financial Officers (CFOs) Act of 1990, the government did not have a comprehensive set of accounting standards. Since then, agencies and Office of Management and Budget (OMB) have been working to improve federal financial management so that essentially the same standards applied to corporate America are applied to the government.

It has been a tough climb. Twenty-four departments and agencies are covered by the CFO Act, but only four have achieved across-the-board clean opinions: the Nuclear Regulatory Commission, the General Services Administration, NASA and the Social Security Administration.

But parts of Cabinet departments, like the Park Service, are meeting the new standards. More than half of the ''entities'' audited were judged clean last year, up from 33 percent in 1990.

One of the biggest tests will come next March, when the law will require the 24 agencies to submit audited financial statements to OMB. The next major step comes in fiscal 1997, when the law calls for a governmentwide financial statement to be prepared and audited.

Members of Congress—Republicans and Democrats—have consistently pressured agencies to comply with the CFO Act. Senate Governmental Affairs Committee Chairman Ted Stevens (R-Alaska), for example, will look at the Internal Revenue Service's financial management practices at a hearing scheduled for today.

By most accounts, the move to clean financial statements should give agencies a new way to demonstrate their integrity and enhance their chances of preventing financial scandals. Still, it has been a shock to several agencies that they are being held to technical standards they never were subject to before.

The Park Service, for example, was faulted by the Interior Department inspector general's office because the agency could not vouch for the accuracy of its debts or the money it was owed. All those concerns can now be set aside, Sheaffer said.

''We argued from the outset that nothing the IG found in any way supported the notion that we were wasting money,'' he said, ''We believed then and now that we can account for every dollar spent . . . and now we've proved it.''

The Park Service financial statement for fiscal 1995 recounts that the agency received about $1.4 billion in congressional appropriations and another $200 million from other revenue sources, such as fees and trusts. The agency employed about 19,000 full-time workers, but also relied on more than 77,000 volunteers.

The financial statement also includes ''customer satisfaction survey results'' for 1993–94. At 15 parks, for instance, 68 percent of the 2,533 survey respondents rated the quality of park personnel as ''very good,'' the top category.

The statement shows the Park Service is cutting down on delays in repaying travel advances and now pays its suppliers and vendors more promptly. It also shows where the agency is spending its money, such as $37.9 million last year for ''fire and emergency operations.''

There's also eight pages of tables summarizing acreage within park boundaries. The grand total: 369 park areas containing 83 million acres. The government can claim ''absolute ownership'' of about 77.6 million acres of that land.

The cascade of numbers in the financial statement provides only a one-time snapshot of Park Service operations. The annual reports will assume more significance five and 10 years from now, Sheaffer said. ''The measure of change has some importance to us, and over time, these numbers will take new meaning as they show change,'' he said.

While trend analysis may prove useful in the next century, Sheaffer noted there are some things financial statement can never measure or answer, starting with the mountains, lakes or historic buildings held in trust for the American people by the park system.

''How do you set a value on these assets,'' he asked. ''How could you put a value on the Washington Monument?''

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California [Ms. PELOSI] to strike a rider in the Labor, Health and Human Services and Education Appropriations bill for fiscal year 1997, that would prohibit the Occupational Safety and Health Administration from

using funds in the bill to develop standards on ergonomic protection for workers, or to record or report ergonomic-related injuries or illnesses.

This language is another attempt by the majority to shred and halt the progress of crucial worker health and safety protections. By prohibiting key protections, this language will place thousands of Americans, unnecessarily, at a great health and safety risk.

Ergonomic related injuries result from poorly designed work stations and repetitious work. Workers develop such debilitating ailments as carpal-tunnel syndrome, tendinitis, and back strain. These injuries account for one-third of all lost-time work injuries in the United States and represent the most significant safety and health problem facing American workers today. These injuries can have such painful, serious effects, that they are disabling and disruptive to the lives of those who suffer from them. Furthermore, the continual growth of ergonomic-workplace hazards places strain on the American economy, in lost work days, and increased health care costs.

Ergonomic workplace injuries and illnesses in this nation have skyrocketed in recent years. The reports of symptoms of carpal tunnel syndrome have increased for many workers. For example, 81 percent of telephone operators responding to a 1995 survey conducted by the Communications Workers of America reported hand or wrist pain.

This country is in dire need of stronger health and safety regulations. It is unacceptable that millions of Americans suffer from disabling work-related injuries each year when these injuries could be prevented by requiring OSHA to develop studies and standards that would ensure healthier workplaces.

Worse still, the authors of this provision don't even want OSHA to gather information on ergonomic injuries in the workplace. Apparently, when it comes to protecting workers' health, the majority believes that ignorance is bliss.

It is the role of this Government to work fervently, and responsibly to ensure a safe and healthful workplace for American workers, and for a productive economy.

I urge the Congress to support this amendment to strike the rider, and to support workplace protections.

Ms. DELAURO. Mr. Chairman, I rise to strike the last word. I rise in strong support of the Lowey/Castle amendment to restore $2.4 billion in funding for the National Center for Injury Prevention and Control at the Centers for Disease Control.

The National Center for Injury Prevention is the only government entity that addresses the issue of injury in a comprehensive manner and encourages an interdisciplinary approach to decreasing the burden that injuries place on society.

In the United States, 140,000 people die of injuries each year, and many thousands more suffer permanently disabling injuries. These deaths and disabilities lead to loss of productive years of life, as injuries are primarily a disease of the young and the leading killer of persons under age 44. Many injuries can be prevented, at a much lower cost than treating them. In addition, the severity and long term effect of injuries that do occur can be minimized through effective treatment and early rehabilitation.

But don't take my word for it. Let me read a passage from a letter I received from Dr. Linda Degutis, assistant professor at Yale School of Medicine and the codirector of the New Haven Regional Injury Prevention Program.

Dr. Degutis states:

I have seen the increasing level of gun violence in New Haven and the surrounding areas. I have seen children die and adolescents face permanent disability due to spinal cord injuries and head injuries. Not all of these victims are victims of interpersonal violence. Many have attempted suicide. In the case of children, several have been unintentionally shot by other children, or caught in the cross fire between adults with guns. It is disturbing to see this on a daily basis, but viewing the effects of violence has served to strengthen my resolve to do something about it on a personal and professional level.

Continued support for the Injury Prevention program would allow scientists in the field of injury control, like Dr. Degutis in New Haven, continue their work in preventing a disease that has its greatest impact on young people. Projects funded through the Injury Prevention Program have already had an impact in decreasing injury morbidity and mortality from recreational activities, fires, bicycle crashes, falls, domestic violence, and other injury events. Restoring the funds for the center in New Haven will provide the opportunity for areas of research that have been ignored and developing interventions to decrease the toll that injury takes on our citizens.

What is tragic about the debate—and the attack on the Injury Prevention Program this morning—is that it is not based on the merits or quality of work of the projects funded by the Injury Prevention Program. It is a sell out to the gun lobby because of research that the Injury Prevention Program has compiled on firearm injury. These studies have found that guns in the home are actually dangerous to their owners.

Stripping the funds for the Injury Prevention Program will not make the tragic facts about gun violence disappear. Nor will it squelch public outrage and concern for our children that face the threats and fears of guns in their homes, in their schools or their playgrounds.

The Gingrich Congress, by voting to repeal the assault weapons ban showed its flagrant disregard for the will of the American people on this issue—all for the campaign money and political paybacks that come from the gun lobby.

I urge my colleagues to support dedicated doctors and scientists—like Dr. Linda Degutis in New Haven—and vote to restore the $2.4 billion for the Injury Prevention Program. The safety of children in this country should be the No. 1 priority of the people's House—not political paybacks to the gun lobby. Vote for the Lowey/Castle amendment.

Mr. LEVIN. Mr. Chairman, I rise today in strong opposition to the bill. At a time when studies are showing an increase in drug abuse among young people, we can ill afford to freeze funding for drug prevention programs on the local level at an already grossly inadequate level.

Unfortunately that is exactly what this bill does by maintaining funding for the Center for Substance Abuse Prevention at essentially the FY 96 level.

The Center for Substance Abuse Prevention provides grants to local community-based organizations to develop strategies to prevent drug and substance abuse problems on the mainstreets of America. This agency is the only one on the federal level whose sole purpose and mandate is drug abuse prevention.

In 1996, the Center took a 62 percent cut in funding. This caused the Center to provide only partial funding to many projects and send out notices to 76 grant programs stating that funding was going to be cut off at the end of fiscal year. This will result in the loss of many vital ongoing projects covering pregnant women, children of alcoholics, children of drug abusers, and children who live in areas of high crime—totaling over 6 million people nationwide. Years of valuable research will be lost and already expended federal resources will be wasted.

By doing this, we will be undermining an important weapon to fight drug abuse—community involvement. This is not only foolish, it's poor policy.

By funding the Center at over $80 million below the Administration's request, Congress will undermine the new anti-drug strategy developed by General Barry McCaffrey, the nation's new Drug Czar, which focuses not only on eliminating the supply of drugs at the source but on reducing the demand for drugs at the local level.This too is unwise and counterproductive to our nation's interests.

In the war to prevent drug abuse, talk is cheap and knowledge is power. Sadly this bill has too little of the latter and too much of the former.

I urge my colleagues to defeat this bill so that we can send it back to Committee and get back one that helps local communities fight the drug war where it matters most—in our schools, in our homes, at our places of work, and on the mainstreams of America.

Mr. MARTINEZ. Mr. Chairman, I rise today in support of the amendment offered by my colleague from New York.

Tragically, many of those who are exploited under sweatshop conditions are children. And fortunately we have always made sure there were adequate funds for enforcement of child labor laws. I would remind my colleagues that this has historically received bipartisan support.

Let me remind you all that in 1990, then-Secretary of Labor Elizabeth Dole testified about the Department's need to crack down on child labor violators in the United States. The Secretary outlined a five point strategy which involved, in brief, vigorous enforcement, increased penalties, litigation, new steps to ensure safe and healthy jobs for youth, and a new task force combining the resources of several offices of the Labor Department.

The Department's enforcement effort, known as Operation Child Watch, utilized nationwide sweeps to find violators and take remedial action. That effort revealed violations in 2,800 instances.

As a result, Secretary Dole proposed legislation to significantly increase monetary and criminal penalties. Why? Because without vigilance and without sufficient funds for enforcement the situation would get worse. Knowing that, Secretary Dole said, and I quote:

I am determined to fulfill another fundamental responsibility of the Department of Labor: Upholding the laws which protect children from exploitation and danger.

Mr. Chairman, both sides of the aisle have a responsibility to protect our children. Together we must continue this commitment to our Nation's youth by providing the resources

for the department to investigate and penalize those sweatshops that exploit children.

If you don't believe there is a need, let me quote former Secretary Dole one more time. You know, if one child dies or there's a very severe injury, that's one too many. Right now, as you look at the totals, we had 22,500 children illegally employed in fiscal year 1989. For the first eight months of this fiscal year the number is 31,000. We are projecting that it may be as high as 40,000 by the end of this fiscal year.

That was six years ago, and unless we pass the Velazquez amendment that will restore much-needed funding to the Wage and Hour Division and the Bureau of International Labor Affairs, the situation will get even worse, both here and abroad.

I urge my colleagues to support the Velazquez amendment.

Mr. UNDERWOOD. Mr. Chairman, after enduring a 35% cut last year, this Labor, HHS, Education Appropriations bill slashes an additional $11 million from bilingual education. This cut is nothing but the latest in a series of backhanded attempts to wipe out this proven educational tool. It's a case of death by a thousand paper cuts. This bill also attempts to eliminate the professional cadre of bilingual teachers and support staff by killing professional development. This would be tantamount to having an Army without a West Point.

Because bilingual education opponents can't prove it doesn't work, I guess they figure they can ensure its failure by keeping our teachers from receiving necessary training. Teacher training funds are not specifically eliminated for any other education program. This bill doesn't ask Head Start teachers or special education teachers to do without additional training. Only bilingual education teachers are singled out.

Some Members of this House consistently argue against bilingual education because, as they say, ''we need to teach our children English!'' This is typical of the inaccurate stereotype of bilingual education as anti-English and is being anecdoted to death. I agree that we must teach our children English and any local bilingual education program that does not teach English is flawed. But a flawed program doesn't mean we do away with the educational tool. We don't threaten to take computers out of our Nation's classrooms when we hear about a poor computer literacy course.

Bilingual education works! I know because before I came to Congress I was a bilingual educator. I have seen first hand the positive impact of teaching in a language students can understand. And that is all bilingual education is—comprehensible instruction so that they don't fall behind in math, science, and history while they are learning English. It is not about ethnic politics its about educating our children.

Mrs. COLLINS of Illinois. Mr. Chairman, this bill, H.R. 3755, to make appropriations for the Labor, Health and Human Services (HHS), and Education Departments and various independent agencies, is a clear demonstration that the Gingrich Republicans care little about the people, little about community-based programs for prevention and early intervention, little about education, little about substance abuse prevention and treatment, and they care little about the workers of this country. Pure and simple.

The Gingrich Republicans have turned their cold shoulders to the children and elderly of this country by freezing funding for valuable Title I education programs for nearly 7 million disadvantaged children; freezing funding for employment training, school-to-work and summer jobs for youth; freezing resources for training and services for education equity designed for minorities and women—funding which has been the only source available to the local school corporations around the country; and freezing funding for special and vocational education.

This Labor-HHS-Education Appropriations Bill slashes funding for the Healthy Start program that has proven to be successful in preventing both high infant mortality and child abuse and neglect; it slashes funding for substance abuse and mental health services; and, it slashes funding for Education Goals 2000.

President Clinton has said he will veto this bill if it is sent to him as it currently reads. The Republicans know this. So why continue these games? I do not understand the sense of passing a bill we know will only be successful in shutting down the government, only be successful at hurting people, by denying education to those who need it, and by withdrawing services to the elderly.

I have been appalled at the tactics used by the Gingrich Republican majority in this 104th Congress to hold the Federal government and the American people hostage with their extreme ideological agenda. This bill continues that trend by using as weapons the programs of the Labor, HHS, Education Departments. It is yet another measure of the lack of respect shown by the Republican majority of this Congress for the Constitutional rights to which every citizen is entitled.

At every opportunity in budget negotiations from FY 96 and now for FY 97, the Republican extremists have simply refused to carry out their Constitutional responsibilities to govern. It is inconceivable that they could find a way to go from bad to worse, but they have with this bill. It is time for them to end the dangerous game of chicken that they have been playing with the lives of American's children, seniors, disabled, and poor.

Mr. UNDERWOOD. Mr. Chairman, I rise to voice my concern over the dramatic cuts in education included in the FY97 Labor, Health and Human Services, Education Appropriations bill. After $1.1 Billion in education cuts already imposed by the 104th, this Congress continues to wage war on our schools by proposing $400 million in additional cuts for Fiscal Year 1997.

Under this bill my district of Guam would lose $1.7 million designed to keep our school environments safe and drug free, $200,000 in school improvement funds under Goals 2000, and $44,000 in Byrd Scholarships, just to list a few. In addition, special education will only receive level-funding which is totally inadequate given increases in enrollment and inflation. We can argue about what is or isn't a true cut but less money for more students at increased costs hurts any way you slice it.

If this bill passes, a host of worthwhile programs including Title 1 and bilingual education will become this Congress's latest road kill. The elimination and reduction of these programs have real impact in the lives of our students. The ability of the Guam Public School System to meet the needs of our students would be seriously impaired by these cuts. We all agree that schools need to prepare our children for the 21st century but we refuse to give schools the tools necessary to fulfill their basic responsibilities. How can we continue to ask our schools to do more with less?

Mr. ROGERS. Mr. Chairman, I rise today in support of the Black Lung Clinics Program and the Ney amendment to the Labor, Health and Human Services, and Education Appropriations for FY 1997.

This is not a program that receives much attention in the national media. Most Americans may not know it even exists. But to many in my part of the country, this is an essential program which provides relief and comfort for those afflicted with a painful disease.

Upon realizing that specialized medical services were needed for those working in our nation's coalmines, Congress in 1969 passed the Black Lung Benefits Act.

The main goal of the Black Lung Clinics is to keep respiratory patients out of the hospital by using preventative medicine and improving the quality of life of the men and women afflicted with lung disease.

The physicians and other health care professionals in a clinic in my district have developed health management techniques for patients with chronic lung disease, improving those patients' quality of life while reducing annual hospitalizations among the affected patient group by 70%.

The amendment from the gentleman from Ohio would restore $2 million for the program in FY 1997. It would enable the dedicated professionals to continue their work with their patients. The figures below indicate the Black Lung Clinics Program funding:

FY 1995: $4,142,000
FY 1996: $3,811,000
House FY 1997: $1,900,000
With Ney Amendment: $3,900,000

The Ney amendment would raise the funding level in FY 1997 by only slightly more than 2% above the FY 1996 level.

Many of us can never fully understand the sacrifices of the men and women who every day toiled in the depths of the earth. They are among the oft unappreciated laborers who provided this nation with the resources necessary to fuel our nation's industrial engine.

As we once needed them, they now need us. I hope my colleagues will join me in continued support for the Black Lung Clinics program. Please support the Ney amendment.

Ms. WATTS of Oklahoma. Mr. Chairman, I am very pleased to stand in support of H.R. 3755, appropriations for the Departments of Labor, HHS, and Education, and I am particularly pleased with the strong support this appropriations gives to education, especially Impact Aid assistance and student financial assistance.

Impact Aid is a necessary and justified program of federal financial assistance for school districts that are affected by a federal presence. I have been privileged to work closely with my colleagues to encourage full funding for Impact Aid. This legislation appropriates $728 million which is an 18% increase over the President's proposal and a clear demonstration of our commitment to these schools and their students.

Student financial aid also receives strong support in this legislation. The maximum Pell Grant award has been significantly increased, as has funding for the Federal Work-Study program. Federal Supplemental Education Opportunity Grants have been maintained at $583 million, and the TRIO program has been increased to $500 million.

I congratulate the Chairman and the Committee on bringing us a strong bill for education and I am proud to cast my vote in strong support of this legislation.

Mr. CASTLE. Mr. Chairman, I want to express my appreciation to the Appropriations Committee on its fair FY97 Labor-HHS-Education Appropriations bill. Crafting an appropriations bill while balancing the priorities of 435 Members of Congress is no easy task, and I recognize the constraints the Appropriations Committee faces. I believe that the Committee made a good faith effort to address labor, education, and health needs of our nation.

For example, in the area of higher education, the bill increases the maximum Pell Grant award to $2,500. For our elementary and secondary schools, it continues funding for Safe and Drug Free Schools and Title 1, and increases funding for Head Start and Impact Aid. In the area of health and human services, the bill increases funding for medical research and preventive services, as well as the Violence Against Women Act. The bill also continues funding for Title X and the Low Income Home Energy Assistance program.

Let me reiterate that the bill does not reflect all of my priorities as strongly as I would like, and I will support improvements in the level of education funding as the bill moves through the legislative process.

Last year, I opposed this Appropriations bill because I felt that the cuts in education were too severe, and I worked to increase funding for education programs. This year, the Committee has made a sincere effort to provide adequate funding for important programs that benefit our young people, the elderly, and those with limited incomes. This was accomplished within the limits necessary to continue on the course to a Balanced Budget which is critical to our children's future and the economic health of our nation.

Mr. SKAGGS. Mr. Chairman, I cannot support the drastic cuts to education contained in this year's Labor-HHS-Education Appropriations bill, and I urge a no vote on the bill.

The 104th Congress has already slashed education funding by over $1 billion. This bill would continue the dangerous trend toward disinvestment in education by cutting an additional $400 million.

We must reverse this dangerous course. A good education is no luxury—it is a necessity. Our economic growth and quality of life in the 21st Century depend on providing the best possible education for all of America's children.

Right now, teachers and schools are facing enormous challenges. Enrollments are increasing. Next year, we will have more students in school than at any time in history—51.7 million students—breaking the record set in 1971 when the baby boomers came of age. America's teachers also have to deal with larger numbers of students with inadequate English language skills, developmental problems, and disabilities.

This bill does not adequately address the challenges facing our schools.

The bill would stall the progress we have made in improving schools and teacher skills. It kills the Goals 2000 initiative, the Eisenhower Professional Development program, Star Schools, and Migrant Education. Together with the Title I Disadvantaged Education program, these programs constitute the core federal initiative to help schools and school districts assure that all students, particularly the most economically and educationally disadvantaged, have the opportunity to achieve their highest potential.

The bill also makes cuts in higher education. By eliminating new capital contributions to Perkins loans, the bill would deprive about 96,000 students of access to these loans. About half of these students come from families with incomes of less than $30,000, and they have no other resource to make up the difference.

Cuts to financial assistance for college students are particularly short-sighted. My sister and I were the first members of my family to finish college. Both of us relied on financial assistance. The authors of this bill evidently do not understand just how expensive a college education is. Or, they don't fully appreciate the central role that the federal government plays in helping students get through college or vocational courses.

A better future for the nation and for our families is inextricably linked to the investment we make in education. A highly-educated citizenry and workforce are crucial to keeping the democracy strong and to competing in a changing global economy.

I urge my colleagues to reject further education cuts and to vote against passage of this bill.

Mr. CLAY. Mr. Chairman, I rise in strong opposition to extreme Republican anti-labor riders in this legislation.

I had thought the radical House Republicans had learned their lesson last year, when the legislative riders that they added to appropriations bills led to two government shutdowns. Here they go again, with two special interest provisions designed to weaken an agency that protects both working Americans and, ironically, many employees.

To start with, this bill already imposes a draconian cut in the budget of the National Labor Relations Board—a fifteen percent cut from the current level, and a twenty percent cut from the President's request. Cuts of these magnitude will only result in increasingly growing backlogs—backlogs that are in the interest of neither employees nor employers. But the special interests served by this bill don't care.

The first rider would prohibit the issuance of a final single location bargaining unit rule by the NLRB. But if Republicans were true to their principles, they would be supporting, not opposing, the issuance of a final rule.

Indeed, such a rule, by minimizing the need for case-by-case adjudication, would reduce expensive litigation and resultant delay. This would promote certainty, for the benefit for both labor and management. In addition, a rule would promote the more efficient use of Board resources, a crucial consideration in light of the drastic cuts in the Board's budget proposed in this bill. By opposing such a rule, the Republican are showing their hypocrisy.

The second rider would effectively force the NLRB to raise its business volume threshold for exercising jurisdiction over labor disputes. This is a major policy change that should not be adopted in haste on an appropriations bill.

Ironically, this change would not necessarily reduce the NLRB's workload, since jurisdiction would become an issue in many more cases.

Indeed, this rider shows how blind the sponsors are to the role and function of the Labor Board. The NLRB is a referee that maintains the rules of the game for both labor and management. It protects both employees and employers. The supporters of this amendment want to take away the NLRB's jurisdiction over smaller employers and restore the law of the jungle.

Is this really what the supporters of this rider want to see—the law of the jungle? Do the supporters of this rider really want to decrease protections for small employers? That's what this rider would do. Perhaps that's why both labor and management experts oppose this rider.

These riders are just another example of the extreme anti-labor animus of the House Republican leadership. They don't care about the facts, they don't care about the law, they don't care about the procedure, they just know they hate labor.

Let's strike these extreme riders from this bill. Let's help prevent another government shutdown.

Ms. ESHOO, Mr. Chairman, the shortsightedness of this bill should be obvious to us all. Inadequate funding for education compromises our children's future and the future of our nation.

Listen carefully to what's not being funded:

Compensatory Education—$475 million less.

Safe & Drug Free Schools—$99 million less.

Special Education—$306 million less.

Bilingual Education—$94 million less.

Goals 2000—eliminated.

Mr. Chairman, one cannot cut these programs without serious ramifications. Funding for education is an investment that we can and must make a priority.

I return to my district every weekend and one of the issues I consistently hear from my constituents about is the importance of education. Education is the very foundation upon which our nation is built and it is what will determine the very future of our citizenry and our country.

I urge my colleagues, Republicans and Democrats, to oppose this shortsighted bill.

Mr. BALLENGER. Mr. Chairman, I support the bill under consideration today.

Many of us in Congress have been critical of OSHA. We've claimed that the agency has been overreaching and lacking in common sense in its regulations. We've claimed that it is adversarial and punitive in its enforcement, and noted that it has not been cost effective in promoting worker safety and health.

The Clinton Administration has agreed with many of our criticisms of OSHA. For example, just one year ago, President Clinton, speaking at a small business in Washington, D.C., called for creation of ''a new OSHA,'' an OSHA that puts emphasis on ''prevention, not punishment'' and uses ''commonsense and market incentives to save lives.'' Vice President Gore was even more direct when he spoke to the White House Conference on Small Business last year. He said:

> I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial.

In criticizing OSHA, we've said nothing more than OSHA's record surely shows. Despite spending over $5 billion in taxpayer funds over

the past 25 years, there is little evidence that OSHA has made a significant difference in the safety and health of workers.

Other examples and studies show that OSHA's focus on finding violations, no matter how minor and insignificant, has made OSHA ineffective in improving safety and health in the workplace. Why? One reason is that when the focus is on issuing penalties rather than fixing problems, there is much less attention paid to fixing problems. One study showed that the time required of OSHA to document citations increased an average inspection by at least 30 hours, thus greatly decreasing the number of workplaces OSHA could inspect. Penalties are sometimes necessary to compel irresponsible employers to address health and safety for their workers. But, as the Clinton Administration has said, inspections and penalties have not produced safety. It is time to find new ways of operating.

Just recently the Assistant Secretary of OSHA criticized this bill for cutting OSHA too much. But, in fact, these modest ''reforms'' do not undercut safety and health. This bill attempts to reorient OSHA by targeting more funds toward compliance assistance which helps employers and employees in creating a safe workplace. Putting greater focus on compliance assistance is precisely what the Assistant Secretary has asked for. The bill does make modest cuts in the agency's budget, but, simply adding resources without real reform is not going to make the agency more effective—and adding more resources is not likely to happen without reform.

In addition, the bill retains language prohibiting the agency from issuing a mandatory standard related to ergonomics. Last year, OSHA issued a draft proposal on ergonomics that was too broad, too vague, and failed to recognize that the science of ergonomics is a complex field of study, still in its infancy. In the scientific community, there is little consensus on ergonomics or how best to treat and prevent these problems. Yet, OSHA came up with a one-size-fits-all standard that fails to acknowledge the difference between businesses. A chicken plant operates differently from the textile industry. Each has unique distinctions that make a one-size-fits-all government mandate impossible to ''fit'' these different situations.

As a small businessman myself, I can tell you that I believe ergonomics and understanding its impact on the workplace should be an important part of any business' occupational safety and health approach. It is important for each ergonomics program to address the individual needs of the workplace. We need a responsible proposal, based on sound scientific evidence and cost-benefit analysis. OSHA's one-size-fits-all ergonomics policy doesn't address these concerns.

Last year, and it still applies, it was noted that the draft ergonomics standard could bankrupt small businesses with little corresponding improvement in worker safety and health. For instance, in order with OSHA's proposal many small firms would need to hire an ergonomics expert—an expense that small companies could not absorb, especially on top of the new wage increase that will likely become law soon.

Consider also, that in Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

The prohibition on OSHA's one-size-fits-all policy ergonomics policy should continue until we have a better understanding of the specific factors that cause the injuries and assurances that it will be based on sound scientific analysis.

In my view, OSHA would be more effective by working with employers rather than creating a confrontational sitting. OSHA's emphasis on issuing penalties, even for relatively minor problems and violations, not only a matter of great annoyance and sometimes financial burden to business, but tremendously inefficient from the standpoint of using OSHA's limited resources to effectively promote safety. Each year, OSHA spends about ½ million additional man hours citing and documenting penalties on paperwork violations, even where the employer makes the changes. In other words, this is time spent just for the purpose of issuing penalties for violations in which there is no direct threat to an employee's safety or health. A couple of journalists reported recently that another 100,000 hours are spent by OSHA each year responding to unfounded complaints. No private employer in our country could waste resources on unproductive activities the way OSHA has and stay in business.

Second, OSHA should be viewed as more of a catalyst for improving and promoting safety and health, rather than simply an enforcer of government rules. Thus, employers with good safety records, or those who have retained the services of someone who is knowledgeable about safety and health in their workplace, should be encouraged to do so.

Changes are long overdue to make OSHA less adversarial, more cooperative, and more focused on real health and safety. It is not a matter of reducing our commitment to workplace safety and health. It is an opportunity to work more effectively to encourage productive, competitive, and safer workplaces. I will continue to push for these types of changes, and the appropriation bill before us today takes a few modest steps toward that goal.

Mr. CLAY. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York [Ms.VELÁZQUEZ].

Only 2½ weeks ago, the Wall Street Journal ran an article documenting the extent to which the minimum wage and overtime law is routinely violated in this country. That article cited estimates by the employment policy foundation, an employer-funded think tank, that workers lose 19 billion dollars a year in unpaid overtime. The employment policy foundation estimates that one out of ten workers is regularly cheated out of overtime. Most other observers believe that is a conservative estimate. More than 60 percent of those workers who are not being paid the wages they have earned are earning ten dollars an hour or less.

In Specific industries, such as the garment industry, minimum wage and overtime violations have reached epidemic proportions. In 1994, a random check of 69 garment manufacturers in southern California by the Department of Labor found that 73 percent were not maintaining payroll records, 68 percent were not paying overtime, and 51 percent were not even paying minimum wages. The problem has become so serious that legitimate employers who seek to comply with our labor laws are being driven out of business.

At a time when corporate profits are skyrocketing, working families are seeing their income stagnate and decline. Between 1973 and 1994, the number of families with two working parents increased by 56%. Yet, despite this increase median family income was virtually unchanged. Since 1989, average family income has declined by more than $2,000.

No one claims that improving enforcement of the labor law will reverse the decline in average family income by itself. We do claim, however, that the failure to address the problem can only accelerate the trend.

Nineteen billion dollars in unpaid overtime amounts to a gigantic income transfer program. But it is Robin Hood in reverse. We are taking money from the poor and giving it to the rich. And we are allowing it to be done in violation of the law.

The amendment offered by the gentlewoman from New York is a very modest effort to attempt to restore some assurance to American workers that their government will act to enforce the labor law. We are seeing in this country a re-emergence of the kinds of sweatshop and slave labor situations that should have been eradicated for all time more than 50 years ago. Continuing to allow these kinds of abuses to fester and grow undermines the standard of living of workers and of the economy as a whole. I urge my colleagues to vote for this amendment.

Mr. DIXON. Mr. Chairman, I rise in opposition to the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations bill (H.R. 3755). The Republicans call this year's funding levels in the bill a ''freeze'' of last year's levels, with some programs receiving small increases, and others receiving slightly reduced amounts. But this so-called ''freeze'' in funding leaves many Americans out in the cold by failing to maintain vital services.

In the Department of Labor, funding for summer jobs is frozen at the 1996 level of $625 million, which will support 79,000 fewer jobs than this year. At a time when so many of our nation's youth grow up in deteriorating neighborhoods with few employment opportunities, it is essential that we continue to provide these young people with the opportunity to acquire valuable work experience.

The Occupational Safety and Health Administration (OSHA), which enforces America's workplace safety laws, is funded at $297.7 million. This $6 million cuts from last year may not appear to be huge in these austere times, but it is substantially below the $340 million level which the Administration believes is necessary for workplace safety. OSHA has worked to create a safe environment by reducing workplace fatalities by more than 50 percent and injuries and illnesses by 22 percent over the past 25 years. Why jeopardize the progress we have made?

The measure short changes American children through its education funding levels. The bill eliminates funding for Goals 2000, which means that federal efforts already underway to raise academic standards and to encourage students to work hard to meet those standards would be terminated. Nearly six million children in 12,000 schools would be affected. Title I Compensatory Education grants to local education agencies are frozen at the 1996 level of $6.7 billion; given inflation, fewer funds will be available to provide students the assistance they need in basic reading and math.

While we decry the condition of our nation's schools and the inability of American students to compete successfully against their European and Asian counterparts, we continue to deny our children adequate funding for programs which will improve their education.

Finally, let me highlight my particular concern about the level of funding in this bill for substance abuse prevention. The Committee has recommended $94 million for the substance abuse prevention program. While this is a $4 million increase above the 1996 level, the 1996 appropriation of $90 million was a devastating $148 million decrease from the 1995 amount. As a result of the huge 1996 cut, nearly five million youth will be denied access to services which are crucial to helping them avoid the problems associated with substance abuse.

The Community Coalition for Substance Abuse Prevention and Treatment, located in my district, is one of a number of groups across the nation which work diligently to eradicate drug abuse in our communities and which will now be denied funding. As we consider the impact of these cuts on groups like the Community Coalition, we would do well to remember the adage, ''An ounce of prevention is worth a pound of cure;'' perhaps nowhere is this adage more fitting than in the field of drug abuse prevention.

Mr. Chairman, this bill puts the freeze on employment for youth, worker safety, substance abuse prevention, and the ability of the next generation of Americans to compete in the global marketplace. We cannot afford to turn our backs on the need for investment in the human capital of this nation. H.R. 3755 is ill-advised and should be defeated.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. WALKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3755), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes, pursuant to House Resolution 472, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I most certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 3755, to the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I will not take time to debate the motion.

The SPEAKER pro tempore. The motion is not debatable.

Mr. OBEY. Mr. Speaker, this is a straight motion to recommit. I will not push it to a rollcall vote. I would urge a ''no'' vote on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The Speaker pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 209, not voting 9, as follows:

[Roll No. 313]

YEAS—216

Allard	Doolittle	King
Archer	Dornan	Kingston
Armey	Dreier	Klug
Bachus	Duncan	Knollenberg
Baker (CA)	Ehlers	Kolbe
Baker (LA)	Ehrlich	LaHood
Ballenger	Ensign	Latham
Barr	Everett	Laughlin
Barrett (NE)	Ewing	Lazio
Bartlett	Fawell	Leach
Barton	Fields (TX)	Lewis (CA)
Bass	Foley	Lewis (KY)
Bateman	Forbes	Lightfoot
Bereuter	Fowler	Linder
Bilbray	Fox	Livingston
Bilirakis	Franks (NJ)	LoBiondo
Bliley	Frelinghuysen	Lucas
Boehlert	Frisa	Manzullo
Boehner	Funderburk	McCollum
Bonilla	Gallegly	McCrery
Bono	Ganske	McHugh
Brewster	Gekas	McInnis
Brownback	Geren	McIntosh
Bryant (TN)	Gilchrest	McKeon
Bunn	Gillmor	Metcalf
Bunning	Gilman	Meyers
Burr	Gingrich	Mica
Burton	Goodlatte	Miller (FL)
Buyer	Goodling	Molinari
Callahan	Goss	Montgomery
Calvert	Graham	Moorhead
Camp	Greene (UT)	Morella
Campbell	Greenwood	Myers
Canady	Gunderson	Myrick
Castle	Gutknecht	Nethercutt
Chabot	Hall (TX)	Ney
Chambliss	Hansen	Norwood
Chenoweth	Hastert	Nussle
Christensen	Hastings (WA)	Oxley
Chrysler	Hayworth	Packard
Clinger	Hilleary	Parker
Coble	Hobson	Paxon
Coburn	Hoke	Petri
Collins (GA)	Horn	Pombo
Combest	Hostettler	Porter
Condit	Houghton	Portman
Cox	Hunter	Pryce
Crane	Hutchinson	Quillen
Crapo	Hyde	Radanovich
Cremeans	Inglis	Ramstad
Cubin	Istook	Regula
Cunningham	Jacobs	Riggs
Davis	Johnson (CT)	Roberts
de la Garza	Johnson, Sam	Rogers
Deal	Jones	Rohrabacher
DeLay	Kasich	Ros-Lehtinen
Diaz-Balart	Kelly	Roth
Dickey	Kim	Roukema
Royce	Smith (WA)	Vucanovich
Salmon	Solomon	Walker
Saxton	Spence	Walsh
Schaefer	Stearns	Wamp
Schiff	Stockman	Watts (OK)
Seastrand	Stump	Weldon (FL)
Shadegg	Talent	Weldon (PA)
Shaw	Tate	Weller
Shays	Tauzin	White
Shuster	Taylor (NC)	Whitfield
Skeen	Thomas	Wicker
Smith (MI)	Thornberry	Wolf
Smith (NJ)	Tiahrt	Young (AK)
Smith (TX)	Upton	Zeliff

NAYS—209

Abercrombie	Green (TX)	Ortiz
Ackerman	Gutierrez	Orton
Andrews	Hamilton	Owens
Baesler	Hancock	Pallone
Baldacci	Harman	Pastor
Barcia	Hastings (FL)	Payne (NJ)
Barrett (WI)	Hefley	Payne (VA)
Becerra	Hefner	Pelosi
Beilenson	Heineman	Peterson (FL)
Bentsen	Herger	Peterson (MN)
Berman	Hilliard	Pickett
Bevill	Hinchey	Pomeroy
Bishop	Hoekstra	Poshard
Blumenauer	Holden	Quinn
Blute	Hoyer	Rahall
Bonior	Jackson (IL)	Rangel
Borski	Jackson-Lee (TX)	Reed
Boucher	Jefferson	Richardson
Browder	Johnson (SD)	Rivers
Brown (CA)	Johnson, E.B.	Roemer
Brown (FL)	Johnston	Rose
Brown (OH)	Kanjorski	Roybal-Allard
Bryant (TX)	Kaptur	Rush
Cardin	Kennedy (MA)	Sabo
Chapman	Kennedy (RI)	Sanders
Clay	Kennelly	Sanford
Clayton	Kildee	Sawyer
Clement	Kleczka	Scarborough
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (MI)	Lantos	Scott
Conyers	Largent	Sensenbrenner
Cooley	LaTourette	Serrano
Costello	Levin	Sisisky
Coyne	Lewis (GA)	Skaggs
Cramer	Lipinski	Skelton
Cummings	Lofgren	Slaughter
Danner	Longley	Souder
DeFazio	Lowey	Spratt
DeLauro	Luther	Stark
Dellums	Maloney	Stenholm
Deutsch	Manton	Stokes
Dicks	Markey	Studds
Dingell	Martinez	Stupak
Dixon	Martini	Tanner
Doggett	Mascara	Taylor (MS)
Dooley	Matsui	Tejeda
Doyle	McCarthy	Thompson
Durbin	McDermott	Thornton
Edwards	McHale	Thurman
Engel	McKinney	Torkildsen
English	McNulty	Torres
Eshoo	Meehan	Torricelli
Evans	Meek	Towns
Farr	Menendez	Traficant
Fattah	Millender-McDonald	Velazquez
Fazio	Miller (CA)	Vento
Fields (LA)	Minge	Visclosky
Filner	Mink	Volkmer
Flake	Moakley	Ward
Flanagan	Mollohan	Waters
Foglietta	Moran	Watt (NC)
Ford	Murtha	Waxman
Frank (MA)	Nadler	Williams
Franks (CT)	Neal	Wilson
Frost	Neumann	Wise
Furse	Oberstar	Woolsey
Gejdenson	Obey	Wynn
Gephardt	Olver	Zimmer
Gonzalez		
Gordon		

NOT VOTING—9

Collins (IL)	Hall (OH)	McDade
Dunn	Hayes	Yates
Gibbons	Lincoln	Young (FL)

□ 0035

Mr. LARGENT and Mr. SANFORD changed their vote from ''aye'' to ''no.''

Mr. JACOBS and Mr. FORBES changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 3755, and that I may include tabular and extraneous material.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3755, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. PORTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3755, the Clerk be authorized to make technical and conforming changes in the bill to reflect the actions of the House.

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

There was no objection.

TABLE SHOWING AMOUNTS IN H.R. 3755, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997, AS PASSED BY THE HOUSE

Mr. PORTER. Mr. Speaker, I ask unanimous consent to submit a table showing the amounts included in the bill, as passed.

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

There was no objection.

The table referred to is as follows:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
200	TITLE I - DEPARTMENT OF LABOR							200
250	EMPLOYMENT AND TRAINING ADMINISTRATION							250
1000	TRAINING AND EMPLOYMENT SERVICES 1/							1000
1050	Grants to States:							1050
1100	Adult training	850,000	947,000	845,000	-5,000	-102,000	D	1100
1150	Youth training	126,672	126,672	126,672	---	---	D	1150
1260	Summer youth employment and training program 3/	625,000	871,000	625,000	---	-246,000	D	1260
1340	Dislocated worker assistance:							1340
1350	Forward funding	1,097,500	1,293,000	1,100,000	+2,500	-193,000	D	1350
1360	Current funding 3/	2,500	---	---	-2,500	---	D	1360
1410	Subtotal	1,100,000	1,293,000	1,100,000	---	-193,000		1410
1450	Federally administered programs:							1450
1500	Native Americans	52,502	50,000	50,000	-2,502	---	D	1500
1550	Migrants and seasonal farmworkers	69,285	65,000	65,000	-4,285	---	D	1550
1600	Job Corps:							1600
1650	Operations	972,475	1,064,824	1,064,824	+92,349	---	D	1650
1800	Construction and renovation 2/	121,467	88,685	73,861	-47,606	-14,824	D	1800
1850	Subtotal, Job Corps	1,093,942	1,153,509	1,138,685	+44,743	-14,824		1850
1950	Veterans' employment	7,300	7,300	7,300	---	---	D	1950
2000	1/ Forward funded except where noted.							2000
2010	2/ 3 year availability.							2010
2020	3/ Current funded.							2020

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
2100	National activities:							2100
2150	Pilots and demonstrations	27,140	23,717	15,000	-12,140	-8,717	D	2150
2200	Research, demonstration and evaluation	6,196	10,196	6,196	---	-4,000	D	2200
2210	Opportunity areas for youth	---	250,000	---	---	-250,000	D	2210
2225	Jobs for residents	---	50,000	---	---	-50,000	D	2225
2240	Incumbent worker demonstrations	---	15,000	---	---	-15,000	D	2240
2250	Other	13,489	8,019	8,019	-5,470	---	D	2250
2300	Subtotal, National activities	46,825	356,932	29,215	-17,610	-327,717		2300
2350	Subtotal, Federal activities	1,269,854	1,632,741	1,290,200	+20,346	-342,541		2350
2400	Total, Job Training Partnership Act	3,971,526	4,870,413	3,986,872	+15,346	-883,541		2400
2500	Glass Ceiling Commission 1/	142	---	---	-142	---	D	2500
2550	Women in apprenticeship 1/	610	647	610	---	-37	D	2550
2650	Skills Standards	4,000	9,000	4,000	---	-5,000	D	2650
2675	Total, National activities, TES (non-add)	(51,577)	(366,579)	(33,825)	(-17,752)	(-332,754)		2675
2700	School-to-work 2/	170,000	200,000	175,000	+5,000	-25,000	D	2700
2750	Total, Training and Employment Services	4,146,278	5,080,060	4,166,482	+20,204	-913,578		2750
2800	Subtotal, forward funded	(3,518,026)	(4,208,413)	(3,540,872)	(+22,846)	(-667,541)		2800

3050 1/ Current funded. 3050

3060 2/ 15-month availability. 3060

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LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
3305	COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS 1/..	373,000	350,000	373,000	---	+23,000	D	3305 UA
3400	FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES							3400
3450	Trade adjustment.....	279,600	276,100	276,100	-3,500	---	M	3450
3500	NAFTA activities.....	66,500	48,400	48,400	-18,100	---	M	3500
3550	Total.....	346,100	324,500	324,500	-21,600	---		3550
3600	STATE UNEMPLOYMENT INSURANCE AND							3600
3650	EMPLOYMENT SERVICE OPERATIONS							3650
3700	Unemployment Compensation (Trust Funds):							3700
3750	State Operations.....	(2,080,520)	(2,224,974)	(2,076,735)	(-3,785)	(-148,239)	TF*	3750
3900	National Activities.....	(10,000)	(10,000)	(8,500)	(-1,500)	(-1,500)	TF*	3900
3950	Contingency.....	(216,333)	(260,573)	(260,573)	(+44,240)	---	TF*	3950
4000	Contingency bill language (OMB estimate).....	---	(67,800)	---	---	(-67,800)	NA	4000
4050	Portion treated as budget authority.....	---	(67,800)	---	---	(-67,800)	TF*	4050
4100	Subtotal, Unemployment Comp (trust funds)...	(2,306,853)	(2,563,347)	(2,345,808)	(+38,955)	(-217,539)		4100

4120 1/ Request proposes transfer of these funds to the 4120
4130 Administration on Aging in the Dept of HHS. 4130

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
4150	Employment Service:							4150
4200	Allotments to States:							4200
4250	Federal funds	23,452	24,085	22,279	-1,173	-1,806	D	4250
4300	Trust funds	(738,283)	(758,217)	(701,369)	(-36,914)	(-56,848)	TF*	4300
4350	Subtotal	761,735	782,302	723,648	-38,087	-58,654		4350
4400	National Activities:							4400
4450	Federal funds	1,876	1,927	---	-1,876	-1,927	D	4450
4500	Trust funds	(57,058)	(63,949)	(42,735)	(-14,323)	(-21,214)	TF*	4500
4555	Subtotal, Emp. Serv., National Activities.	58,934	65,876	42,735	-16,199	-23,141		4555
4650	Subtotal, Employment Service	820,669	848,178	766,383	-54,286	-81,795		4650
4700	Federal funds	25,328	26,012	22,279	-3,049	-3,733		4700
4750	Trust funds	(795,341)	(822,166)	(744,104)	(-51,237)	(-78,062)		4750
4775	One-stop Career Centers	110,000	150,000	110,000	---	-40,000	D	4775
4800	Total, State Unemployment	3,237,522	3,561,525	3,222,191	-15,331	-339,334		4800
4850	Federal Funds	135,328	176,012	132,279	-3,049	-43,733		4850
4900	Trust Funds	(3,102,194)	(3,385,513)	(3,089,912)	(-12,282)	(-295,601)		4900
4950	ADVANCES TO UNEMPLOYMENT TRUST FUND & OTHER FUNDS 1/.	369,000	373,000	373,000	+4,000	---	M	4950
4955	ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST							4955
4956	FUND	(-56,300)	---	---	(+56,300)	---	NA	4956
4958	PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	(-266,000)	---	---	(+266,000)	---	NA	4958

4960 1/ 2 year availability. 4960

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
4970	PROGRAM ADMINISTRATION							4970
5000	Adult employment and training	25,619	26,091	25,107	-512	-984	D	5000
5010	Trust funds	(2,283)	(2,354)	(2,237)	(-46)	(-117)	TF*	5010
5020	Youth employment and training	29,441	29,990	28,852	-589	-1,138	D	5020
5030	Employment security	6,057	6,323	5,936	-121	-387	D	5030
5040	Trust funds	(37,167)	(37,274)	(36,424)	(-743)	(-850)	TF*	5040
5050	Apprenticeship services	16,129	16,689	15,806	-323	-883	D	5050
5060	Executive direction	5,808	5,614	5,692	-116	+78	D	5060
5070	Trust funds	(1,343)	(1,346)	(1,316)	(-27)	(-30)	TF*	5070
5100	Total, Program Administration	123,847	125,681	121,370	-2,477	-4,311		5100
5110	Federal funds	83,054	84,707	81,393	-1,661	-3,314		5110
5120	Trust funds	(40,793)	(40,974)	(39,977)	(-816)	(-997)		5120
5200	Total, Employment & Training Administration	8,595,747	9,814,766	8,580,543	-15,204	-1,234,223		5200
5250	Federal funds	5,452,760	6,388,279	5,450,654	-2,106	-937,625		5250
5500	Trust funds	(3,142,987)	(3,426,487)	(3,129,889)	(-13,098)	(-296,598)		5500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
5900	PENSION AND WELFARE BENEFITS ADMINISTRATION							5900
5950	SALARIES AND EXPENSES 1/							5950
6000	Enforcement and compliance	51,712	67,430	50,978	-734	-16,452	D	6000
6050	Policy, regulation and public service	11,831	14,261	11,594	-237	-2,667	D	6050
6100	Program oversight	3,583	3,758	3,511	-72	-247	D	6100
6200	Total, PWBA	67,126	85,449	66,083	-1,043	-19,366		6200
6250	PENSION BENEFIT GUARANTY CORPORATION							6250
6300 6350	Program Administration subject to limitation (Trust Funds)	(10,557)	(12,043)	(135,720)	(+125,163)	(+123,677)	TF	6300 6350
6400 6450	Services related to terminations not subject to limitations (non-add)	(127,933)	(128,496)	---	(-127,933)	(-128,496)	NA	6400 6450
6500	Total, PBGC	(138,490)	(140,539)	(135,720)	(-2,770)	(-4,819)		6500
6520 6530	1/ Budget requests $9 million to remain available through Sept. 30, 1998.							6520 6530

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
6550	EMPLOYMENT STANDARDS ADMINISTRATION							6550
6600	SALARIES AND EXPENSES							6600
6650	Enforcement of wage and hour standards	99,751	118,704	102,756	+3,005	-15,948	D	6650
6675	Office of Labor-Management Standards	23,992	29,084	23,512	-480	-5,572	D	6675
6700	Federal contractor EEO standards enforcement	56,171	65,460	55,048	-1,123	-10,412	D	6700
6750	Federal programs for workers' compensation	73,159	80,222	71,696	-1,463	-8,526	D	6750
6800	Trust funds	(1,003)	(1,057)	(983)	(-20)	(-74)	TF	6800
6850	Program direction and support	10,622	11,386	10,410	-212	-976	D	6850
7000	Total, salaries and expenses	264,698	305,913	264,405	-293	-41,508		7000
7050	Federal funds	263,695	304,856	263,422	-273	-41,434		7050
7100	Trust funds	(1,003)	(1,057)	(983)	(-20)	(-74)		7100
7150	SPECIAL BENEFITS							7150
7200	Federal employees compensation benefits	214,000	209,000	209,000	-5,000	---	M	7200
7250	Longshore and harbor workers' benefits	4,000	4,000	4,000	---	---	M	7250
7300	Total, Special Benefits	218,000	213,000	213,000	-5,000	---		7300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
7350	BLACK LUNG DISABILITY TRUST FUND							7350
7400	Benefit payments and interest on advances	949,494	961,665	961,665	+12,171	---	M	7400
7450	Employment Standards Admin., salaries & expenses	27,193	26,071	26,071	-1,122	---	M	7450
7500	Departmental Management, salaries and expenses	19,621	19,621	19,621	---	---	M	7500
7550	Departmental Management, inspector general	298	287	287	-11	---	M	7550
7600	Subtotal, Black Lung Disablty. Trust Fund, apprn	996,606	1,007,644	1,007,644	+11,038	---		7600
7650	Treasury administrative costs (indefinite)	756	356	356	-400	---	M	7650
7750	Total, Black Lung Disability Trust Fund	997,362	1,008,000	1,008,000	+10,638	---		7750
7800	Total, Employment Standards Administration	1,480,060	1,526,913	1,485,405	+5,345	-41,508		7800
7850	Federal funds	1,479,057	1,525,856	1,484,422	+5,365	-41,434		7850
7900	Trust funds	(1,003)	(1,057)	(983)	(-20)	(-74)		7900
7950	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							7950
8000	SALARIES AND EXPENSES							8000
8050	Safety and health standards	8,374	18,066	8,207	-167	-9,859	D	8050
8100	Enforcement:							8100
8150	Federal Enforcement	120,890	122,386	117,125	-3,765	-5,261	D	8150
8200	State programs	68,295	73,315	66,929	-1,366	-6,386	D	8200
8250	Technical Support	17,815	20,445	17,459	-356	-2,986	D	8250
8300	Compliance Assistance:							8300
8310	Federal Assistance	34,822	51,970	34,822	---	-17,148	D	8310
8320	State Consultation Grants	32,479	33,064	32,479	---	-585	D	8320
8350	Safety and health statistics	14,465	14,647	14,176	-289	-471	D	8350
8400	Executive direction and administration	6,670	6,958	6,537	-133	-421	D	8400
8500	Total, OSHA	303,810	340,851	297,734	-6,076	-43,117		8500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
8550	MINE SAFETY AND HEALTH ADMINISTRATION							8550
8600	SALARIES AND EXPENSES							8600
8650	Enforcement:							8650
8700	Coal	106,090	108,723	103,968	-2,122	-4,755	D	8700
8750	Metal/nonmetal	41,412	44,997	40,584	-828	-4,413	D	8750
8800	Standards development	1,008	1,303	988	-20	-315	D	8800
8850	Assessments	3,497	3,840	3,427	-70	-413	D	8850
8900	Educational policy and development	14,782	14,800	14,486	-296	-314	D	8900
8950	Technical support	21,268	21,950	20,843	-425	-1,107	D	8950
9000	Program administration	7,667	8,569	7,514	-153	-1,055	D	9000
9150	Total, Mine Safety and Health Administration	195,724	204,182	191,810	-3,914	-12,372		9150
9200	BUREAU OF LABOR STATISTICS							9200
9250	SALARIES AND EXPENSES							9250
9300	Employment and Unemployment Statistics	97,155	111,426	97,624	+469	-13,802	D	9300
9350	Labor Market Information (Trust Funds)	(51,278)	(52,053)	(52,053)	(+775)	---	TF*	9350
9400	Prices and cost of living	96,322	101,825	98,107	+1,785	-3,718	D	9400
9450	Compensation and working conditions	53,444	55,617	56,834	+3,390	+1,217	D	9450
9500	Productivity and technology	6,974	7,263	7,180	+206	-83	D	9500
9550	Economic growth and employment projections	4,451	4,640	4,582	+131	-58	D	9550
9600	Executive direction and staff services	21,896	23,462	22,175	+279	-1,287	D	9600
9700	Consumer Price Index Revision 1/	11,549	16,145	16,145	+4,596	---	D	9700
9800	Total, Bureau of Labor Statistics	343,069	372,431	354,700	+11,631	-17,731		9800
9850	Federal Funds	291,791	320,378	302,647	+10,856	-17,731		9850
9900	Trust Funds	(51,278)	(52,053)	(52,053)	(+775)	---		9900
9920	1/ 2 year availability.							9920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
9950	DEPARTMENTAL MANAGEMENT							9950
10000	SALARIES AND EXPENSES							10000
10050	Executive direction	18,641	19,368	20,268	+1,627	+900	D	10050
10100	Legal services	58,072	61,510	56,911	-1,161	-4,599	D	10100
10150	Trust funds	(303)	(303)	(297)	(-6)	(-6)	TF*	10150
10200	International labor affairs	9,900	9,465	6,000	-3,900	-3,465	D	10200
10250	Administration and management	13,904	13,916	13,626	-278	-290	D	10250
10300	Adjudication	20,500	20,895	20,090	-410	-805	D	10300
10350	Promoting employment of people with disabilities	4,358	4,389	4,271	-87	-118	D	10350
10400	Women's Bureau	7,743	7,751	7,588	-155	-163	D	10400
10450	Civil Rights Activities	4,535	4,541	4,444	-91	-97	D	10450
10500	Chief Financial Officer	4,394	4,399	4,306	-88	-93	D	10500
10600	Total, Salaries and expenses	142,350	146,537	137,801	-4,549	-8,736		10600
10650	Federal funds	142,047	146,234	137,504	-4,543	-8,730		10650
10700	Trust funds	(303)	(303)	(297)	(-6)	(-6)		10700
10750	VETERANS EMPLOYMENT AND TRAINING							10750
10800	State Administration:							10800
10850	Disabled Veterans Outreach Program	(76,913)	(81,993)	(81,993)	(+5,080)	---	TF*	10850
10900	Local Veterans Employment Program	(71,386)	(75,125)	(75,125)	(+3,739)	---	TF*	10900
10950	Subtotal, State Administration	(148,299)	(157,118)	(157,118)	(+8,819)	---		10950
11000	Federal Administration	(19,419)	(21,752)	(22,831)	(+3,412)	(+1,079)	TF*	11000
11050	National Veterans Training Institute	(2,672)	---	(2,000)	(-672)	(+2,000)	TF*	11050
11100	Total, Trust Funds	(170,390)	(178,870)	(181,949)	(+11,559)	(+3,079)		11100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
11150	REINVENTION INVESTMENT FUND	---	3,900	---	---	-3,900	D	11150
11200	OFFICE OF THE INSPECTOR GENERAL							11200
11300	Program activities	37,622	38,117	36,270	-1,352	-1,847	D	11300
11350	Trust funds	(3,615)	(3,615)	(3,543)	(-72)	(-72)	TF*	11350
11400	Executive Direction and Management	6,804	6,355	6,668	-136	+313	D	11400
11550	Total, Office of the Inspector General	48,041	48,087	46,481	-1,560	-1,606		11550
11600	Federal funds	44,426	44,472	42,938	-1,488	-1,534		11600
11650	Trust funds	(3,615)	(3,615)	(3,543)	(-72)	(-72)		11650
11700	Total, Departmental Management	360,781	377,394	366,231	+5,450	-11,163		11700
11750	Federal funds	186,473	194,606	180,442	-6,031	-14,164		11750
11800	Trust funds	(174,308)	(182,788)	(185,789)	(+11,481)	(+3,001)		11800
11900	Total, Labor Department 1/	11,356,874	12,734,029	11,478,226	+121,352	-1,255,803		11900
11950	Federal funds	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809		11950
12200	Trust funds	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)		12200
12400	1/ Includes Federal and Trust funds.							12400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
12450	TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES							12450
12475	HEALTH RESOURCES AND SERVICES ADMINISTRATION							12475
12500	HEALTH RESOURCES AND SERVICES							12500
12525	Consolidated health centers	758,132	---	802,124	+43,992	+802,124	D	12525 UA
12650	Health Centers Cluster (proposed legislation)	---	757,124	---	---	-757,124	D	12650 UA
12675	Subtotal, Health Centers Activities	758,132	757,124	802,124	+43,992	+45,000		12675
12900	National Health Service Corps:							12900
12925	Field placements	37,244	---	37,244	---	+37,244	D	12925
12935	Recruitment	75,189	---	78,189	+3,000	+78,189	D	12935
12940	Subtotal, National Health Service Corps	112,433	---	115,433	+3,000	+115,433		12940
13000	Note: All HHS accounts are current funded unless otherwise noted.							13000 13005

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
13020	Health Professions							13020
13032	Grants to communities for scholarships	474	---	532	+58	+532	D	13032 UA
13035	Health professions data system	212	---	238	+26	+238	D	13035 UA
13040	Nurse loan repayment for shortage area service	1,962	---	2,197	+235	+2,197	D	13040 UA
13100	Workforce Development Cluster (proposed leg)	---	117,205	---	---	-117,205	D	13100 UA
13175	Centers of excellence	22,072	---	24,718	+2,646	+24,718	D	13175 UA
13200	Health careers opportunity program	23,918	---	26,785	+2,867	+26,785	D	13200 UA
13225	Exceptional financial need scholarships	10,120	---	11,333	+1,213	+11,333	D	13225 UA
13250	Faculty loan repayment	947	---	1,061	+114	+1,061	D	13250 UA
13275	Fin assistance for disadvantaged HP students	5,999	---	6,718	+719	+6,718	D	13275 UA
13325	Scholarships for disadvantaged students	16,677	---	18,676	+1,999	+18,676	D	13325 UA
13350	Minority / Disadvantaged Cluster (proposed leg)	---	64,085	---	---	-64,085	D	13350 UA
13575	Family medicine training / departments	44,002	---	49,277	+5,275	+49,277	D	13575 UA
13600	General internal medicine and pediatrics	15,741	---	17,628	+1,887	+17,628	D	13600 UA
13625	Physician assistants	5,697	---	6,380	+683	+6,380	D	13625 UA
13650	Public health and preventive medicine	7,148	---	8,005	+857	+8,005	D	13650 UA
13675	Health administration traineeships / projects	978	---	1,095	+117	+1,095	D	13675 UA
13699 13700	Primary Care Medicine and Public Health Cluster (proposed legislation)	---	80,000	---	---	-80,000	D	13699 13700 UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
13710	Area health education centers	23,123	---	28,495	+5,372	+28,495	D	13710 UA
13720	Border health training centers	3,350	---	3,752	+402	+3,752	D	13720 UA
13730	General dentistry residencies	3,381	---	3,786	+405	+3,786	D	13730 UA
13740	Allied health special projects	3,424	---	3,834	+410	+3,834	D	13740 UA
13750	Geriatric education centers and training	7,933	---	8,884	+951	+8,884	D	13750 UA
13760	Rural interdisciplinary traineeships	3,709	---	4,154	+445	+4,154	D	13760 UA
13770	Podiatric medicine	605	---	678	+73	+678	D	13770 UA
13775	Chiropractic demonstration grants	916	---	1,026	+110	+1,026	D	13775 UA
13779 13780	Enhanced Area Health Education Cluster (proposed legislation)	---	35,000	---	---	-35,000	D	13779 13780 UA
13790	Advanced nurse education	11,134	---	12,469	+1,335	+12,469	D	13790 UA
13800	Nurse practitioners / nurse midwives	15,460	---	17,588	+2,128	+17,588	D	13800 UA
13825	Special projects	9,436	---	10,567	+1,131	+10,567	D	13825 UA
13850	Nurse disadvantaged assistance	3,453	---	3,867	+414	+3,867	D	13850 UA
13875	Professional nurse traineeships	14,235	---	15,942	+1,707	+15,942	D	13875 UA
13900	Nurse anesthetists	2,469	---	2,765	+296	+2,765	D	13900 UA
13924 13925	Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	70,000	---	---	-70,000	D	13924 13925 UA
14300	Subtotal, Health professions	258,575	366,290	292,450	+33,875	-73,840		14300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
14400	Other HRSA Programs:							14400
14425	Hansen's disease services	17,094	16,371	17,094	---	+723	D	14425
14450	Maternal & child health block grant	678,204	681,061	681,061	+2,857	---	D	14450
14475	Healthy start	92,816	74,838	---	-92,816	-74,838	D	14475
14500	Organ transplantation	2,069	2,296	2,400	+331	+104	D	14500 UA
14525	Health teaching facilities interest subsidies	411	297	297	-114	---	D	14525 UA
14550	Bone marrow program	15,272	15,332	15,272	---	-60	D	14550 UA
14575	Rural outreach grants	27,797	30,254	4,000	-23,797	-26,254	D	14575
14675	Emergency medical services for children	10,755	---	12,500	+1,745	+12,500	D	14675
14699	Emergency Medical Services (EMS) Cluster (proposed							14699
14700	legislation)	---	9,333	---	---	-9,333	D	14700
14725	Black lung clinics	3,811	---	3,900	+89	+3,900	D	14725
14750	Alzheimers demonstration grants	3,980	---	6,000	+2,020	+6,000	D	14750 UA
14775	Payment to Hawaii, treatment of Hansen's Disease	2,045	---	2,045	---	+2,045	D	14775
14800	Pacific Basin initiative	1,200	---	---	-1,200	---	D	14800 UA
14850	Special Populations Cluster (proposed legislation)	---	7,485	---	---	-7,485	D	14850

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
15000	Ryan White AIDS Programs:							15000
15100	Emergency assistance	391,700	423,943	401,700	+10,000	-22,243	D	15100
15125	Comprehensive care programs	260,847	284,954	290,847	+30,000	+5,893	D	15125
15150	Early intervention program	56,918	64,568	61,918	+5,000	-2,650	D	15150
15175	Pediatric demonstrations	29,000	34,000	34,000	+5,000	---	D	15175
15200	AIDS dental services	6,937	6,937	7,500	+563	+563	D	15200
15210	Education and training centers	12,000	16,287	16,287	+4,287	---	D	15210
15225	Subtotal, Ryan White AIDS programs	757,402	830,689	812,252	+54,850	-18,437		15225
15275	Family planning	192,592	198,452	192,592	---	-5,860	D	15275 UA
15300	Rural health research	9,353	7,884	7,884	-1,469	---	D	15300
15325	Health care facilities	20,000	2,000	---	-20,000	-2,000	D	15325 UA
15350	Buildings and facilities	741	828	2,828	+2,087	+2,000	D	15350
15375	National practitioner data bank	6,000	6,000	6,000	---	---	D	15375
15400	User fees	-6,000	-6,000	-6,000	---	---	D	15400
15425	Program management	112,058	112,949	112,058	---	-891	D	15425
15500	Total, Health resources and services	3,076,740	3,113,483	3,082,190	+5,450	-31,293		15500

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
15575	MEDICAL FACILITIES GUARANTEE AND LOAN FUND:							15575
15600	Interest subsidy program	8,000	7,000	7,000	-1,000	---	M	15600
15625	HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):							15625
15650	New loan subsidies	126	477	477	+351	---	M	15650
15675	Liquidating account (non-add)	---	(14,481)	(14,481)	(+14,481)	---	NA	15675
15700	HEAL loan limitation (non-add)	(210,000)	(140,000)	(140,000)	(-70,000)	---	NA	15700 UA
15725	Program management	2,688	2,695	2,688	---	-7	D	15725
15750	Total, HEAL	2,814	3,172	3,165	+351	-7		15750
15775	VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:							15775
15800	Post - FY88 claims (trust fund)	56,721	56,721	56,721	---	---	M	15800
15825	HRSA administration (trust fund)	3,000	3,000	3,000	---	---	M	15825 UA
15850	Subtotal, Vaccine injury compensation trust fund	59,721	59,721	59,721	---	---		15850
15875	VACCINE INJURY COMPENSATION:							15875
15900	Pre - FY89 claims (appropriation)	110,000	110,000	110,000	---	---	M	15900
15925	Total, Vaccine injury	169,721	169,721	169,721	---	---		15925
15950	Total, Health Resources & Services Admin	3,257,275	3,293,376	3,262,076	+4,801	-31,300		15950

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request		
18600	CENTERS FOR DISEASE CONTROL							18600
18650	DISEASE CONTROL, RESEARCH AND TRAINING							18650
18700	Preventive Health Services Block Grant	145,229	145,229	157,000	+11,771	+11,771	D	18700
18800	Prevention centers	8,099	7,106	7,106	-993	---	D	18800
18900	CDC/HCFA vaccine program:							18900
18950	Immunization partnership grant (proposed leg)	---	176,656	---	---	-176,656	D	18950
19000	Childhood immunization	467,890	311,237	467,890	---	+156,653	D	19000 UA
19075	HCFA vaccine purchase (non-add)	(409,759)	(523,952)	(523,952)	(+114,193)	---	NA	19075
19080	Subtotal, CDC/HCFA vaccine program level	(877,649)	(1,011,845)	(991,842)	(+114,193)	(-20,003)		19080
19090	1995 Vaccine rescission (non-add)	(-53,000)	---	---	(+53,000)	---	NA	19090
19100	HIV partnership grant (proposed legislation)	---	297,875	---	---	-297,875	D	19100
19120	Acquired Immune Deficiency Syndrome (AIDS)	584,080	319,106	599,080	+15,000	+279,974	D	19120
19150	Subtotal	584,080	616,981	599,080	+15,000	-17,901		19150
19160	STD/TB partnership grant (proposed legislation)	---	182,290	---	---	-182,290	D	19160
19250	Tuberculosis	119,303	16,404	119,303	---	+102,899	D	19250
19300	Sexually transmitted diseases	105,299	24,578	105,299	---	+80,721	D	19300 UA
19350	Subtotal	224,602	223,272	224,602	---	+1,330		19350
19390	Chronic diseases:							19390
19400	Chronic diseases partnership grant (proposed leg)	---	117,351	---	---	-117,351	D	19400
19450	Chronic and environmental disease prevention	143,744	106,156	155,000	+11,256	+48,844	D	19450
19500	Breast and cervical cancer screening	124,670	44,677	134,670	+10,000	+89,993	D	19500
19550	Subtotal, Chronic diseases	268,414	268,184	289,670	+21,256	+21,486		19550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
19600	Infectious disease	62,153	87,820	82,153	+20,000	-5,667	D	19600
19650	Lead poisoning prevention	36,188	36,188	38,188	+2,000	+2,000	D	19650
19700	Injury control	43,198	43,198	40,598	-2,600	-2,600	D	19700
19925	Occupational Safety and Health (NIOSH)	128,623	136,584	128,623	---	-7,961	D	19925
19960	Mine safety and health 1/	---	32,000	---	---	-32,000	D	19960
20000	Epidemic services	67,410	67,413	67,413	+3	---	D	20000
20050	National Center for Health Statistics:							20050
20100	Program operations	37,398	35,400	40,063	+2,665	+4,663	D	20100
20200	1% evaluation funds (non-add)	(40,063)	(53,063)	(48,400)	(+8,337)	(-4,663)	NA	20200
20250	Subtotal, health statistics	(77,461)	(88,463)	(88,463)	(+11,002)	---		20250
20300	Buildings and facilities	4,353	8,353	8,353	+4,000	---	D	20300
20325	Program management	2,637	2,637	2,637	---	---	D	20325
20385	Subtotal, Centers for Disease Control	2,080,274	2,198,258	2,153,376	+73,102	-44,882		20385
20410	Crime Bill Activities:							20410
20420	Rape prevention and education	28,542	35,000	28,642	+100	-6,358	D	20420
20430	Domestic violence community demonstrations	3,000	6,000	5,000	+2,000	-1,000	D	20430
20440	Crime victim study	100	---	---	-100	---	D	20440
20450	Subtotal, Crime bill activities	31,642	41,000	33,642	+2,000	-7,358		20450
20460	Total, Disease Control	2,111,916	2,239,258	2,187,018	+75,102	-52,240		20460

20465 1/ Budget requests transfer of this activity from the 20465
20466 Bureau of Mines to CDC in FY 1997. 20466

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
20650	NATIONAL INSTITUTES OF HEALTH							20650
20850	National Cancer Institute	2,248,000	2,060,392	2,385,741	+137,741	+325,349	D	20850
20900	Transfer, Office of AIDS Research	---	(220,539)	---	---	(-220,539)	NA	20900
21000	Subtotal	(2,248,000)	(2,280,931)	(2,385,741)	(+137,741)	(+104,810)		21000
21100	National Heart, Lung, and Blood Institute	1,354,946	1,320,555	1,438,265	+83,319	+117,710	D	21100
21150	Transfer, Office of AIDS Research	---	(58,115)	---	---	(-58,115)	NA	21150
21250	Subtotal	(1,354,946)	(1,378,670)	(1,438,265)	(+83,319)	(+59,595)		21250
21350	National Institute of Dental Research	182,923	174,463	195,596	+12,673	+21,133	D	21350
21400	Transfer, Office of AIDS Research	---	(12,318)	---	---	(-12,318)	NA	21400
21500	Subtotal	(182,923)	(186,781)	(195,596)	(+12,673)	(+8,815)		21500
21550 21600	National Institute of Diabetes and Digestive and Kidney Diseases	770,582	772,975	819,224	+48,642	+46,249	D	21550 21600
21650	Transfer, Office of AIDS Research	---	(11,948)	---	---	(-11,948)	NA	21650
21800	Subtotal	(770,582)	(784,923)	(819,224)	(+48,642)	(+34,301)		21800
21850 21900	National Institute of Neurological Disorders and Stroke	680,902	671,148	725,478	+44,576	+54,330	D	21850 21900
22000	Transfer, Office of AIDS Research	---	(23,950)	---	---	(-23,950)	NA	22000
22100	Subtotal	(680,902)	(695,098)	(725,478)	(+44,576)	(+30,380)		22100

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
22200	National Institute of Allergy and Infectious Diseases.	1,168,483	584,362	1,256,149	+87,666	+671,787	D	22200
22250	Transfer, Office of AIDS Research.....	---	(624,368)	---	---	(-624,368)	NA	22250
22300	Subtotal.....	(1,168,483)	(1,208,730)	(1,256,149)	(+87,666)	(+47,419)		22300
22450	National Institute of General Medical Sciences.....	946,896	936,573	1,003,722	+56,826	+67,149	D	22450
22500	Transfer, Office of AIDS Research.....	---	(27,050)	---	---	(-27,050)	NA	22500
22600	Subtotal.....	(946,896)	(963,623)	(1,003,722)	(+56,826)	(+40,099)		22600
22650 22750	National Institute of Child Health and Human Development.....	594,547	543,441	631,989	+37,442	+88,548	D	22650 22750
22800	Transfer, Office of AIDS Research.....	---	(60,209)	---	---	(-60,209)	NA	22800
22900	Subtotal.....	(594,547)	(603,650)	(631,989)	(+37,442)	(+28,339)		22900
23000	National Eye Institute.....	313,933	310,072	333,131	+19,198	+23,059	D	23000
23050	Transfer, Office of AIDS Research.....	---	(9,135)	---	---	(-9,135)	NA	23050
23150	Subtotal.....	(313,933)	(319,207)	(333,131)	(+19,198)	(+13,924)		23150
23250	National Institute of Environmental Health Sciences...	288,378	289,114	308,258	+19,880	+19,144	D	23250
23300	Transfer, Office of AIDS Research.....	---	(6,028)	---	---	(-6,028)	NA	23300
23400	Subtotal.....	(288,378)	(295,142)	(308,258)	(+19,880)	(+13,116)		23400
23500	National Institute on Aging.....	453,541	461,541	484,375	+30,834	+22,834	D	23500
23550	Transfer, Office of AIDS Research.....	---	(1,824)	---	---	(-1,824)	NA	23550
23650	Subtotal.....	(453,541)	(463,365)	(484,375)	(+30,834)	(+21,010)		23650

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
23700	National Institute of Arthritis and Musculoskeletal							23700
23800	and Skin Diseases	242,655	243,169	257,637	+14,982	+14,468	D	23800
23850	Transfer, Office of AIDS Research	---	(3,972)	---	---	(-3,972)	NA	23850
23950	Subtotal	(242,655)	(247,141)	(257,637)	(+14,982)	(+10,496)		23950
24000	National Institute on Deafness and Other Communication							24000
24100	Disorders	176,383	179,090	189,243	+12,860	+10,153	D	24100
24150	Transfer, Office of AIDS Research	---	(1,726)	---	---	(-1,726)	NA	24150
24200	Subtotal	(176,383)	(180,816)	(189,243)	(+12,860)	(+8,427)		24200
24250	National Institute of Nursing Research	55,814	51,951	59,715	+3,901	+7,764	D	24250
24300	Transfer, Office of AIDS Research	---	(5,015)	---	---	(-5,015)	NA	24300
24350	Subtotal	(55,814)	(56,966)	(59,715)	(+3,901)	(+2,749)		24350
24400	National Institute on Alcohol Abuse and Alcoholism	198,401	192,280	212,079	+13,678	+19,799	D	24400
24450	Transfer, Office of AIDS Research	---	(10,334)	---	---	(-10,334)	NA	24450
24500	Subtotal	(198,401)	(202,614)	(212,079)	(+13,678)	(+9,465)		24500
24550	National Institute on Drug Abuse	458,112	312,014	487,341	+29,229	+175,327	D	24550
24600	Transfer, Office of AIDS Research	---	(154,311)	---	---	(-154,311)	NA	24600
24650	Subtotal	(458,112)	(466,325)	(487,341)	(+29,229)	(+21,016)		24650
24700	National Institute of Mental Health	660,514	578,149	701,247	+40,733	+123,098	D	24700
24750	Transfer, Office of AIDS Research	---	(93,056)	---	---	(-93,056)	NA	24750
24800	Subtotal	(660,514)	(671,205)	(701,247)	(+40,733)	(+30,042)		24800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
25175	National Center for Research Resources	390,298	309,344	416,523	+26,225	+107,179	D	25175
25180	Transfer, Office of AIDS Research	---	(68,255)	---	---	(-68,255)	NA	25180
25185	Subtotal	(390,298)	(377,599)	(416,523)	(+26,225)	(+38,924)		25185
25250	National Center for Human Genome Research	169,768	177,788	189,267	+19,499	+11,479	D	25250
25300	Transfer, Office of AIDS Research	---	(2,087)	---	---	(-2,087)	NA	25300
25400	Subtotal	(169,768)	(179,875)	(189,267)	(+19,499)	(+9,392)		25400
25450	John E. Fogarty International Center	25,327	15,790	26,707	+1,380	+10,917	D	25450
25500	Transfer, Office of AIDS Research	---	(9,757)	---	---	(-9,757)	NA	25500
25550	Subtotal	(25,327)	(25,547)	(26,707)	(+1,380)	(+1,160)		25550
25650	National Library of Medicine	140,936	143,268	150,093	+9,157	+6,825	D	25650
25700	Transfer, Office of AIDS Research	---	(3,311)	---	---	(-3,311)	NA	25700
25800	Subtotal	(140,936)	(146,579)	(150,093)	(+9,157)	(+3,514)		25800
25900	Office of the Director	260,072	226,913	275,423	+15,351	+48,510	D	25900
25925	Office of AIDS research (non-add)	(26,598)	(24,600)	(26,598)	---	(+1,998)	NA	25925
25950	Transfer, Office of AIDS Research	---	(24,600)	---	---	(-24,600)	NA	25950
26000	Subtotal	(260,072)	(251,513)	(275,423)	(+15,351)	(+23,910)		26000
26100	Buildings and facilities	146,151	390,261	200,000	+53,849	-190,261	D	26100
26110	Office of AIDS Research	---	1,431,908	---	---	-1,431,908	D	26110
26460	Total N.I.H.	11,927,562	12,376,561	12,747,203	+819,641	+370,642		26460

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
26750	SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES							26750
26800	ADMINISTRATION							26800
26850	Mental Health:							26850
26900	Knowledge development and application	38,032	62,133	38,032	---	-24,101	D	26900 UA
26950	Mental health performance partnership	275,420	275,420	275,420	---	---	D	26950 UA
27000	Children's mental health	59,927	59,958	59,927	---	-31	D	27000 UA
27150	Grants to States for the homeless (PATH)	20,000	---	20,000	---	+20,000	D	27150 UA
27250	Protection and advocacy	19,850	21,957	21,957	+2,107	---	D	27250 UA
27350	Subtotal, mental health	413,229	419,468	415,336	+2,107	-4,132		27350
27550	Substance Abuse Treatment:							27550
27600	Knowledge development and application	89,777	176,043	101,333	+11,556	-74,710	D	27600 UA
27650	Substance abuse performance partnership (BA)	1,234,107	1,271,957	1,184,107	-50,000	-87,850	D	27650 UA
27700	P.L. 104-121 funding (non-add)	---	(50,000)	(50,000)	(+50,000)	---	NA	27700 UA
28500	Subtotal, Substance Abuse Treatment (BA)	1,323,884	1,448,000	1,285,440	-38,444	-162,560		28500
28510	Program level	(1,323,884)	(1,498,000)	(1,335,440)	(+11,556)	(-162,560)		28510
28550	Substance Abuse Prevention:							28550
28600	Knowledge development and application	89,799	176,043	93,959	+4,160	-82,084	D	28600 UA
29050	Program management	56,188	54,500	54,500	-1,688	---	D	29050 UA
29250	Total, Substance Abuse and Mental Health (BA)	1,883,100	2,098,011	1,849,235	-33,865	-248,776		29250
29260	Program level	(1,883,100)	(2,148,011)	(1,899,235)	(+16,135)	(-248,776)		29260

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
30640 30650	RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS							30640 30650
30700	Retirement payments	129,808	136,421	136,421	+6,613	---	M	30700
30750	Survivors benefits	9,208	11,001	11,001	+1,793	---	M	30750
30800	Dependent's medical care	25,108	26,414	26,414	+1,306	---	M	30800
30850	Military Services Credits	2,801	2,556	2,556	-245	---	M	30850
30900	Total, Retirement pay and medical benefits	166,925	176,392	176,392	+9,467	---		30900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
31300	AGENCY FOR HEALTH CARE POLICY AND RESEARCH							31300
31350	Research on Health Care Systems Cost & Access:							31350
31400	Research	7,019	29,132	39,239	+32,220	+10,107	D	31400 UA
31410	1% evaluation funding (non-add)	(45,124)	(19,284)	---	(-45,124)	(-19,284)	NA	31410
31450	Subtotal	(52,143)	(48,416)	(39,239)	(-12,904)	(-9,177)		31450
31500	Health Insurance & Expenditure Surveys:							31500
31510	Research	---	10,000	10,000	+10,000	---	D	31510 UA
31520	1% evaluation funding (non-add)	(15,000)	(34,700)	(34,700)	(+19,700)	---	NA	31520
31550	Subtotal	(15,000)	(44,700)	(44,700)	(+29,700)	---		31550
31700	Research on Health Care Outcomes & Quality:							31700
31750	Federal funds	55,796	42,445	39,000	-16,796	-3,445	D	31750 UA
31800	Trust funds	---	(5,796)	---	---	(-5,796)	TF*	31800
31950	Subtotal	(55,796)	(48,241)	(39,000)	(-16,796)	(-9,241)		31950
32000	Program support	2,230	2,423	2,230	---	-193	D	32000 UA
32050	Total, Health Care Policy and Research:							32050
32100	Federal Funds	65,045	84,000	90,469	+25,424	+6,469		32100
32150	Trust funds	---	(5,796)	---	---	(-5,796)		32150
32200	Total, 1% evaluation funding (non-add)	(60,124)	(53,984)	(34,700)	(-25,424)	(-19,284)		32200
32250	Total, Health Care Policy & Research (non-add)	(125,169)	(143,780)	(125,169)	---	(-18,611)		32250
32600	Total, Public Health Service:							32600
32650	Federal Funds	19,411,823	20,267,598	20,312,393	+900,570	+44,795		32650
32900	Trust funds	---	(5,796)	---	---	(-5,796)		32900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
33000	HEALTH CARE FINANCING ADMINISTRATION							33000
33050	GRANTS TO STATES FOR MEDICAID 1/							33050
33100	Medicaid current law benefits	91,140,563	98,141,139	98,141,139	+7,000,576	---	M	33100
33200	State and local administration	3,742,000	4,171,923	4,171,923	+429,923	---	M	33200
33400	Subtotal, Medicaid program level, FY 1996 / 1997	94,882,563	102,313,062	102,313,062	+7,430,499	---		33400
33450	Carryover balance	-12,740,491	-1,101,094	-1,101,094	+11,639,397	---	M	33450
33500	Less funds advanced in prior year	-27,047,717	-26,155,350	-26,155,350	+892,367	---	M	33500
33550	Total, request, FY 1996 / 1997	55,094,355	75,056,618	75,056,618	+19,962,263	---		33550
33600	New advance, 1st quarter, FY 1997 / 1998	26,155,350	27,988,993	27,988,993	+1,833,643	---	M	33600
33650	PAYMENTS TO HEALTH CARE TRUST FUNDS							33650
33700	Supplemental medical insurance	55,385,000	59,456,000	59,456,000	+4,071,000	---	M	33700
33750	Hospital insurance for the uninsured	358,000	405,000	405,000	+47,000	---	M	33750
33800	Federal uninsured payment	63,000	76,000	76,000	+13,000	---	M	33800
33850	DOD adjustment	625,000	---	---	-625,000	---	M	33850
33900	SMI matching, prior year shortfall	6,737,000	---	---	-6,737,000	---	M	33900
33950	Program management	145,000	142,000	142,000	-3,000	---	M	33950
34000	Total, Payment to Trust Funds, current law	63,313,000	60,079,000	60,079,000	-3,234,000	---		34000
34005	Net Medicare trust fund/general fund cash flow (NA)	(9,200,000)	(15,000,000)	(15,000,000)	(+5,800,000)	---	NA	34005

34010 1/ Administration proposes $3,277,338,000 in
34020 legislative additions.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
34050	PROGRAM MANAGEMENT							34050
34100	Research, demonstration, and evaluation:							34100
34150	Regular program, trust funds	(40,000)	(50,810)	(42,000)	(+2,000)	(-8,810)	TF*	34150
34250	Rural hospital transition demonstrations, trust funds	(13,089)	---	---	(-13,089)	---	TF*	34250 34300
34350	Insurance Counseling	---	(4,500)	---	---	(-4,500)	TF*	34350
34450	Subtotal, research, demonstration, & evaluation.	(53,089)	(55,310)	(42,000)	(-11,089)	(-13,310)		34450
34500	Medicare contractors (Trust Funds)	(1,597,642)	(1,614,200)	(1,207,200)	(-390,442)	(-407,000)	TF*	34500
34525	H.R. 3103 funding (non-add)	---	---	(435,000)	(+435,000)	(+435,000)	NA	34525
34535	Subtotal, Contractors program level	(1,597,642)	(1,614,200)	(1,642,200)	(+44,558)	(+28,000)		34535
34550	State Survey and Certification:							34550
34600	Medicare certification, trust funds	(147,625)	(173,800)	(158,000)	(+10,375)	(-15,800)	TF*	34600
34700	Federal Administration:							34700
34750	Trust funds	(326,053)	(359,974)	(326,053)	---	(-33,921)	TF*	34750
34800	Less current law user fees	(-128)	(-132)	(-128)	---	(+4)	TF*	34800
34850	Subtotal, Federal Administration	(325,925)	(359,842)	(325,925)	---	(-33,917)		34850
34950	Total, Program management	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		34950
35250	Total, Health Care Financing Administration:							35250
35300	Federal funds	144,562,705	163,124,611	163,124,611	+18,561,906	---		35300
35350	Current year, FY 1995 / 1996	(118,407,355)	(135,135,618)	(135,135,618)	(+16,728,263)	---		35350
35400	New advance, 1st quarter, FY 1996 / 1997	(26,155,350)	(27,988,993)	(27,988,993)	(+1,833,643)	---		35400
35600	Trust funds	(2,124,281)	(2,203,152)	(1,733,125)	(-391,156)	(-470,027)		35600

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
38150	ADMINISTRATION FOR CHILDREN AND FAMILIES							38150
38200	FAMILY SUPPORT PAYMENTS TO STATES							38200
38250	Aid to Families with Dependent Children (AFDC).....	12,999,000	11,713,000	11,713,000	-1,286,000	---	M	38250
38300	Quality control liabilities.....	-71,121	-52,000	-52,000	+19,121	---	M	38300
38350	Payments to territories.....	19,428	25,000	25,000	+5,572	---	M	38350
38400	Emergency assistance.....	974,000	1,867,000	1,867,000	+893,000	---	M	38400
38450	Repatriation.....	1,000	1,000	1,000	---	---	M	38450
38550	State and local welfare administration.....	1,770,000	1,875,000	1,875,000	+105,000	---	M	38550
38600	Work activities child care.....	734,000	879,405	879,405	+145,405	---	M	38600
38650	Transitional child care.....	220,000	267,595	267,595	+47,595	---	M	38650
38700	At risk child care.....	300,000	300,000	300,000	---	---	M	38700
38750	Subtotal, Welfare payments.....	16,946,307	16,876,000	16,876,000	-70,307	---		38750
38800	Child Support Enforcement:							38800
38850	State and local administration.....	1,943,000	2,132,000	2,132,000	+189,000	---	M	38850
38900	Federal incentive payments.....	439,000	459,000	459,000	+20,000	---	M	38900
38950	Less federal share collections.....	-1,314,000	-1,366,000	-1,366,000	-52,000	---	M	38950
39000	Subtotal, Child support.....	1,068,000	1,225,000	1,225,000	+157,000	---		39000
39050	Total, Payments, FY 1996 / 1997 program level...	18,014,307	18,101,000	18,101,000	+86,693	---		39050
39100	Less funds advanced in previous years.....	-4,400,000	-4,800,000	-4,800,000	-400,000	---	M	39100
39150	Total, Payments, current request, FY 1996 /1997.	13,614,307	13,301,000	13,301,000	-313,307	---		39150
39300	New advance, 1st quarter, FY 1997 /1998.....	4,800,000	4,700,000	4,700,000	-100,000	---	M	39300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
39350	JOB OPPORTUNITIES AND BASIC SKILLS (JOBS).....	1,000,000	1,000,000	1,000,000	---	---	M	39350
39400	LOW INCOME HOME ENERGY ASSISTANCE							39400
39450	Advance from prior year (non-add).....	(999,997)	---	---	(-999,997)	---	NA	39450
39500	Adjustment.....	-100,000	1,000,000	900,000	+1,000,000	-100,000	D	39500
39550	FY 1996 / 1997 program level.....	(899,997)	(1,000,000)	(900,000)	(+3)	(-100,000)		39550
39575	Prior year emergency allocation.....	---	---	(300,000)	(+300,000)	(+300,000)	NA	39575
39600	New emergency allocation (non-add).....	---	---	---	---	---	NA	39600
39700	Advance funding (FY 1997 / 1998).....	---	1,000,000	---	---	-1,000,000	D	39700
39850	REFUGEE AND ENTRANT ASSISTANCE							39850
39900	Transitional and medical services.....	263,267	246,502	246,502	-16,765	---	D	39900
39950	Social services.....	80,802	80,802	110,882	+30,080	+30,080	D	39950
40000	Preventive health.....	2,700	4,835	4,835	+2,135	---	D	40000
40050	Targeted assistance.....	55,397	49,397	49,857	-5,540	+460	D	40050
40055	Carryover (non-add).....	(10,590)	---	(9,300)	(-1,290)	(+9,300)	NA	40055
40100	Total, Refugee and entrant assistance (BA).....	402,166	381,536	412,076	+9,910	+30,540		40100
40110	Total program level.....	(412,756)	(381,536)	(421,376)	(+8,620)	(+39,840)		40110
40500	CHILD CARE AND DEVELOPMENT BLOCK GRANT:							40500
40550	Forward funded.....	934,642	1,048,825	937,000	+2,358	-111,825	D	40550 UA
40560	Current funded.....	---	---	13,000	+13,000	+13,000	D	40560 UA
40570	Total.....	934,642	1,048,825	950,000	+15,358	-98,825		40570
40600	SOCIAL SERVICES BLOCK GRANT (TITLE XX).....	2,381,000	2,800,000	2,480,000	+99,000	-320,000	M	40600

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
40900	CHILDREN AND FAMILIES SERVICES PROGRAMS							40900
40950	Programs for Children, Youth, and Families:							40950
41000	Head start	3,569,329	3,981,000	3,600,000	+30,671	-381,000	D	41000
41100	Consolidated runaway, homeless youth program	---	68,572	---	---	-68,572	D	41100 UA
41150	Runaway and homeless youth	43,653	---	43,653	---	+43,653	D	41150 UA
41200	Runaway youth - transitional living	14,949	---	14,949	---	+14,949	D	41200 UA
41300	Subtotal, runaway	58,602	68,572	58,602	---	-9,970		41300
41350	Teen pregnancy prevention initiative	---	30,000	---	---	-30,000	D	41350
41400	Child abuse state grants	21,026	22,854	21,026	---	-1,828	D	41400 UA
41450	Child abuse discretionary activities	14,154	---	14,154	---	+14,154	D	41450 UA
41550	Temporary childcare/crisis nurseries	9,835	---	---	-9,835	---	D	41550
41600	Abandoned infants assistance	12,251	14,406	12,251	---	-2,155	D	41600 UA
41700	Child welfare services	277,389	291,989	277,389	---	-14,600	D	41700
41750	Child welfare training	2,000	---	4,000	+2,000	+4,000	D	41750
41800	Child welfare innovative programs	---	39,178	---	---	-39,178	D	41800
41850	Adoption opportunities	11,000	---	11,000	---	+11,000	D	41850 UA
41875	Social services & income maintenance research	---	10,000	---	---	-10,000	D	41875
41900	Family violence	32,643	32,619	35,042	+2,399	+2,423	D	41900
42050	Community Based Resource Centers	23,000	50,569	---	-23,000	-50,569	D	42050 UA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
42100	Developmental disabilities program:							42100
42150	State councils	64,803	70,438	64,803	---	-5,635	D	42150 UA
42200	Protection and advocacy	26,718	26,718	26,718	---	---	D	42200 UA
42250	Developmental disabilities special projects	5,250	5,715	---	-5,250	-5,715	D	42250 UA
42300	Developmental disabilities university affiliated							42300
42350	programs	17,461	18,979	17,461	---	-1,518	D	42350 UA
42400	Subtotal, Developmental disabilities	114,232	121,850	108,982	-5,250	-12,868		42400
42450	Native American Programs	34,933	38,382	34,933	---	-3,449	D	42450 UA
42500	Community services:							42500
42550	Community Services Block Grants	389,598	389,600	489,600	+100,002	+100,000	D	42550
42650	Discretionary funds:							42650
42700	Community initiative program:							42700
42750	Economic development	27,332	---	27,332	---	+27,332	D	42750
42850	Rural community facilities	3,009	---	3,009	---	+3,009	D	42850
42950	Subtotal, discretionary funds	30,341	---	30,341	---	+30,341		42950
43000	National youth sports	11,520	---	12,000	+480	+12,000	D	43000
43100	Community Food and Nutrition	4,000	---	---	-4,000	---	D	43100
43150	Subtotal, Community services	435,459	389,600	531,941	+96,482	+142,341		43150
43200	Program direction	150,117	160,279	147,115	-3,002	-13,164	D	43200
43260	Total, Children and Families Services Programs	4,765,970	5,251,298	4,856,435	+90,465	-394,863		43260

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
43275	VIOLENT CRIME REDUCTION PROGRAMS:							43275
43300	Community schools	---	13,600	---	---	-13,600	D	43300
43400	Runaway Youth Prevention	5,558	8,000	2,000	-3,558	-6,000	D	43400
43450	Domestic violence hotline	400	400	400	---	---	D	43450
43500	Battered women's shelters	15,000	27,381	24,958	+9,958	-2,423	D	43500
43550	Youth education demonstration	400	---	---	-400	---	D	43550
43575	Total, Violent crime reduction programs	21,358	49,381	27,358	+6,000	-22,023		43575
43750	FAMILY SUPPORT AND PRESERVATION	225,000	240,000	240,000	+15,000	---	M	43750
43800	PAYMENTS TO STATES FOR FOSTER CARE AND							43800
43850	ADOPTION ASSISTANCE							43850
43900	Foster care	3,742,338	3,807,143	3,807,143	+64,805	---	M	43900
43950	Adoption assistance	509,900	567,888	567,888	+57,988	---	M	43950
44000	Independent living	70,000	70,000	70,000	---	---	M	44000
44100	Total, Payment to States	4,322,238	4,445,031	4,445,031	+122,793	---		44100
44150	New advance, 1st quarter, FY 1997 /1998	---	1,111,000	1,111,000	+1,111,000	---	M	44150
44200	Total, Administration for Children and Families	32,366,681	36,328,071	34,422,900	+2,056,219	-1,905,171		44200
44250	Current year, FY 1996 / 1997	(27,566,681)	(29,517,071)	(28,611,900)	(+1,045,219)	(-905,171)		44250
44300	FY 1997 / 1998	(4,800,000)	(6,811,000)	(5,811,000)	(+1,011,000)	(-1,000,000)		44300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
44450	ADMINISTRATION ON AGING							44450
44500	AGING SERVICES PROGRAMS							44500
44550	Grants to States:							44550
44600	Supportive services and centers	300,556	294,787	300,556	---	+5,769	D	44600 UA
44650	Ombudsman services	---	4,449	---	---	-4,449	D	44650 UA
44700	Prevention of elder abuse	---	4,732	---	---	-4,732	D	44700 UA
44750	Pension counseling	---	1,976	---	---	-1,976	D	44750 UA
44800	Preventive health	15,623	16,982	---	-15,623	-16,982	D	44800 UA
44850	Nutrition:							44850
44900	Congregate meals	364,535	357,019	364,535	---	+7,516	D	44900 UA
44950	Home-delivered meals	105,339	94,191	105,339	---	+11,148	D	44950 UA
45000	Frail elderly in-home services	9,263	9,263	9,263	---	---	D	45000 UA
45050	Grants to Indians	16,057	16,057	16,057	---	---	D	45050 UA
45100	Aging research, training and special projects	2,850	11,666	---	-2,850	-11,666	D	45100 UA
45150	Federal Council on Aging	---	226	---	---	-226	D	45150 UA
45250	Program administration	15,097	16,789	14,795	-302	-1,994	D	45250 UA
45300	Total, Administration on Aging	829,320	828,137	810,545	-18,775	-17,592		45300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
45350	OFFICE OF THE SECRETARY							45350
45400	GENERAL DEPARTMENTAL MANAGEMENT:							45400
45450	Federal funds	97,866	91,436	98,439	+573	+7,003	D	45450
45600	Trust funds	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)	TF*	45600
45603	1% Evaluation Funds (ASPE) (non-add)	(19,820)	(19,820)	(19,820)	---	---	NA	45603
45604	Subtotal	(124,314)	(120,443)	(124,110)	(-204)	(+3,667)		45604
45605	Emergency preparedness	---	2,020	---	---	-2,020	D	45605
45620	Population affairs: Adolescent family life	7,698	6,187	7,698	---	+1,511	D	45620 UA
45630	Physical fitness and sports	1,000	1,007	1,000	---	-7	D	45630
45640	Minority health	27,000	19,945	33,000	+6,000	+13,055	D	45640 UA
45650	Office of research integrity	---	3,732	---	---	-3,732	D	45650
45660	Office of women's health	5,362	2,570	8,862	+3,500	+6,292	D	45660
45675	Office of Disease Prevention	---	4,266	---	---	-4,266	D	45675
45725	Anti-Terrorism	---	5,000	---	---	-5,000	D	45725
45750	Total, General Departmental Management:							45750
45800	Federal funds	138,926	136,163	148,999	+10,073	+12,836		45800
45850	Trust funds	(6,628)	(9,187)	(5,851)	(-777)	(-3,336)		45850
45900	Total	(145,554)	(145,350)	(154,850)	(+9,296)	(+9,500)		45900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
45950	OFFICE OF THE INSPECTOR GENERAL:							45950
46000	Federal funds	58,149	56,139	29,399	-28,750	-26,740	D	46000
46100	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)	TF*	46100
46150	H.R. 3103 funding (non-add)	---	---	(60,000)	(+60,000)	(+60,000)	NA	46150
46250	Total, Office of the Inspector General:							46250
46300	Federal funds	58,149	56,139	29,399	-28,750	-26,740		46300
46350	Trust funds	(20,670)	(18,810)	---	(-20,670)	(-18,810)		46350
46360	Total (BA)	(78,819)	(74,949)	(29,399)	(-49,420)	(-45,550)		46360
46400	Total program level	(78,819)	(74,949)	(89,399)	(+10,580)	(+14,450)		46400
46450	OFFICE FOR CIVIL RIGHTS:							46450
46500	Federal funds	(16,066)	(18,188)	(16,066)	---	(-2,122)	D	46500
46600	Portion treated as budget authority	(3,314)	(3,602)	(3,314)	---	(-288)	TF*	46600
46750	Total, Office for Civil Rights:							46750
46800	Federal funds	16,066	18,188	16,066	---	-2,122		46800
46850	Trust funds	(3,314)	(3,602)	(3,314)	---	(-288)		46850
46900	Total	(19,380)	(21,790)	(19,380)	---	(-2,410)		46900
46950	POLICY RESEARCH	8,968	9,000	9,000	+32	---	D	46950
47000	Total, Office of the Secretary:							47000
47050	Federal funds	222,109	219,490	203,464	-18,645	-16,026		47050
47100	Trust funds	(30,612)	(31,599)	(9,165)	(-21,447)	(-22,434)		47100
47150	Total	(252,721)	(251,089)	(212,629)	(-40,092)	(-38,460)		47150

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
47250	PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND.....	8,987	---	---	-8,987	---	D	47250
47275	UNDISTRIBUTED REDUCTION.....	---	---	-2,000	-2,000	-2,000	D	47275
47300	Total, Department of Health and Human Services:							47300
47400	Federal Funds.....	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994		47400
47450	Current year, FY 1996 / 1997.....	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)		47450
47550	FY 1997 / 1998.....	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)		47550
47800	Trust funds.....	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)		47800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
47900	TITLE III - DEPARTMENT OF EDUCATION							47900
47950	EDUCATION REFORM 1/							47950
48000	Goals 2000: Educate America Act:							48000
48050	State & local educ systemic improvement grants....	340,000	476,000	---	-340,000	-476,000	D	48050
48150	Parental assistance.....	10,000	15,000	---	-10,000	-15,000	D	48150
48200	Subtotal, Goals 2000.....	350,000	491,000	---	-350,000	-491,000		48200
48250	School-to-work opportunities:							48250
48300	State grants and local partnerships.....	180,000	200,000	175,000	-5,000	-25,000	D	48300
48450	Total.....	530,000	691,000	175,000	-355,000	-516,000		48450
48500	1/ Forward funded with the exception of parental							48500
48501	assistance.							48501
48540	NOTE: All Education accounts are current funded unless							48540
48550	otherwise noted.							48550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
48600	EDUCATION FOR THE DISADVANTAGED 1/							48600
48650	Grants to local education agencies:							48650
48700	Basic grants, forward funded 2/	6,042,766	5,490,065	6,043,766	+1,000	+553,701	D	48700
48705	Basic grants, current funded	3,500	4,000	3,500	---	-500	D	48705
48710	Subtotal, Basic grants	6,046,266	5,494,065	6,047,266	+1,000	+553,201		48710
48750	Concentration grants	684,082	670,935	704,082	+20,000	+33,147	D	48750
48800	Targeted grants	---	1,000,000	---	---	-1,000,000	D	48800
48900	Subtotal	6,730,348	7,165,000	6,751,348	+21,000	-413,652		48900
49100	Capital expenses for private school children	38,119	20,000	20,000	-18,119	---	D	49100
49150	Even start	101,997	102,000	101,997	---	-3	D	49150
49200	State agency programs:							49200
49250	Migrant	305,474	320,000	305,474	---	-14,526	D	49250
49300	Neglected and delinquent / high risk youth	39,311	40,000	39,311	---	-689	D	49300
49400	State school improvement	---	15,000	---	---	-15,000	D	49400
49450	Demonstration of innovative practices	---	10,000	---	---	-10,000	D	49450
49500	Evaluation	3,359	7,000	7,000	+3,641	---	D	49500
49600	Total, ESEA	7,218,608	7,679,000	7,225,130	+6,522	-453,870		49600

49610 1/ All programs in this account are forward funded 49610
49615 with the exception of current funded basic grants, 49615
49620 Title I evaluation, Demonstration of Innovative 49620
49625 Practices, High School Equivalency Program and the 49625
49630 the College Assistance Migrant Program. 49630

49638 2/ Availability of $1,298,386,000 of the FY96 funds is 49638
49639 delayed until October 1, 1996. 49639

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
49650	Migrant education:							49650
49700	High school equivalency program	7,441	---	---	-7,441	---	D	49700
49750	College assistance migrant program	2,028	---	---	-2,028	---	D	49750
49800	Subtotal, migrant education	9,469	---	---	-9,469	---		49800
49850	Total, Compensatory education programs	7,228,077	7,679,000	7,225,130	-2,947	-453,870		49850
49900	Subtotal, forward funded	(7,211,749)	(7,658,000)	(7,214,630)	(+2,881)	(-443,370)		49900
50000	IMPACT AID 1/							50000
50050	Basic support payments	581,707	550,000	615,500	+33,793	+65,500	D	50050
50100	Payments for children with disabilities	40,000	40,000	40,000	---	---	D	50100
50550	Payments for heavily impacted districts (sec. f)	50,000	20,000	50,000	---	+30,000	D	50550
50600	Subtotal	671,707	610,000	705,500	+33,793	+95,500		50600
50650	Facilities maintenance (sec. 8008)	---	3,000	---	---	-3,000	D	50650
50750	Construction (sec. 8007)	5,000	4,000	5,000	---	+1,000	D	50750
50850	Payments for Federal property (Sec. 8002)	16,293	---	17,500	+1,207	+17,500	D	50850
50950	Total, Impact aid	693,000	617,000	728,000	+35,000	+111,000		50950

50970 1/ 1996 figures do not include $35,000,000 provided 50970
50980 for Impact Aid basic support payments in the 1996 50980
50990 House National Security Appropriations Bill. 50990

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
51050	SCHOOL IMPROVEMENT PROGRAMS							51050
51155	Professional development 1/	275,000	610,000	---	-275,000	-610,000	D	51155
51157	Program innovation 1/	275,000	---	606,517	+331,517	+606,517	D	51157
51550	Safe and drug-free schools and communities:							51550
51600	State grants 1/	440,978	515,000	440,978	---	-74,022	D	51600
51700	National programs	24,993	25,000	---	-24,993	-25,000	D	51700
51800	Subtotal, Safe & drug-free schools & communities	465,971	540,000	440,978	-24,993	-99,022		51800
51900	Inexpensive book distribution (RIF)	10,265	9,000	9,000	-1,265	---	D	51900
51950	Arts in education	9,000	10,000	9,000	---	-1,000	D	51950
52100	Christa McAuliffe fellowships	---	2,000	---	---	-2,000	D	52100
52200	Other school improvement programs:							52200
52250	Magnet schools assistance	95,000	95,000	95,000	---	---	D	52250
52290	Educational support services for homeless children							52290
52300	and youth 1/	23,000	29,000	23,000	---	-6,000	D	52300
52350	Women's educational equity 2/	---	4,000	2,000	+2,000	-2,000	D	52350
52400	Training and advisory services (Civil Rights IV-A)	7,334	14,000	7,334	---	-6,666	D	52400
52500	Ellender fellowships/Close up 1/	1,500	---	1,000	-500	+1,000	D	52500
52550	Education for Native Hawaiians	12,000	6,000	4,000	-8,000	-2,000	D	52550
52750	Charter schools	18,000	40,000	18,000	---	-22,000	D	52750
52800	Subtotal, other school improvement programs	156,834	188,000	150,334	-6,500	-37,666		52800

52810 1/ Forward funded. 52810

52820 2/ The President's 1997 request earmarks $120,000 for 52820
52830 an evaluation of this program. 52830

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
52850	Technical assistance for improving ESEA programs:							52850
52900	Comprehensive regional assistance centers.....	21,507	45,000	21,554	+47	-23,446	D	52900
53000	Total, School improvement programs.....	1,213,577	1,404,000	1,237,383	+23,806	-166,617		53000
53150	Subtotal, forward funded.....	(1,015,478)	(1,154,000)	(1,071,495)	(+56,017)	(-82,505)		53150
53400	BILINGUAL AND IMMIGRANT EDUCATION 1/							53400
53450	Bilingual education:							53450
53500	Instructional services.....	117,200	117,190	117,190	-10	---	D	53500
53550	Support services.....	9,700	14,330	---	-9,700	-14,330	D	53550
53600	Professional development.....	1,100	25,180	---	-1,100	-25,180	D	53600
53650	Immigrant education 2/.....	50,000	100,000	50,000	---	-50,000	D	53650
53675	Foreign language assistance 3/.....	10,039	5,000	---	-10,039	-5,000	D	53675
53700	Total.....	188,039	261,700	167,190	-20,849	-94,510		53700
53850	SPECIAL EDUCATION							53850
53900	State grants: 4/							53900
54000	Grants to States part ''b''.....	2,323,837	2,603,247	2,323,837	---	-279,410	D	54000 UA
54050	Preschool grants.....	360,409	380,000	360,409	---	-19,591	D	54050 UA
54100	Grants for infants and families.....	315,754	315,632	315,754	---	+122	D	54100 UA
54150	Subtotal, State grants.....	3,000,000	3,298,879	3,000,000	---	-298,879		54150

54160 1/ The Department reprogrammed $9.7 M and $1.1 M from 54160
54165 Instructional Services to Support Services and 54165
54166 Professional Development respectively for 1996. 54166

54170 2/ The President's budget request permits States to 54170
54175 award this funding competitively to LEAs. 54175

54180 3/ FY96 funding for foreign language assistance was 54180
54185 provided in the School Improvement account. 54185

54190 4/ Forward funded. The President's request is based 54190
54195 on legislation proposed for later transmittal. 54195

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
54200	Proposed legis: Program Support and Improvement:							54200
54250	Research to practice	---	95,720	---	---	-95,720	D	54250 UA
54300	State improvement	---	37,076	---	---	-37,076	D	54300 UA
54350	Professional development	---	76,700	---	---	-76,700	D	54350 UA
54400	Parent training and information	---	14,534	---	---	-14,534	D	54400 UA
54450	Technology development and ed. media sevices	---	30,004	---	---	-30,004	D	54450 UA
54500	Subtotal, Proposed legislation	---	254,034	---	---	-254,034		54500
54750	Special purpose funds:							54750
54800	Deaf-blindness	12,832	---	12,832	---	+12,832	D	54800 UA
54850	Serious emotional disturbance	4,147	---	4,147	---	+4,147	D	54850 UA
54900	Severe disabilities	10,030	---	10,030	---	+10,030	D	54900 UA
54950	Early childhood education	25,147	---	25,147	---	+25,147	D	54950 UA
55000	Secondary and transitional services	23,966	---	23,966	---	+23,966	D	55000 UA
55050	Postsecondary education	8,839	---	8,839	---	+8,839	D	55050 UA
55100	Innovation and development	14,000	---	14,000	---	+14,000	D	55100 UA
55150	Media and captioning services	19,130	---	20,030	+900	+20,030	D	55150 UA
55200	Technology applications	9,993	---	9,993	---	+9,993	D	55200 UA
55250	Special studies	3,827	---	3,827	---	+3,827	D	55250 UA
55300	Personnel development	91,339	---	91,339	---	+91,339	D	55300 UA
55350	Parent training	13,535	---	13,535	---	+13,535	D	55350 UA
55400	Clearinghouses	1,989	---	1,989	---	+1,989	D	55400 UA
55450	Regional resource centers	6,641	---	6,641	---	+6,641	D	55450 UA
55500	Subtotal, Special purpose funds	245,415	---	246,315	+900	+246,315		55500
55550	Total, Special education	3,245,415	3,552,913	3,246,315	+900	-306,598		55550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
55700	REHABILITATION SERVICES AND DISABILITY RESEARCH							55700
55750	Vocational rehabilitation State grants	2,118,834	2,176,038	2,176,038	+57,204	---	M	55750
55850	Client assistance State grants	10,119	10,392	10,392	+273	---	M	55850
55900	Training	39,629	39,629	39,629	---	---	M	55900
55950	Special demonstration programs	27,441	18,942	18,942	-8,499	---	M	55950
56000	Migratory workers	1,421	1,850	1,850	+429	---	M	56000
56050	Recreational programs	2,596	2,596	2,596	---	---	M	56050
56100	Protection and advocacy of individual rights	7,456	7,657	7,657	+201	---	M	56100
56150	Projects with industry	22,065	22,071	22,071	+6	---	M	56150
56200	Supported employment State grants	38,152	38,152	38,152	---	---	M	56200
56250	Independent living:							56250
56300	State grants	21,859	21,859	21,859	---	---	M	56300
56350	Centers	41,749	42,876	42,876	+1,127	---	M	56350
56400	Services for older blind individuals	8,952	9,952	9,952	+1,000	---	M	56400
56450	Subtotal, Independent living	72,560	74,687	74,687	+2,127	---		56450
56475	Program improvement 1/	1,000	2,400	2,400	+1,400	---	M	56475
56500	Evaluation	1,582	1,587	1,587	+5	---	M	56500
56550	Helen Keller National Center for Deaf-Blind Youths &							56550
56600	Adults	7,144	7,337	7,337	+193	---	M	56600
56650	National Institute on Disability & Rehabilitation							56650
56700	Research	69,984	70,000	70,000	+16	---	M	56700
56750	Subtotal, mandatory programs	2,419,983	2,473,338	2,473,338	+53,355	---		56750
56800	Assistive technology	36,109	39,249	36,109	---	-3,140	D	56800
56850	Total, Rehabilitation services	2,456,092	2,512,587	2,509,447	+53,355	-3,140		56850
56860	1/ 1996 funding for this activity was provided in the							56860
56865	Technical Assistance to States line item.							56865

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
57100	SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES							57100
57150	AMERICAN PRINTING HOUSE FOR THE BLIND	6,680	6,495	6,680	---	+185	D	57150
57200	NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:							57200
57250	Consolidated account	42,180	---	43,041	+861	+43,041	D	57250
57300	Operations	---	42,705	---	---	-42,705	D	57300
57350	Endowment grant	---	336	---	---	-336	D	57350
57450	Subtotal	42,180	43,041	43,041	+861	---		57450
57500	GALLAUDET UNIVERSITY:							57500
57550	Consolidated account	77,629	---	79,182	+1,553	+79,182	D	57550
57600	Operations	---	79,030	---	---	-79,030	D	57600
57700	Endowment grant	---	1,000	---	---	-1,000	D	57700
57750	Subtotal	77,629	80,030	79,182	+1,553	-848		57750
57800	Total, Special institutions for persons with disabilities	126,489	129,566	128,903	+2,414	-663		57800

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
57900	VOCATIONAL AND ADULT EDUCATION 1/							57900
57950	Vocational education:							57950
58050	Basic State grants	972,750	1,100,000	972,750	---	-127,250	D	58050 UA
58200	Tech-Prep education	100,000	---	100,000	---	+100,000	D	58200 UA
58250	Tribally controlled postsecondary vocational							58250
58300	institutions	2,919	2,919	2,919	---	---	D	58300 UA
58350	State councils	---	---	---	---	---	D	58350 UA
58500	National programs: Research	4,998	17,081	---	-4,998	-17,081	D	58500 UA
58750	Subtotal, Vocational education	1,080,667	1,120,000	1,075,669	-4,998	-44,331		58750
58850	Adult education:							58850
59000	State programs	250,000	290,000	250,000	---	-40,000	D	59000 UA
59100	National programs:							59100
59200	Evaluation and technical assistance	---	5,000	---	---	-5,000	D	59200 UA
59250	National Institute for Literacy	4,860	5,000	4,000	-860	-1,000	D	59250 UA
59300	Subtotal, National programs	4,860	10,000	4,000	-860	-6,000		59300
59500	Literacy programs for prisoners	4,723	---	---	-4,723	---	D	59500 UA
59550	Subtotal, adult education	259,583	300,000	254,000	-5,583	-46,000		59550
59600	Total, Vocational and adult education	1,340,250	1,420,000	1,329,669	-10,581	-90,331		59600

59610 1/ All programs are forward funded with the exception 59610
59620 of Tribally Controlled Postsecondary Vocational 59620
59630 Institutions. 59630

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
59850	STUDENT FINANCIAL ASSISTANCE							59850
59900	Federal Pell Grants: Regular program	4,914,000	5,919,000	5,342,000	+428,000	-577,000	D	59900
60000	Memo (non-add): Maximum grant	(2,470)	(2,700)	(2,500)	(+30)	(-200)	NA	60000
60010	Memo (non-add): Outlay effect for FY97 1/	(1,301,000)	(1,320,000)	(1,180,000)	(-121,000)	(-140,000)	NA	60010
60525	Federal supplemental educational opportunity grants	583,407	583,407	583,407	---	---	D	60525
60550	Federal work-study	616,508	679,000	685,000	+68,492	+6,000	D	60550
60600	Federal Perkins loans:							60600
60650	Capital contributions	93,297	158,000	---	-93,297	-158,000	D	60650
60750	Loan cancellations	20,000	20,000	20,000	---	---	D	60750
60800	Subtotal, Federal Perkins loans	113,297	178,000	20,000	-93,297	-158,000		60800
60850	State student incentive grants	31,375	---	---	-31,375	---	D	60850
60950	Total, Student financial assistance	6,258,587	7,359,407	6,630,407	+371,820	-729,000		60950

60960 1/ The 1996 appropriation capped participation in the 60960
60970 1995-1996 school year at 3,650,000 students. 60970

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
61550	FEDERAL FAMILY EDUCATION LOANS PROGRAM							61550
61600	(EXISTING GUARANTEED STUDENT LOANS PROGRAM)							61600
61750	Federal education loans: Federal administration.....	29,977	46,572	29,977	---	-16,595	D	61750
61775	Total Outstanding Loan Volume as of 10/96 (non-add)...	(71,400,000)	(71,400,000)	(71,400,000)	---	---	NA	61775
61850	FEDERAL DIRECT STUDENT LOAN PROGRAM							61850
61900	Mandatory administrative costs (indefinite).....	(435,652)	(595,000)	(420,000)	(-15,652)	(-175,000)	NA	61900
61920	Total Outstanding Loan Volume as of 10/96 (non-add)...	(12,200,000)	(12,200,000)	(12,200,000)	---	---	NA	61920

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
61950	HIGHER EDUCATION							61950
62000	Aid for institutional development:							62000
62050	Strengthening institutions	55,450	40,000	55,450	---	+15,450	D	62050
62100	Hispanic serving institutions	10,800	12,000	10,800	---	-1,200	D	62100
62120	Hispanic serving institutions (Agriculture bill)	---	---	(2,000)	(+2,000)	(+2,000)	NA	62120
62135	Subtotal, Hispanic serving institutions	(10,800)	(12,000)	(12,800)	(+2,000)	(+800)		62135
62150	Strengthening historically black colleges & univ	108,990	108,990	108,990	---	---	D	62150
62200	Strengthening historically black grad institutions	19,606	19,606	19,606	---	---	D	62200
62350	Endowment challenge grants, HBCU set-aside	---	2,015	---	---	-2,015	D	62350
62450	Subtotal, Institutional development	194,846	182,611	194,846	---	+12,235		62450
62950	Program development:							62950
63000	Fund for the Improvement of Postsecondary Educ	15,000	18,000	15,000	---	-3,000	D	63000
63200	Minority teacher recruitment	2,212	2,458	2,212	---	-246	D	63200
63250	Minority science improvement	5,255	5,839	5,255	---	-584	D	63250
63350	International educ & foreign language studies:							63350
63400	Domestic programs	50,481	52,283	53,481	+3,000	+1,198	D	63400
63450	Overseas programs	4,750	5,790	4,750	---	-1,040	D	63450
63500	Institute for International Public Policy	920	1,000	---	-920	-1,000	D	63500
63550	Subtotal, International education	56,151	59,073	58,231	+2,080	-842		63550
63650	Law school clinical experience	5,500	---	---	-5,500	---	D	63650
63700	Urban community service	9,200	---	8,280	-920	+8,280	D	63700
63800	Subtotal, Program development	93,318	85,370	88,978	-4,340	+3,608		63800
63850	Construction:							63850
63900	Interest subsidy grants, prior year construction	16,712	15,673	15,673	-1,039	---	D	63900

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
63950	Special grants and grants to institutions:							63950
64000	Bethune Cookman College Fine Arts Center.....	3,680	---	---	-3,680	---	D	64000
64050	Federal TRIO programs.....	462,993	500,000	500,000	+37,007	---	D	64050
64150	Early intervention scholarships and partnerships..	3,108	---	---	-3,108	---	D	64150
64350	Scholarships:							64350
64400	Byrd honors scholarships.....	29,117	29,117	---	-29,117	-29,117	D	64400
64500	Presidential honors scholarships 1/.....	---	130,000	---	---	-130,000	D	64500
64700	Subtotal, Scholarships.....	29,117	159,117	---	-29,117	-159,117		64700
64750	Graduate fellowships:							64750
64850	Javits fellowships.....	5,931	---	---	-5,931	---	D	64850
64900	Graduate assistance in areas of national need.....	27,252	30,000	30,000	+2,748	---	D	64900
65000	Subtotal, Graduate fellowships.....	33,183	30,000	30,000	-3,183	---		65000
65150	Total, Higher education.....	836,957	972,771	829,497	-7,460	-143,274		65150
65250	HOWARD UNIVERSITY							65250
65300	Academic program.....	152,859	162,944	157,859	+5,000	-5,085	D	65300
65400	Endowment.....	---	3,530	---	---	-3,530	D	65400
65550	Howard University Hospital.....	29,489	29,489	29,489	---	---	D	65550
65700	Total, Howard University.....	182,348	195,963	187,348	+5,000	-8,615		65700
65850	COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:							65850
65950	Federal administration.....	698	700	698	---	-2	D	65950
66150	HISTORICALLY BLACK COLLEGE AND UNIVERSITY							66150
66200	CAPITAL FINANCING PROGRAM							66200
66350	Federal administration.....	166	104	104	-62	---	D	66350
66360	1/ This new unauthorized program is proposed for							66360
66370	transmittal in late June.							66370

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
66450	EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT							66450
66500	Research and statistics:							66500
66550	Research	56,021	108,000	70,641	+14,620	-37,359	D	66550
66575	Regional education laboratories	51,000	---	51,000	---	+51,000	D	66575
66600	Statistics	46,227	50,000	50,000	+3,773	---	D	66600
66650	Assessment:							66650
66700	National assessment	29,752	29,750	29,752	---	+2	D	66700
66750	National assessment governing board	2,871	3,000	2,871	---	-129	D	66750
66800	Subtotal, Assessment	32,623	32,750	32,623	---	-127		66800
66850	Subtotal, Research and statistics	185,871	190,750	204,264	+18,393	+13,514		66850
66900	Fund for the Improvement of Education	37,611	40,000	40,000	+2,389	---	D	66900
66950	International education exchange (title VI)	5,000	3,000	3,000	-2,000	---	D	66950
67200	21st century community learning centers	750	---	---	-750	---	D	67200
67250	Civic Education	4,000	4,000	4,000	---	---	D	67250
67300	Eisenhower professional development national activities	17,984	15,000	---	-17,984	-15,000	D	67300 67350
67450	Eisenhower regional mathematics & science education consortia	15,000	15,000	15,000	---	---	D	67450 67500
67650	Javits gifted and talented education	3,000	10,000	3,000	---	-7,000	D	67650
67700	National writing project	2,955	---	---	-2,955	---	D	67700

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
67900	Education technology:							67900
68175	Technology for education	48,000	325,000	48,000	---	-277,000	D	68175
68200	Star schools	23,000	25,000	---	-23,000	-25,000	D	68200
68250	Ready to learn television	6,440	7,000	---	-6,440	-7,000	D	68250
68300	Telecommunications demo project for mathematics	1,035	---	---	-1,035	---	D	68300
68350	Subtotal, Education technology	78,475	357,000	48,000	-30,475	-309,000		68350
68400	Total, ERSI	350,646	634,750	317,264	-33,382	-317,486		68400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
68600	LIBRARIES							68600
68650	Public libraries:							68650
68700	Services	92,636	---	92,636	---	+92,636	D	68700 UA
68750	Construction	16,369	---	---	-16,369	---	D	68750 UA
68800	Interlibrary cooperation	18,000	---	11,864	-6,136	+11,864	D	68800 UA
68900	Library education and training	2,500	---	2,500	---	+2,500	D	68900
68950	Research and demonstrations	3,000	---	1,000	-2,000	+1,000	D	68950
68975	Undistributed 1/	---	110,000	---	---	-110,000	D	68975
69000	Total, Libraries	132,505	110,000	108,000	-24,505	-2,000		69000
69200	DEPARTMENTAL MANAGEMENT							69200
69250	PROGRAM ADMINISTRATION	326,686	355,476	297,229	-29,457	-58,247	D	69250
69275	HEADQUARTERS RENOVATION 2/	7,000	---	---	-7,000	---	D	69275
69350	OFFICE FOR CIVIL RIGHTS	55,277	60,000	54,171	-1,106	-5,829	D	69350
69400	OFFICE OF THE INSPECTOR GENERAL	28,563	30,500	27,143	-1,420	-3,357	D	69400
69500	Total, Departmental management	417,526	445,976	378,543	-38,983	-67,433		69500
69650	Total, Department of Education	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134		69650

69700 1/ The President has not requested funding for library
69710 programs, but has indicated his intention to do so
69720 at a future time.

69800 2/ Funds available for 3 years.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
70150	TITLE IV - RELATED AGENCIES							70150
70175	ARMED FORCES RETIREMENT HOME							70175
70260	Operation and maintenance (trust fund limitation).....	53,829	55,772	52,752	-1,077	-3,020	D	70260 UA
70360	Capital program (trust fund limitation).....	1,954	432	432	-1,522	---	D	70360 UA
70400	Total, AFRH.....	55,783	56,204	53,184	-2,599	-3,020		70400
70425	CORPORATION FOR NATIONAL AND COMMUNITY SERVICE							70425
70450	Domestic Volunteer Service Programs (formerly Action):							70450
70475	Volunteers in Service to America:							70475
70500	VISTA operations.....	41,235	51,600	41,235	---	-10,365	D	70500 UA
70575	National Senior Volunteer Corps:							70575
70600	Foster Grandparents Program.....	62,237	72,812	67,812	+5,575	-5,000	D	70600 UA
70625	Senior Companion Program.....	31,155	34,244	31,244	+89	-3,000	D	70625 UA
70650	Retired Senior Volunteer Program.....	34,949	37,708	35,708	+759	-2,000	D	70650 UA
70700	Subtotal, Senior Volunteers.....	128,341	144,764	134,764	+6,423	-10,000		70700
70750	Program Administration.....	28,541	29,745	27,970	-571	-1,775	D	70750 UA
70775	Total, Domestic Volunteer Service Programs.....	198,117	226,109	203,969	+5,852	-22,140		70775
70800	Corporation for Public Broadcasting:							70800
70825	FY99 (current request) with FY98 comparable.....	250,000	275,000	250,000	---	-25,000	D	70825 UA
70850	1998 advance (non-add) with FY97 comparable.....	(260,000)	(250,000)	(250,000)	(-10,000)	---	NA	70850 UA
70900	1997 advance (non-add) with FY96 comparable.....	(275,000)	(260,000)	(260,000)	(-15,000)	---	NA	70900
71000	Federal Mediation and Conciliation Service.....	32,815	32,579	32,579	-236	---	D	71000
71025	Federal Mine Safety and Health Review Commission.....	6,184	6,332	6,060	-124	-272	D	71025
71125	National Commission on Libraries and Information							71125
71150	Science.....	829	897	812	-17	-85	D	71150
71325	National Council on Disability.....	1,793	1,793	1,757	-36	-36	D	71325
71350	National Education Goals Panel.....	994	2,785	974	-20	-1,811	D	71350
71400	National Labor Relations Board.....	170,266	181,134	144,692	-25,574	-36,442	D	71400

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71425	National Mediation Board	7,812	8,300	7,656	-156	-644	D	71425
71450	Occupational Safety and Health Review Commission	8,081	7,753	7,753	-328	---	D	71450
71475	Physician Payment Review Commission (trust funds)	(2,920)	(4,000)	(2,920)	---	(-1,080)	TF*	71475
71500 71525	Prospective Payment Assessment Commission (trust funds)	(3,263)	(3,902)	(3,263)	---	(-639)	TF*	71500 71525
71550	RAILROAD RETIREMENT BOARD							71550
71560	Dual benefits payments account	239,000	223,000	223,000	-16,000	---	D	71560
71570	Less income tax receipts on dual benefits	-17,000	-9,000	-9,000	+8,000	---	D	71570
71580	Subtotal, Dual Benefits	222,000	214,000	214,000	-8,000	---		71580
71590	Federal payment to the Railroad Retirement Account	300	300	300	---	---	M	71590
71600	Limitation on administration:							71600
71610	Consolidated account	---	(90,558)	(87,898)	(+87,898)	(-2,660)	TF*	71610
71620	Retirement	(72,955)	---	---	(-72,955)	---	TF*	71620
71630	Unemployment	(16,737)	---	---	(-16,737)	---	TF*	71630
71640	Subtotal, administration	(89,692)	(90,558)	(87,898)	(-1,794)	(-2,660)		71640
71650	Special management improvement fund	(657)	---	---	(-657)	---	TF*	71650
71660	Total, limitation on administration	(90,349)	(90,558)	(87,898)	(-2,451)	(-2,660)		71660
71670	Inspector General	(5,656)	(5,750)	(5,268)	(-388)	(-482)	TF*	71670

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71700	SOCIAL SECURITY ADMINISTRATION							71700
71725	PAYMENTS TO SOCIAL SECURITY TRUST FUNDS.....	22,641	20,923	20,923	-1,718	---	M	71725
71750	ADDITIONAL ADMINISTRATIVE EXPENSES 1/.....	10,000	10,000	10,000	---	---	M	71750
71775	SPECIAL BENEFITS FOR DISABLED COAL MINERS							71775
71800	Benefit payments.....	660,215	625,450	625,450	-34,765	---	M	71800
71825	Administration.....	5,181	4,620	4,620	-561	---	M	71825
71850	Subtotal, Black Lung, FY 1997 program level.....	665,396	630,070	630,070	-35,326	---		71850
71875	Less funds advanced in prior year.....	-180,000	-170,000	-170,000	+10,000	---	M	71875
71900	Total, Black Lung, current request, FY 1997.....	485,396	460,070	460,070	-25,326	---		71900
71925	New advances, 1st quarter FY 1997 / 1998.....	170,000	160,000	160,000	-10,000	---	M	71925
71930	1/ No-year availability for these funds related to							71930
71935	sections 9704 & 9706 of the Internal Revenue Code							71935
71940	of 1986.							71940

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
71950	SUPPLEMENTAL SECURITY INCOME							71950
71975	Federal benefit payments	23,548,636	26,559,100	26,559,100	+3,010,464	---	M	71975
72000	Beneficiary services	176,400	179,000	100,000	-76,400	-79,000	M	72000
72025	Research and demonstration	8,200	7,000	7,000	-1,200	---	M	72025
72075	Administration 1/	1,817,276	2,018,973	1,961,015	+143,739	-57,958	D	72075
72125	Automation investment initiative	55,000	104,927	55,000	---	-49,927	D	72125
72225	Subtotal, SSI FY 1997 program level	25,605,512	28,869,000	28,682,115	+3,076,603	-186,885		72225
72250	Less funds advanced in prior year	-7,060,000	-9,260,000	-9,260,000	-2,200,000	---	M	72250
72255	Subtotal, regular SSI current year,							72255
72260	FY 1996 / 1997	18,545,512	19,609,000	19,422,115	+876,603	-186,885		72260
72265	Additional CDR funding	15,000	260,000	25,000	+10,000	-235,000	D	72265
72270	SSI reforms (welfare)	---	250,000	---	---	-250,000	D	72270
72275	Total, SSI, current request, FY 1996 / 1997	18,560,512	20,119,000	19,447,115	+886,603	-671,885		72275
72300	New advance, 1st quarter, FY 1997 / 1998	9,260,000	9,690,000	9,690,000	+430,000	---	M	72300

72380 1/ Figures include amounts for the SSI disability
72385 initiative previously displayed as a separate
72390 line item.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
72400	LIMITATION ON ADMINISTRATIVE EXPENSES							72400
72425	OASDI trust funds	(2,667,238)	(2,835,077)	(3,091,183)	(+423,945)	(+256,106)	TF	72425
72450	HI/SMI trust funds	(864,099)	(918,418)	(846,099)	(-18,000)	(-72,319)	TF*	72450
72475	SSI	(1,817,276)	(2,018,973)	(1,961,015)	(+143,739)	(-57,958)	TF	72475
72485	Social Security Advisory Board	---	---	(1,500)	(+1,500)	(+1,500)	TF	72485
72500	Subtotal, regular LAE	(5,348,613)	(5,772,468)	(5,899,797)	(+551,184)	(+127,329)		72500
72525	DI disability initiative	(289,322)	---	---	(-289,322)	---	TF	72525
72600	OASDI automation	(112,000)	(195,073)	(195,073)	(+83,073)	---	TF	72600
72625	SSI automation	(55,000)	(104,927)	(55,000)	---	(-49,927)	TF	72625
72650	Subtotal, automation initative	(167,000)	(300,000)	(250,073)	(+83,073)	(-49,927)		72650
72675	TOTAL, REGULAR LAE	(5,804,935)	(6,072,468)	(6,149,870)	(+344,935)	(+77,402)		72675
72680	Additional CDR funding	(60,000)	(260,000)	(160,000)	(+100,000)	(-100,000)	TF	72680
72682	SSI reforms (welfare)	---	(250,000)	---	---	(-250,000)	TF	72682
72685	TOTAL, LAE	(5,864,935)	(6,582,468)	(6,309,870)	(+444,935)	(-272,598)		72685

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request		
		21	22	23				
72700	OFFICE OF INSPECTOR GENERAL							72700
72725	Federal funds	4,801	6,335	6,335	+1,534	---	D	72725
72750	Trust funds	(10,037)	(21,089)	(21,089)	(+11,052)	---	TF	72750
72775	Portion treated as budget authority	(10,977)	---	---	(-10,977)	---	TF*	72775
72800	Total, Office of the Inspector General:							72800
72825	Federal funds	4,801	6,335	6,335	+1,534	---		72825
72850	Trust funds	(21,014)	(21,089)	(21,089)	(+75)	---		72850
72875	Total	(25,815)	(27,424)	(27,424)	(+1,609)	---		72875
72900	Total, Social Security Administration:							72900
72925	Federal funds	28,513,350	30,466,328	29,794,443	+1,281,093	-671,885		72925
72950	Current year FY 1996 / 1997	(19,083,350)	(20,616,328)	(19,944,443)	(+861,093)	(-671,885)		72950
72975	New advances, 1st quarter FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		72975
73000	Trust funds	(5,885,949)	(6,603,557)	(6,330,959)	(+445,010)	(-272,598)		73000
73200	Trust funds considered BA	(875,076)	(918,418)	(846,099)	(-28,977)	(-72,319)		73200
73375	United States Institute of Peace	11,481	11,160	11,160	-321	---	D	73375
73650	Total, Title IV, Related Agencies:							73650
73700	Federal Funds (all years)	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335		73700
73750	Current year, FY 1996 / 1997	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)		73750
73765	FY 1997 / 1998	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---		73765
73800	FY 1998 / 1999	(250,000)	(275,000)	(250,000)	---	(-25,000)		73800
73950	Trust funds	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)		73950
73955	Trust funds considered BA	(977,264)	(1,022,628)	(945,448)	(-31,816)	(-77,180)		73955

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES (S000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
74050	SUMMARY						74050
74100	Title I - Department of Labor:						74100
74150	Federal Funds	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	74150
74400	Trust Funds	(3,380,133)	(3,674,428)	(3,504,434)	(+124,301)	(-169,994)	74400
74550	Title II - Department of Health and Human Services:						74550
74600	Federal Funds	197,401,625	220,767,907	218,871,913	+21,470,288	-1,895,994	74600
74650	Current year	(166,446,275)	(185,967,914)	(185,071,920)	(+18,625,645)	(-895,994)	74650
74700	1998 advance	(30,955,350)	(34,799,993)	(33,799,993)	(+2,844,643)	(-1,000,000)	74700
74850	Trust Funds	(2,154,893)	(2,240,547)	(1,742,290)	(-412,603)	(-498,257)	74850
75000	Title III - Department of Education:						75000
75050	Federal Funds	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	75050
75350	Title IV - Related Agencies:						75350
75400	Federal Funds	29,479,805	31,490,674	30,729,339	+1,249,534	-761,335	75400
75450	Current year	(19,799,805)	(21,365,674)	(20,629,339)	(+829,534)	(-736,335)	75450
75470	1998 advance	(9,430,000)	(9,850,000)	(9,850,000)	(+420,000)	---	75470
75500	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	75500
75650	Trust Funds	(5,988,137)	(6,707,767)	(6,430,308)	(+442,171)	(-277,459)	75650
75750	Total, all titles:						75750
75800	Federal Funds	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	75800
75850	Current year	(219,453,170)	(244,427,198)	(238,903,926)	(+19,450,756)	(-5,523,272)	75850
75950	1998 advance	(40,385,350)	(44,649,993)	(43,649,993)	(+3,264,643)	(-1,000,000)	75950
76000	1999 advance	(250,000)	(275,000)	(250,000)	---	(-25,000)	76000
76200	Trust Funds	(11,523,163)	(12,622,742)	(11,677,032)	(+153,869)	(-945,710)	76200

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
76300	BUDGET ENFORCEMENT ACT RECAP						76300
76350	Federal Funds (all years)	260,088,520	289,352,191	282,803,919	+22,715,399	-6,548,272	76350
76750	Mandatory, total in bill	202,222,040	223,293,463	222,894,463	+20,672,423	-399,000	76750
76850	Less advances for subsequent years	-40,385,350	-43,649,993	-43,649,993	-3,264,643	---	76850
76900	Plus advances provided in prior years 1/	38,687,717	40,385,350	40,385,350	+1,697,633	---	76900
76910	Adjustment for leg cap on Title XX SSBGs	419,000	---	320,000	-99,000	+320,000	76910
76915	Education: Rehab services, tech assistance	---	39,249	---	---	-39,249	76915
76950	Total, mandatory, current year	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	76950
77150	Discretionary, total in bill	57,866,480	66,058,728	59,909,456	+2,042,976	-6,149,272	77150
77200	Less advances for subsequent years	-250,000	-1,275,000	-250,000	---	+1,025,000	77200
77250	Plus advances provided in prior years	1,274,997	260,000	260,000	-1,014,997	---	77250
77300	Scorekeeping adjustments:						77300
77350	Trust funds considered budget authority	6,500,730	6,924,503	6,055,469	-445,261	-869,034	77350
77360	Education advance funding, FY 1997	-1,298,239	1,298,239	1,298,239	+2,596,478	---	77360
77365	Education advance funding, FY 1998	---	---	-1,298,239	-1,298,239	-1,298,239	77365
77370	P.L. 104-121 funding	---	-25,000	-25,000	-25,000	---	77370
77375	LIHEAP 1997 contingency	---	300,000	300,000	+300,000	---	77375
77380	Howard University	---	2	---	---	-2	77380
77385	Education: Rehab services, tech assistance	---	-39,249	---	---	+39,249	77385
77390	Adjustment to balance with FY96 bill	-27,687	---	---	+27,687	---	77390
77405	HEAL loan limitation	-6,983	---	---	+6,983	---	77405
77415	Direct loan administration limitation	-114,000	---	-269,000	-155,000	-269,000	77415
77425	JOBS rescission	-10,000	---	---	+10,000	---	77425
77445	Dept of Labor working capital fund	3,900	---	---	-3,900	---	77445
77455	Advances to the ESA account of the Unempl TF	-56,300	---	---	+56,300	---	77455
77460	Payments to UI trust fund & other funds	-266,000	---	---	+266,000	---	77460
77470	Adjustment for leg cap on Title XX SSBGs	-419,000	---	-320,000	+99,000	-320,000	77470

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable 21	FY 1997 Request 22	House Passed 23	vs. FY 1996 Comparable	vs. FY 1997 Request	
77480	Medicaid psychiatric hospitals	50,000	---	---	-50,000	---	77480
77800 *	Total, discretionary, current year	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	77800
77810 *	Crime trust fund	53,000	90,381	61,000	+8,000	-29,381	77810
77820 *	General purposes	63,194,898	73,411,842	65,599,925	+2,405,027	-7,811,917	77820

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
78850	DISTRIBUTION OF BILL TOTALS BY AGENCY						78850
78900	(BUDGET ENFORCEMENT ACT SCOREKEEPING)						78900
78950	Title I - Department of Labor	7,976,741	9,059,601	7,973,792	-2,949	-1,085,809	78950
79050	Trust funds considered budget authority	3,368,573	3,661,328	3,367,731	-842	-293,597	79050
79100	Total	11,345,314	12,720,929	11,341,523	-3,791	-1,379,406	79100
79300	Mandatory	1,930,462	1,918,500	1,918,500	-11,962	---	79300
79450	Discretionary	6,046,279	7,141,101	6,055,292	+9,013	-1,085,809	79450
79600	Trust funds considered budget authority	3,368,573	3,661,328	3,367,731	-842	-293,597	79600
79710	Dept of Labor working capital fund	3,900	---	---	-3,900	---	79710
79750	Subtotal, discretionary	9,418,752	10,802,429	9,423,023	+4,271	-1,379,406	79750
79950	Total, 602(b) scorekeeping	11,349,214	12,720,929	11,341,523	-7,691	-1,379,406	79950

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
80100	Title II - Dept of Health & Human Services	166,446,275	185,967,914	185,071,920	+18,625,645	-895,994	80100
80150	Prior year advances	32,447,717	30,955,350	30,955,350	-1,492,367	---	80150
80200	Trust funds considered budget authority	2,154,893	2,240,547	1,742,290	-412,603	-498,257	80200
80250	Total	201,048,885	219,163,811	217,769,560	+16,720,675	-1,394,251	80250
80500	Mandatory	140,294,672	157,275,239	156,955,239	+16,660,567	-320,000	80500
80550	Prior year advances	31,447,717	30,955,350	30,955,350	-492,367	---	80550
80560	Adjustment for leg cap on Title XX SSBGs	419,000	---	320,000	-99,000	+320,000	80560
80600	Subtotal, mandatory	172,161,389	188,230,589	188,230,589	+16,069,200	---	80600
80850	Discretionary	26,151,603	28,692,675	28,116,681	+1,965,078	-575,994	80850
81000	Prior year advances	999,997	---	---	-999,997	---	81000
81050	Trust funds considered budget authority	2,154,893	2,240,547	1,742,290	-412,603	-498,257	81050
81180	HEAL loan limitation	-6,983	---	---	+6,983	---	81180
81190	Adjustment for leg cap on Title XX SSBGs	-419,000	---	-320,000	+99,000	-320,000	81190
81200	LIHEAP 1997 contingency	---	300,000	300,000	+300,000	---	81200
81300	Subtotal, discretionary	28,880,510	31,233,222	29,838,971	+958,461	-1,394,251	81300
81550	Total, 602(b) scorekeeping	201,041,899	219,463,811	218,069,560	+17,027,661	-1,394,251	81550

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
81600	Title III - Department of Education	25,230,349	28,034,009	25,228,875	-1,474	-2,805,134	81600
81900	Mandatory	2,419,983	2,473,338	2,473,338	+53,355	---	81900
81910	Education: Rehab services, tech assistance	---	39,249	---	---	-39,249	81910
81950	Subtotal, mandatory	2,419,983	2,512,587	2,473,338	+53,355	-39,249	81950
82050	Discretionary	22,810,366	25,560,671	22,755,537	-54,829	-2,805,134	82050
82060	Education advance funding, FY 1997	-1,298,239	1,298,239	1,298,239	+2,596,478	---	82060
82065	Education advance funding, FY 1998	---	---	-1,298,239	-1,298,239	-1,298,239	82065
82070	Education: Rehab services, tech assistance	---	-39,249	---	---	+39,249	82070
82200	Subtotal, discretionary	21,512,127	26,819,661	22,755,537	+1,243,410	-4,064,124	82200
82350	Total, 602(b) scorekeeping	23,932,110	29,292,999	25,228,875	+1,296,765	-4,064,124	82350
82400	Title IV - Related Agencies	19,799,805	21,365,674	20,629,339	+829,534	-736,335	82400
82450	Prior year advances	7,515,000	9,690,000	9,690,000	+2,175,000	---	82450
82500	Trust funds considered budget authority	977,264	1,022,628	945,448	-31,816	-77,180	82500
82550	Total	28,292,069	32,078,302	31,264,787	+2,972,718	-813,515	82550
82700	Mandatory	17,191,573	17,976,393	17,897,393	+705,820	-79,000	82700
82750	Prior year advances	7,240,000	9,430,000	9,430,000	+2,190,000	---	82750
82800	Subtotal, mandatory	24,431,573	27,406,393	27,327,393	+2,895,820	-79,000	82800
82900	Discretionary	2,608,232	3,389,281	2,731,946	+123,714	-657,335	82900
83000	Prior year advances	275,000	260,000	260,000	-15,000	---	83000
83050	Trust funds considered budget authority	977,264	1,022,628	945,448	-31,816	-77,180	83050
83060	P.L. 104-121 funding	---	-25,000	-25,000	-25,000	---	83060
83150	Subtotal, discretionary	3,860,496	4,646,909	3,912,394	+51,898	-734,515	83150
83300	Total, 602(b) scorekeeping	28,292,069	32,053,302	31,239,787	+2,947,718	-813,515	83300

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

		FY 1996 Comparable	FY 1997 Request	House Passed	vs. FY 1996 Comparable	vs. FY 1997 Request	
		21	22	23			
83310	Scorekeeping adjustments:						83310
83370	Howard University	---	2	---	---	-2	83370
83380	Adjustment to balance with FY96 bill	-27,687	---	---	+27,687	---	83380
83385	Direct loan administration limitation	-114,000	---	-269,000	-155,000	-269,000	83385
83387	Medicaid psychiatric hospitals	50,000	---	---	-50,000	---	83387
83392	JOBS rescission	-10,000	---	---	+10,000	---	83392
83394	Advances to the ESA account of the Unempl TF	-56,300	---	---	+56,300	---	83394
83396	Payments to UI trust fund & other funds	-266,000	---	---	+266,000	---	83396
83400	Total, current year, all titles	---	---	---	---	---	83400
83750	Mandatory	162,255,690	179,682,719	179,564,470	+17,308,780	-118,249	83750
83850	Prior year advances	38,687,717	40,385,350	40,385,350	+1,697,633	---	83850
83900	Subtotal, mandatory, current year	200,943,407	220,068,069	219,949,820	+19,006,413	-118,249	83900
84100	Discretionary	55,472,171	66,317,720	59,345,456	+3,873,285	-6,972,264	84100
84150	Prior year advances	1,274,997	260,000	260,000	-1,014,997	---	84150
84200	Trust funds considered budget authority	6,500,730	6,924,503	6,055,469	-445,261	-869,034	84200
84250	Subtotal, discretionary current year	63,247,898	73,502,223	65,660,925	+2,413,027	-7,841,298	84250

PERMISSION TO CONSIDER ON FRIDAY, JULY 12, 1996, H.R. 2428, FOOD AND GROCERY DONATION ACT, UNDER SUSPENSION OF THE RULES

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that on Friday, July 12, 1996, the Speaker be authorized to entertain a motion, offered by the gentleman from Pennsylvania, Mr. GOODLING, or his designee, to suspend the rules and pass H.R. 2428 as amended, a bill to encourage the donation of food and grocery products.

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

There was no objection.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Wednesday July 10, 1996, I was granted a leave of abence and I missed a series of votes.

On rollcall vote number 295, I would have voted no.

On rollcall vote number 296, I would have voted no.

On rollcall vote number 297, I would have voted yes.

On rollcall vote number 298, I would have voted yes.

On rollcall vote number 299, I would have voted no.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3396.

☐ 0040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the Chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Florida [Mr. CANADY] and the gentleman from Massachusetts [Mr. FRANK] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

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

Mr. Chairman, today, the House begins its consideration of H.R. 3396, the Defense of Marriage Act. H.R. 3396 has two operative provisions. Section 2 of the bill reads as follows:

> No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

This provision invokes Congress' constitutional authority, under Article IV, section 1, to prescribe the effect that shall be given the public records, acts, and proceedings of the various States. This section provides only that States ''shall not be required'' to recognize same-sex marriage licenses issued by other States. It would not prevent any State from permitting homosexual couples to marry, just as it would not prevent any State from choosing to give full legal effect to same-sex marriages contracted in other States. It means only that they are not required by the Full Faith and Credit Clause to do so.

It appears that gay rights lawyers are soon likely to win the right for homosexuals to marry in Hawaii, and that they will attempt to ''nationalize'' that anticipated victory under force of the Full Faith and Credit Clause of the U.S. Constitution. I do not believe that other States would necessarily be required, under a proper interpretation of that Clause and the ''public policy'' exception to it, to give effect to a Hawaiian same-sex marriage license.

But here is the situation we confront: Gay rights lawyers have made plain their intention to invoke the Full Faith and Credit Clause to persuade judges in the other 49 States to ignore the public policy of those States and to recognize a Hawaiian same-sex marriage license. This strategy is no secret; it is well documented. I would hope that judges would reject this strategy. But we all know that some courts will go the other way. That explains why, as we learned at our hearing, over 30 States are busily trying to enact legislation that will assist their efforts to fend off the impending assault on their marriage laws. There is, in short, disquiet in the States over how this legal scenario will play out.

The strategy the gay rights groups are pursuing is profoundly undemocratic, and it is surely an abuse of the Full Faith and Credit Clause. Indeed, I cannot imagine a more appropriate occasion for invoking our constitutional authority to define the States' obligations under the Full Faith and Credit Clause. As Representative Torrance Tom from Hawaii testified before the Subcommittee: ''If inaction by the Congress runs the risk that a single Judge in Hawaii may re-define the scope of legislation throughout the other forty-nine states, [then] failure to act is a dereliction of the responsibilities [we] were invested with by the voters.''

Section 3 of the bill is even more straightforward. It proves that, for purposes of federal law only, ''word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.'' Again, this is a reaction to the Hawaii situation. Prior to the Hawaii Supreme Court decision there was never any reason to define the words ''marriage'' or ''spouse'' in federal law, because the laws of the fifty States were uniform in defining them exclusively with reference to heterosexual unions. But now, it is necessary to make explicit in the federal code Congress' well-established and unquestionable intention that ''marriage'' is limited to unions between one man and one woman. Section 3 changes nothing; it simply reaffirms existing law.

I would note that the Clinton administration Justice Department believes that H.R. 3396 is constitutional. President Clinton, more over, has indicated that he ''would sign the bill if it was presented to him as currently written.''

I'd make just one final point. Opponents of this bill have been quick to allege that its sponsors are motivated by crass political considerations; they have argued, in effect, that we have contrived this issue in order to score political points. In light of the Hawaii situation, the proclaimed intention of the gay rights lawyers, and the strong bipartisan support for the bill, this simply is not a credible argument. It is, rather, an argument designed to shift the focus of debate away from the fundamental issues at stake in this controversy.

What is at stake in this controversy? Nothing less than our collective moral understanding—as expressed in the law—of the essential nature of the family—the fundamental building block of society. This is far from a trivial political issue. Families are not merely constructs of outdated convention, and traditional marriage laws were not based on animosity toward homosexuals. Rather, I believe that the traditional family structure—centered on a lawful union between one man and one woman—comports with nature and with our Judeo-Christian moral tradition. It is one of the essential foundations on which our civilization is based.

Our law should embody an unequivocal recognition of that fundamental fact. Our law should not treat homosexual relationships as the moral equivalent of the heterosexual relationships on which the family is based. That is why we are here today.

☐ 0045

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just exercise my objection to the way this House is being run. If this is such an important issue, why are we debating this at a quarter to 1? I must say that for an important piece of legislation like this to

be treated in this fashion is quite shabby.

Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate really is about a simple question, a question of equal rights. Marriage is a basic right. It is a basic human right. Love and commitment are essential pillars of marriage. They are qualities that do not discriminate on account of gender. It is not right for this Congress to step in and to intrude into the private relationships and the most personal decisions of our constituencies. Love and commitment can exist between a man and a woman and it can and does exist between men and between women.

Proponents of this curiously titled bill say that we need legislation to protect the family. Nothing could be further from the truth. Families are not threatened when two adults who love each other make a lifelong commitment to one another. Families will not fall apart if gay men and women are allowed to marry, if they are allowed the same basic legal right to marry that is already enjoyed by heterosexuals.

This is not about defending marriage. It is about finding an enemy. It is not about marital union. It is about disunion, about dividing one group of Americans against another. This bill is unconstitutional, this bill is unfair, and the spirit behind this bill further fans the flames of prejudice and bigotry that this 104th Congress has done a pretty good job at fanning thus far.

I think it is a travesty that people would bring this bill out simply to polarize Americans even further. Instead of bringing love and commitment and worshiping that in our society, this bill sows the seeds of division and hatred amongst people. I think that is a very unfortunate thing.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the institution of marriage and this bill, which seeks to uphold and preserve traditional heterosexual marriage, the fundamental building block of our society.

Mr. Chairman, it is true that the institution of marriage, understood to be the social, legal and spiritual union of one man and one woman, has been the foundation of every human society. In 1988 the U.S. Supreme Court described marriage, quote, as creating the most important relation in life, as having more to do with the morals and civilization of a people than any other institution.

In the 1970's, the Minnesota State Supreme Court went further by stating that, quote, the institution of marriage as a union of man and woman uniquely involving the procreating and rearing of children within the family is as old as the Book of Genesis.

Most Americans who are still up at this hour will think it odd that we are actually considering legislation to define marriage as an exclusively heterosexual monogamous institution when, in fact, in the history of our country marriage has never meant anything else. It is inherently reserved for one man and one woman. As Webster's Dictionary states, quote, marriage is the institution whereby a man and a woman are joined in a special social and legal relationship.

Furthermore, I believe that marriage is a covenant established by God wherein one man and one woman are united for the purpose of founding and maintaining a family. H.R. 3396 solidly reinforces these previous U.S. and State Supreme Court findings by simply restating the current and long-established understanding of marriage as the social, legal and spiritual union of one man and one woman.

The President, who has promised his support for this legislation, and promised to sign this bill, said it very well at the National Prayer Breakfast this past January. He said, ''We know that ultimately this is an affair of the heart, an affair of the heart that has enormous economic and political and social implications for America, but, most importantly has moral implications, because families,'' he said, ''are ordained by God as a way of giving children and their parents the change to live up to the fullest of their God-given capacities.''

The President is absolutely right.

Mr. Chairman, I am convinced that our country can survive many things, but one thing it cannot survive is the destruction of the family unit which forms the foundation of our society. Those among us who truly desire a strong and thriving America for our children and grandchildren will defend traditional heterosexual marriage and will vote for final passage of this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentlewoman from San Francisco, CA [Ms. PELOSI], a great champion of human rights.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his strong leadership on this important issue and other issues of civil and human rights in this country and throughout the world.

Mr. Chairman, I rise in strong opposition to this ill-named Defense of Marriage Act and I do so on the basis of conscience, Constitution and constituency.

This legislation in terms of the Constitution, I believe, violates the spirit of the Constitution's full faith and credit clause as well as its equal protection provisions. It also is quite ironic to me that the Republican Party, which is a strong advocate for States' rights, now wants to override the will of the States and this is all in the hypothetical at that.

As a matter of conscience, I am opposed to this legislation because I believe it is a blatant act of discrimination. It is also disappointing that it is happening at this time because last week on the Fourth of July we celebrated our country's independence and our country's greatness. This week we are acting to diminish that greatness by saying to some members of our society that they are not equal under the law. Who is next? This bill is an insult to gays and lesbians in our country. Who is next? That brings me to my constituency.

I have the privilege of representing the most diverse population of any district in the country. I know there will be those who say their districts are as diverse but I do not think anyone's is more diverse than mine. In my district, I can easily see and say that the beauty is in the mix. I want to be sure that the power is also in the mix, the power for all of those different people to make their own decisions about their personal lives, the power for them to reach their own fulfillment, newcomer or old guard, black, brown, white or yellow, gay or lesbian.

Those decisions and that fulfillment include those affecting their life, liberty and pursuit of happiness. We value family in our community as a source of strength to our country and a source of comfort to our people. What constitutes that family is an individual and personal decision. But it is for all a place where people find love and support. If that happens to be with people living together of the same sex or of different sex, if it happens platonically or not, if it happens that they find comfort and love and support, God bless them.

Let me tell you about two very special constituents of mine who have lived together for over 25 years. Their commitment, their love and their happiness are a source of strength to all who know them. Their relationship—I hold this up so you can all see—is not a threat to anyone's marriage. This is Phyllis Lyons and Dell Martin. Phyllis has two grandchildren. Phyllis and Dell have been leaders in our community and command the respect of all who know them. Why should they not be able to share each other's health and bereavement benefits? Why should they not be able to visit each other in the hospital in case of accident or in case of illness? I know people will say, you can sign up in advance and tell the doctor before you go in for the operation. That does not happen is you are in an accident. Why should they not be able to share a financial relationship inheritance, immigration, the list goes on and on.

Why should they not have the full protection of the law? All of our community in our area are in debt to Phyllis and Dell for their contribution to the community, serving on commissions, they have been officially recognized over and over again in the course of their years of service. Tonight I am again in their debt for allowing me to share their personal history with you. I

thank them for doing that, and I say to all of you, if you knew Phyllis and Dell and many hundreds of thousands of people that I know like them, why would you not want them to be treated equally?

But I ask you to make a more personal question of yourselves. Should you find yourself in a situation where your children or your close relatives or your close friends find solace, happiness, comfort, love, support in a relationship that is appropriate for them, would you not want them to have the legal recognition that they deserve? It is not again a threat to anyone.

Mr. Chairman, I wish I could go into what is a threat to marriage in this country, but with that I urge my colleagues to think carefully before discriminating against anyone in this country. I urge our colleagues to vote ''no'' on this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise in strong support of the Defense of Marriage Act and begin by saying that the reason that it is called the Defense of Marriage Act is very simple and very plain. There is an active court action in the State of Hawaii that is scheduled—some say as long as two years from now, earlier it was reported it could be as early as the first week in August—that they would rule that same-sex marriages are in order and according to the full faith and credit clause of the Constitution that a couple could fly from any part of the country to the State of Hawaii, receive a marriage certificate in that State, return to their home State and be obligated in that State, potentially be obligated in that State, that State would have to honor that marriage certificate. There is a very radical element that is in the process of redefining what marriage is.

We do not need to explain that for thousands of years and across many, many different cultures, a definition of marriage that transcends time has always been one man and one woman united for the purposes of forming a family. But that very definition is under assault. There have been many people that have spoken already this evening that have said, this is about equal rights, or this is about discrimination. Let me just say first of all that this is not about equal rights. We have equal rights.

□ 0100

Homosexuals have the same rights as I do. They have the ability to marry right now, today. However, when they get married, they must marry a person of the opposite sex, the same as me. That is the same right that I have. Now, I would also say that, just like a homosexual, I do not have the right to marry somebody of the same sex. It is the same for them as it is for me. There is no disparate between this rights issue.

Further, I would say that marriage is not a right in the first place. It is a privilege. That really brings me to another subject, when we talk about this bill defining for Federal purposes what constitutes a marriage, one man and one woman. There is, as I said, a radical element, a homosexual agenda that wants to redefine what marriage is. They want to say that a marriage not only is one man and one woman but it is two men or it is two women.

What logical reason is there to keep us from stopping expansion of that definition to include three people or an adult and a child, or any other odd combination that we want to have? There really is no logical reason why we could not also include polygamy or any other definition to say, as long as these are consenting human beings, and it does not even have to be limited to human beings, by the way. I mean it could be anything. But what rational reason, logical reason is there to say no, it is okay for two males or two females but we are not going to expand the definition beyond that. There is no reason why we cannot just completely erase whatever boundaries that currently exist on the definition of marriage and say it is a free-for-all, anything goes.

It has also been said many times that the reason that this bill is being brought forth in the House of Representatives and later in the Senate is because of political reasons. I would just also reiterate the fact that the President is waiting for this bill at this moment. He has said many times that now is the time to act and to reaffirm the fact that marriage constitutes one man and one woman.

The President has already agreed to sign this bill. This is not a wedge issue. This is not a political football that is going back and forth between presidential candidates. We need to move on this bill as quickly as possible and reaffirm marriage as the foundation and the cornerstone of our society.

Mr. FRANK of Massachusetts. Mr. Chairman, before yielding to the gentleman from Illinois let me say that the previous speaker said that this might be decided as early as the first week of August. There is not a shed of evidence of that. The trial of this issue is going to begin in September in Hawaii. Now, how a trial that is going to begin in September could be decided in the first week of August baffles me but no more than a lot of the other things he said.

Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, without question, we've heard some puzzling arguments in favor of the Defense of Marriage Act.

But at least one good thing has come from this debate.

I think everyone understands better when to take my Republican friends seriously and when they are just having a good laugh at the expense of the American people.

I now realize that my friends on the other side of the aisle aren't the least bit serious when they talk about how important it is for the federal government not to interfere in the lives of our people.

I understand that they are just kidding—just teasing us—when they stress the importance of taking power out of Washington and giving it to local officials.

And now I know that their biggest joke of all is that old line about the importance of family values—all that talk about encouraging people to care about and be committed to each other.

Because the bill that most of my friends on the other side of the aisle are supporting tonight represents the polar opposite of all those lofty goals we've heard them talk so much about.

The misleadingly titled ''Defense of Marriage Act'' is the ultimate in Washington bureaucracy dictating to the American people how they should live their lives.

And it is an outstanding example of telling state officials how they should legislate and make policy.

This should be a simple issue.

Unfortunately, for many of my colleagues on the other side of the aisle, that simple issue is politics.

It's as simple as exploiting fears and promoting prejudice.

But something more important than looking for a few extra votes should be simple, too.

Seeking fairness.

Seeking an America where, all people are treated the same under the law, in every aspect of their lives—from choosing where they live to who they marry.

And one more thing should be simple.

Promoting freedom.

Making sure that all Americans have the freedom to live their personal lives in exactly the way they choose.

Without being discriminated against. Without being stopped or harassed by a meddling federal government. Without being prevented by legislators from deciding what is best for them.

I think the debate we hear tonight is the very reason so many Americans are troubled by politicians exploiting the idea of ''family values.''

I don't know many Americans—regardless of their political party, race, religion or sexual orientation—who don't believe that family values are vitally important.

But I also don't know many Americans who want a couple of hundred politicians in Washington to impose their values on everyone else's families.

Let me tell you about some very basic values I think we're talking about when we stand up against this bill.

The values of people who love each other. People who share each other's lives. People who care about their future and the future of those around them. People who want to make a commitment that is legal and official and is important to them.

To me, that sounds like family values.

And all of the noise we hear on the other side of the aisle sounds like politics as usual.

I encourage my colleagues in the house today—and I don't say this very often—give my Republican friends what they say they want.

Real family values. And more local control. And a federal government that stays out of American's lives.

There's only one way to do that.

Vote to defeat the Defense of Marriage Act.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Oklahoma [Mr. COBURN].

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

Mr. COBURN. Mr. Chairman, we have heard a lot tonight already. We heard a lot in the debate on the rule about discrimination. We just heard about family values. I do not think it is about any of those things. The real debate is about homosexuality and whether or not we sanction homosexuality in this country.

Mr. Chairman, I come from a district in Oklahoma who has very profound beliefs that homosexuality is wrong. I represent that district. They base that belief on what they believe God says about homosexuality. It is what they believe God says about it. What they believe is, is that homosexuality is immoral, that it is based on perversion, that it is based on lust. It is not to say that the individual is any less valuable than anybody that might believe that, but it is discrimination towards the act, not towards the individuals. That should be something that we stand for, that should be something that we stand on.

So I support the Defense of Marriage Act for many reasons, but I support it because my district supports it. My district says it is time to say that homosexuality should not be sanctioned on an equal level with heterosexuality, and there are lots of reasons to back that up.

If you look at some of the studies that are put forward to say homosexuality is equal to heterosexuality, all you have to do is look at the number of partners on average that we see with homosexuality, and there are studies to say that over 43 percent of all people who profess homosexuality have greater than 500 partners. There are studies that would say that. The point being is I stand here representing my district to say homosexuality, the act of homosexuality, not the individual, is immoral, it is wrong. We should say that and we should not be afraid to stand on the very principles of our beliefs.

We can claim our beliefs, we can claim to represent the beliefs of those whom we represent, and we should stand for that. Others have different beliefs, I recognize that, and I would yield to their beliefs. But for me and my district, I am going to yield to the beliefs that we hold. I believe it is discrimination against the act and not the individual.

We hear about diversity, but we do not hear about perversity, and I think that we should not be afraid to talk about the very issues that are at the core of this. This is a great debate that we are going to have in our country, and it is not going to end with the debate on this bill. The fact is, no society that has lived through the transition to homosexuality and the perversion which it lives and what it brought forth.

It is not to say that the individuals are any less valuable or any less bright, but the fact is it is morally wrong, and I stand on that statement.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. LEWIS] because I cannot think of a more fitting response, since he would not yield on the question of morality and discrimination, than one of the great heroes of the fight against discrimination in our lifetime.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding me the time.

Let me say to the gentleman that when I was growing up in the south during the 1940s and the 1950s, the great majority of the people in that region believed that black people should not be able to enter places of public accommodation, and they felt that black people should not be able to register to vote, and many people felt that was right but that was wrong. I think as politicians, as elected officials, we should not only follow but we must lead, lead our districts, not put our fingers into the wind to see which way the air is blowing but be leaders.

Mr. Chairman, this is a mean bill. It is cruel. This bill seeks to divide our nation, turn Americans against Americans, sew the seeds of fear, hatred and intolerance. Let us remember the Preamble of the Declaration of Independence: We hold these truths self-evident that all people are endowed by their creator with certain inalienable rights. Among these are life, liberty and the pursuit of happiness.

This bill is a slap in the face of the Declaration of Independence. It denies gay men and women the right to liberty and the pursuit of happiness. Marriage is a basic human right. You cannot tell people they cannot fall in love. Dr. Martin Luther King, Jr. used to say when people talked about interracial marriage and I quote, ''Races do not fall in love and get married. Individuals fall in love and get married.''

Why do you not want your fellow men and women, your fellow Americans to be happy? Why do you attack them? Why do you want to destroy the love they hold in their hearts? Why do you want to crush their hopes, their dreams, their longings, their aspirations?

We are talking about human beings, people like you, people who want to get married, buy a house, and spend their lives with the one they love. They have done no wrong.

I will not turn my back on another American. I will not oppress my fellow human being. I have fought too hard and too long against discrimination based on race and color not to stand up against discrimination based on sexual orientation.

Mr. Chairman, I have know racism. I have known bigotry. This bill stinks of the same fear, hatred and intolerance. It should not be called the Defense of Marriage Act. It should be called the defense of mean-spirited bigots act.

I urge my colleagues to oppose this bill, to have the courage to do what is right. This bill appeals to our worst fears and emotions. It encourages hatred of our fellow Americans for political advantage. Every word, every purpose, every message is wrong. It is not the right thing to do, to divide Americans.

We are moving toward the 21st century. Let us come together and create one nation, one people, one family, one house, the American house, the American family, the American nation.

☐ 0115

Mr. CANADY of Florida. Mr. Chairman, I yield 8 minutes and 30 seconds to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the distinguished gentleman of the Subcommittee on the Constitution for yielding time to me.

Mr. Chairman, when this issue first came up earlier this year, some constituents back home approached me and they said, Bob, if somebody had come to you two years ago or three years ago, when you were contemplating running for the Congress of the United States of America and said, Bob, one of the things that you are going to have to draft up and champion in the Congress of the United States is a piece of legislation that defends against an assault on the institution of marriage. And it is going to be necessary in that piece of legislation to define marriage as the legal union between one man and one woman, and it is going to be essential that you do that.

I probably would have said they were crazy.

This is America. This is America. This is the land that has as its most basic building block the family unit, a marriage between a man and a woman. But here we are, and it is indeed an issue.

It is an issue that is being used by the homosexual extremists to divide America. It is part of a deliberate, coldly calculated power move to confront the basic social institutions on which our country not only was founded but has prospered and will continue to prosper, thank you.

For those who say it is just a hypothetical issue, look here. This is one of the homosexual groups that espouses

the various things that we are hearing on the other side. They say, many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full legal recognition of their unions.

That is their plan. They are bent on carrying it out. I kid you not, they will try to do it.

The legislation before us today simply stands up and says, enough is enough. There is not one other country in the world, not one other country on the face of the earth, for heaven's sake, that is doing what the judges in Hawaii are poised to do and from there use that as a launching pad all across America to do, and that is to throw out the window the very definition of the building block on which our society and all societies in the world are founded. Not one other country in the world has taken this extreme, radical step. America would be the first.

I do not stand here with anger. I think this is a great day for America, to stand here and debate an issue of such fundamental importance that vast majorities of our citizens, even in Hawaii, believe is an important issue. They are saying, stand up for marriage, stand up for the basic building blocks on which our society is founded. Stand up to the extremists. I hear them and I believe a vast majority of Members in both bodies, indeed, the President of the United States himself hears those voices, and we are responding to them as representatives ought to do.

The issue is a very real one. It is not just the extremist homosexual groups that are pushing this agenda. It is people in the White House. It is people in the Washington Post, the Washington Blade. To them marriage means just two people living together alone. Is that not sweet? In other words, it means absolutely nothing.

Now, if folks on the other side believe that homosexual relationships are just great and if they believe that marriage should mean simply people doing whatever it is they want to do, then fine, say that. And bring out the dictionaries and let us completely change what marriage means. Marriage does not mean two men or two women getting married. It just does not mean that. You can say it does, but it does not. You are talking about something completely different. If that is what you want, then come up with legislation and say, that is what we want. We want to redefine the basic building block on which our society was founded, and then let us have a debate about it.

But do not come here and debate the legitimate claim that we are doing something wrong, that we are being divisive by standing up to extremists who are bent on completely eradicating the concept of marriage as all civilizations not only know it but have known it.

This legislation goes no further than is absolutely essential, Mr. Chairman, to meet this very specific challenge. It is indeed a challenge, as we can see by the groups advocating it and as can be seen by the court case in Hawaii. It is not a hypothetical court case. The Supreme Court of Hawaii has made very clear in rulings already on record that they believe in their minds it is unconstitutional in the Hawaiian Constitution to deny a marriage license to two people of the same sex. They have told the lower courts that it is almost impossible, virtually impossible for the lower courts not to reach that same decision or, if they do not, it is going to be overturned on appeal.

In other words, my colleagues, the courts in Hawaii are going to recognize homosexual marriages, and these groups are then going to take those marriage licenses, so-called marriage licenses, pieces of paper that purport to be marriage licenses and come to the mainland.

The fact of the matter is that, even though many of us believe that the full faith and credit clause of our Constitution cannot be used, should not be used to override the public policy of the different States, the fact of the matter is, none of us know how the courts are going to rule on these things. So in an exercise of responsibility and in an exercise of proper role of federalism, we have crafted the Defense of Marriage Act. It simply says, this is the status quo and no one State of the Union can have its decision of its people overridden, run roughshod by people from judges from another State.

I forget who it was over here on the other side talking about that being an erosion or trampling of States rights, good heavens. We are saying that States have those rights and maintain that right. This legislation simply reaffirms it, Mr. Chairman.

The only other thing that it does, also clearly within the purview of the jurisdiction of the Congress, is to define the reach of Federal statutes that concur legitimate Federal benefits on its citizens, to define it for purposes of determining spouses and marriage, what it has meant over the entire long history of western civilization. And that is that marriage means, does mean, always will mean legal union between one man and one woman.

I strongly urge passage of and support for the Defense of Marriage Act.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, H.R. 3396 outlaws something that does not even exist. It tramples over the Constitution. It flies in the face of States rights, and it plays into the hands of the radical right, those who are trying to divide our country by scapegoating gays and lesbians. But let us move beyond the bill's numerous flaws and look at how it will affect American families. Let us look at what it will mean to my family.

Last month my youngest son married a wonderful young woman. As friends and family gathered to celebrate their commitment to each other, the State of California also granted them the legal benefits of marriage. This bill, however, would ensure that another of my sons will never have the same options nor the protections that come with marriage. In fact, even the most basic rights of marriage that my youngest son already takes for granted, such as the ability to visit his spouse in a hospital, could be denied to his brother, denied because of his sexual orientation.

Mr. Chairman, let us not reduce ourselves to being pawns for the radical right. Let us not turn the House of Representatives into a political convention for extremists. For once let us reject fear, embrace tolerance and move this Nation forward without leaving anyone behind.

I urge my colleagues to defeat this really mean-spirited bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I rise in opposition to this bill and I oppose it with both my head and my heart. My head, because my brain and my legal training tell me that there are constitutional flaws in this particular bill. My heart speaks even more strongly to tell me that this is wrong. Wrong because in America, rights are not for some but not for others. We do not have one-half citizenship or three-quarters citizenship for some people and different kinds of citizenship for another. We treat all of our citizens the same.

I took a look at the marriage vows, because I tried to decide what it is exactly that we want to keep people from having under this bill. When you take generic wedding vows that are accepted in many churches you find words like this: I so-and-so take you to be my wedded husband, wife, to have and to hold. And I thought, to have and to hold, which people is it that we want to forbid to have a committed relationship, to be sustained by the love of another person.

For better for worse, I ask again, which people are there that we want to make sure should not have a soul mate, a partner in life's struggle, someone to laugh with, someone to cry with, someone to work with, to improve their lives, to support one another through good times and bad.

I looked at the words ''in sickness and in health'' and I asked myself, what people does the government want to keep from having a partner who will nurture them, who will nurse them, who will wipe their brow, who will hold their hand when they are ill. I could not find any.

I looked at the words ''to love and to cherish'' and I asked myself, who does the government want to keep from being the center of another person's life. Who do we want to stop from being hugged, held, adored?

I looked at the words ''I promise to be faithful to you until death parts us'' and I asked myself, as a matter of public policy, who do we want to forbid from a monogamous promise. And given the comments made earlier about promiscuity, I cannot imagine who that would be.

Love is not a zero sum game, Mr. Chairman. One couple's love is not a threat to another. Today's marriages are threatened by a lack of commitment, a lack of maturity and a lack of fidelity. To argue any other thing else is specious.

□ 0130

I hope that all Members and all Americans will let their conscience be their guide on this despicable bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes, 45 seconds, to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, we began our national life by declaring that all men are created equal. We did not really mean it. We meant that all white men of property are created equal. The history of this country is largely the history of expanding that definition to all white men, to white men and black men, to white men and black men and white women and black women. We have achieved all that, but we said we want to achieve all that. We are just beginning to go down that road for gay and lesbian people. We still permit discrimination by law. We are just beginning to expand that definition, and we will.

The arguments against gay and lesbian marriage are essentially the same argument that we used to hear against black-white marriages. We had antimiscegenation laws in this country. I have no doubt that one day we will permit in every State in this Union, and we will celebrate, gay and lesbian marriages. One day we will look back and wonder why it was ever thought controversial to allow two people who wanted to share each other's lives in a committed, monogamous relationship to undertake the obligations and benefits of marriage, why it was ever thought that allowing gay and lesbian people to visit each other in the hospital or to share each other's pension rights posed a threat to marriages of heterosexual people.

But the bill before us today is not designed to solve a real problem. It is designed to appeal to fear and prejudice and hatred and bigotry. It is also a fraud.

We are told we must pass this bill to protect our States from being compelled by the Constitution's full faith and credit clause to recognize same-sex marriages entered into in Hawaii. Aside from the fact they were a year or two away from Hawaii making any such decision, the full faith and credit clause does not compel or would not compel States to do such a thing. The public policy exception that today allows New York or Connecticut to refuse to recognize a 15-year-old marriage entered into in States which permit 15-year-old marriages would permit States on public policy grounds not to recognize same-sex marriages if they choose not to. So that section of the bill is unnecessary.

But the other section of the bill, the section that defines marriage in Federal law for the first time and says to any State, ''No matter what you do, whether you do it by referendum or by public decision or by legislative action, the Federal Government won't recognize a marriage contracted in your state if we don't like the definition. We are going to trample the States' rights,'' shows exactly where this bill is coming from. We are going to say those are second-class marriages because we overruled New York or Connecticut or Hawaii or whoever decides to do that.

Why do we want to start down the road of a Federal marriage law? This bill, Mr. Chairman, defends against a nonexistent threat. Marriages in this country are threatened by a 50 percent divorce rate, by drugs, by alcoholism, by gambling, by immaturity, by lots of things, but not by allowing gay or lesbian couples to formalize their relationships and pursue their happiness.

Mr. Chairman, this is a despicable bill, and I urge its defeat.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

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

Mr. Chairman, the institution of marriage is not a creation of the State. It is older than the government, older than the Constitution and the laws, older than the Union, older than the Western tradition of political democracy from which our Republic springs, and I think it is deeply rooted in the basic precepts of our civilization. It has been sanctified by all the great monotheistic religions and, in particular, by the Judeo-Christian religion which is the underpinning of our culture.

Mr. Chairman, it is an act of hubris to believe that marriage can be infinitely malleable, that it can be pushed and pulled around like silly-putty without destroying its essential stability and what it means to our society, and if marriage goes, then the family goes, and if the family goes, we have none of the decency or ordered liberty which Americans have been brought up to enjoy and to appreciate. That is what this bill is about.

I am going to deal just very briefly with two of the arguments that have been used against it. The one is that the bill is somehow against love or against loving or caring relationships. It is not. There are all kinds of loving and caring relationships in America, and basically that is a good thing, and people can do that if this bill passes. We are not saying that people cannot do that. We are saying that the States should not be forced to give the imprimatur of legal sanction to those kinds of relationships, and to argue to the contrary is to say essentially the States have to recognize polygamy if it is loving relationships or adult incestuous marriages if it is a loving relationship, and what it shows is we are on a slope that leads to no standards and no relationships, as the gentleman from Georgia said, where marriage becomes meaningless.

The other argument that this bill is somehow divisive. Mr. Chairman, let us be frank here. There is a division that already exists in our society, a great gulf over how we ought to define marriage and what it means in terms of sexual morality. This bill does not create that. The people who are trying to attack marriage, the other side, is not saying they are being divisive. Why are we being divisive? Because we are trying to defend it.

The question is not whether there is a division. The question is which side of the division are my colleagues on and whether we are going to allow these issues to be worked out democratically in the States according to the democratic processes or whether we are going to have a resolution that is forced upon the States by the court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I welcome the gentleman's support for the principle that the States should be able to work this out. When I offer an amendment tomorrow that would strike the part of the bill that would prevent the State from fully doing that, I will look for his support. But consistency might evaporate overnight.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding. As one of the great leaders of human rights issues, I appreciate his time.

I cannot believe that we call ourselves lawmakers. I think we fail to ask ourselves what is broke here that needs fixing. Our country has just gone through 220 years without Federal law on marriages. Think about it. We do not have Federal a marriage license. People get married under State law. Some States allow people to marry cousins. Some States allow persons committing statutory rape to have the rape dropped if they marry the person. States do not regulate how many times someone can get married, they do not regulate how many times someone can get a divorce.

So why is this bill called the Defense of Marriage Act? It does not improve marriages, and it takes away States' rights.

This bill is not about marriage, because the Federal Government does not marry people. This bill is about meanness, it is about taking away States' right to enact a law that would allow an elderly man or an elderly woman, maybe a grandmother, even someone's grandfather, from receiving the benefits or giving benefits to a caretaker of the same sex who they may marry for only the reasons of being able to inherit property. It says that the only way someone can leave Social Security benefits or medical care benefits or Federal estate tax deductions is if they married someone of the opposite sex. Elderly people often live together with friends of the same sex. If a State wants to honor that arrangement for tax benefit purposes equal to marriage, this bill would ban it.

My wife and I have raised our daughter in a loving supportive relationship. Our daughter recently asked us, ''Why is your generation so homophobic?'' I told her that it was the last civil rights battle in America. She said, ''I hope you solve it because our generation, it's no big deal.''

Let us listen to our elderly, let us listen to our youth; make laws that help people, not hurt them. Reject this mean-spirited bill.

□ 1345

Women could not own property. There could not be marriage between the races. Many things change over time, Mr. Chairman. This, too, is going to change.

I would like to pay tribute, special personal tribute to the gentleman from Georgia [Mr. LEWIS], to Dr. King, to all those of both parties and no parties. There was nothing partisan about that movement; there is and ought never to be anything partisan about this, the final chapter in the history of the civil rights of this country.

I wish I could remember, I used to know the entirety of that ''I Have a Dream'' speech, but we will rise up and live out the full meaning of our Creator. It may not be this year and it certainly will not be this Congress, but it will happen As I said earlier, we can embrace that change and welcome it, or we can resist it, but there is nothing on God's Earth that we can do to stop it.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank my friend for yielding to me.

We are in a great debate. I would hope that people reading the CONGRESSIONAL RECORD, watching this debate, would compare the tone, the sensitivity, and the reaching out of my friend's words, and then read the earlier words of the gentleman from Oklahoma, the words which were denunciatory and denigratory of the gentleman from Massachusetts and myself, and I would hope that people would compare the spirit of the approach, compare the attitude toward others, compare the way in which things are debated.

I would say, as someone who has been included in this denunciatory rhetoric, that I would be very satisfied to have people in forming their judgment listen to the words uttered by the gentleman from Oklahoma, and listen to the words of my friend, the gentleman from Massachusetts. I think we are helping people form a basis.

This notion that a loving relationship between two people of the same sex threatens relationships between two people of the opposite sex, that is what denigrates heterosexual marriage. The argument that we have denigrated marriage or the institution of marriage or any other formulation says that two people loving each other somehow threatens heterosexual marriage. That is what denigrates heterosexual marriage. I thank the gentleman for yielding.

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

Mr. Chairman, the gentlemen from Massachusetts have congratulated themselves on the tone and quality of the debate in opposition to this bill. We have heard in opposition to this bill the following words. We have heard that those who oppose same-sex marriage and those who support this bill are laughable. We have heard that it is a joke. We have heard it is based on prejudice. We have heard that it is mean-spirited, that the bill is cruel, that those who support it are bigoted, despicable, hateful, ignorant. Those are words that have been uttered here tonight. I believe the American people can make their own judgment about that.

I believe that those words are an insult to the American people, 70 percent of whom or more oppose same-sex marriages. Seventy percent of the American people are not bigots. Seventy percent of the American people are not prejudiced. Seventy percent of the American people are not mean-spirited, cruel, and hateful. It is a slander against the American people to assert that they are.

All this rhetoric is simply designed to divert attention from the fundamental issue involved here. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here: Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman? Should we tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should we tell the children of America that we a society believe there is no moral difference between homosexual relationships and heterosexual relationships? Shall we tell the children of America that in the eyes of the law, the parties to a homosexual union are entitled to all the rights and privileges and benefits that have always been reserved for a man and woman united in marriage?

To all of these questions the opponents of this bill say yes. They support homosexual marriage. They believe that it is a good thing. They believe opposition to same-sex marriage is immoral. That is their opinion. I respect their right to express that. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex. They want the law to be indifferent to such matters.

Although I respect the right of Members to express that sentiment, I vehemently disagree with it. Those of us who support this bill reject the view that such choices are a matter of indifference. In doing so, we have the overwhelming support of the American people. In doing so, we have the support of President Clinton. In doing so, I believe we will have the support of a majority of both parties in this House. I would urge the Members of the House to support this bill and to oppose all amendments that will be offered tomorrow.

Mr. CONYERS. Mr. Chairman, the ill-named ''Defense of Marriage Act'' is little more than a half-baked effort by the Republicans to find yet another issue which they can use to divide the country in a desperate search for votes, deep in an election year. Before we rush head long to judgment on yet another divisive social issue, we ought to at least consider the following:

There is no reason to act on this issue now. The Hawaii Supreme Court decision that the supporters of this bill are so fearful of took place way back in 1993. And the trial proceeding, which is expected to take place shortly, will be subject to appeal to the intermediate and State supreme court—no final binding decision is expected for two years at the earliest.

The States are completely free to act on their own on this issue without any help from Congress. It is black letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and involve under-age minors. Ironically, by enacting this law, Congress will by implication be limiting the States' authority to reject other types of marriage which may be contrary to public policy.

The full ''faith and credit'' hook on which this bill is based is nothing less than a legal charade. The second sentence of the full faith and credit clause merely grants Congress the authority to specify how certain acts, records, and judicial proceedings may be authenticated. There is nothing in the full faith and credit clause which permits Congress to place a break on the application of sister States policies, as opposed to their judgments. Enacting

a law of the nature before us today would be nothing less than unprecedented.

Given these problems, why are we acting today? Why has a bill gone from introduction, to hearing, to subcommittee, full committee, and now the floor in a mere two month's time? The only possible answer is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract with America has been a flop, the Republican party is behind in the polls, and their leadership is desperately trying to manufacture ''wedge'' political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunately, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. This is legislation by mob rule and is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am opposed to the rule for the so-called ''Defense of Marriage Act''. The rule allows only two amendments to this very unnecessary piece of legislation. In committee, an attempt by Congresswoman Schroeder and myself to include the words non-adulterous and monogamous to the definition of marriage in the bill was rejected and because this is a modified closed rule we cannot offer this change today.

No one can deny that the family as an institution has changed dramatically since the days when our own parents were children. Today, there is no single definition of family that applies to all individuals. A family may be made up of two parents and their children, grandparents caring for grandchildren, single mothers or single fathers raising their children, couples without children, foster parents and foster children, or individuals of the same-sex living together and sharing their lives as a couple, how their relationships are handled should be left to the states. This legislation takes the right of the states away.

We need to respect the human rights of all these American families. We should not make laws which are based on an antiquated notion of what constitutes a family. This unnecessary legislation patently disregards the 14th Amendment provision that provides equal protection under the law to all Americans. I believe this legislation has been rushed forward with little thought and reason.

As a wife and a mother, I believe in the human family. The institution of marriage should be cherished and respected, however, same-sex relationships allow human beings to express their attitude of caring for each other. Recognized same-sex relationships simply allow individuals living together and loving each other to be entitled to the rights associated with a loving and caring relationship.

This legislation would define marriage as ''a legal union between one man and one woman as husband and wife''. The word spouse would refer ''only to a person of the opposite sex who is a husband or a wife.''

Never before has the federal government attempted to define either marriage or spouse. This has, and continues to be, the role of the states and they have done it well for the past 200 years. It is beyond the responsibility of the federal government to define marriage and impose that definition on the states.

Furthermore, even if (as the bill's sponsors claim) the federal government needs to step in to clarify differing definitions between states, this legislation is premature. Same-sex marriage is not legal in any state. Hawaii is unlikely to decide the issue of same-sex marriage for at least two years, so this legislation attacks an issue which is not yet ripe. The only reasons to deal with it now is to make it a political controversy.

Finally, since we are being forced to consider this legislation, I do not see why we could not attach the Employment Non-Discrimination Act (ENDA) to this legislation. This long awaited legislation would extend federal employment discrimination protections to include sexual orientation, providing basic protection to ensure fairness in the workplace for Americans who are currently denied equal protection under the law. If we are going to consider this type of legislation a consideration of ENDA should be included. This rule does not allow for such a consideration. I urge my colleagues to vote down this rule. Thank you.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, The Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that state. According to the Full Faith and Credit Clause of the Constitution, unless Congress says otherwise, the other 49 states in the Union would be required to abide by the Hawaii decision. Requiring the entire nation to discard the will of the clear majority of Americans undermines our democracy and would deny other states the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that states should determine their own policy and that the federal government has a right to define who is entitled to benefit as a spouse. This legislation is consistent with the need to return power and decision making to the states where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all states must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task or raising their children.

I urge my colleagues to support this legislation.

Mr. McDERMOTT. Mr. Chairman, I rise to marvel at the wisdom of Congress. We have done such a wonderful job over these past 2 years that we are ready to take on the awesome task of matchmaking for all citizens of the United States.

The legislation we are debating now dictates to them who they can love and spend their lives with in order to benefit from the rights guaranteed by the Constitution and the legal benefits of our laws—civil laws governing marriage and divorce that have previously been the province of the States.

Have we nothing better to do with our time?

Marriage is a personal matter. Marriage is about two people coming together to love and support each other. Why should Congress interfere in this very personal decision?

It was less than 30 year ago that our courts ruled it unconstitutional for the States to ban marriage between persons of different ethnic backgrounds. Have we learned so little in the last 30 years?

This bill has nothing to do with family values or protecting the institution of marriage. It is a political game to obscure the real issues behind the failure of marriages and to divide Americans in an election year.

It is an attempt to fan the coals of bigotry and hatred to try to gain a few votes. The institution of marriage will not be saved to strengthened by increasing hate between our citizens.

This is not a religious issue. Each of the numerous religions practiced in America is free to perform the rites of marriage in accordance with its tenets.

Many marriages between persons of the same gender have been blessed by their religions—in all 50 States. This is purely and simply a civil matter—whether the Federal Government should decide for its citizens which of these unions to recognize and with whom citizens may share their vows of marriage.

Nor is this a moral issue. The only moral question before us is whether it is moral to use this legislation to foster prejudice and misinformation among our citizens for political gain.

I suggest we turn our attention to creating conditions that foster relationships between people in which they care for each other. To quote Ecclesiastes 4:9–10, ''Two are better than one. If one falls down, his friend can help him up.''

The Reverend Billy Graham used that Biblical quote to justify marriage. Reverend Graham stated, '' Nowhere is this truer than in marriage when sickness or other problems come. One of the reasons God has given marriage to us is for times like this.''

It is with marriage that our society makes it a little easier to survive and obtain fulfillment.

Let's turn our efforts to making life a little easier for people by giving them all equal opportunities to love and help each other.

Let's also give them the freedom to decide for themselves who they would like for a partner in life. Let's not raise barriers to prevent our citizens from partaking equally in the rights guaranteed by our Constitution and legal benefits granted by our laws.

I urge my colleagues to vote against this narrow-minded legislation.

Mr. FLANAGAN. Mr. Speaker, because I believe it is necessary to attend the funerals of

two close and personal friends of mine, Illinois State Representative Roger T. McAuliffe, deputy majority leader of the Illinois House of Representatives, and Jack Williams, mayor of Franklin Park, I will unfortunately miss tomorrow's vote on H.R. 3396, the Defense of Marriage Act.

As member of both the House Committee on the Judiciary and its Subcommittee on the Constitution, both of which had jurisdiction over H.R. 3396, I have already twice voted in favor of the bill. Therefore, since I am not able to attend tomorrow's flood consideration of H.R. 3396, it would be my intention to vote ''aye'' on final passage.

While I will not be present for tomorrow's vote, I have taken the necessary steps in arranging a ''pair'' with another member of the House who will also be absent. The pairing arrangement will offset our votes so that we may be absent without affecting the overall result. As it is customary, the name of my pair should appear in tomorrow's CONGRESSIONAL RECORD.

Mr. PACKARD. Mr. Speaker, in the history of our Country, marriage has never meant anything other than an exclusively heterosexual and monogamous institution. The fact that we have to take up legislation today to defend this precious institution is mind-boggling.

While the Defense of Marriage Act protects the rights of a State to decide for itself whether to recognize same-sex marriage entered into in a different State, we cannot ignore the larger issue—traditional family values. The very nucleus of family is marriage. Perhaps no other relation provides society with the benefits marriage does. We cannot allow the integrity of marriage to broken down and destroyed.

We have seen throughout history, civilizations that have allowed the traditional bonds of family to be weakened—those civilizations have not survived. America has, and should always be a Nation that prioritizes traditional family values and the tradition of a one-man and one-women marriage.

Mr. Speaker, it is time we stopped this assault on America's families and the sacred institution of marriage. I urge all of my colleagues to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, today I rise to speak against H.R. 3396, the Defense of Marriage Act. The title of the bill is puzzling. What are we defending marriage against: divorce, domestic violence, adultery? Can anyone name a single married couple whose union would be strengthened or defended against harm by this legislation? With all the unresolved burning issues facing this institution, it is nothing short of incredible that we would be diverting time and energy away from questions like Medicare, the environment, and the economy on this matter.

Supporters of the bill point to what they claim is the danger of same-gender marriage. They say that if a court in Hawaii rules in favor of same-gender couples, other States will then have to give ''full faith and credit'' to the resulting marriages. I'm going to take this opportunity to concentrate on the traditions of our Nation, in particularly the rights of States and the Constitution of the United States. H.R. 3396 is an unnecessary intrusion into the State domain of family law. It tears at the fabric of our Constitution.

Historically, States have the primary authority to regulate marriage based upon the 10th amendment of the Constitution. The Supreme Court has supported this constitutional right. In Aukenbrandt versus Richards, 1992, the Court rules that ''without exception, domestic relations has been a matter of state, not federal concern and control since the founding of the Republic.''

It is also interesting to note that questions concerning the validity of an out-of-state marriage are generally resolved without reference to the ''full faith and credit'' clause of the U.S. Constitution. States traditionally recognize out-of-state marriages unless they have statutes prohibiting such a union. For example, polygamy is illegal in all States, and in most states certain incestuous marriages are illegal too. States can declare an out-of-state marriage void if it is against the state's public policy or if entered into with the intent to evade the law of the State.

Congress has invoked the ''full faith and credit'' clause only five times since the founding of the Republic. The three most recent instances have required each State to give child custody, child support, and protection orders of other States the same faith and credit it gives its own such orders. The Defense of Marriage Act differs in one critical aspect from the legislative enactment passed by the Congress under it full faith and credit power: H.R. 3396 permits sister States to give no effect to the laws of other States.

This is a novel and unconstitutional interpretation of the clause. According to a leading constitutional law scholar, Laurence H. Tribe, ''the Constitution delegates to the United States no power to create categorical exceptions to the Full Faith and Credit Clause.''

The Supreme Court just recently struck down a Colorado law that targeted gay and lesbians in Romer versus Colorado, This case suggests that the Supreme Court will rule legislation motivated by animus against gays and lesbians unconstitutional under the Equal Protection Clause of the 14th amendment unless the legislative classification bears a rational relationship to a legitimate State purpose. In other words, since H.R. 3396 targets a group of people due to their—in the words of Gary Bauer of the Family Research Council—''dangerous lifestyle and behavior,'' it is likely to be struck down by the courts. There is no dire urgency or compelling public interest to pass this measure, which is not only unnecessary but also likely to be found unconstitutional by the Supreme Court.

In addition, I find it hard to believe how many of my colleagues can justify their support of H.R. 3396 when they are also cosponsors of H.R. 2270. At least 37 Members of the House are cosponsors of both bills. H.R. 2270 would require the Congress to specify the source of authority under the U.S. Constitution for the enactment of laws. Where in article I or anywhere else in the Constitution is the Congress given authority to write a national marriage law? Maybe the sponsors of both bills don't see the contradiction. Maybe they just don't care.

Many on the other side of the aisle have been vocal and unceasing in their support for reversing the flow of power away from Washington and back to the States. Well, the laws governing marriage are traditionally and constitutionally under the authority of the States. If there is any area of law to which States can lay a claim to exclusive authority, it is the field of family relations. How can someone reconcile being for States rights while at the same time taking away a basic, constitutional right given to States by the Framers of our Constitution? I strongly encourage my colleagues to allow the States to continue exercising their constitutional rights and not fan the flames of intolerance. As William Eskeridge, Law Professor at Georgetown University, simply stated, ''the reasons to hesitate before adopting this legislation are conservative ones: federalism, original intent and tradition.''

Let us remember that the United States draws its strength from the enormous diversity to be found within the borders of our great Nation. Vote against The Defense of Marriage Act.

The CHAIRMAN. All time has expired for general debate.

Mr. CANADY of Florida. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, had come to no resolution thereon.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3396, the bill just considered.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. DUNN of Washington (at the request of Mr. ARMEY) for today and the balance of the week, on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) after 7:30 p.m. tonight, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative programs and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUTIERREZ) to revise and

extend her remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Member (at the request of Mr. CANADY of Florida) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on July 12.

Mr. GUTKNECHT, for 5 minutes, on July 12.

Mr. EWING, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GUTIERREZ) and to include extraneous matter:)

Mr. RANGEL.
Mr. MARKEY.
Ms. DELAURO.
Mr. GIBBONS.
Mr. JACOBS.
Mr. COYNE.
Ms. KAPTUR.
Mr. DELLUMS.
Mr. ROMERO-BARCELO.
Mr. POMEROY.
Mr. LIPINSKI.
Mr. OBERSTAR.
Mr. ENGEL.
Ms. LOFGREN.
Mr. UNDERWOOD.
Mrs. MINK of Hawaii
Mr. PAYNE of New Jersey.
Mr. LEVIN.
Mr. MARTINEZ.
Mr. FIELDS of Louisiana.
Mr. LEWIS of Georgia.
Mr. GUTIERREZ.
Mr. SAWYER.
Mr. COSTELLO.
Mr. STUPAK.

The following Members (at the request of Mr. CANADY of Florida) and to include extraneous matter:)

Mr. FIELDS of Texas.
Mr. DORNAN.
Mr. GILMAN in three instances.
Mr. LONGLEY.
Mr. QUINN.
Mr. HYDE.
Mr. CRANE.
Mr. FLANAGAN.
Mr. TALENT.
Mr. FOX of Pennsylvania.
Mr. COLLINS of Georgia.
Mr. BEREUTER.
Mr. EWING.
Mr. KLUG.
Mr. CUNNINGHAM.
Mr. GOODLING.
Mr. FORBES.
Mr. BLUTE.
Mr. LEWIS of Kentucky.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

ADJOURNMENT

Mr. CANADY of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes a.m.), the House adjourned until today, Friday, July 12, 1996, at 9 a.m.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 10, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1955 (2 U.S.C. §1383), I am transmitting the enclosed notice of proposed rulemaking for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104–1, 109 Stat. 3). The proposed amendments to the procedural rules have been proposed by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Those wishing to receive notification of receipts of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202) 426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R. S19239 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of Proposed Amendments to the Procedural Rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations (''chapter 71''). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. ''Scope and Policy'' is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term ''employee'' consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term ''party'' to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining ''respondent'' is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 ''Designation of Representative'' is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word ''parties'' for ''employee and the employing office''.

(C) Modifications to subsections 1.07 (b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 ''Mediation,'' is proposed to be amended in certain respects.

In section 204(a) the language ''including any and all possibilities'' would be modified to read ''including the possibility'' of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the ''Agreement to Mediate''.

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R., S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled ''Complaints,'' and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel's role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that ''[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.'' The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 ''Reconsideration'' is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 ''Judicial Review'' is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 ''Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions'' is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), ''Informal Resolutions and Settlement Agreements'' be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of Proposed Amendments to Procedural Rules

§ 1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02(c)

Employee. The term ''employee'' includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§ 1.02(i)

Party. The term ''party'' means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§ 1.02(j)

Respondent. The term ''respondent'' means the party against which a complaint is filed.

§ 1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative.* All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§ 1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA (''confidential proceedings'') may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1,05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§ 1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

§1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information.

Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§2.04(a)

(a) *Explanation.* Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§2.04(f)(2)

(2) *The Agreement to Mediate.* At the commencement of the mediation, the neutral will ask the parties to sign an agreement prepared by the Office (''the Agreement to Mediate''). The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§5.01 (formerly §2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 107 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A compliant filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the compliant is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completeion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defense not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§5.03 (formerly §2.09) Dismissed of Complaints

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon with relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)-(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§7.07(E)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§8.02 Reconsideration

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§8.04 Judicial Review

Pursuant to section 407 of the Act—

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction

over any proceeding commenced by a petition or:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section 7.02, for any other violation of these rules that does not result from reasonable error.

§9.04 Ex parte Communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibited set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rule, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall (a) notify the parties to the proceeding that such a communication has been received; and (b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's

rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

NOTICE OF ADOPTION OF REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, July 9, 1996.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 304(b) of the Congressional Accountability Act of 1995 (2 U.S.C. §1384(b)), I am transmitting on behalf of the Board of Directors the enclosed notice of Adoption of Regulations and Submission for Approval for publication in the Congressional Record. The notice, which the Board has approved, is being issued pursuant to §220(d).

The Congressional Accountability Act specifies that the enclosed notice be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS, PROTECTIONS AND RESPONSIBILITIES UNDER CHAPTER 71 OF TITLE 5, UNITED STATES CODE, RELATING TO FEDERAL SERVICE LABOR-MANAGEMENT RELATIONS (REGULATIONS UNDER SECTION 220(d) OF THE CONGRESSIONAL ACCOUNTABILITY ACT)

NOTICE OF ADOPTION OF REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors of the Office of Compliance, after considering comments to its Notice of Proposed Rulemaking published May 15, 1996 in the Congressional Record, has adopted, and is submitting for approval by the Congress, final regulations implementing section 220 of the Congressional Accountability Act of 1995, Pub. L. 104–1, 109 Stat. 3. Specifically, these regulations are adopted under section 220(d) of the CAA.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, DC 20540–1999, Telephone: (202) 724–9250.

SUPPLEMENTARY INFORMATION

I. Background and Summary

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered Congressional employees and employing offices. Section 220 of the CAA concerns the application of chapter 71 of title 5, United States Code (''chapter 71'') relating to Federal service labor-management relations. Section 220(a) of the CAA applies the rights, protections and responsibilities established under sections 7102, 7106, 7111 through 7117, 7119 through 7122 and 7131 of title 5, United States Code to employing offices and to covered employees and representatives of those employees.

Section 220(d) authorizes the Board of Directors of the Office of Compliance (''Board'') to issue regulations to implement section 220 and further states that, except as provided in subsection (e), such regulations ''shall be the same as substantive regulations promulgated by the Federal Labor Relations Authority [''FLRA''] to implement the statutory provisions referred to in subsection (a) except—(A) to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; or (B) as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.''

On March 6, 1996, the Board of Directors of the Office of Compliance (''Office'') issued an Advance Notice of Proposed Rulemaking (''ANPR'') that solicited comments from interested parties in order to obtain participation and information early in the rulemaking process. 142 Cong. R. S1547 (daily ed., Mar. 6, 1996).

On May 15, 1996, the Board published in the Congressional Record a Notice of Proposed Rulemaking (''NPR'') (142 Cong. R. S5070–89, H5153–72 (daily ed., May 15, 1996). In response to the NPR, the Board received three written comments, two of which were from offices of the Congress and one of which was from a labor organization.

Parenthetically, it should also be noted that, on May 23, 1996, the Board published a Notice of Proposed Rulemaking (142 Cong. R. S5552–56, H5563–68 (daily ed., May 23, 1996)) inviting comments from interested parties on proposed regulations under section 220(e). That subsection further authorizes the Board to issue regulations on the manner and extent to which the requirements and exemptions of chapter 71 should apply to covered employees who are employed in certain specified offices, ''except . . . that the Board shall exclude from coverage under [section 220] any covered employees who are employed in [the specified offices] if the Board determines that such exclusion is required because of (i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities.'' Final regulations under section 220(e) will be adopted and submitted for Congressional approval separately.

II. Consideration of Comments and Conclusions

A. Investigative and adjudicatory responsibilities

In the NPR, the Board proposed that, like the FLRA , it would decide representation issues, negotiability issues and exceptions to arbitral awards based upon a record developed through direct submissions from the parties and, where necessary, through further investigation by the Board (through the person of the Executive Director). Under the Board's proposed rule, only unfair labor practice issues (and not representation, arbitrability or negotiability issues) would be referred to hearing officers for initial decision under section 405 of the CAA.

One commenter expressly approved of this proposal. Conversely, two commenters argued that the proposal violates the plain and unambiguous language of the statute, which they read as requiring the Board to refer all section 220 issues, including representation, arbitrability, and negotiability issues, to hearing officers for initial decision under section 405.

Contrary to the argument that the statutory text *unambiguously* requires referral of representation, arbitrability, and negotiability issues (as well as unfair labor practice issues) to hearing officers for initial decision pursuant to section 405, section 220(c)(1) simply does not define the ''matter[s]'' that must be referred to hearing officers for initial decision under section 405, much less specify that these ''matter[s]'' include disputed issues of representation, negotiability and/or arbitrability. Moreover, contrary to the assumption of the commenters, there is no sound reason to assume that the ''matter[s]'' that the Board must refer to hearing officers for initial decision under section 405 are co-extensive with the ''petition[s], or other submission[s]'' that the Board receives under section 220(c)(1). Since Congress did *not* require the Board to refer to a hearing officer for initial decision ''any petition or other submission'' that it receives under section 220(c)(1), but rather only ''any matter under this paragraph,'' the interpretive presumption in fact must be that the ''matter[s]'' which the Board must refer are not co-extensive with the ''petitions or other submissions'' that it receives under section 220(c)(1) (but, rather, are only a subset of them.) Whether or not this interpretative presumption can be overcome by other relevant interpretive materials, it is plain that, contrary to the assertion of the commenters, the statutory text is in fact seriously ambiguous about whether controversies involving representation, negotiability, and arbitrability issues are ''matter[s]'' within the meaning of section 220(c)(1) that must be referred to a Hearing Officer pursuant to section 405.

Moreover, as explained in the NPR, this textual ambiguity is best resolved by interpreting the statutory phrase ''matter'' in section 220(c)(1) to encompass only controversies involving disputed unfair labor practice issues. The term ''matter'' in section 220(c)(1) simply does not appear to refer to representation or other such issues arising out of the Board's ''investigative authorities.'' Indeed, section 220(c)(1) expressly contemplates that the Board may direct the General Counsel (and, a fortiori, not a hearing officer) to carry out these ''investigative authorities,'' which under chapter 71 include the authority, for example, to decide (and not, as one commenter suggests, merely to investigate) disputed representation issues such as whether an individual must be excluded from a unit because he or she is a supervisor.

Under chapter 71, only controversies involving unfair labor practice issues are subject to formal adversarial processes like those established by section 405; and nothing in the CAA's legislative history shows that Congress understood itself to be departing from chapter 71 in this respect. In these circumstances, under the CAA, the textual ambiguity must be resolved by reference to the interpretive presumption that Congress has subjected itself to the same rules that the executive branch is subject to under chapter 71.

Furthermore, contrary to the suggestion of one commenter, the reference in the last sentence of section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints does not detract in any way from the Board's construction of the term ''matter'' in section 220(c)(1). The Board's construction of the term ''matter'' in section 220(c)(1) simply does not render this reference in section 220(c)(2) to initial hearing officer consideration of unfair labor practice complaints ''redundant and meaningless,'' as the commenter claims; rather, the reference in section 220(c)(2) simply completes the statute's instruction to the General Counsel concerning how he should process a controversy involving an unfair labor practice issue (just as section 220(c)(1) in parallel instructs the Board concerning how it should process a controversy involving an unfair labor practice issue). Indeed, construing the phrase ''matter'' in section 220(c)(1) to encompass more than just controversies involving unfair labor practice issues would not in any way reduce the redundancy and lack of meaning that the commenter perceives (since, in all events, both section 220(c) (1) and (2) would effectively encompass

initial hearing officer consideration of unfair labor practice issues).

The commenters similarly err in suggesting that the judicial review provisions of section 220(c)(3) demonstrate that the Board must refer more than just unfair labor practice issues to a hearing officer for initial decision under section 405. In making this suggestion, the commenters omit mention of the critical statutory language in section 220(c)(3) that only the General Counsel or the respondent to the complaint may seek judicial review of a final Board decision under section 220(c) (1) or (2). This language appears to limit judicial review to cases involving unfair labor practice issues, because it is only in unfair labor practice cases that the parties include either ''the General Counsel or the respondent to the complaint.'' In all events, even if section 220(c)(3) authorized judicial review of more than just unfair labor practice issues, referral of more than controversies involving unfair labor practice issues would not be required: Judicial review does not always require a record created by a formal adversary process, and the Board still has not found a statutory command sufficient to require a formal adversary process where chapter 71 does not do so.

Finally, there is simply no foundation for the suggestion that the ''real reason'' for the Board's reading of the statute is that referral of representation, arbitrability, or negotiability issues to a hearing officer for initial decision under section 405 would be ''overly cumbersome.'' It is in fact the judgment of the Board, based on its members' many years of practice and experience in this area, that referral of such issues for formal adversary hearings would be overly cumbersome and would undermine considerably the effective implementation of section 220 of the CAA. Indeed, it is difficult for the Board's members to even conceive of how an election could practicably be conducted in the confidential, adversarial processes contemplated by section 405. But, while the Board is in fact entitled in its interpretive process to presume that Congress did not intend to be so impracticable, the ''real reason'' for the Board's construction of section 220 is not this significant practical concern. Rather, the ''real reason'' is the one that is stated in the NPR and here—to wit, that neither the statutory language nor the legislative history contain a sufficiently clear command that, in supposedly subjecting itself to the same labor laws as are applicable to the executive branch, Congress intended to make an exception for itself and require formal adversarial proceedings where they are not required under chapter 71. As the Supreme Court has stated: '''In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that [suggested] here, [we] think judges as well as detectives may take into consideration the fact that a watch dog did not bark in the night.''' *Chisom v. Roemer,* 501 U.S. 380, 397 (1991), *quoting Harrison v. PPG Industries, Inc.,* 446 U.S. 578, 602 (1980) (Rehnquist, J., *dissenting).*

B. Pre-election investigatory hearings

In the NPR, the Board proposed to add a new subsection 2422.18(d) to provide that the parties have an obligation to produce existing documents and witnesses for pre-election investigatory hearings, in accordance with the instructions of the Board (acting through the person of the Executive Director), and that a willful failure to comply with such instructions could result in an adverse inference being drawn on the issue for which the evidence is sought. The Board noted that section 7132 of chapter 71, which authorizes the issuance of subpoenas by various FLRA officials, was not made applicable by the CAA and that, as pre-election investigatory hearings are not conducted under section 405 of the CAA, subpoenas for documents or witnesses in such pre-election proceedings are not available under the CAA, as they are under chapter 71. The Board thus concluded that there is good cause to modify section 2422.18 of the FLRA's regulations to include subsection (d) because, in order to properly decide disputed representation issues and effectively implement section 220 of the CAA, a complete investigatory record comparable to that developed under chapter 71 is necessary.

One commenter asserted, consistent with that commenter's view that pre-election investigatory hearings must be conducted under section 405 of the CAA, that the addition of subsection 2422.18(d) is not necessary. Based upon the same rationale, another commenter suggested (1) that section 2422.18(b) be modified to provide that the Federal rules of evidence shall apply in pre-election investigatory hearings, and (2) that the Board ''should make the proposed regulations governing service of subpoenas consistent with its own procedural regulations.'' This same commenter also suggested that the Board specifically not adopt that portion of section 2422.18(b) which provides that pre-election investigatory hearings are open to the public, because this provision allegedly ''appears to be included to comply with the Sunshine Act'' which ''does not apply to Congress.''

As noted above, the Board continues to be of the view that pre-election investigatory hearings need not and should not be conducted under section 405 of the CAA. Accordingly, since the commenters criticisms of this proposed regulation are based upon a contrary false premise, the Board adheres to its original conclusion that there is good cause to modify section 2422.18 of the FLRA's regulations by including section 2422.18(d). Further, because pre-election investigatory hearings should not be conducted under section 405 of the CAA, there is no good cause to modify section 2422.18 to require the application of the Federal rules of evidence or to provide for the issuance or service of subpoenas in connection with such investigatory hearings. Finally, contrary to the assertion of one commenter, there is no indication that the ''Sunshine Act'' (Pub. L. 94–409) formed the basis for the section 2422.18(b) requirement that pre-election hearings be open to the public, and there is no basis for not adopting that subsection, as suggested by the commenter.

C. Selection of the unfair labor practice procedure or the negotiability procedure

In the NPR, the Board determined that there is good cause to delete the concluding sentences of sections 2423.5 and 2424.4 of the FLRA's regulations. Specifically, the Board proposed to omit the requirement that a labor organization file a petition for review of a negotiability issue, rather than an unfair labor practice charge, in cases that solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and that do not involve actual or contemplated changes in conditions of employment. The Board reasoned that, by eliminating that restriction, a labor organization could choose to seek a Board determination on the issue, as it can with respect to other assertions by employing offices that there is no duty to bargain, through an unfair labor practice proceeding and, if the determination is unfavorable, the labor organization could possibly obtain judicial review by persuading the General Counsel to file a petition for review of the unfavorable Board decision under section 220(c)(3) of the Act. In this regard, the Board stated its view that, unlike chapter 71, the CAA does not provide for direct judicial review of Board decisions and orders on petitions for review of negotiability issues.

One commenter expressly and specifically agreed that there is good cause for this proposed modification of the FLRA's regulations. The two other commenters asserted that there is not good cause to delete the pertinent sentences from the FLRA's regulations because of their view that, under section 220(c)(3), direct judicial review of Board decisions on petitions for review of negotiability issues is available.

The Board has further considered this issue and has concluded, for reasons different than those urged by the commenters, that it should not delete the concluding sentences of the referenced sections of the FLRA's regulations. Under section 7117 of chapter 71, which is incorporated into the CAA, a labor organization is the only party that may file a petition for Board review of a negotiability issue; the labor organization is always the petitioner and never a respondent, and the General Counsel is never a party. Moreover, section 220(c)(3) provides that only ''the General Counsel or the respondent to the complaint, if aggrieved by a final decision of the Board'' may file a petition for judicial review of a Board decision. Accordingly, it is clear that, under the CAA, it was Congress' intent not to accord labor organizations the right to seek direct judicial review of unfavorable decisions on negotiability issues. Further, in the Board's judgment, questions involving the duty to bargain, where there are no actual or contemplated changes in conditions of employment, are best resolved through a negotiability determination; procedures for the consideration of petitions for review of negotiability issues are more expeditious and less adversarial than unfair labor practice proceedings, and thus the requirement that labor organizations utilize the negotiability procedures is more effective for the implementation of section 220. Accordingly, the concluding sentences of section 2423.5 and 2424.5 of the FLRA's regulations will be included in the Board's final regulations.

D. Exclusion of certain employing offices from coverage under section 220

One commenter urged the Board to exclude certain specific employing offices from coverage under section 220 of the CAA. The commenter reasoned that, since section 7103(a)(3) of chapter 71 specifically defines ''agency'' not to include certain named executive branch agencies, the Board should exempt ''parallel'' employing offices in the House of Representatives from the definition of ''employing office'' in the Board's regulations.

The Board declines this suggestion. Just as Congress defined the term ''agency'' under chapter 71, Congress has defined ''employing office'' in the CAA. The Board cannot, as the commentor has requested, redefine ''employing office'' by regulation to exclude employing offices that are encompassed by statutory definition.

E. Exercise of the Board's authority under section 7103(b) of chapter 71, as applied by the CAA

Under section 220(c)(1) of the CAA, the Board has been granted the authority that the President has under section 7103(b) of chapter 71 to ''issue an order excluding any [employing office] or subdivision from coverage under this chapter if the [Board] determines that—

(a) the [employing office] or subdivision has as a primary function intelligence, counterintelligence, investigative, or national security work, and

(b) the provisions of this chapter cannot be applied to that [employing office] or subdivision in a manner consistent with national security requirements and considerations.''

Two commenters requested that the Board issue regulations under this authority. In doing so, one commenter named five employing offices that it simply asserted should be excluded because their ''primary function . . . is intelligence investigative or national security work''; the other commenter made no specific suggestions as to appropriate exclusions.

While the Board is willing to exercise its authority derived from section 7103(b) of chapter 71 (when and if it receives information that would allow it to do so), the authority that the Board possesses is to exclude employing offices from coverage under section 220 by ''order,'' not by regulation. Congress wisely recognized that sensitive security issues of this type are not properly addressed in a public rulemaking procedure, but rather are better addressed by executive or administrative order.

F. Definition of labor organization

One commenter correctly pointed out that the words ''bylaws, tacit agreement among its members,'' were omitted from the definition of ''labor organization'' in section 2421.3(d). The final regulation has been modified to correct this inadvertent omission.

G. Substitution of the term ''disability'' for ''handicapping condition''

The proposed regulations, in sections 2421.3(d)(1) and 2421.4(d)(2)(iv), make reference to the term ''handicapping condition''. That term appears in the FLRA regulations and is derived from the Rehabilitation Act of 1973. In section 201(a)(3) of the CAA, the Congress used the term ''disability,'' rather than the term ''handicap'' or ''handicapping condition''. Accordingly, as urged by one commenter, the Board finds good cause to substitute the term ''disability'' for the term ''handicapping condition'' wherever it appears in the regulations.

H. Conditions of employment

One commenter suggested that the Board should modify the definition of the term ''conditions of employment'' in section 2421.3(m)(3) of the proposed regulations to provide that, in addition to ''matters specifically provided for by Federal statute,'' matters specifically provided for by ''resolutions, rules, regulations and other pronouncements of the House of Representatives and/or the Senate having the force and effect of law'' are among the matters excluded from that term. But the definition of ''conditions of employment'' in section 2421.3(m) of the proposed regulations is identical to the statutory definition incorporated by reference into the FLRA's regulations. Moreover, to the extent that resolutions, rules, regulations and pronouncements of the House or Senate have the force and effect of Federal statutes, matters specifically provided for therein are already excluded from ''conditions of employment'' under section 220. The Board thus does not find good cause to change the FLRA's regulation.

I. Applicability of certain terms

1. Government-wide rule or regulation.—The term ''Government-wide rule or regulation'' is found in various contexts in the incorporated provisions of chapter 71 and applicable regulations of the FLRA. One commenter asked that the Board clarify that the term includes ''rules or regulations issued by the House or Senate, as appropriate.'' The commenter cited no authority for the requested change.

The Board has carefully considered the matter. Its own research reveals that the FLRA has interpreted this term to include only rules or regulations that are generally applicable to the Federal civilian workforce within the executive branch. The Board thus does not find good cause to revise the term to apply to rules or regulations that are not generally applicable to covered employees throughout the entire legislative branch.

2. Activity; primary national subdivision.—One commenter asserted that the terms ''activity'' and ''primary national subdivision'' have no applicability in the legislative branch and should be omitted from the regulations. However, there was not sufficient information in the comment to allow the Board to make an informed judgment about the validity of the assertion. The Board therefore does not have good cause to modify the FLRA's regulations by deleting these terms; indeed, if the terms are inapplicable, their inclusion in the regulations will have no substantial consequence.

J. Consultation rights

1. National.—Under section 2426.1(a) of the proposed rules, an employing office shall accord national consultation rights to a labor organization that holds exclusive recognition for 10% or more of the total number of personnel employed by the employing office. In this regard, the Board noted that the FLRA has considered 10% of the employees of an agency or primary national subdivision to be a significant enough proportion of the employee complement to allow for meaningful consultations, no matter the size of the agency or the number of its employees. The Board determined that there is no apparent reason why there should be a different threshold requirement for small legislative branch employing offices from that applicable to small executive branch agencies.

One commenter urged that the Board reconsider its determination. The commenter argued that the threshold should be raised, because in a small employing office of 10 employees ''a union could gain consultation rights on the basis of the interest of one employee.''

The commenter's concern that one employee's ''interest'' in a 10-employee office could require consultations is unfounded. In order to obtain national consultation rights, a labor organization must hold ''exclusive recognition'' for 10% of the employees. Section 2421.4(c) of the Board's proposed rules defines the term ''exclusive recognition'' to mean that ''a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast ballots in an election.'' The mere ''interest'' of employees does not constitute ''exclusive recognition.'' Further, exclusive recognition cannot, under applicable precedent, be granted for a single employee, because a one-employee unit is not appropriate for exclusive recognition. The Board thus has decided to adhere to its conclusion that there is not good cause to change the 10% threshold.

2. Government-wide rules or regulations.—In the NPR, the Board concluded that it had good cause to modify the threshold requirement contained in the FLRA's regulations that provide for an agency, in appropriate circumstances, to accord consultation rights on Government-wide rules or regulations to a labor organization that holds exclusive recognition for 3,500 or more employees. The Board reasoned that, because of the size of employing offices covered by the CAA, the 3,500 employee threshold could never be met and needed to be revised. Accordingly, by analogy to the eligibility requirement for national consultation rights, the Board adopted a threshold requirement of 10% of employees.

One commenter asserted that the Board improperly replaced the 3,500 employee threshold requirement with the 10% requirement, arguing that the intent of the 3,500 employee threshold was to permit consultation only in large agencies. The commenter stated that, because no covered employing office has 3,500 employees, ''consultation on government-wide rules or regulations should not be a requirement under the CAA.''

The Board has carefully considered the comment and has now concluded that the substitution of a 10% threshold for the 3,500 employee requirement would not result in the appropriate standard for the grant of consultation rights on Government-wide rules or regulations. However, contrary to the commenter's assertion, such consultation rights should be, and indeed are, accorded under the CAA.

Section 7117(d) of chapter 71, which is incorporated into the CAA, provides that a labor organization that is the exclusive representative of a substantial number of employees, as determined in accordance with criteria prescribed by the FLRA, shall be granted consultation rights by any agency with respect to any Government-wide rule or regulation issued by the agency that effects any substantive change in any condition of employment. For example, under the FLRA's regulations, in appropriate circumstances, the Office of Personnel Management (OPM) would be required to accord consultation rights on an OPM-issued government-wide regulation to labor organizations that are the exclusive representatives of at least 3,500 executive branch employees, even if those employees are not employees of OPM. Section 7117(d) of chapter 71 was incorporated into the CAA. Thus, in the legislative branch, consultation rights on legislative branch-wide rules or regulations issued by an employing office that effect any substantive change in any condition of employment must be granted to the exclusive representative(s) of a substantial number of covered legislative branch employees.

The FLRA determined in its regulations that 3,500 employees is a ''substantial'' number of employees in the executive branch. The most recent statistics compiled by OPM's Office of Workforce Information reveal that there are approximately 1,958,200 civilian, non-postal, Federal employees. In contrast, the Congressional Research Service reports that there are only approximately 20,100 legislative branch employees currently covered by the CAA. As the covered workforce in the legislative branch is approximately one-tenth the size of the analogous executive branch employee complement, the Board concludes that the appropriate threshold requirement for the grant of consultation rights in the legislative branch is 350 employees, or one-tenth the requirement in the executive branch. Accordingly, the Board finds that there is good cause to modify section 2426.11(a) of the FLRA's rules to provide that requests for consultation rights on Government-wide rules or regulations (e.g. rules or regulations that are generally applicable to the legislative branch) will be granted by an employing office, as appropriate, to a labor organization that holds exclusive recognition for 350 or more covered employees in the legislative branch.

K. Posting of notices in representation cases

One commenter asserted that sections 2422.7 and 2422.23, which provide for the posting or distribution of certain notices by employing offices, should be modified. In this regard, the commenter argued that these sections of the proposed rules ''give the Executive Director the authority to determine the placement'' of the notice posting and that such determination should be left to the discretion of the employing office. Contrary to the commenter's assertions, however, nothing in the aforementioned regulations deprives an employing office of the desired discretion so long as the notices are posted ''in places where notices to employees are

customarily posted and/or distributed in a manner by which notices are normally distributed.'' Accordingly, there is no reason to modify the regulations, as requested by the commenter.

L. Enforcement of decisions of the Assistant Secretary of Labor

In the NPR, the Board found good cause to modify section 2428.3 of the FLRA's regulations to delete the requirement in section 2428.3(a) that the Board enforce any decision or order of the Assistant Secretary of Labor (Assistant Secretary) unless it is ''arbitrary and capricious or based upon manifest disregard of the law.'' Noting that section 225(f)(3) of the CAA specifically states that the CAA does not authorize executive branch enforcement of the Act, the Board concluded that it should not adopt a regulatory provision that would require the Board to defer to decisions of an executive branch agency.

Two commenters asserted that the Board did not have good cause to modify the FLRA's regulation. Both argued that requiring the Board to enforce a decision and order of the Assistant Secretary is not tantamount to executive branch enforcement of the Act.

The Board continues to be of the view that, in order to give full effect to section 225(f)(3) of the CAA, it should not defer to decisions of the Assistant Secretary. There is thus good cause to modify section 2428.3 of the FLRA's regulations.

M. Regulations under section 220(d)(2)(B) of the CAA

Section 220(d)(2)(B) of the CAA provides that, in issuing regulations to implement section 220, the Board may modify the FLRA's regulations ''as the Board deems necessary to avoid a conflict of interest or appearance of a conflict of interest.'' In the ANPR, the Board requested commenters to identify, where applicable, why a proposed modification of the FLRA's regulations is necessary to avoid a conflict of interest or appearance thereof. In this regard, commenters were advised not only to fully and specifically describe the conflict of interest or appearance thereof that they believed would exist were the pertinent FLRA regulations not modified, but also to explain the necessity for avoiding the asserted conflict or appearance of conflict and how any proposed modification would avoid the identified concerns.

In response to the ANPR, one commenter argued that the posting requirements of sections 2422.7 and 2422.23 of the FLRA's regulations should be modified. In the NPR, the Board discussed the commenter's suggested modifications and determined that the modifications were not necessary under section 220(d)(2)(B). No other modifications were requested or discussed.

Another commenter has now urged the Board to ''promulgate a regulation for the exclusion from a bargaining unit of any employee whose membership or participation in the labor organization would present an actual or apparent conflict of interest with the duties of the employee'' in order to ''eliminate by regulation the possibility, or even the appearance of the possibility, that the contents of legislation or legislative policy might be influenced by union membership of Congressional employees.'' This commenter provided no additional explanation for the proposed regulation. Nor did the commenter provide a list of the employees who should be so excluded (or, indeed, any examples).

The Board has concluded that it is appropriate to adopt a regulation authorizing parties in appropriate circumstances to assert, and the Board to decide where appropriate and relevant, that a conflict of interest (real or apparent) exists that makes it necessary for the Board to modify a requirement that would otherwise be applicable. The regulation is found at section 2420.2.

III. Method of Approval

The Board received no comments on the method of approval for these regulations. Therefore, the Board continues to recommend that (1) the version of the regulations that shall apply to the Senate and employees of the Senate should be approved by the Senate by resolution; (2) the version of the regulations that shall apply to the House of Representatives and employees of the House of Representatives should be approved by the House of Representatives by resolution; and (3) the version of the regulations that apply to other covered employees and employing offices should be approved by concurrent resolution.

Accordingly, the Board of Directors of the Office of Compliance hereby adopts and submits for approval by the Congress the following regulations.

Signed at Washington, D.C., on this 9th day of July, 1996.

GLEN D. NAGER,
Chair of the Board of Directors,
Office of Compliance.

ADOPTED REGULATIONS

Subchapter C

Subchapter D

Subchapter C

PART 2420—PURPOSE AND SCOPE

§ 2420.1 Purpose and scope.

The regulations contained in this subchapter are designed to implement the provisions of chapter 71 of title 5 of the United States Code, as applied by section 220 of the Congressional Accountability Act (CAA). They prescribe the procedures, basic principles or criteria under which the Board and the General Counsel, as applicable, will:

(a) Determine the appropriateness of units for labor organization representation under 5 U.S.C. 7112, as applied by the CAA;

(b) Supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a majority of the employees in an appropriate unit and otherwise administer the provisions of 5 U.S.C. 7111, as applied by the CAA, relating to the according of exclusive recognition to labor organizations;

(c) Resolve issues relating to the granting of national consultation rights under 5 U.S.C. 7113, as applied by the CAA;

(d) Resolve issues relating to determining compelling need for employing office rules and regulations under 5 U.S.C. 7117(b), as applied by the CAA;

(e) Resolve issues relating to the duty to bargain in good faith under 5 U.S.C. 7117(c), as applied by the CAA;

(f) Resolve issues relating to the granting of consultation rights with respect to conditions of employment under 5 U.S.C. 7117(d), as applied by the CAA;

(g) Conduct hearings and resolve complaints of unfair labor practices under 5 U.S.C. 7118, as applied by the CAA;

(h) Resolve exceptions to arbitrators' awards under 5 U.S.C. 7122, as applied by the CAA; and

(i) Take such other actions as are necessary and appropriate effectively to administer the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§ 2420.2

Notwithstanding any other provisions of these regulations, the Board may, in deciding an issue, add to, delete from or modify otherwise applicable requirements as the Board deems necessary to avoid a conflict of interest or the appearance of a conflict of interest.

PART 2421—MEANING OF TERMS AS USED IN THIS SUBCHAPTER

Sec.

§ 2421.1 Act; CAA.

The terms ''Act'' and ''CAA'' mean the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3, 2 U.S.C. §§ 1301–1438).

§ 2421.2 Chapter 71.

The term ''chapter 71'' means chapter 71 of title 5 of the United States Code.

§ 2421.3 General Definitions.

(a) The term ''person'' means an individual, labor organization or employing office.

(b) Except as noted in subparagraph (3) of this subsection, the term ''employee'' means an individual—

(1) Who is a current employee, applicant for employment, or former employee of: the House of Representatives; the Senate; the Capitol Guide Service; the Capitol Police; the Congressional Budget Office; the Office of the Architect of the Capitol; the Office of the Attending Physician; the Office of Compliance; or the Office of Technology Assessment; or

(2) Whose employment in an employing office has ceased because of any unfair labor practice under section 7116 of title 5 of the United States Code, as applied by the CAA, and who has not obtained any other regular and substantially equivalent employment as determined under regulations prescribed by the Board, but does not include—

(i) An alien or noncitizen of the United States who occupies a position outside of the United States;

(ii) A member of the uniformed services;

(iii) A supervisor or a management official or;

(iv) Any person who participates in a strike in violation of section 7311 of title 5 of the United States Code, as applied by the CAA.

(3) For the purpose of determining the adequacy of a showing of interest or eligibility for consultation rights, except as required by law, applicants for employment and former employees are not considered employees.

(c) The term ''employing'' office means—

(1) The personal office of a Member of the House of Representatives or of a Senator;

(2) A committee of the House of Representatives or the Senate or a joint committee;

(3) Any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) The Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(d) The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate and pay dues, and which has as a purpose the dealing with an employing office concerning grievances and conditions of employment, but does not include—

(1) An organization which, by its constitution, bylaws, tacit agreement among its members, or otherwise, denies membership because of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(2) An organization which advocates the overthrow of the constitutional form of government of the United States;

(3) An organization sponsored by an employing office; or

(4) An organization which participates in the conduct or a strike against the Government or any agency thereof or imposes a duty or obligation to conduct, assist, or participate in such a strike.

(e) The term ''dues'' means dues, fees, and assessments.

(f) The term ''Board'' means the Board of Directors of the Office of Compliance.

(g) The term ''collective bargaining agreement'' means an agreement entered into as a result of collective bargaining pursuant to the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

(h) The term ''grievance'' means any complaint—

(1) By any employee concerning any matter relating to the employment of the employee;

(2) By any labor organization concerning any matter relating to the employment of any employee; or

(3) By any employee, labor organization, or employing office concerning—

(i) The effect or interpretation, or a claim of breach, of a collective bargaining agreement; or

(ii) Any claimed violation, misinterpretation, or misapplication of any law, rule, or regulation affecting conditions of employment.

(i) The term ''supervisor'' means an individual employed by an employing office having authority in the interest of the employing office to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature, but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term ''supervisor'' includes only those individuals who devote a preponderance of their employment time to exercising such authority.

(j) The term ''management official'' means an individual employed by an employing office in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the employing office.

(k) The term ''collective bargaining'' means the performance of the mutual obligation of the representative of an employing office and the exclusive representative of employees in an appropriate unit in the employing office to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph does not compel either party to agree to a proposal or to make a concession.

(l) The term ''confidential employee'' means an employee who acts in a confidential capacity with respect to an individual who formulates or effectuates management policies in the field of labor-management relations.

(m) The term ''conditions of employment'' means personnel policies, practices, and matters, whether established by rule, regulation, or otherwise, affecting working conditions, except that such term does not include policies, practices, and matters—

(1) Relating to political activities prohibited under subchapter III of chapter 73 of title 5 of the United States Code, as applied by the CAA;

(2) Relating to the classification of any position; or

(3) To the extent such matters are specifically provided for by Federal statute.

(n) The term ''professional employee'' means—

(1) An employee engaged in the performance of work—

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(ii) Requiring the consistent exercise of discretion and judgment in its performance;

(iii) Which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(iv) Which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

(2) An employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (1)(i) of this paragraph and is performing related work under appropriate direction and guidance to qualify the employee as a professional employee described in subparagraph (1) of this paragraph.

(o) The term ''exclusive representative'' means any labor organization which is certified as the exclusive representative of employees in an appropriate unit pursuant to section 7111 of title 5 of the United States Code, as applied by the CAA.

(p) The term ''firefighter'' means any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment.

(q) The term ''United States'' means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(r) The term ''General Counsel'' means the General Counsel of the Office of Compliance.

(s) The term ''Assistant Secretary'' means the Assistant Secretary of Labor for Labor-Management Relations.

§ 2421.4 National consultation rights; consultation rights on Government-wide rules or regulations; exclusive recognition; unfair labor practices.

(a)(1) The term ''national consultation rights'' means that a labor organization that is the exclusive representative of a substantial number of the employees of the employing office, as determined in accordance with criteria prescribed by the Board, shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) Be permitted reasonable time to present its views and recommendations regarding the changes.

(2) National consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to any labor organization's eligibility for, or continuation of, national consultation rights shall be subject to determination by the Board.

(b)(1) The term ''consultation rights on Government-wide rules or regulations'' means that a labor organization which is the exclusive representative of a substantial number of employees of an employing office determined in accordance with criteria prescribed by the Board, shall be granted consultation rights by the employing office with respect to any Government-wide rule or regulation issued by the employing office effecting any substantive change in any condition of employment. Such consultation rights shall terminate when the labor organization no longer meets the criteria prescribed by the Board. Any issue relating to a labor organization's eligibility for, or continuation of, such consultation rights shall be subject to determination by the Board.

(2) A labor organization having consultation rights under paragraph (1) of this subsection shall—

(i) Be informed of any substantive change in conditions of employment proposed by the employing office; and

(ii) shall be permitted reasonable time to present its views and recommendations regarding the changes.

(3) If any views or recommendations are presented under paragraph (2) of this subsection to an employing office by any labor organization—

(i) The employing office shall consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(ii) The employing office shall provide the labor organization a written statement of the reasons for taking the final action.

(c) The term ''exclusive recognition'' means that a labor organization has been selected as the sole representative, in a secret ballot election, by a majority of the employees in an appropriate unit who cast valid ballots in an election.

(d) The term ''unfair labor practices'' means—

(1) Any of the following actions taken by an employing office—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under chapter 71, as applied by the CAA;

(ii) Encouraging or discouraging membership in any labor organization by discrimination in connection with hiring, tenure, promotion, or other condition of employment;

(iii) Sponsoring, controlling, or otherwise assisting any labor organization, other than to furnish, upon request, customary and routine services and facilities if the services and facilities are also furnished on an impartial basis to other labor organizations having equivalent status;

(iv) Disciplining or otherwise discriminating against an employee because the employee has filed a complaint, affidavit, or petition, or has given any information or testimony under chapter 71, as applied by the CAA;

(v) Refusing to consult or negotiate in good faith with a labor organization as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii) Enforcing any rule or regulation (other than a rule or regulation implementing section 2302 of this title) which is in conflict with any applicable collective bargaining agreement if the agreement was in effect before the date the rule or regulation was prescribed; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(2) Any of the following actions taken by a labor organization—

(i) Interfering with, restraining, or coercing any employee in the exercise by the employee of any right under this chapter;

(ii) Causing or attempting to cause an employing office to discriminate against any employee in the exercise by the employee of any right under this chapter;

(iii) Coercing, disciplining, fining, or attempting to coerce a member of the labor organization as punishment, reprisal, or for the purpose of hindering or impeding the member's work performance or productivity as an employee or the discharge of the member's duties as an employee;

(iv) Discriminating against an employee with regard to the terms or conditions of membership in the labor organization on the basis of race, color, creed, national origin, sex, age, preferential or nonpreferential civil service status, political affiliation, marital status, or disability;

(v) Refusing to consult or negotiate in good faith with an employing office as required by chapter 71, as applied by the CAA;

(vi) Failing or refusing to cooperate in impasse procedures and impasse decisions as required by chapter 71, as applied by the CAA;

(vii)(A) Calling, or participating in, a strike, work stoppage, or slowdown, or picketing of an employing office in a labor-management dispute if such picketing interferes with an employing office's operations; or

(B) Condoning any activity described in subparagraph (A) of this paragraph by failing to take action to prevent or stop such activity; or

(viii) Otherwise failing or refusing to comply with any provision of chapter 71, as applied by the CAA;

(3) Denial of membership by an exclusive representative to any employee in the appropriate unit represented by such exclusive representative except for failure—

(i) To meet reasonable occupational standards uniformly required for admission, or

(ii) To tender dues uniformly required as a condition of acquiring and retaining membership.

§ 2421.5 Activity.

The term ''activity'' means any facility, organizational entity, or geographical subdivision or combination thereof, of any employing office.

§ 2421.6 Primary national subdivision.

''Primary national subdivision'' of an employing office means a first-level organizational segment which has functions national in scope that are implemented in field activities.

§ 2421.7 Executive Director.

''Executive Director'' means the Executive Director of the Office of Compliance.

§ 2421.8 Hearing Officer.

The term ''Hearing Officer'' means any individual designated by the Executive Director to preside over a hearing conducted pursuant to section 405 of the CAA on matters within the Office's jurisdiction, including a hearing arising in cases under 5 U.S.C. 7116, as applied by the CAA, and any other such matters as may be assigned.

§ 2421.9 Party.

The term ''party'' means:

(a) Any labor organization, employing office or employing activity or individual filing a charge, petition, or request;

(b) Any labor organization or employing office or activity

(1) Named as

(i) A charged party in a charge,

(ii) A respondent in a complaint, or

(iii) An employing office or activity or an incumbent labor organization in a petition;

(2) Whose intervention in a proceeding has been permitted or directed by the Board; or

(3) Who participated as a party

(i) In a matter that was decided by an employing office head under 5 U.S.C. 7117, as applied by the CAA, or

(ii) In a matter where the award of an arbitrator was issued; and

(c) The General Counsel, or the General Counsel's designated representative, in appropriate proceedings.

§ 2421.10 Intervenor.

The term ''intervenor'' means a party in a proceeding whose intervention has been permitted or directed by the Board, its agents or representatives.

§ 2421.11 Certification.

The term ''certification'' means the determination by the Board, its agents or representatives, of the results of an election, or the results of a petition to consolidate existing exclusively recognized units.

§ 2421.12 Appropriate unit.

The term ''appropriate unit'' means that grouping of employees found to be appropriate for purposes of exclusive recognition under 5 U.S.C. 7111, as applied by the CAA, and for purposes of allotments to representatives under 5 U.S.C. 7115(c), as applied by the CAA, and consistent with the provisions of 5 U.S.C. 7112, as applied by the CAA.

§ 2421.13 Secret ballot.

The term ''secret ballot'' means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 2421.14 Showing of interest.

The term ''showing of interest'' means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; allotment of dues forms executed by an employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified labor organization; employees' signed and dated petitions or cards indicating a desire that an election be held on a proposed consolidation of units; or other evidence approved by the Board.

§ 2421.15 Regular and substantially equivalent employment.

The term ''regular and substantially equivalent employment'' means employment that entails substantially the same amount of work, rate of pay, hours, working conditions, location of work, kind of work, and seniority rights, if any, of an employee prior to the cessation of employment in an employing office because of any unfair labor practice under 5 U.S.C. 7116, as applied by the CAA.

§ 2421.16 Petitioner.

Petitioner means the party filing a petition under Part 2422 of this Subchapter.

§ 2421.17 Eligibility period.

The term ''eligibility period'' means the payroll period during which an employee must be in an employment status with an employing office or activity in order to be eligible to vote in a representation election under Part 2422 of this Subchapter.

§ 2421.18 Election agreement.

The term ''election agreement'' means an agreement under Part 2422 of this Subchapter signed by all the parties, and approved by the Board, the Executive Director, or any other individual designated by the Board, concerning the details and procedures of a representation election in an appropriate unit.

§ 2421.19 Affected by issues raised.

The phrase ''affected by issues raised'', as used in Part 2422, should be construed broadly to include parties and other labor organizations, or employing offices or activities that have a connection to employees affected by, or questions presented in, a proceeding.

§ 2421.20 Determinative challenged ballots.

''Determinative challenged ballots'' are challenges that are unresolved prior to the tally and sufficient in number after the tally to affect the results of the election.

PART 2422—REPRESENTATION PROCEEDINGS

§ 2422.1 Purposes of a petition.

A petition may be filed for the following purposes:

(a) *Elections or Eligibility for dues allotment.* To request:

(1) (i) An election to determine if employees in an appropriate unit wish to be represented for the purpose of collective bargaining by an exclusive representative; and/or

(ii) A determination of eligibility for dues allotment in an appropriate unit without an exclusive representative; or

(2) An election to determine if employees in a unit no longer wish to be represented for the purpose of collective bargaining by an exclusive representative.

(3) Petitions under this subsection must be accompanied by an appropriate showing of interest.

(b) *Clarification or Amendment.* To clarify, and/or amend:

(1) A certification then in effect; and/or

(2) Any other matter relating to representation.

(c) *Consolidation.* To consolidate two or more units, with or without an election, in an employing office and for which a labor organization is the exclusive representative.

§ 2422.2 Standing to file a petition.

A representation petition may be filed by: an individual; a labor organization; two or more labor organizations acting as a joint-petitioner; an individual acting on behalf of any employee(s); an employing office or activity; or a combination of the above: *provided, however,* that (a) only a labor organization has standing to file a petition pursuant to section 2422.1(a)(1); (b) only an individual has standing to file a petition pursuant to section 2422.1(a)(2); and (c) only an employing office or a labor organization may file a petition pursuant to section 2422.1(b) or (c).

§ 2422.3 Contents of a petition.

(a) *What to file.* A petition must be filed on a form prescribed by the Board and contain the following information:

(1) The name and mailing address for each employing office or activity affected by issues raised in the petition, including street number, city, state and zip code.

(2) The name, mailing address and work telephone number of the contact person for each employing office or activity affected by issues raised in the petition.

(3) The name and mailing address for each labor organization affected by issues raised in the petition, including street number, city, state and zip code. If a labor organization is affiliated with a national organization, the local designation and the national affiliation should both be included. If a labor organization is an exclusive representative of any of the employees affected by issues raised in the petition, the date of the certification and the date any collective bargaining agreement covering the unit will expire or when the most recent agreement did expire should be included, if known.

(4) The name, mailing address and work telephone number of the contact person for each labor organization affected by issues raised in the petition.

(5) The name and mailing address for the petitioner, including street number, city, state and zip code. If a labor organization petitioner is affiliated with a national organization, the local designation and the national affiliation should both be included.

(6) A description of the unit(s) affected by issues raised in the petition. The description should generally indicate the geographic locations and the classifications of the employees included (or sought to be included) in, and excluded (or sought to be excluded) from, the unit.

(7) The approximate number of employees in the unit(s) affected by issues raised in the petition.

(8) A clear and concise statement of the issues raised by the petition and the results the petitioner seeks.

(9) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that the contents of the petition are true and correct to the best of the person's knowledge and belief.

(10) The signature, title, mailing address and telephone number of the person filing the petition.

(b) *Compliance with 5 U.S.C. 7111(e), as applied by the CAA.* A labor organization/petitioner complies with 5 U.S.C. 7111(e), as applied by the CAA, by submitting to the employing office or activity and to the Department of Labor a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives. By signing the petition form, the labor organization/petitioner certifies that it has submitted these documents to the employing activity or office and to the Department of Labor.

(c) *Showing of interest supporting a representation petition.* When filing a petition requiring a showing of interest, the petitioner must:

(1) So indicate on the petition form;

(2) Submit with the petition a showing of interest of not less than thirty percent (30%) of the employees in the unit involved in the petition; and

(3) Include an alphabetical list of the names constituting the showing of interest.

(d) *Petition seeking dues allotment.* When there is no exclusive representative, a petition seeking certification for dues allotment shall be accompanied by a showing of membership in the petitioner of not less than ten percent (10%) of the employees in the unit claimed to be appropriate. An alphabetical list of names constituting the showing of membership must be submitted.

§ 2422.4 Service requirements.

Every petition, motion, brief, request, challenge, written objection, or application for review shall be served on all parties affected by issues raised in the filing. The service shall include all documentation in support thereof, with the exception of a showing of interest, evidence supporting challenges to the validity of a showing of interest, and evidence supporting objections to an election. The filer must submit a written statement of service to the Executive Director.

§ 2422.5 Filing petitions.

(a) *Where to file.* Petitions must be filed with the Executive Director.

(b) *Number of copies.* An original and two (2) copies of the petition and the accompanying material must be filed with the Executive Director.

(c) *Date of filing.* A petition is filed when it is received by the Executive Director.

§ 2422.6 Notification of filing.

(a) *Notification to parties.* After a petition is filed, the Executive Director, on behalf of the Board, will notify any labor organization, employing office or employing activity that the parties have identified as being affected by issues raised by the petition, that a petition has been filed with the Office. The Executive Director, on behalf of the Board, will also make reasonable efforts to identify and notify any other party affected by the issues raised by the petition.

(b) *Contents of the notification.* The notification will inform the labor organization, employing office or employing activity of:

(1) The name of the petitioner;

(2) The description of the unit(s) or employees affected by issues raised in the petition; and,

(3) A statement that all affected parties should advise the Executive Director in writing of their interest in the issues raised in the petition.

§ 2422.7 Posting notice of filing of a petition.

(a) *Posting notice of petition.* When appropriate, the Executive Director, on behalf of the Board, after the filing of a representation petition, will direct the employing office or activity to post copies of a notice to all employees in places where notices are normally posted for the employees affected by issues raised in the petition and/or distribute copies of a notice in a manner by which notices are normally distributed.

(b) *Contents of notice.* The notice shall advise affected employees about the petition.

(c) *Duration of notice.* The notice should be conspicuously posted for a period of ten (10) days and not be altered, defaced, or covered by other material.

§ 2422.8 Intervention and cross-petitions.

(a) *Cross-petitions.* A cross-petition is a petition which involves any employees in a unit covered by a pending representation petition. Cross-petitions must be filed in accordance with this subpart.

(b) *Intervention requests and cross-petitions.* A request to intervene and a cross-petition, accompanied by any necessary showing of interest, must be submitted in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, a request to intervene and a cross-petition must be filed prior to action being taken pursuant to § 2422.30.

(c) *Labor organization intervention requests.* Except for incumbent intervenors, a labor organization seeking to intervene shall submit a statement that it has complied with 5 U.S.C. 7111(e), as applied by the CAA, and one of the following:

(1) A showing of interest of ten percent (10%) or more of the employees in the unit covered by a petition seeking an election, with an alphabetical list of the names of the employees constituting the showing of interest; or

(2) A current or recently expired collective bargaining agreement covering any of the employees in the unit affected by issues raised in the petition; or

(3) Evidence that it is or was, prior to a reorganization, the certified exclusive representative of any of the employees affected by issues raised in the petition.

(d) *Incumbent.* An incumbent exclusive representative, without regard to the requirements of paragraph (c) of this section, will be considered a party in any representation proceeding raising issues that affect employees the incumbent represents, unless it serves the Board, through the Executive Director, with a written disclaimer of any representation interest in the claimed unit.

(e) *Employing office.* An employing office or activity will be considered a party if any of its employees are affected by issues raised in the petition.

(f) *Employing office or activity intervention.* An employing office or activity seeking to

intervene in any representation proceeding must submit evidence that one or more employees of the employing office or activity may be affected by issues raised in the petition.

§2422.9 Adequacy of showing of interest.

(a) *Adequacy.* Adequacy of a showing of interest refers to the percentage of employees in the unit involved as required by §§2422.3 (c) and (d) and 2422.8(c)(1).

(b) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that the showing of interest is adequate is final and binding and not subject to collateral attack at a representation hearing or on appeal to the Board. If the Executive Director determines, on behalf of the Board, that a showing of interest is inadequate, the Executive Director will dismiss the petition, or deny a request for intervention.

§2422.10 Validity of showing of interest.

(a) *Validity.* Validity questions are raised by challenges to a showing of interest on grounds other than adequacy.

(b) *Validity challenge.* The Executive Director or any party may challenge the validity of a showing of interest.

(c) *When and where validity challenges may be filed.* Party challenges to the validity of a showing of interest must be in writing and filed with the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no pre-election investigatory hearing is held, challenges to the validity of a showing of interest must be filed prior to action being taken pursuant to §2422.30.

(d) *Contents of validity challenges.* Challenges to the validity of a showing of interest must be supported with evidence.

(e) *Executive Director investigation and action.* The Executive Director, on behalf of the Board, will conduct such investigation as deemed appropriate. The Executive Director's determination, on behalf of the Board, that a showing of interest is valid is final and binding and is not subject to collateral attack or appeal to the Board. If the Executive Director finds, on behalf of the Board, that the showing of interest is not valid, the Executive Director will dismiss the petition or deny the request to intervene.

§2422.11 Challenge to the status of a labor organization.

(a) *Basis of challenge to labor organization status.* The only basis on which a challenge to the status of a labor organization may be made is compliance with 5 U.S.C. 7103(a)(4), as applied by the CAA.

(b) *Format and time for filing a challenge.* Any party filing a challenge to the status of a labor organization involved in the processing of a petition must do so in writing to the Executive Director before the pre-election investigatory hearing opens, unless good cause is shown for granting an extension. If no hearing is held, challenges must be filed prior to action being taken pursuant to §2422.30.

§2422.12 Timeliness of petitions seeking an election.

(a) *Election bar.* Where there is no certified exclusive representative, a petition seeking an election will not be considered timely if filed within twelve (12) months of a valid election involving the same unit or a subdivision of the same unit.

(b) *Certification bar.* Where there is a certified exclusive representative of employees, a petition seeking an election will not be considered timely if filed within twelve (12) months after the certification of the exclusive representative of the employees in an appropriate unit. If a collective bargaining agreement covering the claimed unit is pending employing office head review under 5 U.S.C. 7114(c), as applied by the CAA, or is in effect, paragraphs (c), (d), or (e) of this section apply.

(c) *Bar during employing office head review.* A petition seeking an election will not be considered timely if filed during the period of employing office head review under 5 U.S.C. 7114(c), as applied by the CAA. This bar expires upon either the passage of thirty (30) days absent employing office head action, or upon the date of any timely employing office head action.

(d) *Contract bar where the contract is for three (3) years or less.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of three (3) years or less from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the agreement.

(e) *Contract bar where the contract is for more than three (3) years.* Where a collective bargaining agreement is in effect covering the claimed unit and has a term of more than three (3) years from the date it became effective, a petition seeking an election will be considered timely if filed not more than one hundred and five (105) and not less than sixty (60) days prior to the expiration of the initial three (3) year period, and any time after the expiration of the initial three (3) year period.

(f) *Unusual circumstances.* A petition seeking an election or a determination relating to representation matters may be filed at any time when unusual circumstances exist that substantially affect the unit or majority representation.

(g) *Premature extension.* Where a collective bargaining agreement with a term of three (3) years or less has been extended prior to sixty (60) days before its expiration date, the extension will not serve as a basis for dismissal of a petition seeking an election filed in accordance with this section.

(h) *Contract requirements.* Collective bargaining agreements, including agreements that go into effect under 5 U.S.C. 7114(c), as applied by the CAA, and those that automatically renew without further action by the parties, do not constitute a bar to a petition seeking an election under this section unless a clear and unambiguous effective date, renewal date where applicable, duration, and termination date are ascertainable from the agreement and relevant accompanying documentation.

§2422.13 Resolution of issues raised by a petition.

(a) *Meetings prior to filing a representation petition.* All parties affected by the representation issues that may be raised in a petition are encouraged to meet prior to the filing of the petition to discuss their interests and narrow and resolve the issues. If requested by all parties a representative of the Office will participate in these meetings.

(b) *Meetings to narrow and resolve the issues after the petition is filed.* After a petition is filed, the Executive Director may require all affected parties to meet to narrow and resolve the issues raised in the petition.

§2422.14 Effect of withdrawal/dismissal.

(a) *Withdrawal/dismissal less than sixty (60) days before contract expiration.* When a petition seeking an election that has been timely filed is withdrawn by the petitioner or dismissed by the Executive Director or the Board less than sixty (60) days prior to the expiration of an existing agreement between the incumbent exclusive representative and the employing office or activity or any time after the expiration of the agreement, another petition seeking an election will not be considered timely if filed within a ninety (90) day period from either:

(1) The date the withdrawal is approved; or

(2) The date the petition is dismissed by the Executive Director when no application for review is filed with the Board; or

(3) The date the Board rules on an application for review; or

(4) The date the Board issues a Decision and Order dismissing the petition.

Other pending petitions that have been timely filed under this Part will continue to be processed.

(b) *Withdrawal by petitioner.* A petitioner who submits a withdrawal request for a petition seeking an election that is received by the Executive Director after the notice of pre-election investigatory hearing issues or after approval of an election agreement, whichever occurs first, will be barred from filing another petition seeking an election for the same unit or any subdivision of the unit for six (6) months from the date of the approval of the withdrawal by the Executive Director.

(c) *Withdrawal by incumbent.* When an election is not held because the incumbent disclaims any representation interest in a unit, a petition by the incumbent seeking an election involving the same unit or a subdivision of the same unit will not be considered timely if filed within six (6) months of cancellation of the election.

§2422.15 Duty to furnish information and cooperate.

(a) *Relevant information.* After a petition is filed, all parties must, upon request of the Executive Director, furnish the Executive Director and serve all parties affected by issues raised in the petition with information concerning parties, issues, and agreements raised in or affected by the petition.

(b) *Inclusions and exclusions.* After a petition seeking an election is filed, the Executive Director, on behalf of the Board, may direct the employing office or activity to furnish the Executive Director and all parties affected by issues raised in the petition with a current alphabetized list of employees and job classifications included in and/or excluded from the existing or claimed unit affected by issues raised in the petition.

(c) *Cooperation.* All parties are required to cooperate in every aspect of the representation process. This obligation includes cooperating fully with the Executive Director, submitting all required and requested information, and participating in prehearing conferences and pre-election investigatory hearings. The failure to cooperate in the representation process may result in the Executive Director or the Board taking appropriate action, including dismissal of the petition or denial of intervention.

§2422.16 Election agreements or directed elections.

(a) *Election agreements.* Parties are encouraged to enter into election agreements.

(b) *Executive Director directed election.* If the parties are unable to agree on procedural matters, specifically, the eligibility period, method of election, dates, hours, or locations of the election, the Executive Director, on behalf of the Board, will decide election procedures and issue a Direction of Election, without prejudice to the rights of a party to file objections to the procedural conduct of the election.

(c) *Opportunity for an investigatory hearing.* Before directing an election, the Executive Director shall provide affected parties an opportunity for a pre-election investigatory hearing on other than procedural matters.

(d) *Challenges or objections to a directed election.* A Direction of Election issued under

this section will be issued without prejudice to the right of a party to file a challenge to the eligibility of any person participating in the election and/or objections to the election.

§2422.17 Notice of pre-election investigatory hearing and prehearing conference.

(a) *Purpose of notice of an investigatory hearing.* The Executive Director, on behalf of the Board, may issue a notice of pre-election investigatory hearing involving any issues raised in the petition.

(b) *Contents.* The notice of hearing will advise affected parties about the pre-election investigatory hearing. The Executive Director will also notify affected parties of the issues raised in the petition and establish a date for the prehearing conference.

(c) *Prehearing conference.* A prehearing conference will be conducted by the Executive Director or her designee, either by meeting or teleconference. All parties must participate in a prehearing conference and be prepared to fully discuss, narrow and resolve the issues set forth in the notification of the prehearing conference.

(d) *No interlocutory appeal of investigatory hearing determination.* The Executive Director's determination of whether to issue a notice of pre-election investigatory hearing is not appealable to the Board.

§2422.18 Pre-election investigatory hearing procedures.

(a) *Purpose of a pre-election investigatory hearing.* Representation hearings are considered investigatory and not adversarial. The purpose of the hearing is to develop a full and complete record of relevant and material facts.

(b) *Conduct of hearing.* Pre-election investigatory hearings will be open to the public unless otherwise ordered by the Executive Director or her designee. There is no burden of proof, with the exception of proceedings on objections to elections as provided for in §2422.27(b). Formal rules of evidence do not apply.

(c) *Pre-election investigatory hearing.* Pre-election investigatory hearings will be conducted by the Executive Director or her designee.

(d) *Production of evidence.* Parties have the obligation to produce existing documents and witnesses for the investigatory hearing in accordance with the instructions of the Executive Director or her designee. If a party willfully fails to comply with such instructions, the Board may draw an inference adverse to that party on the issue related to the evidence sought.

(e) *Transcript.* An official reporter will make the official transcript of the pre-election investigatory hearing. Copies of the official transcript may be examined in the Office during normal working hours. Requests by parties to purchase copies of the official transcript should be made to the official hearing reporter.

§2422.19 Motions.

(a) *Purpose of a motion.* Subsequent to the issuance of a notice of pre-election investigatory hearing in a representation proceeding, a party seeking a ruling, an order, or relief must do so by filing or raising a motion stating the order or relief sought and the grounds therefor. Challenges and other filings referenced in other sections of this subpart may, in the discretion of the Executive Director or her designee, be treated as a motion.

(b) *Prehearing motions.* Prehearing motions must be filed in writing with the Executive Director. Any response must be filed with the Executive Director within five (5) days after service of the motion. The Executive Director shall rule on the motion.

(c) *Motions made at the investigatory hearing.* During the pre-election investigatory hearing, motions will be made to the Executive Director or her designee, and may be oral on the record, unless otherwise required in this subpart to be in writing. Responses may be oral on the record or in writing, but, absent permission of the Executive Director or her designee, must be provided before the hearing closes. The Executive Director or her designee will rule on motions made at the hearing.

(d) *Posthearing motions.* Motions made after the hearing closes must be filed in writing with the Board. Any response to a posthearing motion must be filed with the Board within five (5) days after service of the motion.

§2422.20 Rights of parties at a pre-election investigatory hearing.

(a) *Rights.* A party at a pre-election investigatory hearing will have the right:

(1) To appear in person or by a representative;

(2) To examine and cross-examine witnesses; and

(3) To introduce into the record relevant evidence.

(b) *Documentary evidence and stipulations.* Parties must submit two (2) copies of documentary evidence to the Executive Director or her designee and copies to all other parties. Stipulations of fact between/among the parties may be introduced into evidence.

(c) *Oral argument.* Parties will be entitled to a reasonable period prior to the close of the hearing for oral argument. Presentation of a closing oral argument does not preclude a party from filing a brief under paragraph (d) of this section.

(d) *Briefs.* A party will be afforded an opportunity to file a brief with the Board.

(1) An original and two (2) copies of a brief must be filed with the Board within thirty (30) days from the close of the hearing.

(2) A written request for an extension of time to file a brief must be filed with and received by the Board no later than five (5) days before the date the brief is due.

(3) No reply brief may be filed without permission of the Board.

§2422.21 Duties and powers of the Executive Director in the conduct of the pre-election investigatory hearing.

(a) *Duties.* The Executive Director or her designee, on behalf of the Board, will receive evidence and inquire fully into the relevant and material facts concerning the matters that are the subject of the investigatory hearing, and may make recommendations on the record to the Board.

(b) *Powers.* During the period a case is assigned to the Executive Director or her designee for pre-election investigatory hearing and prior to the close of the hearing, the Executive Director or her designee may take any action necessary to schedule, conduct, continue, control, and regulate the pre-election investigatory hearing, including ruling on motions when appropriate.

§2422.22 Objections to the conduct of the pre-election investigatory hearing.

(a) *Objections.* Objections are oral or written complaints concerning the conduct of a pre-election investigatory hearing.

(b) *Exceptions to rulings.* There are automatic exceptions to all adverse rulings.

§2422.23 Election procedures.

(a) *Executive Director conducts or supervises election.* The Executive Director, on behalf of the Board, will decide to conduct or supervise the election. In supervised elections, employing offices or activities will perform all acts as specified in the Election Agreement or Direction of Election.

(b) *Notice of election.* Prior to the election a notice of election, prepared by the Executive Director, will be posted by the employing office or activity in places where notices to employees are customarily posted and/or distributed in a manner by which notices are normally distributed. The notice of election will contain the details and procedures of the election, including the appropriate unit, the eligibility period, the date(s), hour(s) and location(s) of the election, a sample ballot, and the effect of the vote.

(c) *Sample ballot.* The reproduction of any document purporting to be a copy of the official ballot that suggests either directly or indirectly to employees that the Board endorses a particular choice in the election may constitute grounds for setting aside an election if objections are filed under §2422.26.

(d) *Secret ballot.* All elections will be by secret ballot.

(e) *Intervenor withdrawal from ballot.* When two or more labor organizations are included as choices in an election, an intervening labor organization may, prior to the approval of an election agreement or before the direction of an election, file a written request with the Executive Director to remove its name from the ballot. If the request is not received prior to the approval of an election agreement or before the direction of an election, unless the parties and the Executive Director, on behalf of the Board, agree otherwise, the intervening labor organization will remain on the ballot. The Executive Director's decision on the request is final and not subject to the filing of an application for review with the Board.

(f) *Incumbent withdrawal from ballot in an election to decertify an incumbent representative.* When there is no intervening labor organization, an election to decertify an incumbent exclusive representative will not be held if the incumbent provides the Executive Director with a written disclaimer of any representation interest in the unit. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(g) *Petitioner withdraws from ballot in an election.* When there is no intervening labor organization, an election will not be held if the petitioner provides the Executive Director with a written request to withdraw the petition. When there is an intervenor, an election will be held if the intervening labor organization proffers a thirty percent (30%) showing of interest within the time period established by the Executive Director.

(h) *Observers.* All parties are entitled to representation at the polling location(s) by observers of their own selection subject to the Executive Director's approval.

(1) Parties desiring to name observers must file in writing with the Executive Director a request for specifically named observers at least fifteen (15) days prior to an election. The Executive Director may grant an extension of time for filing a request for specifically named observers for good cause where a party requests such an extension or on the Executive Director's own motion. The request must name and identify the observers requested.

(2) An employing office or activity may use as its observers any employees who are not eligible to vote in the election, except:

(i) Supervisors or management officials;

(ii) Employees who have any official connection with any of the labor organizations involved; or

(iii) Non-employees of the legislative branch.

(3) A labor organization may use as its observers any employees eligible to vote in the election, except:

(i) Employees on leave without pay status who are working for the labor organization involved; or

(ii) Employees who hold an elected office in the union.

(4) Objections to a request for specific observers must be filed with the Executive Director stating the reasons in support within five (5) days after service of the request.

(5) The Executive Director's ruling on requests for and objections to observers is final and binding and is not subject to the filing of an application for review with the Board.

§2422.24 Challenged ballots.

(a) *Filing challenges.* A party or the Executive Director may, for good cause, challenge the eligibility of any person to participate in the election prior to the employee voting.

(b) *Challenged ballot procedure.* An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) prior to the tally of ballots, the unresolved challenged ballot(s) will be impounded and preserved until a determination can be made, if necessary, by the Executive Director or the Board.

§2422.25 Tally of ballots.

(a) *Tallying the ballots.* When the election is concluded, the Executive Director or her designee will tally the ballots.

(b) *Service of the tally.* When the tally is completed, the Executive Director will serve the tally of ballots on the parties in accordance with the election agreement or direction of election.

(c) *Valid ballots cast.* Representation will be determined by the majority of the valid ballots cast.

§2422.26 Objections to the election.

(a) *Filing objections to the election.* Objections to the procedural conduct of the election or to conduct that may have improperly affected the results of the election may be filed by any party. Objections must be filed and received by the Executive Director within five (5) days after the tally of ballots has been served. Any objections must be timely regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must be supported by clear and concise reasons. An original and two (2) copies of the objections must be received by the Executive Director.

(b) *Supporting evidence.* The objecting party must file with the Executive Director evidence, including signed statements, documents and other materials supporting the objections within ten (10) days after the objections are filed.

§2422.27 Determinative challenged ballots and objections.

(a) *Investigation.* The Executive Director, on behalf of the Board, will investigate objections and/or determinative challenged ballots that are sufficient in number to affect the results of the election.

(b) *Burden of proof.* A party filing objections to the election bears the burden of proof by a preponderance of the evidence concerning those objections. However, no party bears the burden of proof on challenged ballots.

(c) *Executive Director action.* After investigation, the Executive Director will take appropriate action consistent with §2422.30.

(d) *Consolidated hearing on objections and/or determinative challenged ballots and an unfair labor practice hearing.* When appropriate, and in accordance with §2422.33, objections and/or determinative challenged ballots may be consolidated with an unfair labor practice hearing. Such consolidated hearings will be conducted by a Hearing Officer. Exceptions and related submissions must be filed with the Board and the Board will issue a decision in accordance with Part 2423 of this chapter and section 406 of the CAA, except for the following:

(1) Section 2423.18 of this Subchapter concerning the burden of proof is not applicable;

(2) The Hearing Officer may not recommend remedial action to be taken or notices to be posted; and,

(3) References to ''charge'' and ''complaint'' in Part 2423 of this chapter will be omitted.

§2422.28 Runoff elections.

(a) *When a runoff may be held.* A runoff election is required in an election involving at least three (3) choices, one of which is ''no union'' or ''neither,'' when no choice receives a majority of the valid ballots cast. However, a runoff may not be held until the objections to the election and determinative challenged ballots have been resolved.

(b) *Eligibility.* Employees who were eligible to vote in the original election and who are also eligible on the date of the runoff election may vote in the runoff election.

(c) *Ballot.* The ballot in the runoff election will provide for a selection between the two choices receiving the largest and second largest number of votes in the election.

§2422.29 Inconclusive elections.

(a) *Inconclusive elections.* An inconclusive election is one where challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

(1) The ballot provides for at least three (3) choices, one of which is ''no union'' or ''neither'' and the votes are equally divided; or

(2) The ballot provides for at least three (3) choices, the choice receiving the highest number of votes does not receive a majority, and at least two other choices receive the next highest and same number of votes; or

(3) When a runoff ballot provides for a choice between two labor organizations and results in the votes being equally divided; or

(4) When the Board determines that there have been significant procedural irregularities.

(b) *Eligibility to vote in a rerun election.* A current payroll period will be used to determine eligibility to vote in a rerun election.

(c) *Ballot.* If a determination is made that the election is inconclusive, the election will be rerun with all the choices that appeared on the original ballot.

(d) *Number of reruns.* There will be only one rerun of an inconclusive election. If the rerun results in another inconclusive election, the tally of ballots will indicate a majority of valid ballots has not been cast for any choice and a certification of results will be issued. If necessary, a runoff may be held when an original election is rerun.

§2422.30 Executive Director investigations, notices of pre-election investigatory hearings, and actions; Board Decisions and Orders.

(a) *Executive Director investigation.* The Executive Director, on behalf of the Board, will make such investigation of the petition and any other matter as the Executive Director deems necessary.

(b) *Executive Director notice of pre-election investigatory hearing.* On behalf of the Board, the Executive Director will issue a notice of pre-election investigatory hearing to inquire into any matter about which a material issue of fact exists, where there is an issue as to whether a question concerning representation exists, and any time there is reasonable cause to believe a question exists regarding unit appropriateness.

(c) *Executive Director action.* After investigation and/or hearing, when a pre-election investigatory hearing has been ordered, the Executive Director may, on behalf of the Board, approve an election agreement, dismiss a petition or deny intervention where there is an inadequate or invalid showing of interest, or dismiss a petition where there is an undisputed bar to further processing of the petition under law, rule or regulation.

(d) *Appeal of Executive Director action.* A party may file with the Board an application for review of an Executive Director action taken pursuant to section (c) above.

(e) *Contents of the Record.* When no pre-election investigatory hearing has been conducted all material submitted to and considered by the Executive Director during the investigation becomes a part of the record. When a pre-election investigatory hearing has been conducted, the transcript and all material entered into evidence, including any posthearing briefs, become a part of the record.

(f) *Transfer of record to Board; Board Decisions and Orders.* In cases that are submitted to the Board for decision in the first instance, the Board shall decide the issues presented based upon the record developed by the Executive Director, including the transcript of the pre-election investigatory hearing, if any, documents admitted into the record and briefs and other approved submissions from the parties. The Board may direct that a secret ballot election be held, issue an order dismissing the petition, or make such other disposition of the matter as it deems appropriate.

§2422.31 Application for review of an Executive Director action.

(a) *Filing an application for review.* A party must file an application for review with the Board within sixty (60) days of the Executive Director's action. The sixty (60) day time limit provided for in 5 U.S.C. 7105(f), as applied by the CAA, may not be extended or waived.

(b) *Contents.* An application for review must be sufficient to enable the Board to rule on the application without recourse to the record; however, the Board may, in its discretion, examine the record in evaluating the application. An application must specify the matters and rulings to which exception(s) is taken, include a summary of evidence relating to any issue raised in the application, and make specific reference to page citations in the transcript if a hearing was held. An application may not raise any issue or rely on any facts not timely presented to the Executive Director.

(c) *Review.* The Board may, in its discretion, grant an application for review when the application demonstrates that review is warranted on one or more of the following grounds:

(1) The decision raises an issue for which there is an absence of precedent;

(2) Established law or policy warrants reconsideration; or,

(3) There is a genuine issue over whether the Executive Director has:

(i) Failed to apply established law;

(ii) Committed a prejudicial procedural error;

(iii) Committed a clear and prejudicial error concerning a substantial factual matter.

(d) *Opposition.* A party may file with the Board an opposition to an application for review within ten (10) days after the party is served with the application. A copy must be served on the Executive Director and all other parties and a statement of service must be filed with the Board.

(e) *Executive Director action becomes the Board's action.* An action of the Executive Director becomes the action of the Board when:

(1) No application for review is filed with the Board within sixty (60) days after the date of the Executive Director's action; or

(2) A timely application for review is filed with the Board and the Board does not undertake to grant review of the Executive Director's action within sixty (60) days of the filing of the application; or

(3) The Board denies an application for review of the Executive Director's action.

(f) *Board grant of review and stay.* The Board may rule on the issue(s) in an application for review in its order granting the application for review. Neither filing nor granting an application for review shall stay any action ordered by the Executive Director unless specifically ordered by the Board.

(g) *Briefs if review is granted.* If the Board does not rule on the issue(s) in the application for review in its order granting review, the Board may, in its discretion, afford the parties an opportunity to file briefs. The briefs will be limited to the issue(s) referenced in the Board's order granting review.

§2422.32 Certifications and revocations.

(a) *Certifications.* The Executive Director, on behalf of the Board, will issue an appropriate certification when:

(1) After an election, runoff, or rerun,

(i) No objections are filed or challenged ballots are not determinative, or

(ii) Objections and determinative challenged ballots are decided and resolved; or

(2) The Executive Director takes an action requiring a certification and that action becomes the action of the Board under §2422.31(e) or the Board otherwise directs the issuance of a certification.

(b) *Revocations.* Without prejudice to any rights and obligations which may exist under the CAA, the Executive Director, on behalf of the Board, will revoke a recognition or certification, as appropriate, and provide a written statement of reasons when an incumbent exclusive representative files, during a representation proceeding, a disclaimer of any representational interest in the unit.

§2422.33 Relief obtainable under Part 2423.

Remedial relief that was or could have been obtained as a result of a motion, objection, or challenge filed or raised under this subpart, may not be the basis for similar relief if filed or raised as an unfair labor practice under Part 2423 of this Chapter: *provided, however,* that related matters may be consolidated for hearing as noted in §2422.27(d) of this subpart.

§2422.34 Rights and obligations during the pendency of representation proceedings.

(a) *Existing recognitions, agreements, and obligations under the CAA.* During the pendency of any representation proceeding, parties are obligated to maintain existing recognitions, adhere to the terms and conditions of existing collective bargaining agreements, and fulfill all other representational and bargaining responsibilities under the CAA.

(b) *Unit status of individual employees.* Notwithstanding paragraph (a) of this section and except as otherwise prohibited by law, a party may take action based on its position regarding the bargaining unit status of individual employees, pursuant to 5 U.S.C. 7103(a)(2), 7112 (b) and (c), as applied by the CAA: *provided, however,* that its actions may be challenged, reviewed, and remedied where appropriate.

PART 2423 UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.

§2423.1 Applicability of this part.

This part is applicable to any charge of alleged unfair labor practices occurring on or after October 1, 1996.

§2423.2 Informal proceedings.

(a) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the cooperative efforts of all persons covered by the program. To this end, it shall be the policy of the Board and the General Counsel to encourage all persons alleging unfair labor practices and persons against whom such allegations are made to meet and, in good faith, attempt to resolve such matters prior to the filing of unfair labor practice charges.

(b) In furtherance of the policy referred to in paragraph (a) of this section, and noting the 180 day period of limitation set forth in section 220(c)(2) of the CAA, it shall be the policy of the Board and the General Counsel to encourage the informal resolution of unfair labor practice allegations subsequent to the filing of a charge and prior to the filing of a complaint by the General Counsel.

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the General Counsel will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

§2423.3 Who may file charges.

An employing office, employing activity, or labor organization may be charged by any person with having engaged in or engaging in any unfair labor practice prohibited under 5 U.S.C. 7116, as applied by the CAA.

§2423.4 Contents of the charge; supporting evidence and documents.

(a) A charge alleging a violation of 5 U.S.C. 7116, as applied by the CAA, shall be submitted on forms prescribed by the General Counsel and shall contain the following:

(1) The name, address and telephone number of the person(s) making the charge;

(2) The name, address and telephone number of the employing office or activity, or labor organization against whom the charge is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section(s) and subsection(s) of chapter 71 of title 5 of the United States Code made applicable by the CAA alleged to have been violated, and the date and place of occurrence of the particular acts; and

(4) A statement of any other procedure invoked involving the subject matter of the charge and the results, if any, including whether the subject matter raised in the charge (i) has been raised previously in a grievance procedure; (ii) has been referred to the Board under Part 2471 of these regulations, or the Federal Mediation and Conciliation Service, or (iii) involves a negotiability issue raised by the charging party in a petition pending before the Board pursuant to Part 2424 of this subchapter.

(b) Such charge shall be in writing and signed and shall contain a declaration by the person signing the charge, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief.

(c) When filing a charge, the charging party shall submit to the General Counsel any supporting evidence and documents.

§2423.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to this part which involves a negotiability issue, and the labor organization also files pursuant to part 2424 of this subchapter a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under part 2424 of this subchapter.

§2423.6 Filing and service of copies.

(a) An original and four (4) copies of the charge together with one copy for each additional charged party named shall be filed with the General Counsel.

(b) Upon the filing of a charge, the charging party shall be responsible for the service of a copy of the charge (without the supporting evidence and documents) upon the person(s) against whom the charge is made, and for filing a written statement of such service with the General Counsel. The General Counsel will, as a matter of course, cause a copy of such charge to be served on the person(s) against whom the charge is made, but shall not be deemed to assume responsibility for such service.

(c) A charge will be deemed to be filed when it is received by the General Counsel in accordance with the requirements in paragraph (a) of this section.

§2423.7 Investigation of charges.

(a) The General Counsel shall conduct such investigation of the charge as the General Counsel deems necessary. Consistent with the policy set forth in §2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

(b) During the course of the investigation all parties involved will have an opportunity to present their evidence and views to the General Counsel.

(c) In connection with the investigation of charges, all persons are expected to cooperate fully with the General Counsel.

(d) The purposes and policies of chapter 71, as applied by the CAA, can best be achieved by the full cooperation of all parties involved and the voluntary submission of all potentially relevant information from all potential sources during the course of the investigation. To this end, it shall be the policy of the Board and the General Counsel to protect the identity of individuals and the substance of the statements and information they submit or which is obtained during the investigation as a means of assuring the Board's and the General Counsel's continuing ability to obtain all relevant information.

§2423.8 Amendment of charges.

Prior to the issuance of a complaint, the charging party may amend the charge in accordance with the requirements set forth in §2423.6.

§2423.9 Action by the General Counsel.

(a) The General Counsel shall take action which may consist of the following, as appropriate:

(1) Approve a request to withdraw a charge;

(2) Refuse to file a complaint;

(3) Approve a written settlement and recommend that the Executive Director approve a written settlement agreement in accordance with the provisions of section 414 of the CAA;

(4) File a complaint;

(5) Upon agreement of all parties, transfer to the Board for decision, after filing of a complaint, a stipulation of facts in accordance with the provisions of §2429.1(a) of this subchapter; or

(6) Withdraw a complaint.

§2423.10 Determination not to file complaint.

(a) If the General Counsel determines that the charge has not been timely filed, that the charge fails to state an unfair labor practice, or for other appropriate reasons, the General Counsel may request the charging party to withdraw the charge, and in the absence of such withdrawal within a reasonable time, decline to file a complaint.

(b) The charging party may not obtain a review of the General Counsel's decision not to file a complaint.

§2423.11 Settlement or adjustment of issues.

(a) At any stage of a proceeding prior to hearing, where time, the nature of the proceeding, and the public interest permit, all interested parties shall have the opportunity to submit to the Executive Director or General Counsel, as appropriate, for consideration, all facts and arguments concerning offers of settlement, or proposals of adjustment.

Precomplaint settlements

(b) (1) Prior to the filing of any complaint or the taking of other formal action, the General Counsel will afford the charging party and the respondent a reasonable period of time in which to enter into a settlement agreement to be submitted to and approved by the General Counsel and the Executive Director. Upon approval by the General Counsel and Executive Director and compliance with the terms of the settlement agreement, no further action shall be taken in the case. If the respondent fails to perform its obligations under the settlement agreement, the General Counsel may determine to institute further proceedings.

(2) In the event that the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, if the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel and the latter shall decline to file a complaint.

Post complaint settlement policy

(c) Consistent with the policy reflected in paragraph (a) of this section, even after the filing of a complaint, the Board favors the settlement of issues. Such settlements may be accomplished as provided in paragraph (b) of this section. The parties may, as part of the settlement, agree to waive their right to a hearing and agree further that the Board may issue an order requiring the respondent to take action appropriate to the terms of the settlement. Ordinarily such a settlement agreement will also contain the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order.

Post complaint prehearing settlements

(d)(1) If, after the filing of a complaint, the charging party and the respondent enter into a settlement agreement, and such agreement is accepted by the General Counsel, the settlement agreement shall be submitted to the Executive Director for approval.

(2) If, after the filing of a complaint, the charging party fails or refuses to become a party to a settlement agreement offered by the respondent, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied by the CAA, the agreement shall be between the respondent and the General Counsel. The charging party will be so informed and provided a brief written statement by the General Counsel of the reasons therefor. The settlement agreement together with the charging party's objections, if any, and the General Counsel's written statements, shall be submitted to the Executive Director for approval. The Executive Director may approve or disapprove any settlement agreement.

(3) After the filing of a complaint, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may withdraw the complaint.

Settlements after the opening of the hearing

(e)(1) After filing of a complaint and after opening of the hearing, if the General Counsel concludes that it will effectuate the policies of chapter 71, as applied by the CAA, the General Counsel may request the Hearing Officer for permission to withdraw the complaint and, having been granted such permission to withdraw the complaint, may approve a settlement and recommend that the Executive Director approve the settlement pursuant to paragraph (b) of this section.

(2) If, after filing of a complaint and after opening of the hearing, the parties enter into a settlement agreement that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval.

(3) If the charging party fails or refuses to become a party to a settlement agreement, offered by the respondent, that contains the respondent's consent to the Board's application for the entry of a decree by the United States Court of Appeals for the Federal Circuit enforcing the Board's order, and the General Counsel concludes that the offered settlement will effectuate the policies of chapter 71, as applied to the CAA, the agreement shall be between the respondent and the General Counsel. After the charging party is given an opportunity to state on the record or in writing the reasons for opposing the settlement, the General Counsel may request the Hearing Officer and the Executive Director to approve such settlement agreement, and upon such approval, to transmit the agreement to the Board for approval. The Board may approve or disapprove any such settlement agreement or return the case to the Hearing Officer for other appropriate action.

§2423.12 Filing and contents of the complaint.

(a) After a charge is filed, if it appears to the General Counsel that formal proceedings in respect thereto should be instituted, the General Counsel shall file a formal complaint: provided, however, that a determination by the General Counsel to file a complaint shall not be subject to review.

(b) The complaint shall include:

(1) Notice of the charge;

(2) Any information required pursuant to the Procedural Rules of the Office.

(c) Any such complaint may be withdrawn before the hearing by the General Counsel.

§2423.13 Answer to the complaint.

A respondent shall file an answer to a complaint in accordance with the requirements of the Procedural Rules of the Office.

§2423.14 Prehearing disclosure; conduct of hearing.

The procedures for prehearing discovery and the conduct of the hearing are set forth in the Procedural Rules of the Office.

§2423.15 Intervention.

Any person involved and desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in the Procedural Rules of the Office. The motion shall state the grounds upon which such person claims involvement.

§2423.16 [Reserved]

§2423.17 [Reserved]

§2423.18 Burden of proof before the Hearing Officer.

The General Counsel shall have the responsibility of presenting the evidence in support of the complaint and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

2423.19 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before such Hearing Officer, subject to the rules and regulations of the Office and the Board.

§2423.20 [Reserved]

§2423.21 [Reserved]

§2423.22 [Reserved]

§2423.23 [Reserved]

§2423.24 [Reserved]

§2423.25 [Reserved]

§2423.26 Hearing Officer decisions; entry in records of the Office.

In accordance with the Procedural Rules of the Office, the Hearing Officer shall issue a written decision and that decision will be entered into the records of the Office.

§2423.27 Appeal to the Board.

An aggrieved party may seek review of a decision and order of the Hearing Officer in accordance with the Procedural Rules of the Office.

§2423.28 [Reserved]

§2423.29 Action by the Board.

(a) If an appeal is filed, the Board shall review the decision of the Hearing Officer in accordance with section 406 of the CAA, and the Procedural Rules of the Office.

(b) Upon finding a violation, the Board shall issue an order:

(1) To cease and desist from any such unfair labor practice in which the employing office or labor organization is engaged;

(2) Requiring the parties to renegotiate a collective bargaining agreement in accordance with the order of the Board and requiring that the agreement, as amended, be given retroactive effect;

(3) Requiring reinstatement of an employee with backpay in accordance with 5 U.S.C. 5596; or

(4) Including any combination of the actions described in paragraphs (1) through (3) of this paragraph (b), or such other action as will carry out the purpose of the chapter 71, as applied by the CAA.

(c) Upon finding no violation, the Board shall dismiss the complaint.

§2423.30 Compliance with decisions and orders of the Board.

When remedial action is ordered, the respondent shall report to the Office within a specified period that the required remedial action has been effected. When the General Counsel or the Executive Director finds that the required remedial action has not been effected, the General Counsel or the Executive Director shall take such action as may be appropriate, including referral to the Board for enforcement.

§2423.31 Backpay proceedings.

After the entry of a Board order directing payment of backpay, or the entry of a court decree enforcing such order, if it appears to the General Counsel that a controversy exists which cannot be resolved without a formal proceeding, the General Counsel may issue and serve on all parties a backpay specification accompanied by a request for hearing or a request for hearing without a specification. Upon receipt of the request for hearing, the Executive Director will appoint an independent Hearing Officer. The respondent shall, within twenty (20) days after the service of a backpay specification, file an answer thereto in accordance with the Office's Procedural Rules. No answer need be filed by the respondent to a notice of hearing issued without a specification. After the issuance of a notice of hearing, with or without a backpay specification, the hearing procedures provided in the Procedural Rules of the Office shall be followed insofar as applicable.

PART 2424—EXPEDITED REVIEW OF NEGOTIABILITY ISSUES

Subpart A—Instituting an Appeal

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

Subpart A—Instituting an Appeal

§2424.1 Conditions governing review.

The Board will consider a negotiability issue under the conditions prescribed by 5 U.S.C. 7117 (b) and (c), as applied by the CAA, namely: If an employing office involved in collective bargaining with an exclusive representative alleges that the duty to bargain in good faith does not extend to any matter proposed to be bargained because, as proposed, the matter is inconsistent with law, rule or regulation, the exclusive representative may appeal the allegation to the Board when—

(a) It disagrees with the employing office's allegation that the matter as proposed to be bargained is inconsistent with any Federal law or any Government-wide rule or regulation; or

(b) It alleges, with regard to any employing office rule or regulation asserted by the employing office as a bar to negotiations on the matter, as proposed, that:

(1) The rule or regulation violates applicable law, or rule or regulation of appropriate authority outside the employing office;

(2) The rule or regulation was not issued by the employing office or by any primary national subdivision of the employing office, or otherwise is not applicable to bar negotiations with the exclusive representative, under 5 U.S.C. 7117(a)(3), as applied by the CAA; or

(3) No compelling need exists for the rule or regulation to bar negotiations on the matter, as proposed, because the rule or regulation does not meet the criteria established in subpart B of this part.

§2424.2 Who may file a petition.

A petition for review of a negotiability issue may be filed by an exclusive representative which is a party to the negotiations.

§2424.3 Time limits for filing.

The time limit for filing a petition for review is fifteen (15) days after the date the employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained is served on the exclusive representative. The exclusive representative shall request such allegation in writing and the employing office shall make the allegation in writing and serve a copy on the exclusive representative: *provided, however,* that review of a negotiability issue may be requested by an exclusive representative under this subpart without a prior written allegation by the employing office if the employing office has not served such allegation upon the exclusive representative within ten (10) days after the date of the receipt by any employing office bargaining representative at the negotiations of a written request for such allegation.

§2424.4 Content of petition; service.

(a) A petition for review shall be dated and shall contain the following:

(1) A statement setting forth the express language of the proposal sought to be negotiated as submitted to the employing office;

(2) An explicit statement of the meaning attributed to the proposal by the exclusive representative including:

(i) Explanation of terms of art, acronyms, technical language, or any other aspect of the language of the proposal which is not in common usage; and

(ii) Where the proposal is concerned with a particular work situation, or other particular circumstances, a description of the situation or circumstances which will enable the Board to understand the context in which the proposal is intended to apply;

(3) A copy of all pertinent material, including the employing office's allegation in writing that the matter, as proposed, is not within the duty to bargain in good faith, and other relevant documentary material; and

(4) Notification by the petitioning labor organization whether the negotiability issue is also involved in an unfair labor practice charge filed by such labor organization under part 2423 of this subchapter and pending before the General Counsel.

(b) A copy of the petition including all attachments thereto shall be served on the employing office head and on the principal employing office bargaining representative at the negotiations.

(c)(1) Filing an incomplete petition for review will result in the exclusive representative being asked to provide the missing or incomplete information. Noncompliance with a request to complete the record may result in dismissal of the petition.

(2) The processing priority accorded to an incomplete petition, relative to other pending negotiability appeals, will be based upon the date when the petition is completed—not the date it was originally filed.

§2424.5 Selection of the unfair labor practice procedure or the negotiability procedure.

Where a labor organization files an unfair labor practice charge pursuant to part 2423 of this subchapter which involves a negotiability issue, and the labor organization also files pursuant to this part a petition for review of the same negotiability issue, the Board and the General Counsel ordinarily will not process the unfair labor practice charge and the petition for review simultaneously. Under such circumstances, the labor organization must select under which procedure to proceed. Upon selection of one procedure, further action under the other procedure will ordinarily be suspended. Such selection must be made regardless of whether the unfair labor practice charge or the petition for review of a negotiability issue is filed first. Notification of this selection must be made in writing at the time that both procedures have been invoked, and must be served on the Board, the General Counsel and all parties to both the unfair labor practice case and the negotiability case. Cases which solely involve an employing office's allegation that the duty to bargain in good faith does not extend to the matter proposed to be bargained and which do not involve actual or contemplated changes in conditions of employment may only be filed under this part.

§2424.6 Position of the employing office; time limits for filing; service.

(a) Within thirty (30) days after the date of the receipt by the head of an employing office of a copy of a petition for review of a negotiability issue the employing office shall file a statement—

(1) Withdrawing the allegation that the duty to bargain in good faith does not extend to the matter proposed to be negotiated; or

(2) Setting forth in full its position on any matters relevant to the petition which it wishes the Board to consider in reaching its decision, including a full and detailed statement of its reasons supporting the allegation. The statement shall cite the section of any law, rule or regulation relied upon as a basis for the allegation and shall contain a copy of any internal employing office rule or regulation so relied upon. The statement shall include:

(i) Explanation of the meaning the employing office attributes to the proposal as a whole, including any terms of art, acronyms, technical language or any other aspect of the language of the proposal which is not in common usage; and

(ii) Description of a particular work situation, or other particular circumstance the employing office views the proposal to concern, which will enable the Board to understand the context in which the proposal is considered to apply by the employing office.

(b) A copy of the employing office's statement of position, including all attachments thereto shall be served on the exclusive representative.

§2424.7 Response of the exclusive representative; time limits for filing; service.

(a) Within fifteen (15) days after the date of the receipt by an exclusive representative of

a copy of an employing office's statement of position the exclusive representative shall file a full and detailed response stating its position and reasons for:

(1) Disagreeing with the employing office's allegation that the matter, as proposed to be negotiated, is inconsistent with any Federal law or Government-wide rule or regulation; or

(2) Alleging that the employing office's rules or regulations violate applicable law, or rule or regulation or appropriate authority outside the employing office; that the rules or regulations were not issued by the employing office or by any primary national subdivision of the employing office, or otherwise are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA; or that no compelling need exists for the rules or regulations to bar negotiations.

(b) The response shall cite the particular section of any law, rule or regulation alleged to be violated by the employing office's rules or regulations; or shall explain the grounds for contending the employing office rules or regulations are not applicable to bar negotiations under 5 U.S.C. 7117(a)(3), as applied by the CAA, or fail to meet the criteria established in subpart B of this part, or were not issued at the employing office headquarters level or at the level of a primary national subdivision.

(c) A copy of the response of the exclusive representative including all attachments thereto shall be served on the employing office head and on the employing office's representative of record in the proceeding before the Board.

§2424.8 Additional submissions to the Board.

The Board will not consider any submission filed by any party, whether supplemental or responsive in nature, other than those authorized under §2424.2 through 2424.7 unless such submission is requested by the Board; or unless, upon written request by any party, a copy of which is served on all other parties, the Board in its discretion grants permission to file such submission.

§2424.9 Hearing.

A hearing may be held, in the discretion of the Board, before a determination is made under 5 U.S.C. 7117(b) or (c), as applied by the CAA. If a hearing is held, it shall be expedited to the extent practicable and shall not include the General Counsel as a party.

§2424.10 Board decision and order; compliance.

(a) Subject to the requirements of this subpart the Board shall expedite proceedings under this part to the extent practicable and shall issue to the exclusive representative and to the employing office a written decision on the allegation and specific reasons therefor at the earliest practicable date.

(b) If the Board finds that the duty to bargain extends to the matter proposed to be bargained, the decision of the Board shall include an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning such matter. If the Board finds that the duty to bargain does not extend to the matter proposed to be negotiated, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue. If the Board finds that the duty to bargain extends to the matter proposed to be bargained only at the election of the employing office, the Board shall so state and issue an order dismissing the petition for review of the negotiability issue.

(c) When an order is issued as provided in paragraph (b) of this section, the employing office or exclusive representative shall report to the Executive Director within a specified period failure to comply with an order that the employing office shall upon request (or as otherwise agreed to by the parties) bargain concerning the disputed matter.

Subpart B—Criteria for Determining Compelling Need for Employing Office Rules and Regulations

§2424.11 Illustrative criteria.

A compelling need exists for an employing office rule or regulation concerning any condition of employment when the employing office demonstrates that the rule or regulation meets one or more of the following illustrative criteria:

(a) The rule or regulation is essential, as distinguished from helpful or desirable, to the accomplishment of the mission or the execution of functions of the employing office or primary national subdivision in a manner which is consistent with the requirements of an effective and efficient government.

(b) The rule or regulation is necessary to insure the maintenance of basic merit principles.

(c) The rule or regulation implements a mandate to the employing office or primary national subdivision under law or other outside authority, which implementation is essentially nondiscretionary in nature.

PART 2425—REVIEW OF ARBITRATION AWARDS

Sec.

§2425.1 Who may file an exception; time limits for filing; opposition; service.

(a) Either party to arbitration under the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, may file an exception to an arbitrator's award rendered pursuant to the arbitration.

(b) The time limit for filing an exception to an arbitration award is thirty (30) days beginning on the date the award is served on the filing party.

(c) An opposition to the exception may be filed by a party within thirty (30) days after the date of service of the exception.

(d) A copy of the exception and any opposition shall be served on the other party.

§2425.2 Content of exception.

An exception must be a dated, self-contained document which sets forth in full:

(a) A statement of the grounds on which review is requested;

(b) Evidence or rulings bearing on the issues before the Board;

(c) Arguments in support of the stated grounds, together with specific reference to the pertinent documents and citations of authorities; and

(d) A legible copy of the award of the arbitrator and legible copies of other pertinent documents; and

(e) The name and address of the arbitrator.

§2425.3 Grounds for review.

The Board will review an arbitrator's award to which an exception has been filed to determine if the award is deficient—

(a) Because it is contrary to any law, rule or regulation; or

(b) On other grounds similar to those applied by Federal courts in private sector labor-management relations.

§2425.4 Board decision.

The Board shall issue its decision and order taking such action and making such recommendations concerning the award as it considers necessary, consistent with applicable laws, rules, or regulations.

PART 2426—NATIONAL CONSULTATION RIGHTS AND CONSULTATION RIGHTS ON GOVERNMENT-WIDE RULES OR REGULATIONS

Subpart A—National Consultation Rights

Sec.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

Subpart A—National Consultation Rights

§2426.1 Requesting; granting; criteria.

(a) An employing office shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the employing office level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the employing office.

(b) An employing office's primary national subdivision which has authority to formulate conditions of employment shall accord national consultation rights to a labor organization that:

(1) Requests national consultation rights at the primary national subdivision level; and

(2) Holds exclusive recognition for ten percent (10%) or more of the total number of personnel employed by the primary national subdivision.

(c) In determining whether a labor organization meets the requirements as prescribed in paragraphs (a)(2) and (b)(2) of this section, the following will not be counted:

(1) At the employing office level, employees represented by the labor organization under national exclusive recognition granted at the employing office level.

(2) At the primary national subdivision level, employees represented by the labor organization under national exclusive recognition granted at the agency level or at that primary national subdivision level.

(d) An employing office or a primary national subdivision of an employing office shall not grant national consultation rights to any labor organization that does not meet the criteria prescribed in paragraphs (a), (b) and (c) of this section.

2426.2 Requests; petition and procedures for determination of eligibility for national consultation rights.

(a) Requests by labor organizations for national consultation rights shall be submitted in writing to the headquarters of the employing office or the employing office's primary national subdivision, as appropriate, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, national consultation rights shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria set forth in §2426.1 may be filed by a labor organization.

(2) A petition for determination of eligibility for national consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office or the primary national subdivision and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(vi) A showing that petitioner holds adequate exclusive recognition as required by §2426.1; and

(vii) A statement as appropriate:

(A) That such showing has been made to and rejected by the employing office or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that employing office or primary national subdivision;

(B) That the employing office or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination; or

(C) That the employing office or primary national subdivision has failed to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for national consultation rights shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office or primary national subdivision of its refusal to accord national consultation rights pursuant to a request under §2426.2(a) or its intention to terminate existing national consultation rights. If an employing office or primary national subdivision fails to respond in writing to a request for national consultation rights made under §2426.2(a) within fifteen (15) days after the date the request is served on the employing office or primary national subdivision, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an employing office or primary national subdivision may terminate national consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office or primary national subdivision shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigations as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for national consultation rights which shall be final: *provided, however,* that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting an investigatory hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this subchapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.3 Obligation to consult.

(a) When a labor organization has been accorded national consultation rights, the employing office or the primary national subdivision which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed substantive change in conditions of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in conditions of employment to an employing office or a primary national subdivision, that employing office or primary national subdivision shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

(c) Nothing in this subpart shall be construed to limit the right of any employing office or exclusive representative to engage in collective bargaining.

Subpart B—Consultation Rights on Government-wide Rules or Regulations

§2426.11 Requesting; granting; criteria.

(a) An employing office shall accord consultation rights on Government-wide rules or regulations to a labor organization that:

(1) Requests consultation rights on Government-wide rules or regulations from an employing office; and

(2) Holds exclusive recognition for 350 or more covered employees within the legislative branch.

(b) An employing office shall not grant consultation rights on Government-wide rules or regulations to any labor organization that does not meet the criteria prescribed in paragraph (a) of this section.

§2426.12 Requests; petition and procedures for determination of eligibility for consultation rights on Government-wide rules or regulations.

(a) Requests by labor organizations for consultation rights on Government-wide rules or regulations shall be submitted in writing to the headquarters of the employing office, which headquarters shall have fifteen (15) days from the date of service of such request to respond thereto in writing.

(b) Issues relating to a labor organization's eligibility for, or continuation of, consultation rights on Government-wide rules or regulations shall be referred to the Board for determination as follows:

(1) A petition for determination of the eligibility of a labor organization for consultation rights under criteria set forth in §2426.11 may be filed by a labor organization.

(2) A petition for determination of eligibility for consultation rights shall be submitted on a form prescribed by the Board and shall set forth the following information:

(i) Name and affiliation, if any, of the petitioner and its address and telephone number;

(ii) A statement that the petitioner has submitted to the employing office and to the Assistant Secretary a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(iii) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of such person's knowledge and belief;

(iv) The signature of the petitioner's representative, including such person's title and telephone number;

(v) The name, address, and telephone number of the employing office in which the petitioner seeks to obtain or retain consultation rights on Government-wide rules or regulations, and the persons to contact and their titles, if known;

(vi) A showing that petitioner meets the criteria as required by §2426.11; and

(vii) A statement, as appropriate:

(A) That such showing has been made to and rejected by the employing office, together with a statement of the reasons for rejection, if any, offered by that employing office;

(B) That the employing office has served notice of its intent to terminate existing consultation rights on Government-wide rules or regulations, together with a statement of the reasons for termination; or

(C) That the employing office has failed to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office.

(3) The following regulations govern petitions filed under this section:

(i) A petition for determination of eligibility for consultation rights on Government-wide rules or regulations shall be filed with the Executive Director.

(ii) An original and four (4) copies of a petition shall be filed, together with a statement of any other relevant facts and of all correspondence.

(iii) Copies of the petition together with the attachments referred to in paragraph (b)(3)(ii) of this section shall be served by the petitioner on the employing office, and a written statement of such service shall be filed with the Executive Director.

(iv) A petition shall be filed within thirty (30) days after the service of written notice by the employing office of its refusal to accord consultation rights on Government-wide rules or regulations pursuant to a request under §2426.12(a) or its intention to terminate such existing consultation rights. If an employing office fails to respond in writing to a request for consultation rights on Government-wide rules or regulations made under §2426.12(a) within fifteen (15) days after the date the request is served on the employing office, a petition shall be filed within thirty (30) days after the expiration of such fifteen (15) day period.

(v) If an employing office wishes to terminate consultation rights on Government-wide rules or regulations, notice of its intention to do so shall be served not less than

thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition within the time period prescribed herein, and thereby cause to be stayed further action by the employing office pending disposition of the petition. If no petition has been filed within the provided time period, an employing office may terminate such consultation rights.

(vi) Within fifteen (15) days after the receipt of a copy of the petition, the employing office shall file a response thereto with the Executive Director raising any matter which is relevant to the petition.

(vii) The Executive Director, on behalf of the Board, shall make such investigation as the Executive Director deems necessary and thereafter shall issue and serve on the parties a determination with respect to the eligibility for consultation rights which shall be final: *Provided, however,* that an application for review of the Executive Director's determination may be filed with the Board in accordance with the procedure set forth in §2422.31 of this subchapter. A determination by the Executive Director to issue a notice of investigatory hearing shall not be subject to the filing of an application for review. On behalf of the Board, the Executive Director, if appropriate, may cause a notice of investigatory hearing to be issued where substantial factual issues exist warranting a hearing. Investigatory hearings shall be conducted by the Executive Director or her designee in accordance with §2422.17 through 2422.22 of this chapter and after the close of the investigatory hearing a Decision and Order shall be issued by the Board in accordance with §2422.30 of this subchapter.

§2426.13 Obligation to consult.

(a) When a labor organization has been accorded consultation rights on Government-wide rules or regulations, the employing office which has granted those rights shall, through appropriate officials, furnish designated representatives of the labor organization:

(1) Reasonable notice of any proposed Government-wide rule or regulation issued by the employing office affecting any substantive change in any condition of employment; and

(2) Reasonable time to present its views and recommendations regarding the change.

(b) If a labor organization presents any views or recommendations regarding any proposed substantive change in any condition of employment to an employing office, that employing office shall:

(1) Consider the views or recommendations before taking final action on any matter with respect to which the views or recommendations are presented; and

(2) Provide the labor organization a written statement of the reasons for taking the final action.

PART 2427—GENERAL STATEMENTS OF POLICY OR GUIDANCE

§2427.1 Scope.

This part sets forth procedures under which requests may be submitted to the Board seeking the issuance of general statements of policy or guidance under 5 U.S.C. 7105(a)(1), as applied by the CAA.

§2427.2 Requests for general statements of policy or guidance.

(a) The head of an employing office (or designee), the national president of a labor organization (or designee), or the president of a labor organization not affiliated with a national organization (or designee) may separately or jointly ask the Board for a general statement of policy or guidance. The head of any lawful association not qualified as a labor organization may also ask the Board for such a statement provided the request is not in conflict with the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA, or other law.

(b) The Board ordinarily will not consider a request related to any matter pending before the Board or General Counsel.

§2427.3 Content of request.

(a) A request for a general statement of policy or guidance shall be in writing and must contain:

(1) A concise statement of the question with respect to which a general statement of policy or guidance is requested together with background information necessary to an understanding of the question;

(2) A statement of the standards under §2427.5 upon which the request is based;

(3) A full and detailed statement of the position or positions of the requesting party or parties;

(4) Identification of any cases or other proceedings known to bear on the question which are pending under the CAA; and

(5) Identification of other known interested parties.

(b) A copy of each document also shall be served on all known interested parties, including the General Counsel, where appropriate.

§2427.4 Submissions from interested parties.

Prior to issuance of a general statement of policy or guidance the Board, as it deems appropriate, will afford an opportunity to interested parties to express their views orally or in writing.

§2427.5 Standards governing issuance of general statements of policy or guidance.

In deciding whether to issue a general statement of policy or guidance, the Board shall consider:

(a) Whether the question presented can more appropriately be resolved by other means;

(b) Where other means are available, whether a Board statement would prevent the proliferation of cases involving the same or similar question;

(c) Whether the resolution of the question presented would have general applicability under chapter 71, as applied by the CAA;

(d) Whether the question currently confronts parties in the context of a labor-management relationship;

(e) Whether the question is presented jointly by the parties involved; and

(f) Whether the issuance by the Board of a general statement of policy or guidance on the question would promote constructive and cooperative labor-management relationships in the legislative branch and would otherwise promote the purposes of chapter 71, as applied by the CAA.

PART 2428—ENFORCEMENT OF ASSISTANT SECRETARY STANDARDS OF CONDUCT DECISIONS AND ORDERS

§2428.1 Scope.

This part sets forth procedures under which the Board, pursuant to 5 U.S.C. 7105(a)(2)(I), as applied by the CAA, will enforce decisions and orders of the Assistant Secretary in standards of conduct matters arising under 5 U.S.C. 7120, as applied by the CAA.

§2428.2 Petitions for enforcement.

(a) The Assistant Secretary may petition the Board to enforce any Assistant Secretary decision and order in a standards of conduct case arising under 5 U.S.C. 7120, as applied by the CAA. The Assistant Secretary shall transfer to the Board the record in the case, including a copy of the transcript if any, exhibits, briefs, and other documents filed with the Assistant Secretary. A copy of the petition for enforcement shall be served on the labor organization against which such order applies.

(b) An opposition to Board enforcement of any such Assistant Secretary decision and order may be filed by the labor organization against which such order applies twenty (20) days from the date of service of the petition, unless the Board, upon good cause shown by the Assistant Secretary, sets a shorter time for filing such opposition. A copy of the opposition to enforcement shall be served on the Assistant Secretary.

§2428.3 Board decision.

The Board shall issue its decision on the case enforcing, enforcing as modified, or refusing to enforce, the decision and order of the Assistant Secretary.

PART 2429—MISCELLANEOUS AND GENERAL REQUIREMENTS

Subpart A—Miscellaneous

Subpart B—General Requirements

Subpart A—Miscellaneous

§2429.1 Transfer of cases to the Board.

In any unfair labor practice case under part 2423 of this subchapter in which, after the filing of a complaint, the parties stipulate that no material issue of fact exists, the Executive Director may, upon agreement of all parties, transfer the case to the Board; and the Board may decide the case on the basis of the formal documents alone. Briefs in the case must be filed with the Board within thirty (30) days from the date of the Executive Director's order transferring the case to the Board. The Board may also remand any such case to the Executive Director for further processing. Orders of transfer and remand shall be served on all parties.

§2429.2 [Reserved]

§2429.3 Transfer of record.

In any case under part 2425 of this subchapter, upon request by the Board, the parties jointly shall transfer the record in the

case, including a copy of the transcript, if any, exhibits, briefs and other documents filed with the arbitrator, to the Board.

§2429.4 Referral of policy questions to the Board.

Notwithstanding the procedures set forth in this subchapter, the General Counsel, or the Assistant Secretary, may refer for review and decision or general ruling by the Board any case involving a major policy issue that arises in a proceeding before any of them. Any such referral shall be in writing and a copy of such referral shall be served on all parties to the proceeding. Before decision or general ruling, the Board shall obtain the views of the parties and other interested persons, orally or in writing, as it deems necessary and appropriate. The Board may decline a referral.

§2429.5 Matters not previously presented; official notice.

The Board will not consider evidence offered by a party, or any issue, which was not presented in the proceedings before the Executive Director, Hearing Officer, or arbitrator. The Board may, however, take official notice of such matters as would be proper.

§2429.6 Oral argument.

The Board or the General Counsel, in their discretion, may request or permit oral argument in any matter arising under this subchapter under such circumstances and conditions as they deem appropriate.

§2429.7 [Reserved]
§2429.8 [Reserved]
§2429.9 [Reserved]
§2429.10 Advisory opinions.

The Board and the General Counsel will not issue advisory opinions.

§2429.11 [Reserved]
§2429.12 [Reserved]
§2429.13 Official time.

If the participation of any employee in any phase of any proceeding before the Board under section 220 of the CAA, including the investigation of unfair labor practice charges and representation petitions and the participation in hearings and representation elections, is deemed necessary by the Board, the Executive Director, the General Counsel, any Hearing Officer, or other agent of the Board designated by the Board, such employee shall be granted official time for such participation, including necessary travel time, as occurs during the employee's regular work hours and when the employee would otherwise be in a work or paid leave status.

§2429.14 Witness fees.

(a) Witnesses (whether appearing voluntarily, or under a subpena) shall be paid the fee and mileage allowances which are paid subpenaed witnesses in the courts of the United States: *Provided,* that any witness who is employed by the Federal Government shall not be entitled to receive witness fees in addition to compensation received pursuant to §2429.13.

(b) Witness fees and mileage allowances shall be paid by the party at whose instance the witnesses appear, except when the witness receives compensation pursuant to §2429.13.

§2429.15 Board requests for advisory opinions.

(a) Whenever the Board, pursuant to 5 U.S.C. 7105(i), as applied by the CAA, requests an advisory opinion from the Director of the Office of Personnel Management concerning the proper interpretation of rules, regulations, or policy directives issued by that Office in connection with any matter before the Board, a copy of such request, and any response thereto, shall be served upon the parties in the matter.

(b) The parties shall have fifteen (15) days from the date of service of a copy of the response of the Office of Personnel Management to file with the Board comments on that response which the parties wish the Board to consider before reaching a decision in the matter. Such comments shall be in writing and copies shall be served upon the other parties in the matter and upon the Office of Personnel Management.

§2429.16 General remedial authority.

The Board shall take any actions which are necessary and appropriate to administer effectively the provisions of chapter 71 of title 5 of the United States Code, as applied by the CAA.

§2429.17 [Reserved]
§2429.18 [Reserved]

Subpart B—General Requirements

§2429.21 [Reserved]
§2429.22 [Reserved]
§2429.23 Extension; waiver.

(a) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may extend any time limit provided in this subchapter for good cause shown, and shall notify the parties of any such extension. Requests for extensions of time shall be in writing and received by the appropriate official not later than five (5) days before the established time limit for filing, shall state the position of the other parties on the request for extension, and shall be served on the other parties.

(b) Except as provided in paragraph (d) of this section, the Board or General Counsel, or their designated representatives, as appropriate, may waive any expired time limit in this subchapter in extraordinary circumstances. Request for a waiver of time limits shall state the position of the other parties and shall be served on the other parties.

(c) The time limits established in this subchapter may not be extended or waived in any manner other than that described in this subchapter.

(d) Time limits established in 5 U.S.C. 7105(f), 7117(c)(2) and 7122(b), as applied by the CAA, may not be extended or waived under this section.

§2429.24 [Reserved]
§2429.25 [Reserved]
§2429.26 [Reserved]
§2429.27 [Reserved]
§2429.28 Petitions for amendment of regulations.

Any interested person may petition the Board in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

SUBCHAPTER D—IMPASSES

PART 2470—GENERAL

Subpart A Purpose

Sec.
2470.1 Purpose.

Subpart B—Definitions

2470.2 Definitions.

Subpart A—Purpose

§2470.1 Purpose.

The regulations contained in this subchapter are intended to implement the provisions of section 7119 of title 5 of the United States Code, as applied by the CAA. They prescribe procedures and methods which the Board may utilize in the resolution of negotiation impasses when voluntary arrangements, including the services of the Federal Mediation and Conciliation Service or any other third-party mediation, fail to resolve the disputes.

Subpart B—Definitions

§2470.2 Definitions.

(a) The terms *Executive Director, employing office, labor organization, and conditions of employment* as used herein shall have the meaning set forth in Part 2421 of these rules.

(b) The terms *designated representative or designee* of the Board means a Board member, a staff member, or other individual designated by the Board to act on its behalf.

(c) The term *hearing* means a factfinding hearing, arbitration hearing, or any other hearing procedure deemed necessary to accomplish the purposes of 5 U.S.C. 7119, as applied by the CAA.

(d) The term *impasse* means that point in the negotiation of conditions of employment at which the parties are unable to reach agreement, notwithstanding their efforts to do so by direct negotiations and by the use of mediation or other voluntary arrangements for settlement.

(e) The term *Board* means the Board of Directors of the Office of Compliance.

(f) The term *party* means the agency or the labor organization participating in the negotiation of conditions of employment.

(g) The term *voluntary arrangements* means any method adopted by the parties for the purpose of assisting them in their resolution of a negotiation dispute which is not inconsistent with the provisions of 5 U.S.C. 7119, as applied by the CAA.

PART 2471—PROCEDURES OF THE BOARD IN IMPASSE PROCEEDINGS

Sec.
2471.1 Request for Board consideration; request for Board approval of binding arbitration.
2471.2 Request form.
2471.3 Content of request.
2471.4 Where to file.
2471.5 Copies and service.
2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.
2471.7 Preliminary hearing procedures.
2471.8 Conduct of hearing and prehearing conference.
2471.9 Report and recommendations.
2471.10 Duties of each party following receipt of recommendations.
2471.11 Final action by the Board.
2471.12 Inconsistent labor agreement provisions.

§2471.1 Request for Board consideration; request for Board approval of binding arbitration.

If voluntary arrangements, including the services of the Federal Mediation and Conciliation Services or any other third-party mediation, fail to resolve a negotiation impasse:

(a) Either party, or the parties jointly, may request the Board to consider the matter by filing a request as hereinafter provided; or the Board may, pursuant to 5 U.S.C. 7119(c)(1), as applied by the CAA, undertake consideration of the matter upon request of (i) the Federal Mediation and Conciliation Service, or (ii) the Executive Director; or

(b) The parties may jointly request the Board to approve any procedure, which they have agreed to adopt, for binding arbitration of the negotiation impasse by filing a request as hereinafter provided.

§2471.2 Request form.

A form has been prepared for use by the parties in filing a request with the Board for consideration of an impasse or approval of a binding arbitration procedure. Copies are available from the Executive Director, Office of Compliance.

§2471.3 Content of request.

(a) A request from a party or parties to the Board for consideration of an impasse must

be in writing and include the following information:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Statement of issues at impasse and the summary positions of the initiating party or parties with respect to those issues; and

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized.

(b) A request for approval of a binding arbitration procedure must be in writing, jointly filed by the parties, and include the following information about the pending impasse:

(1) Identification of the parties and individuals authorized to act on their behalf;

(2) Brief description of the impasse including the issues to be submitted to the arbitrator;

(3) Number, length, and dates of negotiation and mediation sessions held, including the nature and extent of all other voluntary arrangements utilized;

(4) Statement that the proposals to be submitted to the arbitrator contain no questions concerning the duty to bargain; and

(5) Statement of the arbitration procedures to be used, including the type of arbitration, the method of selecting the arbitrator, and the arrangement for paying for the proceedings or, in the alternative, those provisions of the parties' labor agreement which contain this information.

§2471.4 Where to file.

Requests to the Board provided for in this part, and inquiries or correspondence on the status of impasses or other related matters, should be addressed to the Executive Director, Office of Compliance.

§2471.5 Copies and service.

(a) Any party submitting a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of such request upon all counsel of record or other designated representative(s) of parties, upon parties not so represented, and upon any mediation service which may have been utilized. When the Board acts on a request from the Federal Mediation and Conciliation Service or acts on a request from the Executive Director, it will notify the parties to the dispute, their counsel of record or designated representatives, if any, and any mediation service which may have been utilized. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(b) Any party submitting a response to or other document in connection with a request for Board consideration of an impasse or a request for approval of a binding arbitration procedure shall file an original and one copy with the Board and shall serve a copy of the document upon all counsel of record or other designated representative(s) of parties, or upon parties not so represented. A clean copy capable of being used as an original for purposes such as further reproduction may be submitted for the original. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) A signed and dated statement of service shall accompany each document submitted to the Board. The statement of service shall include the names of the parties and persons served, their addresses, the date of service, the nature of the document served, and the manner in which service was made.

(d) The date of service or date served shall be the day when the matter served is deposited in the U.S. mail or is delivered in person.

(e) Unless otherwise provided by the Board or its designated representatives, any document or paper filed with the Board under these rules, together with any enclosure filed therewith, shall be submitted on 8½11-inch size paper.

§2471.6 Investigation of request; Board recommendation and assistance; approval of binding arbitration.

(a) Upon receipt of a request for consideration of an impasse, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either:

(1) Decline to assert jurisdiction in the event that it finds that no impasse exists or that there is other good cause for not asserting jurisdiction, in whole or in part, and so advise the parties in writing, stating its reasons; or

(2) Recommend to the parties procedures, including but not limited to arbitration, for the resolution of the impasse and/or assist them in resolving the impasse through whatever methods and procedures the Board considers appropriate.

(b) Upon receipt of a request for approval of a binding arbitration procedure, the Board or its designee will promptly conduct an investigation, consulting when necessary with the parties and with any mediation service utilized. After due consideration, the Board shall either approve or disapprove the request; *provided, however,* that when the request is made pursuant to an agreed-upon procedure for arbitration contained in an applicable, previously negotiated agreement, the Board may use an expedited procedure and promptly approve or disapprove the request, normally within five (5) workdays.

§2471.7 Preliminary hearing procedures.

When the Board determines that a hearing is necessary under §2471.6, it will:

(a) Appoint one or more of its designees to conduct such hearing; and

(b) issue and serve upon each of the parties a notice of hearing and a notice of prehearing conference, if any. The notice will state: (1) The names of the parties to the dispute; (2) the date, time, place, type, and purpose of the hearing; (3) the date, time, place, and purpose of the prehearing conference, if any; (4) the name of the designated representatives appointed by the Board; (5) the issues to be resolved; and (6) the method, if any, by which the hearing shall be recorded.

§2471.8 Conduct of hearing and prehearing conference.

(a) A designated representative of the Board, when so appointed to conduct a hearing, shall have the authority on behalf of the Board to:

(1) Administer oaths, take the testimony or deposition of any person under oath, receive other evidence, and issue subpenas;

(2) Conduct the hearing in open, or in closed session at the discretion of the designated representative for good cause shown;

(3) Rule on motions and requests for appearance of witnesses and the production of records;

(4) Designate the date on which posthearing briefs, if any, shall be submitted;

(5) Determine all procedural matters concerning the hearing, including the length of sessions, conduct of persons in attendance, recesses, continuances, and adjournments; and take any other appropriate procedural action which, in the judgment of the designated representative, will promote the purpose and objectives of the hearing.

(b) A prehearing conference may be conducted by the designated representative of the Board in order to:

(1) Inform the parties of the purpose of the hearing and the procedures under which it will take place;

(2) Explore the possibilities of obtaining stipulations of fact;

(3) Clarify the positions of the parties with respect to the issues to be heard; and

(4) Discuss any other relevant matters which will assist the parties in the resolution of the dispute.

§2471.9 Report and recommendations.

(a) When a report is issued after a hearing conducted pursuant to §§2471.7 and 2471.8, it normally shall be in writing and, when authorized by the Board, shall contain recommendations.

(b) A report of the designated representative containing recommendations shall be submitted to the parties, with two (2) copies to the Executive Director, within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any.

(c) A report of the designated representative not containing recommendations shall be submitted to the Board with a copy to each party within a period normally not to exceed thirty (30) calendar days after receipt of the transcript or briefs, if any. The Board shall then take whatever action it may consider appropriate or necessary to resolve the impasse.

§2471.10 Duties of each party following receipt of recommendations.

(a) Within thirty (30) calendar days after receipt of a report containing recommendations of the Board or its designated representative, each party shall, after conferring with the other, either:

(1) Accept the recommendations and so notify the Executive Director; or

(2) Reach a settlement of all unresolved issues and submit a written settlement statement to the Executive Director; or

(3) Submit a written statement to the Executive Director setting forth the reasons for not accepting the recommendations and for not reaching a settlement of all unresolved issues.

(b) A reasonable extension of time may be authorized by the Executive Director for good cause shown when requested in writing by either party prior to the expiration of the time limits.

§2471.11 Final action by the Board.

(a) If the parties do not arrive at a settlement as a result of or during actions taken under §§2471.6(a)(2), 2471.7, 2471.8, 2471.9, and 2471.10, the Board may take whatever action is necessary and not inconsistent with 5 U.S.C. chapter 71, as applied by the CAA, to resolve the impasse, including but not limited to, methods and procedures which the Board considers appropriate, such as directing the parties to accept a factfinder's recommendations, ordering binding arbitration conducted according to whatever procedure the Board deems suitable, and rendering a binding decision.

(b) In preparation for taking such final action, the Board may hold hearings, administer oaths, and take the testimony or deposition of any person under oath, or it may appoint or designate one or more individuals pursuant to 5 U.S.C. 7119(c)(4), as applied by the CAA, to exercise such authority on its behalf.

(c) When the exercise of authority under this section requires the holding of a hearing, the procedure contained in §2471.8 shall apply.

(d) Notice of any final action of the Board shall be promptly served upon the parties,

and the action shall be binding on such parties during the term of the agreement, unless they agree otherwise.

§2471.12 Inconsistent labor agreement provisions.

Any provisions of the parties' labor agreements relating to impasse resolution which are inconsistent with the provisions of either 5 U.S.C. 7119, as applied by the CAA, or the procedures of the Board shall be deemed to be superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4071. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Final Rule: Implementation of the Farm Program Provisions of the 1996 Farm Bill (RIN: 0561–AE81) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4072. A letter from the Secretary of Agriculture, transmitting recommendations concerning the steps necessary to achieve interstate shipment of meat inspected under a State meat inspection program developed and administered under Section 301 of the Federal Mean Inspection Act (21 U.S.C. 661); and poultry inspected under a State poultry product inspection program developed and administered under section 5 of the Poultry Products Inspection Act (21 U.S.C. 454), pursuant to Public Law 104–127, section 918(b) (110 Stat. 1190); to the Committee on Agriculture.

4073. A letter from the Secretary of Agriculture, transmitting the Service's final rule—Deletion of Part 16—Limitation on Imports of Meat, from Title 7 of the Code of Federal Regulation (Foreign Agricultural Service) (RIN: 0551–AA45) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4074. A communication from the President of the United States, transmitting amendments to the fiscal year 1997 appropriations requests for the Departments of Housing and Urban Development, Justice, and Veterans Affairs, and the National Bankruptcy Review Commission, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–244); to the Committee on Appropriations and ordered to be printed.

4075. A letter from the Acting Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1996, pursuant to 2 U.S.C. 685(e) (H. Doc. 104–243); to the Committee on Appropriations and ordered to be printed.

4076. A letter from the Secretary of Defense transmitting the Secretary's certification that the current Future Years Defense Program [FYDP] fully funds the support costs associated with the M1A2 multiyear program through the period covered by the FYDP, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on National Security.

4077. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Individual Compensation (DFARS Case 96–D314) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

4078. A letter from the Secretary of Housing and Urban Development transmitting notification that is estimated that the limitation of the Government National Mortgage Association's [Ginnie Mae's] authority to make commitments for a fiscal year will be reached before the end of that fiscal year, pursuant to 12 U.S.C. 1721 note; to the Committee on Banking and Financial Services.

4079. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting the Department's third semiannual report to Congress, as required by section 403 of the Mexican Debt Disclosure Act of 1995, and the June monthly report to Congress, as required by section 404 of the same act, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

4080. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the National Flood Insurance Act of 1968 to extend the act, authorize appropriations, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

4081. A letter from the Acting Executive Director, Resolution Trust Corporation, transmitting the Corporation's annual management report, July 8, 1996, pursuant to 31 U.S.C. 9106; to the Committee on Banking and Financial Services.

4082. A letter from the Acting Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 3525, pursuant to Public Law 101–508, Section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

4083. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priority for school-to-work urban rural opportunities grants using fiscal year 1995 funds, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

4084. A letter from the Assistant Secretary of Labor for Mine Safety and Health, Department of Labor, transmitting the Department's final rule—Safety Standards for Explosives at Metal and Nonmetal Mines (RIN: 1219–AA84) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4085. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Attestations by Employers Using Alien Crewmembers for Longshore Work in U.S. Ports (RIN: 1205–AB03) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the committee on Economic and Educational Opportunities.

4086. A letter from the Acting Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganization, Renumbering, and Reinvention of Regulations; Correction (RIN: 1212–AA75) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4087. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Rate for Valuing Benefits (29 CFR Part 4044) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

4088. A letter from the Director, Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting the Department's final rule—Removal of CFR Chapter (RIN: 0644–XX01) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4089. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Spain (Transmittal No. DRC–35–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4090. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Export of Nuclear Equipment and Materials (RIN: 3150–AF51) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4091. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting a report concerning the operations and status of the civil service retirement and disability fund [CSRDF] and the Government Securities Investment fund (G–Fund) of the Federal Employees Retirement System during the debt issuance suspension period between November 15, 1995 and March 29, 1996, pursuant to 5 U.S.C. 8348(l)(1) and 5 U.S.C. 8438(h)(1); to the Committee on Government Reform and Oversight.

4092. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled, ''Performance Review of Contract Appeals Process,'' pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

4093. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of Anchorage, AK, Nonappropriated Fund Wage Area (RIN: 3206–AH54) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4094. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Political Activities of Federal Employees (RIN: 3206–AH33) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4095. A letter from the Secretary of Commerce, transmitting the program development plan for the Antarctic Living Marine Resources Convention Act of 1984, pursuant to 16 U.S.C. 2431 and so forth; to the Committee on Resources.

4096. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4097. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Use and Occupancy Under the Mining Laws (RIN: 1004–AC39) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4098. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Department of the Interior Acquisition Regulation; Foreign Construction Materials (RIN: 1090–AA55) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4099. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Atlantic Swordfish Fishery; Drift Gillnet Closure (I.D. 062796B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4100. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Pacific

Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 951227306–5306–01] received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4101. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fisheries (I.D. 062896B) received July 10, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4102. A letter from the Deputy Independent Counsel, Office of Independent Counsel, transmitting the Independent Counsel's report, In Re: Ronald H. Brown, dated July 6, 1996, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

4103. A letter from the General Counsel of the Navy transmitting a draft of proposed legislation to amend section 329 of the Immigration and Nationality Act to clarify naturalization through active duty and to complete the application of applicants in the Philippines; to the Committee on the Judiciary.

4104. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility [INS No. 1751–96] (RIN: 1115–AE29) received July 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alteration of Jet Routes J–86 and J–92—Docket No. 93–AWP–4 (RIN: 2120–AA66) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pittsfield, MA—Docket No. 96–ANE–12 (RIN: 2120–AA66) (1996–0093) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Sturgis, SD—Docket No. 96–AGL–5 (RIN: 2120–AA66) (1996–0085) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; La Porte, IN—Docket No. 96–AGL–6 (RIN: 2120–AA66) (1996–0092) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines—Docket No. 96–ANE–10 (RIN: 2120–AA64) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4110. A letter fromthe General Counsel, Department of Transportation, transmitting the Department's final rule—Signal and Train Control; Miscellaneous Amendments [FRA Docket No. RSSI–1; Notice No. 1] (RIN: 2130–AB06; 2130–AB05) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93) (31 CFR Part 356) received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's final rule—Medicare and Medicaid Programs; Provider Appeals: Technical Amendments (BPD–704–FC) received July 9, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

4113. A letter from the Chairman, Securities and Exchange Commission, transmitting recommendations on protections from securities fraud and abusive or unnecessary securities fraud litigation that the Commission determines to be appropriate to thoroughly protect such investors, pursuant to Public Law 104–67, section 106(a)(3) (109 Stat. 758); jointly, to the Committees on Commerce and the Judiciary.

4114. A letter from the Executive Director, Office of Compliance, transmitting notice of proposed rulemaking for publication in the Congressional Record, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committee on House Oversight and Economic and Educational Opportunities.

4115. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adopted regulations for publication in the Congressional Record, pursuant to Public Law 104–1, section 304(b)(3) (109) Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4116. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Occupational Safety and Health Standards Under Section 215 of the Congressional Accountability Act of 1995, pursuant to Public Law 104–1, section 215(e) (109 Stat. 18); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

4117. A letter from the General Counsel, Office of Compliance, transmitting Report on Initial Inspections of Facilities for Compliance With Americans With Disabilities Act Standards Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104–1, section 210(f) (109 Stat. 15); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1975. A bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes; with an amendment (Rept. 104–667). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3198. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes (Rept. 104–668). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1627. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes; with amendments (Rept. 104–669 Pt. 1). Ordered to be printed.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2391. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees; with an amendment (Rept. 104–670). Referred to the Committee of the Whole House on the State of the Union.

Mr DIAZ-BALART: Committee on Rules. House Resolution 475. Resolution providing for consideration of the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–671). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MARKEY:

H.R. 3782. A bill to modernize the Public Utility Company Act, the Federal Power Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry; to the Committee on Commerce.

By Mr. SMITH of Michigan (for himself, Mr. ROBERTS, Mr. STENHOLM, Mr. JOHNSON of South Dakota, Mr. BOEHNER, Mr. EWING, Mr. POMBO, Mr. EVERETT, Mr. LEWIS of Kentucky, Mr. COOLEY, Mr. CHAMBLISS, and Mr. NETHERCUTT):

H.R. 3783. A bill to amend the Internal Revenue Code of 1986 to allow farmers to income average over 2 years; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself, Mr. GUNDERSON, Mr. HORN, Mr. BOEHLERT, Mrs. KELLY, Mr. KOLBE, and Mr. GREENWOOD):

H.R. 3784. A bill to prohibit employment discrimination on any basis other than factors pertaining to job performance; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on the Judiciary, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois (for herself and Mrs. MEEK of Florida):

H.R. 3785. A bill to amend the law popularly known as the Presidential Records Act of 1978 and the law popularly known as Privacy Act, to ensure that Federal Bureau of Investigation records containing sensitive background security information that are provided to the White House are properly protected for privacy and security; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 3786. A bill to make clear that the definition of a base period, under the unemployment compensation law of a State, is not an administrative provision subject 303(a)(1) of the Social Security Act; to the Committee on Ways and Means.

By Mr. GIBBONS (for himself, Mr. RANGEL, Mr. STARK, Mr. MILLER of California, Mr. LAFALCE, Mr. LANTOS, Mr. HILLIARD, and Ms. NORTON):

H.R. 3787. A bill to amend the Social Security Act to provide for a program of health insurance for children under 13 years of age and for mothers-to-be; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 3788. A bill to authorize the Secretary of the Interior to assess up to $2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to the park, and for other purposes; to the Committee on Resources.

By Mr. PALLONE:

H.R. 3789. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SCHAEFER:

H.R. 3790. A bill to give all American electricity consumers the right to choose among competitive providers of electricity, in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Ms. SLAUGHTER:

H.R. 3791. A bill to amend the Public Health Service Act with respect to employment opportunities in the Department of Health and Human Services for women who are scientists, and for other purposes; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. BARTLETT of Maryland, Mr. CAMP, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. FOLEY, Mr. FRANKS of New Jersey, Mr. LOBIONDO, Mr. LONGLEY, Mr. NEUMANN, Mr. RADANOVICH, Ms. RIVERS, Mr. SHAYS, and Mr. TATE):

H.R. 3792. A bill to restore integrity, goodwill, honesty, and trust to Congress; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, Rules, National Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. FLAKE, and Mr. LUCAS):

H.R. 3793. A bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, Mr. COBURN, Ms. KAPTUR, Mr. FROST, Mr. MCINNIS, and Mr. HILLIARD):

H.R. 3794. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. LEWIS of Kentucky (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. EWING, Mr. COMBEST, Mr. LATHAM, Mr. LAHOOD, Mr. SMITH of Michigan, Mr. BAESLER, Mr. PETERSON of Minnesota, Mr. CHAMBLISS, Mr. HOLDEN, Mrs. CHENOWETH, and Mr. PASTOR):

H.R. 3795. A bill to amend the Competitive, Special, and Facilities Research Grant Act to provide increased emphasis on competitive grants to promote agricultural research projects regarding precision agriculture and to provide for the dissemination of the results of such research projects; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Ms. BROWN of Florida, Mr. DELLUMS, Mr. FOGLIETTA, Mr. FROST, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SANDERS, Mr. THOMPSON, Mr. TOWNS, Mr. TRAFICANT, and Mr. YATES):

H.R. 3796. A bill to amend the Public Health Service Act to provide for research to determine the extent to which the presence of dioxin in tampons poses any health risks to women; to the Committee on Commerce.

By Mr. SALMON (for himself, Mr. CONDIT, Mr. FIELDS of Texas, Mr. COBLE, Mr. LINDER, Mr. WELDON of Pennsylvania, Mr. CALVERT, Mr. ENGLISH of Pennsylvania, Mr. GUTKNECHT, Mrs. SEASTRAND, Mr. CHRYSLER, Mr. BASS, Mr. FOLEY, Mr. STUMP, Mr. INGLIS of South Carolina, Mr. WELLER, Mr. GOSS, Mr. SHADEGG, Mr. LARGENT, Mr. HORN, Mr. ENSIGN, and Mr. HAYWORTH):

H.R. 3797. A bill to amend title 5, United States Code, to ban gifts to executive branch employees; to the Committee on Government Reform and Oversight.

By Mr. SOLOMON (for himself, Mr. ZELIFF, Mrs. KELLY, Mr. MONTGOMERY, Mr. COBLE, Mr. ENGLISH of Pennsylvania, Mr. BENTSEN, Mr. WELDON of Pennsylvania, Mr. POMEROY, Mrs. VUCANOVICH, Mr. MANZULLO, Mr. FUNDERBURK, Mr. DICKEY, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. BUNN of Oregon, Mr. HUTCHINSON, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. CLINGER, Mr. HEFLEY, Mr. EVERETT, Mr. BARR, Mrs. MYRICK, Mr. WAMP, Mr. YOUNG of Alaska, Mr. SCHAEFER, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. WICKER, Mr. MASCARA, Mr. BACHUS, Mr. SKELTON, Mr. ROBERTS, Mr. CONDIT, Mr. THOMAS, Ms. DANNER, Mr. BISHOP, Mr. BREWSTER, Mr. GOODLING, Mr. RIGGS, Mr. CALVERT, Mr. SHAYS, Mr. BLUTE, Mrs. CLAYTON, Ms. PRYCE, Mr. BARTON of Texas, Mr. BEREUTER, Ms. KAPTUR, Mr. HERGER, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. FOX, Mr. GREENWOOD, Mr. CUNNINGHAM, Mr. FATTAH, Mr. BARTLETT of Maryland, Mr. STENHOLM, Mr. GILMAN, Mr. MCHUGH, Mr. SCARBOROUGH, Mr. JONES, Mr. ENGEL, Mr. PETE GEREN of Texas, Mr. MEEHAN, Mr. HOLDEN, Mr. DEFAZIO, Mr. COMBEST, Mrs. THURMAN, Mr. PICKETT, Mr. LINDER, Mr. HAYES, Mr. DEAL of Georgia, Mr. CHRISTENSEN, Mr. HASTINGS of Florida, Mr. FRANKS of Connecticut, Mr. RADANOVICH, Mr. GEKAS, Mr. MCHALE, Ms. GREENE of Utah, Mr. GOSS, Mr. SMITH of Texas, Mr. LAHOOD, Mr. MICA, Mr. LEWIS of Georgia, Mr. FOGLIETTA, Mr. QUILLEN, Mr. DREIER, Mr. STEARNS, and Mr. TAYLOR of North Carolina):

H.R. 3798. A bill to provide regulatory relief for small business concerns, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. CLAY, Mr. DELLUMS, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. TEJEDA, Mr. BONIOR, Mr. FROST, Mr. DIXON, Ms. LOFGREN, Mr. EVANS, Mr. GREEN of Texas, Ms. NORTON, Mr. WATTS of Oklahoma, Mr. TOWNS, Mr. FOX, Mr. HASTINGS of Florida, Mr. BISHOP, Mr. FATTAH, Ms. WATERS, Mrs. MEEK of Florida, Mr. HILLIARD, Mr. BRYANT of Texas, Mr. WYNN, Mr. FLAKE, Ms. JACKSON-LEE, Mr. PAYNE of New Jersey, Mr. SCOTT, Mr. RUSH, Mr. THOMPSON, Mrs. MINK of Hawaii, Mr. JACKSON, Ms. BROWN of Florida, Mr. OWENS, Mr. RANGEL, and Mr. CUMMINGS):

H. J. Res. 183. Joint resolution to authorize the Ralph David Abernathy Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Resources.

By Mr. GINGRICH (for himself, Mr. GEPHARDT, Mr. HOBSON, Mr. CARDIN, and Mr. GILCHREST):

H. Con. Res. 198. Concurrent resolution authorizing the use of the Capitol grounds for the first annual Congressional Family Picnic; to the Committee on Transportation and Infrastructure.

By Mr. STUPAK:

H. Res. 476. Resolution amending the Rules of the House of Representatives to reduce the number of programs covered by each regular appropriation bill; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

237. By the SPEAKER: Memorial of the General Assembly of the State of Delaware, relative to House Joint Resolution 23 honoring and remembering former U.S. Secretary of Commerce Ronald H. Brown, devoted public servant and outstanding black American; to the Committee on Government Reform and Oversight.

238. Also, memorial of the Legislature of the Territory of Guam, relative to Legislature Resolution 433 requesting Congressman ROBERT UNDERWOOD to introduce a measure before Congress relative to the Office of the Attorney General by amending section 1421g(C), 1422, and 1422a through 1422d of title 48, United States Code, the Organic Act of Guam; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. LIPINSKI.

H.R. 757: Mr. ABERCROMBIE.

H.R. 801: Mr. CHRYSLER, Mr. FAZIO of California, Mr. COBLE, Mr. MCNULTY, Mr. WAXMAN, and Mr. FIELDS of Texas.

H.R. 844: Mr. EVANS.

H.R. 893: Mr. BROWN of Ohio, Mr. REGULA, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. DAVIS, Mr. GREEN of Texas, and Mrs. CLAYTON.

H.R. 1046: Mr. JEFFERSON, Mr. OWENS, and Mr. THOMPSON.

H.R. 1256: Mr. SHAYS.

H.R. 1627: Mr. GILMAN.

H.R. 1677: Mr. FILNER.

H.R. 1916: Mr. CUNNINGHAM.

H.R. 1930: Mr. MARTINI.

H.R. 2019: Mr. CONDIT, Mr. KILDEE, Mr. STUMP, and Mr. FILNER.

H.R. 2090: Mr. MCHALE.

H.R. 2185: Mr. GUTIERREZ, Mr. CALVERT, Mr. MEEHAN, Mr. LEACH, Mr. STUPAK, and Mr. WISE.

H.R. 2209: Mr. MONTGOMERY, Mr. TOWNS, Mr. DIXON, Mr. FROST, Mr. COSTELLO, Mr. JONES, Ms. NORTON, Mr. SENSENBRENNER, Mr. MARKEY, Mr. PETERSON of Minnesota, Mr. LEWIS of Georgia, and Mr. FLANAGAN.

H.R. 2270: Mr. DELAY.

H.R. 2391: Mr. EHLERS.

H.R. 2497: Mr. STUMP, Ms. GREENE of Utah, Mr. BEREUTER, Mr. MCCOLLUM, and Mr. BLUTE.

H.R. 2651: Mr. ANDREWS.

H.R. 2757: Mr. WATTS of Oklahoma, Mr. FRANKS of New Jersey, Mr. BACHUS, Mr. DELLUMS, and Mr. CAMPBELL.

H.R. 2876: Mr. KILDEE.

H.R. 3077: Mr. PETE GEREN of Texas and Mr. LEVIN.
H.R. 3118: Mr. SKAGGS, Mr. SANDERS, Mr. BARRETT of Nebraska, and Mr. KILDEE.
H.R. 3119: Mr. COYNE.
H.R. 3181: Mr. ROMERO-BARCELO.
H.R. 3183: Mr. WATTS of Oklahoma.
H.R. 3195: Mr. ISTOOK.
H.R. 3199: Mr. BACHUS, Mr. LEWIS of Georgia, Mrs. CLAYTON, Mr. BONO, Mr. SAM JOHNSON, Mr. DEUTSCH, Mr. BAKER of Louisiana, and Mr. DUNCAN.
H.R. 3202: Ms. SLAUGHTER.
H.R. 3217: Ms. PELOSI and Mr. FAZIO of California.
H.R. 3252: Mr. JOHNSON of South Dakota, Mr. OWENS, Mr. STUPAK, Miss COLLINS of Michigan, and Mr. BROWN of Ohio.
H.R. 3254: Mr. FOLEY.
H.R. 3258: Mr. CALVERT.
H.R. 3331: Mr. DAVIS, Mr. FOGLIETTA, Mr. KILDEE, and Mr. STUPAK.
H.R. 3332: Mr. MILLER of California and Mr. STUPAK.
H.R. 3338: Mr. CANADY, Mr. BREWSTER, Mr. SENSENBRENNER, and Mr. LIPINSKI.
H.R. 3346: Mr. NETHERCUTT.
H.R. 3352: Mr. LANTOS, Mr. FRAZER, Mr. CONYERS, and Mr. LIPINSKI.
H.R. 3353: Mr. DELLUMS, Mrs. CLAYTON, Mr. FROST, Mr. MANTON, Mr. CONYERS, Mr. EVANS, and Mr. ACKERMAN.
H.R. 3362: Mr. DELLUMS, Mr. FRAZER, Mr. GREEN of Texas, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. CLAYTON.
H.R. 3393: Mr. ACKERMAN.
H.R. 3398: Mr. YATES.
H.R. 3434: Mr. TORRICELLI.
H.R. 3435: Mr. ZIMMER and Mr. UPTON.
H.R. 3477: Mr. TOWNS, Mr. BROWN of California, Mr. HILLIARD, Mr. ACKERMAN, Mrs. MINK of Hawaii, Mr. HASTINGS of Florida, Mr. BERMAN, and Mr. MILLER of California.
H.R. 3498: Mr. CUMMINGS.
H.R. 3518: Mr. ROHRABACHER.
H.R. 3530: Mr. LIPINSKI.
H.R. 3551: Mr. HASTINGS of Florida, Mr. FORBES, and Mr. BILBRAY.
H.R. 3556: Mr. WAXMAN, Mr. HORN, Mr. GILMAN, and Mr. BOUCHER.
H.R. 3564: Mr. MARTINI, Mr. SERRANO, and Mr. ENGEL.
H.R. 3590: Mr. STUPAK, Mr. LIPINSKI, and Mr. FATTAH.
H.R. 3606: Mr. WARD and Mr. ACKERMAN.
H.R. 3621: Mr. MCDERMOTT, Mr. MEEHAN, Mr. ACKERMAN, Mr. DOYLE, Mr. BORSKI, Mr. NADLER, Mr. OLIVER, Mr. LIPINSKI, and Mrs. MALONEY.
H.R. 3678: Mr. OLIVER and Mr. TALENT.
H.R. 3700: Mr. FROST, Mr. WALSH, Mr. CLYBURN, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. PACKARD.
H.R. 3725: Mr. ACKERMAN, Mr. MARTINEZ, and Mr. KLUG.
H.R. 3731: Mr. STUPAK.
H.R. 3757: Ms. NORTON.
H.R. 3768: Mr. MEEHAN.
H.J. Res. 114: Mr. POMEROY, Mr. MINGE, and Mr. POSHARD.
H. Con. Res. 179: Mr. PORTER and Mr. KIM.
H. Con. Res. 190: Mr. LIPINSKI, Mr. FUNDERBURK, Mr. MANTON, and Mr. MARTINI.
H. Con. Res. 191: Mr. BEREUTER.
H. Con. Res. 195: Mr. FLAKE, Mr. TORRES, Mr. PAYNE of New Jersey, Mr. YATES, Ms. MCKINNEY, Mr. DELLUMS, Mr. UNDERWOOD, Ms. PELOSI, Mr. FROST, Mr. PASTOR, Mr. SAWYER, Mr. BARRETT of Wisconsin, Mr. LIPINSKI, and Mr. FALEOMAVAEGA.
H. Res. 452: Mr. HERGER and Mr. LIPINSKI.
H. Res. 454: Mr. WARD and Mr. WISE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

74. By the SPEAKER: Petition of the Association of Hawaiian Civic Clubs, Honolulu, HI, relative to urging the U.S. President and Congress to reauthorize and maintain Federal funds for current native Hawaiian programs; to the Committee on Resources.

75. Also, petition of Paul Andrew Mitchell, relative to signed Oaths of Office for Federal Judges; to the Committee on the Judiciary.

76. Also, petition of J. Moseley, M.L. Edwards, F.E. Barnett, I.M. Allen, et al., citizens of various counties throughout California, relative to H.R. 2745, a bill to repeal the emergency salvage timber sale program enacted as part of Public Law 104–19; jointly, to the Committees on Agriculture and Resources.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3755

OFFERED BY: MR. FOX OF PENNSYLVANIA

AMENDMENT NO. 43: Page 66, line 9, after the dollar amount, insert the following: ''(reduced by $1,923,000)''.

Page 70, line 24, after the dollar amount, insert the following: ''(increased by $1,923,000)''.

H.R. 3755

OFFERED BY: MR. ROEMER

AMENDMENT NO. 44: Page 87, line 14, insert following new section:

SEC. 515. The amount provided in the Act for ''DEPARTMENT OF EDUCATION—Student financial assistance'' is increased; and each of the amounts provided in this Act for ''DEPARTMENT OF LABOR—Pension and Welfare Benefits Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Employment Standards Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Occupational Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Mine Safety and Health Administration—Salaries and expenses'', ''DEPARTMENT OF LABOR—Bureau of Labor Statistics—Salaries and expenses'', ''DEPARTMENT OF LABOR—Departmental Management—Salaries and expenses'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Office of the director'', ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health—Buildings and facilities'', ''DEPARTMENT OF EDUCATION—Departmental Management—Program administration'', ''Federal Mediation and Conciliation Service—Salaries and expenses'', ''Federal Mine Safety and Health Review Commission—Salaries and expenses'', ''National Council on Disability—Salaries and expenses'', ''National Labor Relations Board—Salaries and expenses'', ''National Mediation Board—Salaries and expenses'', ''Occupational Safety and Health Review Commission—Salaries and expenses'', ''Prospective and Payment Assessment Commission—Salaries and expenses'', and ''United States Institute of Peace—Operation expenses'', are reduced; by $340,000,000 and 15 percent , respectively.

H.R. 3756

OFFERED BY: MR. METCALF

AMENDMENT NO. 45: Page 118, after line 16, insert following new section:

SEC. 637. For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems.

United States
of America

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PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, THURSDAY, JULY 11, 1996 *No. 102*

Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, show us enough of our real selves to expose our false pride and enough of Your grace to overcome our self-sufficiency. When we are tempted, fortify us with Your strength. Give us keen intellect to listen for Your voice in every difficulty. Be with us on the mountain peaks of success to remind us that You are the source of our talents and gifts and in the deep valleys of discouragement to help us receive Your courage to press on. You are our light. We were not meant to walk in darkness of fear or uncertainty. We trust You to use all of the victories and defeats of life to bring us closer to You.

Bless the women and men of this Senate that, laying aside the divisions of party spirit, they may be united in heart and mind to serve You together. May debate be a quest for greater truth and may the will simply to win arguments be replaced by the greater purpose of working together to discover and do what is best for our Nation. May a new team spirit overcome our separatism and may oneness in You make us loyal to one another as fellow Americans. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. GREGG. Mr. President, this morning there will be a period of morning business until the hour of 10 a.m., with Senator DASCHLE in control of the first 40 minutes and Senator COVERDELL in control of the remaining 20 minutes. At 10 a.m., the Senate will begin consideration of S. 1864, the Department of Defense appropriations bill. Amendments are expected to that appropriations bill. Therefore, all Senators can expect rollcalls throughout today's session. I anticipate that the Senate may be in session into the evening in order to make progress on the Defense appropriations bill. Senators should plan their schedules accordingly.

Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Chair would note that under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. Under that order, 40 minutes shall be under the control of the Democratic leader and 20 minutes under the control of the Senator from Georgia.

THE MINIMUM WAGE

Mr. DORGAN. Mr. President, I am going to begin a brief discussion along with two of my colleagues who will appear shortly, Senator BREAUX from Louisiana and Senator ROCKEFELLER from West Virginia, on what we have called the families-first agenda that we developed to lay out what we think we would like to accomplish in the months ahead and also in this and the following Congress.

Before I do that, however, I wanted to share with my colleagues something that I will share at greater length at a later time.

Yesterday, we voted on the minimum wage. There has been a lot of discussion back and forth on the issue of the minimum wage, and the opposition to the minimum wage from some is that it will cost jobs; from others, that there ought not be a minimum wage.

There has been a lot of controversy about it. The Congress I think in its good judgment decided after about 7 years that another adjustment should be made; the last adjustment was made in the latter part of 1989. But we will still have some discussion about it because there needs to be a conference and, I expect, more debate in the Chamber about the minimum wage.

Last evening, I found something that I want to share with my colleagues which I think contributes to the debate some. It is a piece written by Edward Filene. Some will remember, especially in Massachusetts and others around the country, the name Filene because Filene is the name that is attached to department stores, Filene's Basement among others.

Edward Filene, September 1923, a businessman of some significance at that time, wrote the following. And this is only the last paragraph. I intend to share this at greater length with my colleagues at a different time.

''The Minimum Wage,'' Edward Filene says in 1923.

In this connection, I will call attention to a result which cannot be ignored—to the man who has produced the best commodity for the price of its kind in the world, produced in quantities never before dreamed of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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and produced it so cheap that it can be sold in competition with the cheap labor of Europe—so cheap, indeed, that no country can make it to compete with him. I refer to Henry Ford. He has produced twelve hundred thousand automobiles a year—eight a minute—has financed his whole business from the profits, and has become the richest man in the world. And the minimum wage he pays is so high that if it were proposed in Massachusetts, those who advocated it would be set down as crazy. Even at his high minimum wage, he has been able to employ the lame, the crippled, the blind of the community not as a charity but at a profit. The statistics in his autobiography covering these facts are amazing. The demonstration of the possibility of the minimum wage speaks louder than my words and I hope it may be borne in mind in any decision of the minimum wage question.

This was September 1923, by Edward Filene, a businessman of some significance, then. I wanted to share this, which I think is a wonderful piece about the minimum wage written some 70 years ago, but I think it is still relevant today with respect to the questions that we face.

FAMILIES-FIRST AGENDA

Mr. DORGAN. Mr. President, I come to the floor today to talk about the agenda. We discussed it some yesterday. I want to discuss it additionally today. Senator REID, from Nevada, and myself were asked by the Democratic leader to begin work with our caucus to develop an agenda. It is easy to discern quickly in this Chamber what someone stands against, what someone opposes, what a party opposes. That takes very little skill, to oppose anything. It takes very little skill to be negative. So the political system and the give-and-take of politics has those who are proposing things and those who are opposing them.

Again, it is easy to discern quickly who opposes what. The question, however, for us in our country, is not what do we oppose; the question is, really, what do we support? What is it that we believe can be done to advance the interests of this country?

As I indicated yesterday, the standard by which we ought to judge that is, at the end of the day, have we done things in this country, in the public and private sector, to increase the standard of living in America? Do we have people who have an opportunity for better jobs at better pay? Are their children going to better schools? Are we driving on better roads? Are we able to acquire better products?

The most important ingredient in all of that, the thing that is the linchpin of opportunity, is: Do we have an economy that is growing? Do we have an economy that is producing new jobs and is capable of producing new jobs at a decent income at a sufficient pace to keep abreast of the increase in population and to keep the American people understanding there is an opportunity and hope ahead?

As I begin discussing the families-first agenda that we have put together, let me say the first and most important element of what we stand for as Democrats is economic opportunity and economic growth. It is the legacy of the Democratic Party. We have been the party that pushes insistently to expand this country's economy and therefore expand opportunities, not just for some, but for all in America.

I must say, my own view of the current economic situation is, while this administration has done a remarkable job in a range of areas, it has not had the kind of cooperation I would like to see from those who construct monetary policy at the Federal Reserve Board. It certainly has not seen much cooperation from Wall Street.

We have, it seems to me, an economic strategy, especially in the area of monetary policy, that shortchanges our country today. As Mr. Rohaytn from New York says, the minute you get some prevailing wind, we see a Federal Reserve Board decide to drop anchor.

It makes no sense to create a false choice, saying we must choose between either inflation or growth. It makes no sense to believe if we have decent growth that provides decent expansion and therefore more jobs at better income, that we will necessarily stoke the fires of inflation. That is nonsense. Inflation is down. It has been coming down 5 years in a row. If you believe Mr. Greenspan, that the CPI overstates inflation by a percent and a half, then you have to conclude there is almost no inflation in America today. If that is the case, why do we see this rate of economic growth targeted at an artificially low rate, which means the false choice is answered, by those who provide answers, that we will continue to fight an inflation that does not exist? The cost of fighting that inflation will be lost opportunity for American families and lost jobs and a less bright economic future.

I am going to talk about the families-first agenda, but I will come to the floor and talk about this at some length. Last week, what did we see? We saw a news report at the end of last week that said unemployment is going down again, unemployment has dropped. What did Wall Street do? What did the bond market do? What did the stock market do? It had an apoplectic seizure. Good economic news for Wall Street means bad times.

What on Earth is going on? Is there a cultural divide here somewhere, that good economic news, good news for American families, creates seizures on Wall Street? Do they not connect with this country at all? Dropping unemployment is good news. When unemployment goes down, you would expect people on Wall Street to celebrate a bit. When economic growth rates are up, you would expect Wall Street to believe that is good for our country.

Get a life, would you, in New York City. Get a life about these things. Why is it every time we get a piece of good news, the folks on Wall Street have a seizure? Why is there a chasm between Wall Street and Main Street about what Wall Street believes is a fundamentally unsound policy for them? I want to come and speak about that at some length, because it seems to me this is out of step with what we need for our country in terms of economic growth and opportunity. If every time we begin to see some progress in creating the kind of economic growth we need, not 2.2 percent a year, not 2.5 percent a year, but more robust economic growth that produces the jobs and opportunity—if every time that happens we see the bond market go into a pretzel stance and have a seizure of some sort, there is something fundamentally wrong with what is going on in this country. But if the first obligation and the first important fight for us as Democrats is to create an economy that expands and grows and provides opportunities for working families, we have a range of other policies that we believe are important that help accomplish that.

We put together, with the help of a lot of people over a period of a year in the Senate and then working together with Members of the U.S. House, and then with the White House, an agenda that is called ''families-first.'' It is called families-first because, when everything is settled, when all the dust begins to settle and the day is done, the question of whether we have been successful as a country is measured by whether we have done something that improves the lives of American families. Have we increased the standard of living in this country?

First, we believe, in a families-first agenda that there is a responsibility for Government. Government has a responsibility to balance the budget, pay for what it consumes, not leave a legacy for its grandchildren to pay for what their grandparents consume.

There is a right way and a wrong way to balance the budget. We believe the budget ought to be balanced with hard choices, the right way. The budget deficit has come down very, very substantially in the last 3 years, and that is because a lot of folks in this Chamber have been willing to make tough decisions. We would reach out and hope for cooperation with others, to say, yes, balancing the budget matters, and it is one of the first items on our agenda.

Second, economic opportunity: We stand for helping small businesses thrive and create jobs in our country, and pursue policies to make that happen. People who risk their economic livelihood, go to work in the morning, keep their businesses open all day, and who are trying to make a profit, they matter to this country. They provide jobs in this country. And we want policies that are friendly to that kind of investment and that kind of commitment that Americans make in creating jobs and building businesses.

Investing in our communities, in the infrastructure, building the roads, building the infrastructure this country needs, repairing the infrastructure,

building schools, those are the kinds of things that need to have attention as well, and that is in our families-first agenda.

We talk about individual responsibility: welfare reform. Senator BREAUX will speak this morning, and no one has worked harder or longer on welfare reform than the Senator from Louisiana. Our approach has been called work first. We believe those who are able-bodied have a responsibility to work. We want to put them from the welfare rolls over to the payrolls.

We also believe that deadbeat dads ought to take responsibility and pay for the care of their children. Why should the dads out there have children and then abandon them and then say to the other taxpayers of America, ''You take care of those kids.'' Our proposal says to deadbeat dads, ''It is your responsibility as well to take care of those kids.''

Our agenda calls for a national crusade to end teenage pregnancy in this country, which causes a whole series of other social problems. That is something Americans could and should unite against and decide, in a massive education program, that teenage pregnancy retards, rather than advances, the interests of this country.

Personal security. It is hard to feel like your country is advancing if you and your family do not feel safe. We believe putting more cops on the street is good public policy, and President Clinton's proposal is now in effect and there are more cops on the street, more police on the beat. We would continue to enhance that.

Keeping kids out of the streets and out of gangs and a whole series of policy initiatives to do that are important.

Cleaning drugs out of our schools is important. We believe that everyone on parole and probation in America ought to be drug tested while on parole and probation.

We propose in the families-first agenda retirement security, pension reform and protection, allowing people to take their pensions with them when they change jobs, stiffer penalties for those who abuse the pensions and crack down on companies who use pension money inappropriately, money people have saved for their retirement that the companies would then misuse. There would be tough penalties in those circumstances.

We would expand pension coverage, including expanding opportunities for IRA investments.

Health care security. The Kennedy-Kassebaum bill, which we have now passed 100 to 0 in the Senate but is not now law, is a central part of what we ought to do. And a kids first health plan which we believe ought to be advanced.

Educational opportunity. Our party has always stood for education: $10,000 tax deductions for college and job training and a Project Hope scholarship project, 2 years of college for kids with good grades.

Mr. President, the families-first agenda is an approach that talks about the requirements of all levels of government and all Americans to join together to do the things, the sensible things, that will make this a better country.

We are not talking about spending substantial amounts of new money. That is not what these programs are about. These programs are about trying to determine how we advance this country's interests so that at the end of the day, the American people can say our country is growing, it is moving, it is providing hope and opportunity for our family and, yes, for every family. That is what the families-first agenda is about.

Mr. President, I yield the floor and yield to my colleague from Louisiana, if he is ready to speak.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. I thank the Chair. Mr. President, I will start by congratulating the Senator from North Dakota for his comments in outlining what I think is a realistic and doable agenda; that is, the families-first agenda. I think that we as Democratic Members can be very proud of putting forth an agenda that is realistic, it is doable, it is not slogans, it is not pie in the sky, it is not sound bites, it is not ideas that have been proposed by public relations firms after doing polling when they look forward to concentrating on the next election, as opposed to trying to look at the real needs of real Americans in the real world.

I think the families-first agenda is, in fact, an agenda that talks about real problems and coming up with real solutions that are achievable, because while we can talk about slogans and goals, our business in this body is to legislate in a way that has a real effect on people.

I think that some of the early statements we have had in this Congress about things that should be done have been received by many people with a great deal of concern as to whether they are really ever going to happen. As we move to the end of this Congress, I think a lot of Americans have said, ''Well, you know, I heard about contracts and I heard about proposals to amend the Constitution and to do all types of things, and it never happened.'' The reason it never happened is because they were unrealistic goals in the first place.

What we have to deal with is what is doable, what is accomplishable and how to take those step-by-step efforts to reach the goals that people expect us to achieve. That is why I think the agenda that the distinguished Senator from North Dakota has outlined is one that is realistic. It is one that the average family, when they sit around the dinner table at night talking about their concerns and what they would like to see happen, are items they talk about: security, a reasonable paycheck, reasonable health insurance, a reasonable opportunity to send their children to college.

They are not talking about philosophical ideas. They are not talking about major amendments to the Constitution, which has served us very well for over 200 years. They are talking about real-life problems that they face every day, and they just wish that Congress could work together in getting some of these things done.

I think progress is being made. The minimum wage legislation that was passed, I think, was very positive. We continue to work on the so-called Kennedy-Kassebaum health care program, which would be a major accomplishment and one that I think is very doable.

I am pleased to say that I think we can get something done on that legislation in this Congress. We are very, very close and optimistic about it. It is going to take some compromise on both sides, but I think the end result will be much better in having something done than it will be in not accomplishing it and just blaming the other side for failure, which we do far too often around here.

I would like to concentrate on one of the items that is part of the families-first agenda, and that is real welfare reform. One of the problems, I think, that has prevented us from accomplishing it so far is the insistence by many on the Republican side of trying to put together a piece of legislation that we basically are close to agreeing on, welfare reform, and tying it to something we do not agree on, and that is Medicaid. By doing so, we guarantee that nothing will happen on either one of the two bills, as far as getting something adopted.

I was encouraged to see this morning in Commerce Daily the fact that there has been what is reported as a general consensus by House Republicans to push ahead on welfare reform by itself. I think that is something that our colleagues in the Senate should also consider.

If we are very close to reaching an agreement on one major reform of an entitlement program, why not go ahead and accomplish it, why not go ahead and do it, why not give the American people a real welfare reform package that we all can say we joined hands and came up with an agreement that makes sense?

There are some, I think a diminishing minority, who say, ''No, we're going to have to tie welfare reform to Medicaid reform.'' Why? I do not know. Perhaps some want to do that just so they will have the President veto it and then have a political issue.

But I do not think there is a great deal more to be gained by blaming each other for our failures. I think most people in this country outside of Washington would like to see both sides work together and do what we can agree on, set aside what we cannot agree on for later debates and later

work, even into the next Congress, if necessary.

So I think that the suggestion by House Republicans in growing numbers and apparently being discussed by a number of Republican Senators on this side to do what we can do, that being welfare reform, and doing it separately makes a great deal of sense. I am absolutely convinced that if we are able to come to the Senate floor on a welfare reform package, that we can reach an agreement. I think we are very, very close, and I think that is something that clearly should be done.

We all know that Government cannot provide all the solutions to all of our problems all of the time. That is why I think that the consensus that is developed on welfare reform makes so much sense. We all agree that welfare reform requires work. The goal of welfare reform should be getting people off welfare. The goal of welfare reform should be ending welfare and putting people into jobs in the private sector and, when necessary, with some Government help and assistance.

First of all, we can all agree that real welfare reform is about work. We also, I think, all agree that welfare cannot be forever, that there has to be a time limit, there has to be a termination. I think we all understand that, if people think there is no end to what they may be receiving, in fact there will not be the incentives to move into the private sector in the work programs.

So, first, I think welfare has to have time limits. It has to be about work. But it also has to be, Mr. President, about protecting innocent children. I do not think there is anyone in this body who would say that we want to be so tough on work that we adversely affect innocent children who did not ask to be brought into this world. They are here in many cases as innocent victims. We ought to make sure that any reform also protects children while it is very tough on work requirements and very tough on the parents.

So I think we have a consensus that is right here. It is right at our fingertips. And there is no reason why we should not go ahead and do what is doable and what we can accomplish and then we can all take credit for it politically. This is an election year. I think that when we go back home and say that together Republicans and Democrats have worked out a plan to end welfare as we know it, the American people will say, ''Thank goodness. They have gotten something accomplished.''

I think there is a great deal of agreement on how to go about doing it. It is not total agreement. There are still major items that need to be worked out. But I think that it is very clear that we can accomplish this. I think every indication is that the President wants to sign a welfare reform bill but knows that the current Medicaid plan is not yet ready.

We have Republican Governors who just, apparently, yesterday, in talking with their Republican Senate colleagues, talked about the fact that they are very displeased with the Medicaid plan that has come out of the Senate Finance Committee, on which I serve. So if you have Democratic Governors saying, ''Look, I don't think this is ready yet. We don't like it,'' and you have Republican Governors who have to run the program saying, ''No, we don't think this product is what we want,'' that sends us a message. Let us set that aside, continue to work on it, but go forward with that which we can agree on. And that means the welfare plan.

I think, if we were able to separate it, we could get that accomplished. If we tie them together, we are dooming welfare reform to defeat. Maybe some people think that is a good idea politically because then we can blame the other side. They will blame us and everybody will blame each other. The American public outside Washington will say, ''What are they talking about? They should be talking about getting something done, not blaming the other side for failure.'' Failure is not politically acceptable in the area that I come from. I think we do much better when we get something accomplished.

The Work First Act that we have, as Democrats, offered as part of this package, I think, is a major step in the right direction. Can it be further improved? Probably. I am willing to work in that regard. But I think it makes some principal points that I think are the essence of real reform. Assistance is conditional. It is not really an entitlement. People have to be able to move into the work force or perform community service. That is real reform. It is limited. There is an actual time limit on how long a person or their family can be on welfare. The general consensus is that 5 years is an acceptable amount over a lifetime. We know it cannot be forever, and our bill says that.

It requires teen parents—which is a major problem—to live at home or live in an adult setting. Children who are having children cannot be left on their own without adult supervision. Our legislation requires a teen parent to live at home and to attend school as a condition to receiving welfare benefits. But we also say that to the innocent child, and many of them are babies out there, that we are going to guarantee that there be child care and health care for those children.

I want to be as tough as I possibly can on the parent because they are the ones who brought the child into the world. They have a responsibility. They have to live up to it. But there are the innocent children that we, as a society, have to say we are going to reach out to and make sure they are given child care so the parent can go to work and they are going to have health care so they can remain healthy and growing children.

We also want to make sure that at times when there is a recession they are not left high and dry, that funding will be available for child care and for health care. We want to give the States all the flexibility they need. What works in my State of Louisiana may not be acceptable in California or New York or Florida or any of the other States. What they do in their States may not fit my State. So we want to give the Governors in the States a tremendous amount of flexibility.

I think the bottom line in all of this is that we have a program that can change the welfare system in our country to bring about real reform and at the same time save a great deal of money. Our plan is projected to save nearly $50 billion. That is real reform. At the same time, it protects the needs of innocent children. So we have a good program.

So I urge today that as part of the family-first agenda that we have put out on the table—one ingredient is the welfare reform package—but my plea to our colleagues is to not let other issues doom welfare reform to defeat, do not tie welfare to things that we do not have an agreement on. I think that would be a very, very serious mistake.

I think our Finance Committee has done some good work, quite frankly, in a bipartisan fashion. The chairman of the committee, Senator ROTH, was able to work with those of us on the Democratic side to add some amendments to the package that make it a better package, one that is more acceptable to the administration and one that can actually become law with a few additional minor changes.

But the only way we can fail in this effort is to desire failure. I think, unfortunately, there are some in the Congress who would like to see that happen. I suggest that that is not the way to go. So let us get on with what we can accomplish, do what we can do, and then I think the American public will be able to say that Congress had the opportunity to do what was right, met that challenge, and did exactly that in welfare reform, a good place to start. Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent for 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I reserve the right to object. Parliamentary inquiry. It is my understanding that at 9:40—no objection.

Mr. ROCKEFELLER. Mr. President, is it all right to proceed?

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

MINIMUM WAGE AND HEALTH INSURANCE LEGISLATION

Mr. ROCKEFELLER. I think our business is relatively easy here, or ought to be. I really think there are

only two things we ought to do from the side of the aisle that I represent. We are interested in paycheck security, health care security, retirement security. Those have a variety of things that go along with them which we think are important for family values, for family safety, and obviously family security.

I think there are two pieces of legislation that ought to be signed into law by the President, ought to be passed out of this body. There is no reason why they cannot be. I stand here this morning as the junior Senator from West Virginia in some sense of frustration and wonderment, really putting myself in the place of American citizens wondering why it is not more certain and why there is not a more clear course.

I think if either of these bills fails to pass this session of Congress, both Houses, and on to the President, then I think the American people have real reason to wonder why they put us here. I speak, of course, of two pieces of legislation which we have already passed. The first one was passed the other day, the minimum wage increase. There was a 74 to 24 vote on that. Some might say, well, that was not as strong as it appeared because minimum wage was encased in a small business package, had that title. But there cannot be any doubt about the fact that the minimum wage increase did pass. It has passed the Senate. So has the Kennedy-Kassebaum health insurance bill, more properly the Kassebaum-Kennedy health insurance bill that passed by 100 to 0.

I really think it is embarrassing to our body, to all 100 of us, that there is a real cloud of uncertainty as to whether or not these are going to become law. They have passed through here. The plot keeps thickening as we hear about efforts to delay, to entangle these pieces of legislation, to complicate them. Each of these pieces, of course, have enormous benefits for millions of hard-working American families. Therefore, it seems to me incontrovertible that the good will on both sides should prevail.

On our side, we talk about putting families first. I think they are three good words, it is a good phrase. It is clear. It is what we mean. It means enacting the minimum wage increase and it means enacting the Kassebaum-Kennedy bill.

In West Virginia tens of thousands of wage earners, in fact, 24 percent of all our wage earners in the State, will benefit from the minimum wage law. I am not necessarily happy to say that that many of them would be affected, but that is what I have to say because that is the fact. Over two-thirds of them are adults, and most of them are women, many of them, most of them, have responsibilities for children.

I had a remarkable conversation, at least to me, last week with one of these people who is a graduate, lives in a small community in West Virginia, who is a graduate of the University of Indiana, has a B.A. from the University of Indiana, and moved to West Virginia because she liked the lifestyle. She works as a waitress. She has a 10-year-old girl, her husband has left her, and child support is minimal. She can now earn $2.13 an hour because of the tipping matter under the present law we have passed here in the Senate. So her salary—as she said, tips do make up the difference. If you do allow that to happen, then, in fact, she could go from $8,500 a year to $10,700 a year. When you add on top of that the earned income tax credit for which she is eligible, she could make $3,000 plus from that, which would put her above the poverty level.

Now, that is a momentous fact, taking a program already existing, and the minimum wage which we passed, that we take a woman who lives in poverty, officially, a proud person, well-educated, interested in the arts, with a brilliant 10-year-old daughter, who I had a chance to talk with, who is an exceptional gymnast, for whom she can do nothing because there is no margin whatever in her life financially, being able to help her. She brings to mind, and many others who I have talked to who are working, who are not on welfare, who are working because of their desire to achieve self-esteem through work rather than being on welfare.

I cannot understand why there would be any reason to either block the appointment of conferees, or whatever it would be, to keep the minimum wage bill from passing. It means an enormous amount to people in my State and every single State, most of whom are adult, most of whom are women, most of whom have children.

Then, I think, finally, there is no excuse if the Congress fails to pass the Kassebaum-Kennedy bill. We said from the very beginning, after the failure of the Clinton health care bill, that we should concentrate on what we can agree on. That is what we started out with on Kassebaum-Kennedy, concentrating on what we can agree on. We have to do it incrementally. I understand that and I applaud that. This is a bill on which we so agreed. In fact, the vote was 100 to 0.

Then MSA's, medical savings accounts, was put in in the House and put in over here in a rather odd manner at the last moment. That we did not agree on. Everything else we did agree on. Now that is being, I think, sort of relegated to the possibility of a bill that will not pass this Congress because of the disagreement on that. On the other hand, there was an agreement at the beginning. The whole spirit of everything was that we would agree with what we could agree on, and we did so in such a magnificent form that we passed it 100 to 0 here.

We should do that, putting families first, which means getting back to the basics of the Kassebaum-Kennedy bill and getting this bill into law. If it means we have to take a moratorium on our August recess, I do not care what it takes, we ought to be able to pass the minimum wage bill and the Kassebaum-Kennedy health insurance bill.

It is a ''no brainer,'' Mr. President. I submit that with all sincerity, two pieces of legislation, and there are many more that I have in mind, but here are two pieces of legislation, both of which have passed by overwhelming margins in this body, both of which can be conferenced successfully, if we only have the will to do so, both of which would enormously help put American working families first.

I yield the floor.

Mr. COVERDELL. Mr. President, parliamentary inquiry. Is it appropriate for me to begin 20 minutes, which was to be under my control?

The PRESIDING OFFICER. Yes.

PUTTING PEOPLE FIRST

Mr. COVERDELL. Mr. President, I had an interesting presentation here this morning, built around what apparently is going to be a Presidential campaign theme, putting families first. Mr. President, we cannot but be reminded of a book written by President Clinton and Vice President GORE which was a prelude to the 1992 Presidential campaign. The book, Mr. President, was entitled ''Putting People First,'' very, very familiar to this new theme we have heard here this morning, putting families first.

I will read from this publication, ''Putting People First,'' now almost some 4 years old, a very interesting piece on page 15 of ''Putting People First.'' It says, ''Middle-class tax fairness.'' Now, this was the President's ''contract with America,'' putting people first.

He says, ''Middle-class tax fairness: We will lower the tax burden on middle-class Americans by asking the very wealthy to pay their fair share.'' I repeat, ''We will lower the tax burden on middle-class Americans * * * Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.''

It goes on to say, on page 101 ''Treat families right,'' in this book entitled ''Put People First.'' It says, ''Grant additional tax relief to families with children.''

Mr. President, since the publication of the book and the election of President Clinton, the average American family is paying somewhere around $2,000 to $2,600 in additional taxes out of their checking account as a result of the election of President Clinton. Corporate taxes are up 55.4 percent and personal taxes are up 25.3 percent. In other words, the exact opposite has occurred since the publication of the President's book, ''Putting People First.''

It does begin to raise some pretty serious questions as to what do they mean when they say ''Put families first.'' If they mean the same thing

they meant when they published ''Putting People First,'' every American taxpayer better duck, because the promise to lower taxes became an action of increasing taxes to the highest level in American history.

I read from an editorial published by Bruce Bartlett: ''Last week I disclosed that total taxes, Federal, State, and local, as a share of gross domestic product were the highest in U.S. history in 1995 at 31.3 percent. In 1992, total taxes as a share of GDP equaled 30 percent. In other words, it is up 1.3 percent.'' That is just a huge, huge sum of money.

Mr. President, the Federal tax take is expected to shoot up this year by another 5.4 percent. Mr. President, the book ''Putting People First,'' promised to lower taxes, and resulted with the election. The American people elected President Clinton based on these promises, and what happened to them was that they were confronted with the highest tax increase in American history.

Over a 7-year period, it was almost $500 billion. That translates to an individual family, since President Clinton has been elected, in having to pay another $2,000 of Government costs. The cost of Government has been pushed out another 3 days. American families, today, work from January 1 to July 3, giving July 4 in America today an extraordinary meaning.

Mr. President, in 1992, we were promised, in ''Putting People First,'' that taxes would be lowered. As I have said here over and over, as have others, taxes were raised and the effect was to reduce the amount of income in families' checking accounts. Now we come forward this morning with a promise to put families first, and an outline of a series of programs that represent and policy goals that purport to say what putting families first means.

Mr. President, according to the House Budget Committee and the Congressional Budget Office, this new agenda of putting families first could cost another $500 billion. So if you combine putting people first with Families First, you are going to end up with families finding themselves with less and less resources in their own checking accounts to do the kinds of things they are supposed to do. Putting people first lowered their checking accounts by about $2,500, and now we are told we will put families first, and we are going to have another $2,500 out of your checking account.

Mr. President, you know, if you really want to put families first, or people first, it really is not all that complicated. Mr. President, what is a very simple and clean cut goal for everybody in the Congress, whether you are Republican, Democrat, or an Independent, it is pretty simple. We ought to set as a goal trying to leave in the neighborhood of around $7,000 in the families' checking accounts instead of pulling it and shipping it off to Washington. The Balanced Budget Act, which was passed by this congressional majority, went a long way toward accomplishing that goal. That act would have put between $2,000 and $4,000 into the checking accounts of every family, lower interest rates, lower payments, and tax savings. It would have accomplished about half of a meaningful goal. If we want to put families first, we ought to leave the money with the families who earn it. We ought to leave them the ability to do the kinds of things they want to do to set their own priorities.

Mr. President, let us take a look at this average family. I have a pretty good idea in the State of Georgia, and I think that is probably about the case all across the country. Mr. President, the average family in Georgia makes about $45,000 a year. Today, by the time they have paid their Federal taxes, by the time they have paid their State and local taxes, by the time they have paid their Social Security and Medicare taxes, by the time they have paid their share of the higher interest rates on the national debt, by the time they have paid their share of the cost of Government regulation, they end up with less than half the total income that they earn to take care of their families.

Mr. President, that is inexcusable—the fact that we have come to the point in the United States that the Government takes over half of the hard-earned wages of a working family.

Now, I argue that that policy has had a very negative effect on the American family. I argue that there is no force in America, including Hollywood, that has so affected the average family as their own Government. It is not complicated. If the Government is going to take half of everybody's paycheck and move it to Washington to be wonderwonked by the wizard bureaucrats here to decide what the priorities are, you have pushed the family to the wall. So the suggestion we are hearing from the other side is let us take more out of that paycheck, let us design a group of new programs that we will plan here in Washington to manage your family. I think families first needs a little asterisk that says, ''as designed by the Federal Government.''

Our argument would be to leave the wages earned by a family in the checking account of that family, and let them decide what the priorities of that family ought to be. A meaningful objective would be, if you really want to put families first, to leave the wages they earn in their checking accounts.

Now, Mr. President, the efforts on the part of the congressional majority, the Republican Congress, were to do just that. We did put families first. We did have tax credits for children. We did remove the tax penalty for being married. We did help people on Social Security. Every action we took was to leave more resources in the checking accounts of the families. That is how you put families first—leave the resources with them so that they can manage their affairs.

We read over and over that the American family is anxious today, that there is a deep anxiety in the families. Even at a time when we have a reasonably decent economy, they are still very worried, nervous, and bothered. Mr. President, it is because we are not leaving enough resources in that family. We are not leaving them the resources to do the things they are supposed to do. America counts on the American family to get the country up in the morning, to house it, to school it, to feed it and shelter it, to take care of its health, to provide for the spiritual growth necessary to take on and lead the country, and we have made it virtually impossible for the family to do the job that America asks of it.

The other side has come forward, as a follow-up of putting people first, which really meant we are going to tax you more. That is what this book ended up doing. It ended up reducing the resources in the average family by about $2,600. Now we get families first. We are told by the Congressional Budget Office that all that array of Government management of the American family will cost them yet another $2,500 to $3,000. That is going in the wrong direction. Every proposal we have had from the other side, whether it is under the label of putting people first, or the label of families first, the bottom line is that Washington is first. Washington is first. We are going to design the way you run your family. We are going to design a program that manages your health care. We are going to design a program that manages the relations between you and your employer. But most of all, we are going to tax you more. So we have come to the point, between putting people first and families first, of the highest tax level in American history, and the highest tax burden on families in American history.

So if you are going to put the family first, it is pretty simple: Lower their taxes, and leave more resources in their checking accounts. Look at the comparison, Mr. President. Just look at the comparison. They come up with putting people first, and every family pays an additional $2,500 in taxes. The Republican majority came up with the Balanced Budget Act. The Balanced Budget Act would have lowered the pressure on that family between by about $2,000 and $4,000, depending on who the family was. Lower interest payments and lower tax levels across the board, more resources in the family. We are coming to a new election. We have a new program entitled ''Put Families First,'' and we look at the tab of what that is going to cost—another $2,000 to $3,000 for each American family. I argue, Mr. President, that that has the exact reverse consequences.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. Mr. President, in conclusion, I just wanted to underscore

that the only way we are going to relieve the burden on the American family today is to lower the tax level and allow them to keep the wages they earn, which allows them to fulfill the duties and responsibilities that they have.

I argue that both putting people first, which resulted in the largest tax increase in America history, and now followed by putting families first, which will call for yet another tax increase, is not the prescription for the American family.

If you look at the last 25 years and what has happened to the American family, as its tax level has pushed upward and upward, you have seen increasing behavior and increasing conditions in the American family that are the exact opposite of that which we would like to achieve.

If you really want to say put families first, then lower the economic burden, lower the economic pressure, and let the wage earner keep their wages, and let the wage earner and family do that which they set as their own priorities of the American family.

Mr. President, I yield back any remaining time.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 10, 1996, the Federal debt stood at $5,148,771,318,656.40.

On a per capita basis, every man, woman, and child in America owes $19,409.73 as his or her share of that debt.

NOTICE OF PROPOSED RULEMAKING

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. sec. 1383), a notice of proposed rulemaking was submitted by the Office of Compliance, U.S. Congress. The notice publishes proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD; therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the notice was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: PROPOSED AMENDMENTS TO PROCEDURAL RULES

NOTICE OF PROPOSED RULEMAKING

Summary: The Executive Director of the Office of Compliance is publishing proposed amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act (P.L. 104–1, 109 Stat. 3). The proposed amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

Dates: Comments are due within 30 days after publication of this Notice in the Congressional Record.

Addresses: Submit written comments (an original and ten copies) to the Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Those wishing to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile (''FAX'') machine to (202)426–1913. This is not a toll-free call. Copies of comments submitted by the public will be available for review at the Law Library Reading Room, Room LM-201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For Further Information Contact: Executive Director, Office of Compliance at (202) 724–9250. This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to Mr. Russell Jackson, Director, Service Department, Office of the Sergeant at Arms and Doorkeeper of the Senate, (202) 224–2705.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 (''CAA'' or ''Act'') was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance (''Office'') shall, subject to the approval of the Board of Directors (''Board'') of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 CONG. R. S 19239 (daily ed., Dec. 22, 1995)). The proposed revisions and additions that follow amend certain of the existing procedures by which the Office provides for the consideration and resolution of alleged violations of the laws made applicable under Part A of title II of the CAA, and establish procedures for consideration of matters arising under Part D of title II of the CAA, which is generally effective October 1, 1996.

A summary of the proposed amendments is set forth below in Section II; the text of the provisions that are proposed to be added or revised is found in Section III. The Executive Director invites comment from interested persons on the content of these proposed amendments to the procedural rules.

II. Summary of proposed amendments to the procedural rules

(A) A general reorganization of the rules is proposed to accommodate proposed new provisions, and, consequently, to re-order the rules in a clear and logical sequence. As a result, some sections will be moved and/or renumbered. Cross-references in appropriate sections will be modified accordingly. These organizational changes are listed in the following comparison table.

Former section No.	*New section No.*
§2.06 Complaints	§5.01
§2.07 Appointment of the Hearing Officer	§5.02
§2.08 Filing, Service and Size Limitations of Motions, Briefs, Responses and Other Documents	§9.01
§2.09 Dismissal of Complaint	§5.03
§2.10 Confidentiality	§5.04
§2.11 Filing of Civil Action	§2.06
§8.02 Compliance with Final Decisions, Requests for Enforcement	§8.03
§8.03 Judicial Review	§8.04
§9.01 Attorney's Fees and Costs	§9.03
§9.02 Ex Parte Communications	§9.04
§9.03 Settlement Agreements	§9.05
§9.04 Revocation, Amendment or Waiver of Rules	§9.06

(B) Several revisions are proposed to provide for consideration of matters arising under section 220 (Part D of title II) of the CAA, which applies certain provisions of chapter 71 of title 5, United States Code relating to Federal Service Labor-Management Relations (''chapter 71''). For example, technical changes in the procedural rules will be necessary in order to provide for the exercise by the General Counsel and labor organizations of various rights and responsibilities under section 220 of the Act. These proposed revisions are as follows:

Section 1.01. ''Scope and Policy'' is proposed to be amended by inserting in the first sentence a reference to Part D of title II of the CAA in order to clarify that the procedural rules now govern procedures under that Part of the Act.

Section 1.02(c) is proposed to be amended to make the definition of the term ''employee'' consistent with the definition contained in the substantive regulations to be issued by the Board under section 220 of the CAA.

Section 1.02(i) is proposed to be amended to redefine the term ''party'' to include, as appropriate, the General Counsel or a labor organization.

A new section 1.02(j) defining ''respondent'' is proposed to be added. (The addition of subsection (j) will result in the subsequent subsections being renumbered accordingly.)

Section 1.05 ''Designation of Representative'' is to be revised to allow for a labor organization to designate a representative.

Section 1.07(c), relating to confidentiality requirements, is proposed to be amended to include a labor organization as a participant within the meaning of that section.

Section 7.04(b) concerning the scheduling of the prehearing conference is modified to substitute the word ''parties'' for ''employee and the employing office''.

(C) Modifications to subsections 1.07(b) and (d), concerning confidentiality requirements, are proposed in order to clarify the requirements and restrictions set forth in these subsections, and to make clear that a party or its representative may disclose information obtained in confidential proceedings for limited purposes under certain conditions.

(D) Section 2.04 ''Mediation,'' is proposed to be amended in certain respects.

In section 204(a) the language ''including any and all possibilities'' would be modified to read ''including the possibility'' of reaching a resolution.

Section 204(e)(2) is proposed to be modified to allow parties jointly to request an extension of the mediation period orally, instead of permitting only written requests for such extensions.

Section 2.04(f)(2) is proposed to be revised to explain more fully the procedures involving the ''Agreement to Mediate''.

A new subsection 2.04(h) is proposed regarding informal resolutions and settlement agreements. (The subsections following the newly added subsection 2.04(h) would be renumbered accordingly.)

(E) Subpart E of the Procedural Rules had been reserved for the implementation of section 220 of the CAA. The Board has recently published proposed regulations pursuant to

section 220(d) (142 Cong. R. S5070 and H5153 (daily ed., May 15, 1996)) and section 220(e) (142 Cong. R.. S5552 and H5563 (daily ed., May 23, 1996)) to implement the applied provisions of chapter 71. In light of those proposed regulations and the proposed modifications of the procedural rules discussed herein, it is not necessary to reserve a subpart for procedures specific to the implementation of section 220.

(F) As discussed above, Subpart E is no longer reserved for procedural rules implementing section 220 of the CAA. However, as part of the general reorganization of the procedural rules, Subpart E will be entitled ''Complaints,'' and will consist of sections 206, 207, 209 and 210 moved from Subpart B and renumbered as shown in the comparison table, above.

In addition to proposed modifications to section 5.01 (formerly section 206) required by the implementation of section 220 (e.g. provision for the General Counsel to file or amend complaints and the addition of references to labor organizations as parties), section 5.01(e) is proposed to be amended to state how service of a complaint will be effectuated and section 501(f) is proposed to be amended to provide that a failure to file an answer or to raise a claim or defense as to any allegation(s) in a complaint or amended complaint shall constitute an admission of such allegation(s) and that affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

Section 5.03 (formerly section 2.09) is proposed to be revised to reflect the General Counsel s role under section 220 of the CAA and to provide that a Hearing Officer, not the Executive Director, may approve the withdrawal of a complaint.

(G) Section 7.07, relating to the conduct of hearings, is proposed to be revised to include a new subsection (e), providing that ''[a]ny objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.'' The current section 7.07(e) will be renumbered section 7.07(f), and it is proposed to be amended to provide that if the representative of a labor organization, as well as that of an employee or a witness, has a conflict of interest, that representative may be disqualified.

(H) Subpart H, relating to proceedings before the Board, is proposed to be amended in the following ways.

(1) A new subsection 8.01(i) is proposed to allow for amicus participation, as appropriate, in proceedings before the Board, in a manner consistent with section 416 of the CAA.

(2) A new section 8.02 ''Reconsideration'' is proposed to allow for a party to seek Board reconsideration of a final decision or order of the Board. The sections following section 8.02 in Subpart H would be renumbered accordingly.

(3) Section 8.04 ''Judicial Review'' is proposed to be revised to state that the United States Court of Appeals for the Federal Circuit shall have jurisdiction, as appropriate, over petitions under section 220(c)(3) and section 405(g) or 406(e) of the Act.

(I) A new section 9.02 ''Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions'' is proposed to be added.

(J) A section had been reserved in the procedural rules for a provision on ex parte communications. The text of the proposed rule, which will be found at section 9.04 of the amended rules, is set forth in Section III, below.

(K) It is proposed that the opening sentence of section 9.05(a) (formerly 9.03(a)), ''Informal Resolutions and Settlement Agreements'' be modified to make it clear that section 9.05 applies only where covered employees have initiated proceedings under the CAA.

III. Text of proposed amendments to procedural rules

§ 1.01 Scope and policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§ 1.02(c)

Employee. The term ''employee'' includes an applicant for employment and a former employee, except as provided in section 2421.3(b) of the Board's rules under section 220 of the Act.

§ 1.02(i)

Party. The term ''party'' means: (1) the employee or the employing office in a proceeding under Part A of title II of the Act; or (2) the labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§ 1.02(j)

Respondent. The term ''respondent'' means the party against which a complaint is filed.

§ 1.05 Designation of Representative.

(a) An employee, a witness, a labor organization, or an employing office wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

(b) *Service where there is a representative*. All service of documents shall be directed to the representative, unless the represented individual, labor organization, or employing office specifies otherwise and until such time as that individual, labor organization, or employing office notifies the Executive Director of an amendment or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials by the represented individual or entity shall be computed in the same manner as for unrepresented individuals or entities with service of the documents, however, directed to the representative, as provided.

§ 1.07(b)

Prohibition. Unless specifically authorized by the provisions of the CAA or by order of the Board, the Hearing Officer or a court, or by the procedural rules of the Office, no participant in counseling, mediation or other proceedings made confidential under section 416 of the CAA (''confidential proceedings'') may disclose the contents or records of those proceedings to any person or entity. Nothing in these rules prohibits a bona fide representative of a party under section 1.05 from engaging in communications with that party for the purpose of participation in the proceedings, provided that such disclosure is not made in the presence of individuals not reasonably necessary to the representative's representation of that party. Moreover, nothing in these rules prohibits a party or its representative from disclosing information obtained in confidential proceedings for the limited purposes of investigating claims, ensuring compliance with the Act or preparing its prosecution or defense, to the extent that such disclosure is reasonably necessary to accomplish the aforementioned purposes and provided that the party making the disclosure takes all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information.

§ 1.07(c)

Participant. For the purposes of this rule, participant means any individual, labor organization, employing office or party, including a designated representative, that becomes a participant in counseling under section 402, mediation under section 403, the complaint and hearing process under section 405, or an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these rules.

§ 1.07(d)

Contents or records of confidential proceedings. For the purpose of this rule, the contents or records of counseling, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by either the opposing party, witnesses or the Office. A participant is free to disclose facts and other information obtained from any source outside of the confidential proceedings. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, an employee who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a complaining employee may be disclosed by that employee, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

§ 2.04(a)

(a) *Explanation*. Mediation is a process in which employees, employing offices and their representatives, if any, meet separately and/or jointly with a neutral trained to assist them in resolving disputes. As parties to the mediation, employees, employing offices and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The neutral has no power to impose a specific resolution, and the mediation process, whether or not a resolution is reached, is strictly confidential, pursuant to section 416 of the Act.

§ 2.04(f)(2)

(2) *The Agreement to Mediate*. At the commencement of the mediation, the neutral will ask the parties to sign an agreement prepared by the Office (''the Agreement to Mediate'') . The Agreement to Mediate will set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process. The Agreement to Mediate will also provide that the parties to the mediation will not seek to have the counselor or the neutral participate, testify or

otherwise present evidence in any subsequent civil action under section 408 of the Act or any other proceeding.

§ 2.04(h)

Informal Resolutions and Settlement Agreements. At any time during mediation the parties may resolve or settle a dispute in accordance with section 9.05 of these rules.

§ 5.01 (formerly § 2.06) Complaints

(a) *Who may file.*

(1) An employee who has completed mediation under section 2.04 may timely file a complaint with the Office alleging any violation of sections 201 through 207 of the Act.

(2) The General Counsel may file a complaint alleging a violation of section 220 of the Act.

(b) *When to file.*

(1) A complaint may be filed by an employee no sooner than 30 days after the date of receipt of the notice under section 2.04(i), but no later than 90 days after receipt of that notice.

(2) A complaint may be filed by the General Counsel after the investigation of a charge filed under section 220 of the Act.

(c) *Form and Contents.*

(1) Complaints filed by covered employees. A complaint shall be written or typed on a complaint form available from the Office. All complaints shall be signed by the covered employee, or his or her representative, and shall contain the following information:

(i) the name, mailing address, and telephone number(s) of the complainant;

(ii) the name, address and telephone number of the employing office against which the complaint is brought;

(iii) the name(s) and title(s) of the individual(s) involved in the conduct that the employee claims is a violation of the Act;

(iv) a description of the conduct being challenged, including the date(s) of the conduct;

(v) a brief description of why the complainant believes the challenged conduct is a violation of the Act and the section(s) of the Act involved;

(vi) a statement of the relief or remedy sought; and

(vii) the name, address, and telephone number of the representative, if any, who will act on behalf of the complainant.

(2) Complaints filed by the General Counsel. A complaint filed by the General Counsel shall be typed, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of the employing office and/or labor organization alleged to have violated section 220 against which the complaint is brought;

(ii) notice of the charge filed alleging a violation of section 220;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

(d) *Amendments.* Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.* Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent, or its designated representative, by hand delivery or certified mail, with a copy of the complaint or amended complaint and a copy of these rules. The Office shall include a service list containing the names and addresses of the parties and their designated representatives.

(f) *Answer.* Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the complainant. The answer shall contain a statement of the position of the respondent on each of the issues raised in the complaint or amended complaint, including admissions, denials, or explanations of each allegation made in the complaint and any affirmative defenses or other defenses to the complaint.

Failure to file an answer or to raise a claim or defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer shall be deemed waived. A respondent's motion for leave to amend an answer will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

§ 5.03 (formerly § 2.09) Dismissal of complaints.

(a) A Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted, including, but not limited to, claims that were not advanced in counseling or mediation.

(b) A Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these rules.

(c) If the General Counsel or any complainant fails to proceed with an action, the Hearing Officer may dismiss the complaint with prejudice.

(d) *Appeal.* A dismissal by the Hearing Officer made under section 5.03(a)–(c) or 7.16 of these rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01.

(e) *Withdrawal of Complaint by Complainant.* At any time a complainant may withdraw his or her own complaint by filing a notice with the Office for transmittal to the Hearing Officer and by serving a copy on the employing office or representative. Any such withdrawal must be approved by the Hearing Officer.

(f) *Withdrawal of Complaint by the General Counsel.* At any time prior to the opening of the hearing the General Counsel may withdraw his complaint by filing a notice with the Executive Director and the Hearing Officer and by serving a copy on the respondent. After opening of the hearing, any such withdrawal must be approved by the Hearing Officer.

§ 7.04(b)

Scheduling of the Prehearing Conference. Within 7 days after assignment, the Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference.

§ 7.07(e)

(e) Any objection not made before a Hearing Officer shall be deemed waived in the absence of clear error.

§ 7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a labor organization, or an employing office has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party will have a reasonable time to retain other representation.

§ 8.01(i)

The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the CAA.

§ 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board, who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not operate to stay the action of the Board unless so ordered by the Board.

§ 8.04 Judicial review.

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II, or

(2) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

§ 9.02 Signing of Pleadings, Motions and Other Filings; Violation of Rules; Sanctions.

Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative. A party who is not represented shall sign the pleading, motion or other filing. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing; that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other filing, including a reasonable attorney's fee. A Hearing Officer or the Board, as appropriate, upon motion or its own initiative may also impose an appropriate sanction, which may include the sanctions specified in section

7.02, for any other violation of these rules that does not result from reasonable error.

§ 9.04 Ex parte communications.

(a) *Definitions.*

(1) The term *person outside the Office* means any individual not an employee or agent of the office, any labor organization and agent thereof, and any employing office and agent thereof, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the CAA. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these rules.

(2) The term *ex parte communication* means an oral or written communication (a) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking; (b) that is related to a proceeding or a rulemaking; (c) that is not made on the public record; (d) that is not made in the presence of all parties to a proceeding or a rulemaking; and (5) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of section 9.04, the term *proceeding* means the complaint and hearing proceeding under section 405 of the CAA, an appeal to the Board under section 406 of the CAA, a pre-election investigatory hearing under section 220 of the CAA, and any other proceeding of the Office established pursuant to regulations issued by the Board under the CAA.

(4) The term *period of rulemaking* means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.* The rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking.

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(i) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 9.01 of these Rules; or

(ii) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(3) Notwithstanding the prohibitions set forth in (1) and (2), the following ex parte communications are not prohibited:

(i) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(ii) those which all parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(iii) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(iv) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the CAA; and

(v) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(4) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall

(a) notify the parties to the proceeding that such a communication has been received; and

(b) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subsections (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) Where a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than seven days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, where applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of a some other appropriate sanction, including but not limited to the award of attorneys' fees and costs incurred in responding to a prohibited ex parte communication.

(2) Upon notice and hearing, the Board may censure or suspend or revoke the privilege of practice before the Office of any person who knowingly and willfully makes, solicits, or causes the making of any prohibited ex parte communication. Before formal proceedings under this subsection are instituted, the Board shall first provide notice in writing that it proposes to take such action and that the person or persons may show cause within a period to be stated why the Board should not take such action. Any hearings under this section shall be conducted by a Hearing Officer subject to Board review under section 8.01 of these Rules.

(3) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board utilizes to address and resolve ethical issues.

§ 9.05(a)

(a) *Informal Resolution.* At any time before a covered employee who has filed a formal request for counseling files a complaint under section 405, a covered employee and the employing office, on their own, may agree voluntarily and informally to resolve a dispute, so long as the resolution does not require a waiver of a covered employee's rights or the commitment by the employing office to an enforceable obligation.

Signed at Washington, D.C., on this 10th day of July, 1996.

R. GAULL SILBERMAN,
Executive Director,
Office of Compliance.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SMITH). Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1894, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I call the Senate to order, under the previous order, pursuant to the provisions of rule 19, paragraph 1(b), and ask that the proceedings be in accordance thereof for the purposes of consideration of the appropriations bill.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator yield for a parliamentary inquiry?

Mr. STEVENS. Yes.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Will the Chair explain the rule? I could not hear. The Senator's microphone was not on.

The PRESIDING OFFICER. The rule requires that the debate be germane to the pending question for next 3 hours.

Mr. REID. Pursuant to the Pastore rule?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am saddened that this bill has been delayed so far. There are inquiries now coming from Members who are in the area affected by Hurricane Bertha. So I am quite hopeful that the Senate will proceed to consider this bill expeditiously.

I think Senator INOUYE, who is the cochairman managing this bill, agrees with me that we could finish this bill today with the cooperation of the Senate. It is going to be my intention to urge the Senate to do that.

AMENDMENT NO. 4439

(Purpose: A technical amendment to realign funds from Army and Defense Wide Operations and Maintenance accounts to the Overseas Contingency Operations Transfer Fund)

Mr. STEVENS. I, at this time, Mr. President, send to the desk a technical amendment to realign funds from the Army and Defense operation maintenance account, and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 4439.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''1,140,157,000''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside so that we can proceed with our opening statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, with the passage of Senate bill 1745 yesterday, the National Defense Authorization Act for 1997, we are now turning to the consideration of the defense appropriations bill for next year.

As I said, I believe the Senate can quickly dispose of this bill, which is Senate bill 1894. We have, in nearly every case, followed the initiatives that have been adopted by the Senate in the authorization bill.

I know there are some individual objections to portions of the bill, but as in the case last year when Senator INOUYE and I presented an original bill to the Senate due to the need to complete preparations on this bill prior to the July 4th recess, we could not be sure that the House version of the bill would pass in time for the Defense Subcommittee to take up that bill. This Senate bill passed the subcommittee and full Appropriations Committee with only one minor adjustment, and reflects bipartisan work effort and total support by our Appropriations Committee.

Before turning to some of the details of the bill, I want to once again this year express my appreciation to my good friend from Hawaii, Senator INOUYE. We have been partners in bringing this bill to the floor of the Senate for many years. And, as I said, this bill again reflects our joint judgment.

In total, the bill accommodates the 602(b) allocations provided pursuant to the joint budget resolution. The amount is $244.74 billion in new budget authority and $242.98 billion in outlays. Our bill before the Senate, Mr. President, exactly meets those limits. The bill provides for about $1 billion more than the level of appropriations for 1996. But I call to the attention of the Senate that this bill includes all estimated funding for contingency operations such as Bosnia.

Again, that is another footnote to this bill. We have men and women in the field. We cannot afford to not get this bill passed by the deadline of September 30. In order to get this bill through conference and back to the Senate in time that it can be presented to the President and hopefully have him sign it, and then have time to act before September 30 in the event that he does not decide to sign it, we have to get this bill done. We have to get it to conference before the August recess.

We have worked to accommodate many of the priorities presented in the Armed Services bill. As I said, there are a few differences, however, that I should note.

The bill provides $475 million for shortfalls in defense health programs. Our subcommittee conducted a hearing in May on this subject. The additions we have made fully cover the failure of the administration to fully budget for health care for our military personnel, their families and retirees.

Second, we provide an additional $180 million for the Bosnia operation through December 20 of this year. As I said, that is the estimate that reflects the DOD's current best estimate for the charges which will be incurred through the Presidential deadline for withdrawal of those troops.

Third, we provide $150 million for the Army's peer review breast cancer research program and $100 million for a new peer review prostate cancer research program. In both instances, we have substantial involvement of military personnel in those two dread diseases, and we propose to commit some of the Defense Department's money to proceed with research to try to deal with those scourges.

We have proposed to continue the Department's support for the defense missions of the Coast Guard and propose to transfer $300 million of the funds involved, or at least the services that would be funded by that money, to the Coast Guard. This is the same level as is the case under this current year, 1996. The transfer was $300 million.

We have included an additional $119 million in the counterdrug program. This was specifically requested by Gen. Barry McCaffrey, the new administration coordinator of the counterdrug program.

We have considered closely as well the statement of administration policy concerning the House bill. The House bill was reviewed by the administration. They have given us their comments, and this bill reflects a genuine effort on the part of our committee to address the concerns raised by the President's senior advisers concerning provisions of the House bill. We worked in preparing this bill to assess the real funding problems of the military and have sought to allocate the increase afforded by the congressional budget resolution to the most urgent personnel and operational requirements.

We next worked to fund the priorities identified by each of the service chiefs. We took their counsel seriously, and this bill reflects their input. The statement of administration policy on this bill which we received last night is really from the OMB, and it notes that some of the items in the bill are not included in the President's defense plan, and that is correct. Congress rejected for 1996 and again in 1997 the reductions to defense spending proposed by the administration. The resolution adopted by Congress earlier this year provides $30 billion more than President Clinton's budget for the fiscal years 1997, 1998, 1999, and 2000.

In testimony before our subcommittee, each of the service chiefs highlighted the shortfalls in their budget and provided the committee with their priorities at our request. While not every item in this bill is included in the Clinton 5-year plan, virtually every major increase specifically funds priorities identified by one of the service chiefs. Again, I want to point out that was our request. It was not a volunteered statement by the service chiefs, but we asked them to identify their priorities, and we have funded, to the best of our ability, the priorities identified by each of the service chiefs.

There are two specific increases not in the President's 5-year plan that I want to highlight. First, we provided an additional $759 million to continue the modernization of the National Guard and Reserve. This annual bipartisan effort to meet the needs of the Reserve components should be in this budget. It is right to do so. We need these funds to assure that we have an active Guard and Reserve component. We rely very heavily, more than at any

time in the past, on our Guard and Reserves.

Second, I joined Senator DOLE, Senator THURMOND, Senator LOTT, and many others in recommending a significant increase in spending for national missile defense. Now, the proposed increase in this bill reflects a balanced effort to accelerate these systems to counter the theater and national threats, threats that our military and our Nation face today. For my State of Alaska, and I believe Hawaii also, deploying a capable defense missile system is a pressing and immediate priority. A recent national intelligence estimate exempted Alaska and Hawaii from its consideration of a national missile defense requirement and specifically stated that their estimate concerning the threat to the United States could not be applied to Alaska and Hawaii. We are within the threat from existing systems now.

Senator INOUYE and I have looked for opportunities to save the taxpayers money in this bill, and let me point out that we have included new multiyear procurement authority for several systems, including the DTG–51 destroyer program. The Navy estimates that we will save nearly $1 billion over the next 4 years on that destroyer alone. We fully funded the C–17 multiyear contract which was authorized earlier this year.

Those and many more details of the bill are explained in our report which has been available to every Member of the Senate since June 21. These were our objectives, and I hope the bill will enjoy support of a large bipartisan majority.

Again, I urge the Senate to proceed expeditiously on this bill. Let us finish it today. We have a series of amendments we are prepared to accept, and I think we can move along very quickly if we have the cooperation of the Senate to do so.

Let me turn now, Mr. President, to my good friend. I might state for the information of the Senate that Senator GRAHAM of Florida wished to make a statement to introduce a bill. We wanted to lay down our bill as indicated under the agreement, but it is my intention to yield such time, following the comments of the Senator from Hawaii, to Senator GRAHAM so he might make a statement, introduce a bill, on the condition we recover the floor as soon he has completed his statement.

Let me, if I may, yield the floor to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I thank the Chair.

I begin by commending our subcommittee chairman, the senior Senator from the State of Alaska [Mr. STEVENS], for putting together what I consider to be a very good bill, a bill that all of us should and could support.

As the chairman indicated, last month the Senate adopted the conference report on the budget resolution, and that measure directed the Appropriations Committee to increase defense budget authority by $11.2 billion. The subcommittee's share of that increase is $10.1 billion. Chairman STEVENS, acting in conjunction with the subcommittee, was tasked to determine how this increase should be allocated. I believe, as my colleagues review the bill, they will see that the subcommittee, under the leadership of Senator STEVENS, used this increase very judiciously.

The bill provides many improvements to the administration's budget requests. For example, the bill increases funding for operation and maintenance by $500 million to protect readiness. We speak of readiness, Mr. President. This is necessary if we are to implement readiness. It includes such items as $280 million for barracks renovation and repair; $150 million for ship depot maintenance and to fund 95 percent of the Navy's identified requirements; $148 million for identified contingency costs, as the chairman clearly pointed out, in the case of Bosnia; and $119 million for the President's counterdrug initiative; $50 million to clean up the environment, protect endangered species.

We also add $590 million, Mr. President, to fully fund health care costs identified by the Surgeon General and DOD Health Affairs Secretary. This will allow our men and women in uniform access to health care that they deserve.

Third, as the chairman pointed out, we recommend $150 million for breast cancer research, $100 million for prostate cancer research, and $15 million for AIDS research. I think all of us can be very proud of what the Army Institute of Research has done in the area of AIDS.

The bill also provides $300 million for the defense missions of the Coast Guard.

Fifth, the chairman has added $40 million to examine alternative technologies to dispose of chemical weapons. Mr. President, this bill has fully provided for the pay and allowances of our military personnel, including a 3-percent pay raise and a 4-percent increase in quarters allowances.

One can gain an appreciation from these few examples that the committee has responded to the needs of our men and women in uniform. The bill also provides $44.1 billion for procurement of equipment, which is an increase of $6 billion above the request of the President. This increase will provide for many of the high-priority needs identified by our commanders in the field. But the total is still $1.7 billion below the level recommended by the Senate Armed Services Committee.

As the committee reported the bill, this bill adds $525 million to initiate a 4-year multiyear contract for the Navy's Aegis destroyer program. According to the Navy, this recommendation will save our taxpayers $1 billion.

This bill also adds $163 million to improve the Navy's EA–6B electronic jamming aircraft, and this will allow the Air Force to retire the EF–111, saving hundreds of millions of dollars.

Funding of $759 million is included for equipment for our National Guard and Reserve forces to the level authorized by the Armed Services Committee. Our Guard and Reserve commanders will decide what specific equipment to purchase.

The funding added by the committee for modernization responds to the concerns expressed by many of our military leaders that action is needed to ensure our forces are equipped with the world's best equipment. This bill also provides the level approved by the Senate for ballistic missile defense, $3.4 billion. While some of my colleagues may oppose this, I note that the Senate voted for this level last month.

The administration identified several issues in the House bill that it opposes. The committee has responded to nearly all of its concerns, rejecting restrictive legislative provisions and funding administrative priorities.

Chairman STEVENS has done a masterful job in keeping this bill clean. It safeguards our national defense and the priorities of the Senate, and rejects controversial riders. As I indicated in my opening, this is a very good bill and I am strongly in favor of his recommendations. I sincerely believe it should have the bipartisan support of the Senate.

In closing, may I note the following. I am certain there are many in this Chamber who will criticize the fact that we have appropriated funds over and above the amount requested by the administration. For that matter, I should note if it were not for this subcommittee, the C–17 program would be dead. Today it is hailed by all as being the big working ship, the ship that is necessary, the plane that will carry the cargo for us. If it were not for Chairman STEVENS and this subcommittee, the V–22 Osprey would be a dead bird. It is now considered the highest priority by the Marines.

The great hero of Desert Storm was the F–117, the Stealth fighter, the fighter that was able to knock out all the radar stations that made it possible for our bombers to come in. If it were not for this subcommittee, the F–117 would not have been operating in Desert Storm.

I would say we can take full credit for insisting upon modernizing the National Guard airlift with the C–130–H after the Air Force canceled that. Here is another historic footnote. If it were not for the action of this subcommittee, in all likelihood the central command would have been wiped out in 1990, just before Desert Storm. And we would have retired General Schwarzkopf just before Desert Storm.

I think we can take credit for saving the Uniformed Services University of the Health Sciences.

This subcommittee was instrumental in upgrading the Patriot missile program, a program that we were ready to wipe out. It was not perfect, but the

Patriot saved many American lives during Desert Storm.

So I just wanted to note a few of these items to indicate that, yes, we have taken the initiative to recommend items over and above that requested by the administration because, in our judgment, we felt these steps had to be taken. With that, once again I congratulate my chairman for having done a tremendous job.

The PRESIDING OFFICER. The Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the following persons assisting the defense subcommittee be afford the privilege of access to Senate floor during consideration of this bill, S. 1894: Susan Hogan, Darryl Roberson, Candice Rogers, Mike Gilmore. There will be another list I will submit. If I can get consent for all of those, too?

Mr. INOUYE. May I add Tina Holmlund to that, too.

Mr. STEVENS. There are others coming, from specific Members. I would like permission to add those.

Mr. REID. Reserving the right to object, I wish to add to the unanimous-consent request a congressional fellow in my office, Bob Perret, who will be here during consideration of the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. If I can inquire of the Senator from Florida how much time he would like to have to make the statement he wishes to make?

Mr. GRAHAM. Mr. President, I request 15 minutes as in morning business, for purposes of introduction of the bill.

Mr. STEVENS. I ask unanimous consent it be in order for the Senator from Florida to proceed as in morning business for 15 minutes, with the provision be allowed to recover the floor when he is completed.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

(The remarks of Mr. GRAHAM and Mr. REID pertaining to the introduction of S. 1943 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have been asked to perform a couple of tasks for the leader.

COAST GUARD AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1004, a bill to authorize appropriations for the U.S. Coast Guard, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1004) entitled ''An Act to authorize appropriations for the United States Coast Guard, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coast Guard Authorization Act For Fiscal Year 1996''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1996, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,618,316,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $428,200,000, to remain available until expended, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $582,022,000.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $16,200,000, to remain available until expended.

(6) For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions, other than parts and equipment associated with operations and maintenance, under chapter 19 of title 14, United States Code, at Coast Guard facilities, $25,000,000, to remain available until expended.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 38,400 as of September 30, 1996.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 1996, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1604 student years.

(2) For flight training, 85 student years.

(3) For professional training in military and civilian institutions, 330 student years.

(4) For officer acquisition, 874 student years.

SEC. 103. QUARTERLY REPORTS ON DRUG INTERDICTION.

Not later than 30 days after the end of each fiscal year quarter, the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on all expenditures related to drug interdiction activities of the Coast Guard during that quarter.

SEC. 104. ENSURING MARITIME SAFETY AFTER CLOSURE OF SMALL BOAT STATION OR REDUCTION TO SEASONAL STATUS.

(a) MARITIME SAFETY DETERMINATION.—None of the funds authorized to be appropriated under this Act may be used to close Coast Guard multimission small boat stations unless the Secretary of Transportation determines that maritime safety will not be diminished by the closures.

(b) TRANSITION PLAN REQUIRED.—None of the funds appropriated under the authority of this Act may be used to close or reduce to seasonal status a small boat station, unless the Secretary of Transportation, in cooperation with the community affected by the closure or reduction, has developed and implemented a transition plan to ensure that the maritime safety needs of the community will continue to be met.

TITLE II—PERSONNEL MANAGEMENT IMPROVEMENT

SEC. 201. HURRICANE ANDREW RELIEF.

Section 2856 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) applies to the military personnel of the Coast Guard who were assigned to, or employed at or in connection with, any Federal facility or installation in the vicinity of Homestead Air Force Base, Florida, including the areas of Broward, Collier, Dade, and Monroe Counties, on or before August 24, 1992, except that—

(1) funds available to the Coast Guard, not to exceed a total of $25,000, shall be used; and

(2) the Secretary of Transportation shall administer that section with respect to Coast Guard personnel.

SEC. 202. EXCLUDE CERTAIN RESERVES FROM END-OF-YEAR STRENGTH.

Section 712 of title 14, United States Code, is amended by adding at the end the following:

''(d) Reserve members ordered to active duty under this section shall not be counted in computing authorized strength of members on active duty or members in grade under this title or under any other law.''.

SEC. 203. PROVISION OF CHILD DEVELOPMENT SERVICES.

Section 93 of title 14, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (t)(2), by striking the period at the end of paragraph (u) and inserting ''; and'', and by adding at the end the following new paragraph:

''(v) make child development services available to members of the armed forces and Federal civilian employees under terms and conditions comparable to those under the Military Child Care Act of 1989 (10 U.S.C. 113 note).''.

SEC. 204. ACCESS TO NATIONAL DRIVER REGISTER INFORMATION ON CERTAIN COAST GUARD PERSONNEL.

(a) AMENDMENT TO TITLE 14.—Section 93 of title 14, United States Code, as amended by section 203, is further amended—

(1) by striking ''and'' after the semicolon at the end of paragraph (u);

(2) by striking the period at the end of paragraph (v) and inserting ''; and''; and

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

''(w) require that any officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment to any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) request that all information contained in the National Driver Register pertaining to the individual, as described in section 30304(a) of title 49, be made available to the Commandant under section 30305(a) of title 49, may receive that information, and upon receipt, shall make the information available to the individual.''.

(b) AMENDMENT TO TITLE 49.—Section 30305(b) of title 49, United States Code, is amended by redesignating paragraph (7) as paragraph (8) and inserting after paragraph (6) the following new paragraph:

''(7) An individual who is an officer, chief warrant officer, or enlisted member of the Coast Guard or Coast Guard Reserve (including a cadet or an applicant for appointment or enlistment of any of the foregoing and any member of a uniformed service who is assigned to the Coast Guard) may request the chief driver licensing official of a State to provide information about the individual under subsection (a) of this section to the Commandant of the Coast Guard. The Commandant may receive the information and shall make the information available to the individual. Information may not be obtained from the Register under this paragraph if the information was entered in the Register more than 3 years before the request, unless the information is about a revocation or suspension still in effect on the date of the request.''.

SEC. 205. OFFICER RETENTION UNTIL RETIREMENT ELIGIBLE.

Section 283(b) of title 14, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by striking the last sentence; and

(3) by adding at the end the following:

''(2) Upon the completion of a term under paragraph (1), an officer shall, unless selected for further continuation—

''(A) except as provided in subparagraph (B), be honorably discharged with severance pay computed under section 286 of this title;

''(B) in the case of an officer who has completed at least 18 years of active service on the date of discharge under subparagraph (A), be retained on active duty and retired on the last day of the month in which the officer completes 20 years of active service, unless earlier removed under another provision of law; or

''(C) if, on the date specified for the officer's discharge in this section, the officer has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date.''.

TITLE III—NAVIGATION SAFETY AND WATERWAY SERVICES MANAGEMENT

SEC. 301. FOREIGN PASSENGER VESSEL USER FEES.

Section 3303 of title 46, United States Code, is amended—

(1) in subsection (a) by striking ''(a) Except as'' and inserting ''Except as''; and

(2) by striking subsection (b).

SEC. 302. FLORIDA AVENUE BRIDGE.

For purposes of the alteration of the Florida Avenue Bridge (located approximately 1.63 miles east of the Mississippi River on the Gulf Intracoastal Waterway in Orleans Parish, Louisiana) ordered by the Secretary of Transportation under the Act of June 21, 1940 (33 U.S.C. 511 et seq.; popularly known as the Truman-Hobbs Act), the Secretary of Transportation shall treat the drainage siphon that is adjacent to the bridge as an appurtenance of the bridge, including with respect to apportionment and payment of costs for the removal of the drainage siphon in accordance with that Act.

SEC. 303. RENEWAL OF HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE AND LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

The Coast Guard Authorization Act of 1991 (Public Law 102–241, 105 Stat. 2208–2235) is amended—

(1) in section 18 by adding at the end the following:

''(h) The Committee shall terminate on October 1, 2000.''; and

(2) in section 19 by adding at the end the following:

''(g) The Committee shall terminate on October 1, 2000.''.

SEC. 304. RENEWAL OF THE NAVIGATION SAFETY ADVISORY COUNCIL.

(a) RENEWAL.—Section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''September 30, 1995'' and inserting ''September 30, 2000''.

(b) CLERICAL AMENDMENT.—The section heading for section 5(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended by striking ''Rules of the Road Advisory Council'' and inserting ''Navigation Safety Advisory Council''.

SEC. 305. RENEWAL OF COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

Subsection (e)(1) of section 4508 of title 46, United States Code, is amended by striking ''September 30, 1994'' and inserting ''October 1, 2000''.

SEC. 306. NONDISCLOSURE OF PORT SECURITY PLANS.

Section 7 of the Ports and Waterways Safety Act (33 U.S.C. 1226), is amended by adding at the end the following new subsection (c):

''(c) NONDISCLOSURE OF PORT SECURITY PLANS.—Notwithstanding any other provision of law, information related to security plans, procedures, or programs for passenger vessels or passenger terminals authorized under this Act is not required to be disclosed to the public.''.

SEC. 307. MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY.

(a) PENALTY IMPOSED.—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

''§2115. Civil penalty to enforce alcohol and dangerous drug testing

''Any person who fails to comply with or otherwise violates the requirements prescribed by the Secretary under this subtitle for chemical testing for dangerous drugs or for evidence of alcohol use is liable to the United States Government for a civil penalty of not more than $1,000 for each violation. Each day of a continuing violation shall constitute a separate violation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of title 46, United States Code, is amended by inserting after the item relating to section 2114 the following new item:

''2115. Civil penalty to enforce alcohol and dangerous drug testing.''.

SEC. 308. WITHHOLDING VESSEL CLEARANCE FOR VIOLATION OF CERTAIN ACTS.

(a) TITLE 49, UNITED STATES CODE.—Section 5122 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a civil penalty under section 5123 of this title or for a fine under section 5124 of this title, or if reasonable cause exists to believe that such owner, operator, or person in charge may be subject to such a civil penalty or fine, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon the filing of a bond or other surety satisfactory to the Secretary.''.

(b) PORT AND WATERWAYS SAFETY ACT.—Section 13(f) of the Ports and Waterways Safety Act (33 U.S.C. 1232(f)) is amended to read as follows:

''(f) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(c) INLAND NAVIGATION RULES ACT OF 1980.—Section 4(d) of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2072(d)) is amended to read as follows:

''(d) WITHHOLDING OF CLEARANCE.—(1) If any owner, operator, or person in charge of a vessel is liable for a penalty under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a penalty under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

(d) TITLE 46, UNITED STATES CODE.—Section 3718(e) of title 46, United States Code, is amended to read as follows:

''(e)(1) If any owner, operator, or person in charge of a vessel is liable for any penalty or fine under this section, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to any penalty or fine under this section, the Secretary of the Treasury, upon the request of the Secretary, shall with respect to such vessel refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

''(2) Clearance or a permit refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.''.

SEC. 309. INCREASED CIVIL PENALTIES.

(a) PENALTY FOR FAILURE TO REPORT A CASUALTY.—Section 6103(a) of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

(b) OPERATION OF UNINSPECTED VESSEL IN VIOLATION OF MANNING REQUIREMENTS.—Section 8906 of title 46, United States Code, is amended by striking ''$1,000'' and inserting ''not more than $25,000''.

SEC. 310. AMENDMENT TO REQUIRE EMERGENCY POSITION INDICATING RADIO BEACONS ON THE GREAT LAKES.

Paragraph (7) of section 4502(a) of title 46, United States Code, is amended by inserting ''or beyond three nautical miles from the coastline of the Great Lakes'' after ''high seas''.

SEC. 311. EXTENSION OF TOWING SAFETY ADVISORY COMMITTEE.

Subsection (e) of the Act to establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a(e)), is amended by striking ''September 30, 1995'' and inserting ''October 1, 2000''.

TITLE IV—MISCELLANEOUS

SEC. 401. TRANSFER OF COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the Traverse City Area Public School District in Traverse City, Michigan, without consideration, all right, title, and interest of the United States in and to the property described in subsection (b), subject to all easements and other interests in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Traverse City, Grand Traverse County, Michigan, and consisting of that part of the southeast ¼ of Section 12, Township 27 North, Range 11 West, described as: Commencing at the southeast ¼ corner of said Section 12, thence north 03 degrees 05 minutes 25 seconds east along the East line of said Section, 1074.04 feet, thence north 86 degrees 36 minutes 50 seconds west 207.66 feet, thence north 03 degrees 06 minutes 00 seconds east 572.83 feet to the point of beginning, thence north 86 degrees 54 minutes 00 seconds west 1,751.04 feet, thence north 03 degrees 02 minutes 38 seconds east 330.09 feet, thence north 24 degrees 04 minutes 40 seconds east 439.86 feet, thence south 86 degrees 56 minutes 15 seconds east 116.62 feet, thence north 03 degrees 08 minutes 45 seconds east 200.00 feet, thence south 87 degrees 08 minutes 20 seconds east 68.52 feet, to the southerly right-of-way of the C & O Railroad, thence south 65 degrees 54 minutes 20 seconds east along said right-of-way 1508.75 feet, thence south 03 degrees 06 minutes 00 seconds west 400.61 to the point of beginning, consisting of 27.10 acres of land, and all improvements located on that property including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Traverse City School District.

SEC. 402. TRANSFER OF COAST GUARD PROPERTY IN KETCHIKAN, ALASKA.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation shall convey to the Ketchikan Indian Corporation in Ketchikan, Alaska, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''Former Marine Safety Detachment'' as identified in Report of Excess Number CG–689 (GSA Control Number 9–U–AK–0747) and described in subsection (b), for use by the Ketchikan Indian Corporation as a health or social services facility.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the city of Ketchikan, Township 75 south, range 90 east, Copper River Meridian, First Judicial District, State of Alaska, and commencing at corner numbered 10, United States

Survey numbered 1079, the true point of beginning for this description: Thence north 24 degrees 04 minutes east, along the 10–11 line of said survey a distance of 89.76 feet to corner numbered 1 of lot 5B; thence south 65 degrees 56 minutes east a distance of 345.18 feet to corner numbered 2 of lot 5B; thence south 24 degrees 04 minutes west a distance of 101.64 feet to corner numbered 3 of lot 5B; thence north 64 degrees 01 minute west a distance of 346.47 feet to corner numbered 10 of said survey, to the true point of beginning, consisting of 0.76 acres (more or less), and all improvements located on that property, including buildings, structures, and equipment.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property described in subsection (b) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the Ketchikan Indian Corporation as a health or social services facility.

SEC. 403. ELECTRONIC FILING OF COMMERCIAL INSTRUMENTS.

Section 31321(a) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) A bill of sale, conveyance, mortgage, assignment, or related instrument may be filed electronically under regulations prescribed by the Secretary.

''(B) A filing made electronically under subparagraph (A) shall not be effective after the 10-day period beginning on the date of the filing unless the original instrument is provided to the Secretary within that 10-day period.''.

SEC. 404. BOARD FOR CORRECTION OF MILITARY RECORDS DEADLINE.

(a) REMEDIES DEEMED EXHAUSTED.—Ten months after a complete application for correction of military records is received by the Board for Correction of Military Records of the Coast Guard, administrative remedies are deemed to have been exhausted, and—

(1) if the Board has rendered a recommended decision, its recommendation shall be final agency action and not subject to further review or approval within the Department of Transportation; or

(2) if the Board has not rendered a recommended decision, agency action is deemed to have been unreasonably delayed or withheld and the applicant is entitled to—

(A) an order under section 706(1) of title 5, United States Code, directing final action be taken within 30 days from the date the order is entered; and

(B) from amounts appropriated to the Department of Transportation, the costs of obtaining the order, including a reasonable attorney's fee.

(b) EXISTING DEADLINE MANDATORY.—The 10-month deadline established in section 212 of the Coast Guard Authorization Act of 1989 (Public Law 101–225, 103 Stat. 1914) is mandatory.

(c) APPLICATION.—This section applies to all applications filed with or pending before the Board or the Secretary of Transportation on or after June 12, 1990. For applications that were pending on June 12, 1990, the 10-month deadline referred to in subsection (b) shall be calculated from June 12, 1990.

SEC. 405. JUDICIAL SALE OF CERTAIN DOCUMENTED VESSELS TO ALIENS.

Section 31329 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This section does not apply to a documented vessel that has been operated only—

''(1) as a fishing vessel, fish processing vessel, or fish tender vessel; or

''(2) for pleasure.''.

SEC. 406. IMPROVED AUTHORITY TO SELL RECYCLABLE MATERIAL.

Section 641(c)(2) of title 14, United States Code, is amended by inserting before the period the following: '', except that the Commandant may conduct sales of materials for which the proceeds of sale will not exceed $5,000 under regulations prescribed by the Commandant''.

SEC. 407. RECRUITMENT OF WOMEN AND MINORITIES.

Not later than January 31, 1996, the Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on the status of and the problems in recruitment of women and minorities into the Coast Guard. The report shall contain specific plans to increase the recruitment of women and minorities and legislative recommendations needed to increase the recruitment of women and minorities.

SEC. 408. LIMITATION OF CERTAIN STATE AUTHORITY OVER VESSELS.

(a) SHORT TITLE.—This section may be cited as the ''California Cruise Industry Revitalization Act''.

(b) LIMITATION.—Section 5(b)(2) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(2)), commonly referred to as the ''Johnson Act'', is amended by adding at the end the following:

''(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if it includes or consists of a segment—

''(i) that begins and ends in the same State;

''(ii) that is part of a voyage to another State or to a foreign country; and

''(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which it begins.''.

SEC. 409. VESSEL FINANCING.

(a) DOCUMENTATION CITIZEN ELIGIBLE MORTGAGEE.—Section 31322(a)(1)(D) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31322(a)(1)(D)(v) and inserting ''or'' at the end of 31322(a)(1)(D)(vi); and

(2) by adding at the end a new subparagraph as follows:

''(vii) a person eligible to own a documented vessel under chapter 121 of this title.''.

(b) AMENDMENT TO TRUSTEE RESTRICTIONS.—Section 31328(a) of title 46, United States Code, is amended—

(1) by striking ''or'' at the end of 31328(a)(3) and inserting ''or'' at the end of 31328(a)(4); and

(2) by adding at the end a new subparagraph as follows:

''(5) is a person eligible to own a documented vessel under chapter 121 of this title.''.

(c) LEASE FINANCING.—Section 12106 of title 46, United States Code, is amended by adding at the end the following new subsections:

''(e)(1) A certificate of documentation for a vessel may be endorsed with a coastwise endorsement if—

''(A) the vessel is eligible for documentation under section 12102;

''(B) the person that owns the vessel, a parent entity of that person, or a subsidiary of a parent entity of that person, is engaged in lease financing;

''(C) the vessel is under a demise charter to a person qualifying as a citizen of the United States for engaging in the coastwise trade under section 2 of the Shipping Act, 1916;

''(D) the demise charter is for—

''(i) a period of at least 3 years; or

''(ii) a shorter period as may be prescribed by the Secretary; and

''(E) the vessel is otherwise qualified under this section to be employed in the coastwise trade.

''(2) Upon default by a bareboat charterer of a demise charter required under paragraph (1)(D), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on terms and conditions as the Secretary may prescribe.

''(3) For purposes of section 2 of the Shipping Act, 1916, and section 12102(a) of this title, a vessel meeting the criteria of subsection is deemed to be owned exclusively by citizens of the United States.''.

(d) CONFORMING AMENDMENT.—Section 9(c) of the Shipping Act, 1916, as amended (46 App. U.S.C. 808(c)) is amended by inserting ''12106(e),'' after the word ''sections'' and before 31322(a)(1)(D).

SEC. 410. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the official responsible for providing the assistance, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 411. SPECIAL SELECTION BOARDS.

(a) REQUIREMENT.—Chapter 21 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 747. Special selection boards

''(a) The Secretary shall provide for special selection boards to consider the case of any officer who is eligible for promotion who—

''(1) was not considered for selection for promotion by a selection board because of administrative error; or

''(2) was considered for selection for promotion by a selection board but not selected because—

''(A) the action of the board that considered the officer was contrary to law or involved a material error of fact or material administrative error; or

''(B) the board that considered the officer did not have before it for its consideration material information.

''(b) Not later than 6 months after the date of the enactment of the Coast Guard Authorization Act For Fiscal Year 1996, the Secretary shall issue regulations to implement this section. The regulations shall conform, as appropriate, to the regulations and procedures issued by the Secretary of Defense for special selection boards under section 628 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 21 of title 14, United States Code, is amended by adding after the item for section 746 the following:

''747. Special selection boards.''.

SEC. 412. AVAILABILITY OF EXTRAJUDICIAL REMEDIES FOR DEFAULT ON PREFERRED MORTGAGE LIENS ON VESSELS.

(a) AVAILABILITY OF EXTRAJUDICIAL REMEDIES.—Section 31325(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking ''mortgage may'' and inserting ''mortgagee may'';

(2) in paragraph (1) by—

(A) striking ''perferred'' and inserting ''preferred''; and

(B) striking ''; and'' and inserting a semicolon; and

(3) by adding at the end the following:

''(3) enforce the preferred mortgage lien or a claim for the outstanding indebtedness secured by the mortgaged vessel, or both, by exercising any other remedy (including an extrajudicial remedy) against a documented vessel, a vessel for which an application for documentation is filed under chapter 121 of this title, a foreign vessel, or a mortgagor, maker, comaker, or guarantor for the amount of the outstanding indebtedness or any deficiency in full payment of that indebtedness, if—

''(A) the remedy is allowed under applicable law; and

''(B) the exercise of the remedy will not result in a violation of section 9 or 37 of the Shipping Act, 1916 (46 App. U.S.C. 808, 835).''.

(b) NOTICE.—Section 31325 of title 46, United States Code, is further amended by adding at the end the following:

''(f)(1) Before title to the documented vessel or vessel for which an application for documentation is filed under chapter 121 is transferred by an extrajudicial remedy, the person exercising the remedy shall give notice of the proposed transfer to the Secretary, to the mortgagee of any mortgage on the vessel filed in substantial compliance with section 31321 of this title before notice of the proposed transfer is given to the Secretary, and to any person that recorded a notice of a claim of an undischarged lien on the vessel under section 31343(a) or (d) of this title before notice of the proposed transfer is given to the Secretary.

''(2) Failure to give notice as required by this subsection shall not affect the transfer of title to a vessel. However, the rights of any holder of a maritime lien or a preferred mortgage on the vessel shall not be affected by a transfer of title by an extrajudicial remedy exercised under this section, regardless of whether notice is required by this subsection or given.

''(3) The Secretary shall prescribe regulations establishing the time and manner for providing notice under this subsection.''.

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) may not be construed to imply that remedies other than judicial remedies were not available before the date of enactment of this section to enforce claims for outstanding indebtedness secured by mortgaged vessels.

SEC. 413. IMPLEMENTATION OF WATER POLLUTION LAWS WITH RESPECT TO VEGETABLE OIL.

(a) DIFFERENTIATION AMONG FATS, OILS, AND GREASES.—

(1) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law related to water pollution control, the head of a Federal agency shall—

(A) differentiate between and establish separate classes for—

(i)(I) animal fats; and

(II) vegetable oils; and

(ii) other oils, including petroleum oil; and

(B) apply different standards to different classes of fat and oil as provided in paragraph (2).

(2) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in paragraph (1)(A)(i) and the classes of oils described in paragraph (1)(A)(ii), the head of a Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the environmental effects, of the classes.

(b) FINANCIAL RESPONSIBILITY.—

(1) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel carrying oil in bulk as cargo or cargo residue (except a tank vessel on which the only oil carried is an animal fat or vegetable oil, as those terms are defined in section 413(c) of the Coast Guard Authorization Act for Fiscal Year 1996),''.

(2) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking '', in the case of a tank vessel, the responsible party could be subject under section 1004(a)(1) or (d) of this Act, or to which, in the case of any other vessel, the responsible party could be subjected under section 1004(a)(2) or (d)'' and inserting ''the responsible party could be subjected under section 1004(a) or (d) of this Act''.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease, including fat, oil, or grease from fish or a marine mammal and any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil, including vegetable oil from a seed, nut, or kernel and any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 414. CERTAIN INFORMATION FROM MARINE CASUALTY INVESTIGATIONS BARRED IN LEGAL PROCEEDINGS.

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting after section 6307 the following new section:

''§ 6308. Information barred in legal proceedings

''(a) Notwithstanding any other provision of law, any opinion, recommendation, deliberation, or conclusion contained in a report of a marine casualty investigation conducted under section 6301 of this title with respect to the cause of, or factors contributing to, the casualty set forth in the report of the investigation is not admissible as evidence or subject to discovery in any civil, administrative, or State criminal proceeding arising from a marine casualty, other than with the permission and consent of the Secretary of Transportation, in his or her sole discretion. Any employee of the United States or military member of the Coast Guard investigating a marine casualty or assisting in any such investigation conducted pursuant to section 6301 of this title, shall not be subject to deposition or other discovery, or otherwise testify or give information in such proceedings relevant to a marine casualty investigation, without the permission and consent of the Secretary of Transportation in his or her sole discretion. In exercising this discretion in cases where the United States is a party, the Secretary shall not withhold permission for an employee to testify solely on factual matters where the information is not available elsewhere or is not obtainable by other means. Nothing in this section prohibits the United States from calling an employee as an expert witness to testify on its behalf.

''(b) The information referred to in subsection (a) of this section shall not be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 46, United States Code, is amended by adding after the item related to section 6307 the following:

''6308. Information barred in legal proceedings.''.

SEC. 415. REPORT ON LORAN–C REQUIREMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, prepared in consultation with users of the LORAN–C radionavigation system, defining the future use of and funding for operations, maintenance, and upgrades of the LORAN–C radionavigation system. The report shall address the following:

(1) An appropriate timetable for transition from ground-based radionavigation technology after it is determined that satellite-based technology is available as a sole means of safe and efficient navigation.

(2) The need to ensure that LORAN–C technology purchased by the public before the year 2000 has a useful economic life.

(3) The benefits of fully utilizing the compatibilities of LORAN–C technology and satellite-based technology by all modes of transportation.

(4) The need for all agencies in the Department of Transportation and other relevant Federal agencies to share the Federal Government's costs related to LORAN–C technology.

SEC. 416. LIMITED DOUBLE HULL EXEMPTIONS.

Section 3703a(b) of title 46, United States Code, is amended by—

(1) striking ''or'' at the end of paragraph (2);

(2) striking the period at the end of paragraph (3) and inserting a semicolon; and

(3) adding at the end the following new paragraphs:

''(4) a vessel equipped with a double hull before August 12, 1992;

''(5) a barge of less than 2,000 gross tons that is primarily used to carry deck cargo and bulk fuel to Native villages (as that term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1601)) located on or adjacent to bays or rivers above 58 degrees north latitude; or

''(6) a vessel in the National Defense Reserve Fleet pursuant to section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744).''.

SEC. 417. OIL SPILL RESPONSE VESSELS.

(a) DEFINITION.—Section 2101 of title 46, United States Code, is amended—

(1) by redesignating paragraph (20a) as paragraph (20b); and

(2) by inserting after paragraph (20) the following new paragraph:

''(20a) 'oil spill response vessel' means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.''.

(b) EXEMPTION FROM LIQUID BULK CARRIAGE REQUIREMENTS.—Section 3702 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) This chapter does not apply to an oil spill response vessel if—

''(1) the vessel is used only in response-related activities; or

''(2) the vessel is—

''(A) not more than 500 gross tons;

''(B) designated in its certificate of inspection as an oil spill response vessel; and

''(C) engaged in response-related activities.''.

(c) MANNING.—Section 8104(p) of title 46, United States Code, is amended to read as follows:

''(p) The Secretary may prescribe the watchstanding requirements for an oil spill response vessel.''.

(d) MINIMUM NUMBER OF LICENSED INDIVIDUALS.—Section 8301(e) of title 46, United States Code, is amended to read as follows:

''(e) The Secretary may prescribe the minimum number of licensed individuals for an oil spill response vessel.''.

(e) MERCHANT MARINER DOCUMENT REQUIREMENTS.—Section 8701(a) of title 46, United States Code, is amended by striking ''and'' after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.''.

(f) EXEMPTION FROM TOWING VESSEL REQUIREMENT.—Section 8905 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(c) Section 8904 of this title does not apply to an oil spill response vessel while engaged in oil spill response or training activities.''.

(g) INSPECTION REQUIREMENT.—Section 3301 of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(14) oil spill response vessels.''.

SEC. 418. OFFSHORE FACILITY FINANCIAL RESPONSIBILITY REQUIREMENTS.

(a) DEFINITION OF RESPONSIBLE PARTY.—Section 1001(32)(C) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)(C)) is amended by striking ''applicable State law or'' and inserting ''applicable State law relating to exploring for, producing, or transporting oil on submerged lands on the Outer Continental Shelf in accordance with a license or permit issued for such purpose, or under''.

(b) AMOUNT OF FINANCIAL RESPONSIBILITY.—Section 1016(c)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(c)(1)) is amended to read as follows:

''(1) IN GENERAL.—

''(A) EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED.—Except as provided in paragraph (2), each responsible party with respect to an offshore facility described in section 1001(32)(C) located seaward of the line of ordinary low water along that portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters that is—

''(i) used for exploring for, producing, or transporting oil; and

''(ii) has the capacity to transport, store, transfer, or otherwise handle more than 1,000 barrels of oil at any one time,

shall establish and maintain evidence of financial responsibility in the amount required under subparagraph (B) or (C), applicable.

''(B) AMOUNT REQUIRED GENERALLY.—Except as provided in subparagraph (C), for purposes of subparagraph (A) the amount of financial responsibility required is $35,000,000.

''(C) GREATER AMOUNT.—If the President determines that an amount of financial responsibility greater than the amount required by subparagraph (B) is necessary for an offshore facility, based on an assessment of the risk posed by the facility that includes consideration of the relative operational, environmental, human health, and other risks posed by the quantity or quality of oil that is transported, stored, transferred, or otherwise handled by the facility, the amount of financial responsibility required shall not exceed $150,000,000 determined by the President on the basis of clear and convincing evidence that the risks posed justify the greater amount.

''(D) MULTIPLE FACILITIES.—In a case in which a person is responsible for more than one facility subject to this subsection, evidence of financial responsibility need be established only to meet the amount applicable to the facility having the greatest financial responsibility requirement under this subsection.

''(E) GUARANTEE METHOD.—Except with respect of financial responsibility established by the guarantee method, subsection (f) shall not apply with respect to this subsection.''.

SEC. 419. MANNING AND WATCH REQUIREMENTS ON TOWING VESSELS ON THE GREAT LAKES.

(a) Section 8104(c) of title 46, United States Code, is amended—

(1) by striking ''or permitted''; and

(2) by inserting after ''day'' the following: ''or permitted to work more than 15 hours in any 24-hour period, or more than 36 hours in any 72-hour period''.

(b) Section 8104(e) of title 46, United States Code, is amended by striking ''subsections (c) and (d)'' and inserting ''subsection (d)''.

(c) Section 8104(g) of title 46, United States Code, is amended by striking ''(except a vessel to which subsection (c) of this section applies)''.

SEC. 420. LIMITATION ON APPLICATION OF CERTAIN LAWS TO LAKE TEXOMA.

(a) LIMITATION.—The laws administered by the Coast Guard relating to documentation or inspection of vessels or licensing or documentation of vessel operators do not apply to any small passenger vessel operating on Lake Texoma.

(b) DEFINITIONS.—In this section:

(1) The term ''Lake Texoma'' means the impoundment by that name on the Red River, located on the border between Oklahoma and Texas.

(2) The term ''small passenger vessel'' has the meaning given that term in section 2101 of title 46, United States Code.

SEC. 421. LIMITATION ON CONSOLIDATION OR RELOCATION OF HOUSTON AND GALVESTON MARINE SAFETY OFFICES.

The Secretary of Transportation may not consolidate or relocate the Coast Guard Marine Safety Offices in Galveston, Texas, and Houston, Texas.

SEC. 422. SENSE OF THE CONGRESS REGARDING FUNDING FOR COAST GUARD.

It is the sense of the Congress that in appropriating amounts for the Coast Guard, the Congress should appropriate amounts adequate to enable the Coast Guard to carry out all extraordinary functions and duties the Coast Guard is required to undertake in addition to its normal functions established by law.

SEC. 423. CONVEYANCE OF LIGHT STATION, MONTAUK POINT, NEW YORK.

(a) CONVEYANCE REQUIREMENT.—

(1) REQUIREMENT.—The Secretary of Transportation shall convey to the Montauk Historical Association in Montauk, New York, by an appropriate means of conveyance, all right, title, and interest of the United States in and to property comprising Light Station Montauk Point, located at Montauk, New York.

(2) DETERMINATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this section.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—A conveyance of property pursuant to this section shall be made—

(A) without the payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and such other terms and conditions as the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—Any conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Montauk Light Station shall immediately revert to the United States if the Montauk Light Station ceases to be maintained as a nonprofit center for public benefit for the interpretation and preservation of the material culture of the United States Coast Guard, the maritime history of Montauk, New York, and Native American and colonial history.

(3) MAINTENANCE OF NAVIGATION AND FUNCTIONS.—Any conveyance of property pursuant to this section shall be subject to such conditions as the Secretary considers to be necessary to assure that—

(A) the light, antennas, sound signal, and associated lighthouse equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as they are needed for this purpose;

(B) the Montauk Historical Association may not interfere or allow interference in any manner with such aids to navigation without express written permission from the United States;

(C) there is reserved to the United States the right to replace, or add any aids to navigation, or make any changes to the Montauk Lighthouse as may be necessary for navigation purposes;

(D) the United States shall have the right, at any time, to enter the property conveyed without notice for the purpose of maintaining navigation aids;

(E) the United States shall have an easement of access to such property for the purpose of maintaining the navigational aids in use on the property; and

(F) the Montauk Light Station shall revert to the United States at the end of the 30-day period beginning on any date on which the Secretary of Transportation provides written notice to the Montauk Historical Association that the Montauk Light Station is needed for national security purposes.

(4) MAINTENANCE OF LIGHT STATION.—Any conveyance of property under this section shall be subject to the condition that the Montauk Historical Association shall maintain the Montauk Light Station in accordance with the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other applicable laws.

(5) LIMITATION ON OBLIGATIONS OF MONTAUK HISTORICAL ASSOCIATION.—The Montauk Historical Association shall not have any obligation to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(c) DEFINITIONS.—For purposes of this section—

(1) the term ''Montauk Light Station'' means the Coast Guard light station known as the Light Station Montauk Point, located at Montauk, New York, including the keeper's dwellings, adjacent Coast Guard rights-of-way, the World War II submarine spotting tower, the lighthouse tower, and the paint locker; and

(2) the term ''Montauk Lighthouse'' means the Coast Guard lighthouse located at the Montauk Light Station.

SEC. 424. CONVEYANCE OF CAPE ANN LIGHTHOUSE, THACHERS ISLAND, MASSACHUSETTS.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of Transportation shall convey to the town of Rockport, Massachusetts, by an appropriate means of conveyance, all right, title, and interest of the United States in and to the property comprising the Cape Ann Lighthouse, located on Thachers Island, Massachusetts.

(2) IDENTIFICATION OF PROPERTY.—The Secretary may identify, describe, and determine the property to be conveyed pursuant to this subsection.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The conveyance of property pursuant to this section shall be made—

(A) without payment of consideration; and

(B) subject to the conditions required by paragraphs (3) and (4) and other terms and conditions the Secretary may consider appropriate.

(2) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to paragraph (1), the conveyance of property pursuant to this section shall be subject to the condition that all right, title, and interest in the Cape Ann Lighthouse shall immediately revert to the United States if the Cape Ann Lighthouse, or any part of the property—

(A) ceases to be used as a nonprofit center for the interpretation and preservation of maritime history;

(B) ceases to be maintained in a manner that ensures its present or future use as a Coast Guard aid to navigation; or

(C) ceases to be maintained in a manner consistent with the provisions of the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(3) MAINTENANCE AND NAVIGATION FUNCTIONS.—The conveyance of property pursuant to this section shall be made subject to the conditions that the Secretary considers to be necessary to assure that—

(A) the lights, antennas, and associated equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States;

(B) the town of Rockport may not interfere or allow interference in any manner with aids to navigation without express written permission from the Secretary of Transportation;

(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the Cape Ann Lighthouse as may be necessary for navigational purposes;

(D) the United States shall have the right, at any time, to enter the property without notice for the purpose of maintaining aids to navigation; and

(E) the United States shall have an easement of access to the property for the purpose of maintaining the aids to navigation in use on the property.

(4) OBLIGATION LIMITATION.—The town of Rockport is not required to maintain any active aid to navigation equipment on property conveyed pursuant to this section.

(5) PROPERTY TO BE MAINTAINED IN ACCORDANCE WITH CERTAIN LAWS.—The town of Rockport shall maintain the Cape Ann Lighthouse in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(c) DEFINITIONS.—For purposes of this section, the term ''Cape Ann Lighthouse'' means the Coast Guard property located on Thachers Island, Massachusetts, except any historical artifact, including any lens or lantern, located on the property at or before the time of conveyance.

SEC. 425. AMENDMENTS TO JOHNSON ACT.

For purposes of section 5(b)(1)(A) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1)(A)), commonly known as the Johnson Act, a vessel on a voyage that begins in the territorial jurisdiction of the State of Indiana and that does not leave the territorial jurisdiction of the State of Indiana shall be considered to be a vessel that is not within the boundaries of any State or possession of the United States.

SEC. 426. TRANSFER OF COAST GUARD PROPERTY IN GOSNOLD, MASSACHUSETTS.

(a) CONVEYANCE REQUIREMENT.—The Secretary of Transportation may convey to the town of Gosnold, Massachusetts, without reimbursement and by no later than 120 days after the date of enactment of this Act, all right, title, and interest of the United States in and to the property known as the ''United States Coast Guard Cuttyhunk Boathouse and Wharf'', as described in subsection (c).

(b) CONDITIONS.—Any conveyance of property under subsection (a) shall be subject to the condition that the Coast Guard shall retain in perpetuity and at no cost—

(1) the right of access to, over, and through the boathouse, wharf, and land comprising the property at all times for the purpose of berthing vessels, including vessels belonging to members of the Coast Guard Auxiliary; and

(2) the right of ingress to and egress from the property for purposes of access to Coast Guard facilities and performance of Coast Guard functions.

(c) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property located in the town of Gosnold, Massachusetts (including all buildings, structures, equipment, and other improvements), as determined by the Secretary of Transportation.

SEC. 427. TRANSFER OF COAST GUARD PROPERTY IN NEW SHOREHAM, RHODE ISLAND.

(a) REQUIREMENT.—The Secretary of Transportation (or any other official having control over the property described in subsection (b)) shall expeditiously convey to the town of New Shoreham, Rhode Island, without consideration, all right, title, and interest of the United States in and to the property known as the United States Coast Guard Station Block Island, as described in subsection (b), subject to all easements and other interest in the property held by any other person.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is real property (including buildings and improvements) located on the west side of Block Island, Rhode Island, at the entrance to the Great Salt Pond and referred to in the books of the Tax Assessor of the town of New Shoreham, Rhode Island, as lots 10 and 12, comprising approximately 10.7 acres.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to subsection (a), any conveyance of property under subsection (a) shall be subject to the condition that all right, title, and interest in and to the property so conveyed shall immediately revert to the United States if the property, or any part thereof, ceases to be used by the town of New Shoreham, Rhode Island.

(d) INDEMNIFICATION FOR PREEXISTING ENVIRONMENTAL LIABILITIES.—Notwithstanding any conveyance of property under this section, after such conveyance the Secretary of Transportation shall indemnify the town of New Shoreham, Rhode Island, for any environmental liability arising from the property, that existed before the date of the conveyance.

SEC. 428. VESSEL DEEMED TO BE A RECREATIONAL VESSEL.

The vessel, an approximately 96 meter twin screw motor yacht for which construction commenced in October 1993 (to be named the LIMITLESS), is deemed to be a recreational vessel under chapter 43 of title 46, United States Code.

SEC. 429. REQUIREMENT FOR PROCUREMENT OF BUOY CHAIN.

(a) REQUIREMENT.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''§ 96. Procurement of buoy chain

''(a) The Coast Guard may not procure buoy chain—

''(1) that is not manufactured in the United States; or

''(2) substantially all of the components of which are not produced or manufactured in the United States.

''(b) For purposes of subsection (a)(2), substantially all of the components of a buoy chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components thereof which are produced or manufactured in the United States is greater than the aggregate cost of the components thereof which are produced or manufactured outside the United States.

''(c) In this section—

''(1) the term 'buoy chain' means any chain, cable, or other device that is—

''(A) used to hold in place, by attachment to the bottom of a body of water, a floating aid to navigation; and

''(B) not more than 4 inches in diameter; and

''(2) the term 'manufacture' includes cutting, heat treating, quality control, welding (including the forging and shot blasting process), and testing.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 14, United States Code, is amended by adding at the end the following:

''96. Procurement of buoy chain.''.

SEC. 430. CRUISE VESSEL TORT REFORM.

(a) Section 4283 of the Revised Statutes of the United States (46 App. 183), is amended by adding a new subsection (g) to read as follows:

''(g) In a suit by any person in which a shipowner, operator, or employer of a crew member is claimed to have direct or vicarious liability for medical malpractice or other tortious conduct occurring at a shoreside facility, or in which the damages sought are alleged to result from the referral to or treatment by any shoreside doctor, hospital, medical facility, or other health care provider, the shipowner, operator, or employer shall be entitled to rely upon any and all statutory limitations of liability applicable to the doctor, hospital, medical facility, or other health care provider in the State in which the shoreside medical care was provided.''.

(b) Section 4283b of the Revised Statutes of the United States (46 App. 183c) is amended by adding a new subsection to read as follows:

''(b) Subsection (a) shall not prohibit provisions or limitations in contracts, agreements, or ticket conditions of carriage with passengers which relieve a manager, agent, master, owner, or operator of a vessel from liability for infliction of emotional distress, mental suffering, or psychological injury so long as such provisions or limitations do not limit liability if the emotional distress, mental suffering, or psychological injury was—

''(1) the result of substantial physical injury to the claimant caused by the negligence or fault of the manager, agent, master, owner, or operator;

''(2) the result of the claimant having been at actual risk of substantial physical injury, which risk was caused by the negligence or fault of the manager, agent, master, owner, or operator; or

''(3) intentionally inflicted by the manager, agent, master, owner, or operator.''.

(c) Section 20 of chapter 153 of the Act of March 4, 1915 (46 App. 688) is amended by adding a new subsection to read as follows:

''(c) LIMITATION FOR CERTAIN ALIENS IN CASE OF CONTRACTUAL ALTERNATIVE FORUM.—

''(1) No action may be maintained under subsection (a) or under any other maritime law of the United States for maintenance and cure or for damages for the injury or death of a person who was not a citizen or permanent legal resident alien of the United States at the time of the incident giving rise to the action, if the incident giving rise to the action occurred while the person was employed on board a vessel documented other than under the laws of the United States, which vessel was owned by an entity organized other than under the laws of the United States or by a person who is not a citizen or permanent legal resident alien.

''(2) The provisions of paragraph (1) shall only apply if—

''(A) the incident giving rise to the action occurred while the person bringing the action was a party to a contract of employment or was subject to a collective bargaining agreement which, by its terms, provided for an exclusive forum for resolution of all such disputes or actions in a nation other than the United States, a remedy is available to the person under the laws of that nation, and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident; or

''(B) a remedy is available to the person bringing the action under the laws of the nation in which the person maintained citizenship or permanent residency at the time of the incident giving rise to the action and the party seeking to dismiss an action under paragraph (1) is willing to stipulate to jurisdiction under the laws of such nation as to such incident.

''(3) The provisions of paragraph (1) of this subsection shall not be interpreted to require a court in the United States to accept jurisdiction of any actions.''.

SEC. 431. LIMITATION ON FEES AND CHARGES WITH RESPECT TO FERRIES.

The Secretary of the department in which the Coast Guard is operating may not assess or collect any fee or charge with respect to a ferry. Notwithstanding any other provision of this Act, the Secretary is authorized to reduce expenditures in an amount equal to the fees or charges which are not collected or assessed as a result of this section.

TITLE V—COAST GUARD REGULATORY REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the ''Coast Guard Regulatory Reform Act of 1995''.

SEC. 502. SAFETY MANAGEMENT.

(a) MANAGEMENT OF VESSELS.—Title 46, United States Code, is amended by adding after chapter 31 the following new chapter:

''CHAPTER 32—MANAGEMENT OF VESSELS

''§ 3201. Definitions

''In this chapter—

''(1) 'International Safety Management Code' has the same meaning given that term in chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974;

''(2) 'responsible person' means—

''(A) the owner of a vessel to which this chapter applies; or

''(B) any other person that has—

''(i) assumed the responsibility for operation of a vessel to which this chapter applies from the owner; and

''(ii) agreed to assume with respect to the vessel responsibility for complying with all the requirements of this chapter and the regulations prescribed under this chapter;

''(3) 'vessel engaged on a foreign voyage' means a vessel to which this chapter applies—

''(A) arriving at a place under the jurisdiction of the United States from a place in a foreign country;

''(B) making a voyage between places outside the United States; or

''(C) departing from a place under the jurisdiction of the United States for a place in a foreign country.

''§ 3202. Application

''(a) MANDATORY APPLICATION.—This chapter applies to the following vessels engaged on a foreign voyage:

''(1) Beginning July 1, 1998—

''(A) a vessel transporting more than 12 passengers described in section 2101(21)(A) of this title; and

''(B) a tanker, bulk freight vessel, or high-speed freight vessel, of at least 500 gross tons.

''(2) Beginning July 1, 2002, a freight vessel and a mobile offshore drilling unit of at least 500 gross tons.

''(b) VOLUNTARY APPLICATION.—This chapter applies to a vessel not described in subsection (a) of this section if the owner of the vessel requests the Secretary to apply this chapter to the vessel.

''(c) EXCEPTION.—Except as provided in subsection (b) of this section, this chapter does not apply to—

''(1) a barge;

''(2) a recreational vessel not engaged in commercial service;

''(3) a fishing vessel;

''(4) a vessel operating on the Great Lakes or its tributary and connecting waters; or

''(5) a public vessel.

''§ 3203. Safety management system

''(a) IN GENERAL.—The Secretary shall prescribe regulations which establish a safety management system for responsible persons and vessels to which this chapter applies, including—

''(1) a safety and environmental protection policy;

''(2) instructions and procedures to ensure safe operation of those vessels and protection of the environment in compliance with international and United States law;

''(3) defined levels of authority and lines of communications between, and among, personnel on shore and on the vessel;

''(4) procedures for reporting accidents and nonconformities with this chapter;

''(5) procedures for preparing for and responding to emergency situations; and

''(6) procedures for internal audits and management reviews of the system.

''(b) COMPLIANCE WITH CODE.—Regulations prescribed under this section shall be consistent with the International Safety Management Code with respect to vessels engaged on a foreign voyage.

''§ 3204. Implementation of safety management system

''(a) SAFETY MANAGEMENT PLAN.—Each responsible person shall establish and submit to the Secretary for approval a safety management plan describing how that person and vessels of the person to which this chapter applies will comply with the regulations prescribed under section 3203(a) of this title.

''(b) APPROVAL.—Upon receipt of a safety management plan submitted under subsection (a), the Secretary shall review the plan and approve it if the Secretary determines that it is consistent with and will assist in implementing the safety management system established under section 3203.

''(c) PROHIBITION ON VESSEL OPERATION.—A vessel to which this chapter applies under section 3202(a) may not be operated without having on board a Safety Management Certificate and a copy of a Document of Compliance issued for the vessel under section 3205 of this title.

''§ 3205. Certification

''(a) ISSUANCE OF CERTIFICATE AND DOCUMENT.—After verifying that the responsible person for a vessel to which this chapter applies and the vessel comply with the applicable requirements under this chapter, the Secretary shall issue for the vessel, on request of the responsible person, a Safety Management Certificate and a Document of Compliance.

''(b) MAINTENANCE OF CERTIFICATE AND DOCUMENT.—A Safety Management Certificate and a Document of Compliance issued for a vessel under this section shall be maintained by the responsible person for the vessel as required by the Secretary.

''(c) VERIFICATION OF COMPLIANCE.—The Secretary shall—

''(1) periodically review whether a responsible person having a safety management plan approved under section 3204(b) and each vessel to which the plan applies is complying with the plan; and

''(2) revoke the Secretary's approval of the plan and each Safety Management Certificate and Document of Compliance issued to the person for a vessel to which the plan applies, if the Secretary determines that the person or a vessel to which the plan applies has not complied with the plan.

''(d) ENFORCEMENT.—At the request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance required by section 4197 of the Revised Statutes (46 App. U.S.C. 91) of a vessel that is subject to this chapter under section 3202(a) of this title or to the International Safety Management Code, if the vessel does not have on board a Safety Management Certificate and a copy of a Document of Compliance for the vessel. Clearance may be granted on filing a bond or other surety satisfactory to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 31 the following:

''32. Management of vessels ..... 3201''.

(c) STUDY.—

(1) STUDY.—The Secretary of Transportation shall conduct, in cooperation with the owners, charterers, and managing operators of vessels documented under chapter 121 of title 46, United States Code, and other interested persons, a study of the methods that may be used to implement and enforce the International Management Code for the Safe Operation of Ships and for Pollution Prevention under chapter IX of the Annex to the International Convention for the Safety of Life at Sea, 1974.

(2) REPORT.—The Secretary shall submit to the Congress a report of the results of the study required under paragraph (1) before the earlier of—

(A) the date that final regulations are prescribed under section 3203 of title 46, United States Code (as enacted by subsection (a)); or

(B) the date that is 1 year after the date of enactment of this Act.

SEC. 503. USE OF REPORTS, DOCUMENTS, RECORDS, AND EXAMINATIONS OF OTHER PERSONS.

(a) REPORTS, DOCUMENTS, AND RECORDS.—Chapter 31 of title 46, United States Code, is amended by adding the following new section:

''§ 3103. Use of reports, documents, and records

''The Secretary may rely, as evidence of compliance with this subtitle, on—

''(1) reports, documents, and records of other persons who have been determined by the Secretary to be reliable; and

''(2) other methods the Secretary has determined to be reliable.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 46, United States Code, is amended by adding at the end the following:

''3103. Use of reports, documents, and records.''.

(c) EXAMINATIONS.—Section 3308 of title 46, United States Code, is amended by inserting ''or have examined'' after ''examine''.

SEC. 504. EQUIPMENT APPROVAL.

(a) IN GENERAL.—Section 3306(b) of title 46, United States Code, is amended to read as follows:

''(b)(1) Equipment and material subject to regulation under this section may not be used on any vessel without prior approval of the Secretary.

''(2) Except with respect to use on a public vessel, the Secretary may treat an approval of equipment or materials by a foreign government as approval by the Secretary for purposes of paragraph (1) if the Secretary determines that—

''(A) the design standards and testing procedures used by that government meet the requirements of the International Convention for the Safety of Life at Sea, 1974;

''(B) the approval of the equipment or material by the foreign government will secure the safety of individuals and property on board vessels subject to inspection; and

''(C) for lifesaving equipment, the foreign government—

''(i) has given equivalent treatment to approvals of lifesaving equipment by the Secretary; and

''(ii) otherwise ensures that lifesaving equipment approved by the Secretary may be used on vessels that are documented and subject to inspection under the laws of that country.''.

(b) FOREIGN APPROVALS.—The Secretary of Transportation, in consultation with other interested Federal agencies, shall work with foreign governments to have those governments approve the use of the same equipment and materials on vessels documented under the laws of those countries that the Secretary requires on United States documented vessels.

(c) TECHNICAL AMENDMENT.—Section 3306(a)(4) of title 46, United States Code, is amended by striking ''clauses (1)–(3)'' and inserting ''paragraphs (1), (2), and (3)''.

SEC. 505. FREQUENCY OF INSPECTION.

(a) FREQUENCY OF INSPECTION, GENERALLY.—Section 3307 of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''nautical school vessel'' and inserting '', nautical school vessel, and small passenger vessel allowed to carry more than 12 passengers on a foreign voyage''; and

(B) by adding ''and'' after the semicolon at the end;

(2) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2) (as so redesignated), by striking ''2 years'' and inserting ''5 years''.

(b) CONFORMING AMENDMENT.—Section 3710(b) of title 46, United States Code, is amended by striking ''24 months'' and inserting ''5 years''.

SEC. 506. CERTIFICATE OF INSPECTION.

Section 3309(c) of title 46, United States Code, is amended by striking ''(but not more than 60 days)''.

SEC. 507. DELEGATION OF AUTHORITY OF SECRETARY TO CLASSIFICATION SOCIETIES.

(a) AUTHORITY TO DELEGATE.—Section 3316 of title 46, United States Code, is amended—

(1) by striking subsections (a) and (d);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b), as so redesignated, by—

(A) redesignating paragraph (2) as paragraph (3); and

(B) striking so much of the subsection as precedes paragraph (3), as so redesignated, and inserting the following:

''(b)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a vessel documented or to be documented under chapter 121 of this title, the authority to—

''(A) review and approve plans required for issuing a certificate of inspection required by this part;

''(B) conduct inspections and examinations; and

''(C) issue a certificate of inspection required by this part and other related documents.

''(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only—

''(A) to the extent that the government of the foreign country in which the society is headquartered delegates authority and provides access to the American Bureau of Shipping to inspect, certify, and provide related services to vessels documented in that country; and

''(B) if the foreign classification society has offices and maintains records in the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 3316 of title 46, United States Code, is amended to read as follows:

''§3316. Classification societies''.

(2) The table of sections for chapter 33 of title 46, United States Code, is amended by striking the item relating to section 3316 and inserting the following:

''3316. Classification societies.''.

TITLE VI—DOCUMENTATION OF VESSELS

SEC. 601. AUTHORITY TO ISSUE COASTWISE ENDORSEMENTS.

Section 12106 of title 46, United States Code, is further amended by adding at the end the following new subsection:

''(g) A coastwise endorsement may be issued for a vessel that—

''(1) is less than 200 gross tons;

''(2) is eligible for documentation;

''(3) was built in the United States; and

''(4) was—

''(A) sold foreign in whole or in part; or

''(B) placed under foreign registry.''.

SEC. 602. VESSEL DOCUMENTATION FOR CHARITY CRUISES.

(a) AUTHORITY TO DOCUMENT VESSELS.—

(1) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, and subject to paragraph (2), the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the following vessels:

(A) GALLANT LADY (Feadship hull number 645, approximately 130 feet in length).

(B) GALLANT LADY (Feadship hull number 651, approximately 172 feet in length).

(2) LIMITATION ON OPERATION.—Coastwise trade authorized under a certificate of documentation issued for a vessel under this section shall be limited to carriage of passengers in association with contributions to charitable organizations no portion of which is received, directly or indirectly, by the owner of the vessel.

(3) CONDITION.—The Secretary may not issue any certificate of documentation under paragraph (1) unless the owner of the vessel referred to in paragraph (1)(A) (in this section referred to as the ''owner''), within 90 days after the date of the enactment of this Act, submits to the Secretary a letter expressing the intent of the owner to enter into a contract before October 1, 1996, for construction in the United States of a passenger vessel of at least 130 feet in length.

(4) EFFECTIVE DATE OF CERTIFICATES.—A certificate of documentation issued under paragraph (1)—

(A) for the vessel referred to in paragraph (1)(A), shall take effect on the date of issuance of the certificate; and

(B) for the vessel referred to in paragraph (1)(B), shall take effect on the date of delivery of the vessel to the owner.

(b) TERMINATION OF EFFECTIVENESS OF CERTIFICATES.—A certificate of documentation issued for a vessel under section (a)(1) shall expire—

(1) on the date of the sale of the vessel by the owner;

(2) on October 1, 1996, if the owner has not entered into a contract for construction of a vessel in accordance with the letter of intent submitted to the Secretary under subsection (a)(3); and

(3) on any date on which such a contract is breached, rescinded, or terminated (other than for completion of performance of the contract) by the owner.

SEC. 603. EXTENSION OF DEADLINE FOR CONVERSION OF VESSEL M/V TWIN DRILL.

Section 601(d) of Public Law 103–206 (107 Stat. 2445) is amended—

(1) in paragraph (3), by striking ''1995'' and inserting ''1996''; and

(2) in paragraph (4), by striking ''12'' and inserting ''24''.

SEC. 604. DOCUMENTATION OF VESSEL RAINBOW'S END.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade, Great Lakes trade, and the fisheries for the vessel RAINBOW'S END (official number 1026899; hull identification number MY13708C787).

SEC. 605. DOCUMENTATION OF VESSEL GLEAM.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel GLEAM (United States official number 921594).

SEC. 606. DOCUMENTATION OF VARIOUS VESSELS.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), the Act of May 28, 1906 (46 App. U.S.C. 292), and sections 12106, 12107, and 12108 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are the following:

(1) ANNAPOLIS (United States official number 999008).

(2) CHESAPEAKE (United States official number 999010).

(3) CONSORT (United States official number 999005).

(4) CURTIS BAY (United States official number 999007).

(5) HAMPTON ROADS (United States official number 999009).

(6) JAMESTOWN (United States official number 999006).

(7) 2 barges owned by Roen Salvage (a corporation organized under the laws of the State of Wisconsin) and numbered by that company as barge 103 and barge 203.

(8) RATTLESNAKE (Canadian registry official number 802702).

(9) CAROLYN (Tennessee State registration number TN1765C).

(10) SMALLEY (6808 Amphibious Dredge, Florida State registration number FL1855FF).

(11) BEULA LEE (United States official number 928211).

(12) FINESSE (Florida State official number 7148HA).

(13) WESTEJORD (Hull Identification Number X–53–109).

(14) MAGIC CARPET (United States official number 278971).

(15) AURA (United States official number 1027807).

(16) ABORIGINAL (United States official number 942118).

(17) ISABELLE (United States official number 600655).

(18) 3 barges owned by the Harbor Marine Corporation (a corporation organized under the laws of the State of Rhode Island) and referred to by that company as Harbor 221, Harbor 223, and Gene Elizabeth.

(19) SHAMROCK V (United States official number 900936).

(20) ENDEAVOUR (United States official number 947869).

(21) CHRISSY (State of Maine registration number 4778B).

(22) EAGLE MAR (United States official number 575349).

SEC. 607. DOCUMENTATION OF 4 BARGES.

(a) IN GENERAL.—Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 1 of the Act of May 28, 1906 (46 App. U.S.C. 292), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for each of the vessels listed in subsection (b).

(b) VESSELS DESCRIBED.—The vessels referred to in subsection (a) are 4 barges owned by McLean Contracting Company (a corporation organized under the laws of the State of Maryland) and numbered by that company as follows:

(1) Barge 76 (official number 1030612).

(2) Barge 77 (official number 1030613).

(3) Barge 78 (official number 1030614).

(4) Barge 100 (official number 1030615).

SEC. 608. LIMITED WAIVER FOR ENCHANTED ISLE AND ENCHANTED SEAS.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), the Act of June 19, 1886 (46 App. U.S.C. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for the vessels ENCHANTED ISLE (Panamanian official number 14087–84B) and ENCHANTED SEAS (Panamanian official number 14064–84D), except that the vessels may not operate between or among islands in the State of Hawaii.

SEC. 609. LIMITED WAIVER FOR MV PLATTE.

Notwithstanding any other law or any agreement with the United States Government, the vessel MV PLATTE (ex-SPIRIT OF TEXAS) (United States official number 653210) may be sold to a person that is not a citizen of the United States and transferred to or placed under a foreign registry.

TITLE VII—TECHNICAL AND CONFORMING AMENDMENTS

SEC. 701. AMENDMENT OF INLAND NAVIGATION RULES.

Section 2 of the Inland Navigational Rules Act of 1980 is amended—

(1) by amending Rule 9(e)(i) (33 U.S.C. 2009(e)(i)) to read as follows:

''(i) In a narrow channel or fairway when overtaking, the power-driven vessel intending to overtake another power-driven vessel shall indicate her intention by sounding the appropriate signal prescribed in Rule 34(c) and take steps to permit safe passing. The power-driven vessel being overtaken, if in agreement, shall sound the same signal and may, if specifically agreed to take steps to permit safe passing. If in doubt she shall sound the danger signal prescribed in Rule 34(d).'';

(2) in Rule 15(b) (33 U.S.C. 2015(b)) by inserting ''power-driven'' after ''Secretary, a'';

(3) in Rule 23(a)(i) (33 U.S.C. 2023(a)(i)) after ''masthead light forward''; by striking ''except that a vessel of less than 20 meters in length need not exhibit this light forward of amidships but shall exhibit it as far forward as is practicable;'';

(4) by amending Rule 24(f) (33 U.S.C. 2024(f)) to read as follows:

''(f) Provided that any number of vessels being towed alongside or pushed in a group shall be lighted as one vessel, except as provided in paragraph (iii)—

''(i) a vessel being pushed ahead, not being part of a composite unit, shall exhibit at the forward end, sidelights and a special flashing light;

''(ii) a vessel being towed alongside shall exhibit a sternlight and at the forward end, sidelights and a special flashing light; and

''(iii) when vessels are towed alongside on both sides of the towing vessels a stern light shall be exhibited on the stern of the outboard vessel on each side of the towing vessel, and a single set of sidelights as far forward and as far outboard as is practicable, and a single special flashing light.'';

(5) in Rule 26 (33 U.S.C 2026)—

(A) in each of subsections (b)(i) and (c)(i) by striking ''a vessel of less than 20 meters in length may instead of this shape exhibit a basket;''; and

(B) by amending subsection (d) to read as follows:

''(d) The additional signals described in Annex II to these Rules apply to a vessel engaged in fishing in close proximity to other vessels engaged in fishing.''; and

(6) by amending Rule 34(h) (33 U.S.C. 2034) to read as follows:

''(h) A vessel that reaches agreement with another vessel in a head-on, crossing, or overtaking situation, as for example, by using the radiotelephone as prescribed by the Vessel Bridge-to-Bridge Radiotelephone Act (85 Stat. 164; 33 U.S.C. 1201 et seq.), is not obliged to sound the whistle signals prescribed by this rule, but may do so. If agreement is not reached, then whistle signals shall be exchanged in a timely manner and shall prevail.''.

SEC. 702. MEASUREMENT OF VESSELS.

Section 14104 of title 46, United States Code, is amended by redesignating the existing text after the section heading as subsection (a) and by adding at the end the following new subsection:

''(b) If a statute allows for an alternate tonnage to be prescribed under this section, the Secretary may prescribe it by regulation. The alternate tonnage shall, to the maximum extent possible, be equivalent to the statutorily established tonnage. Until an alternate tonnage is prescribed, the statutorily established tonnage shall apply to vessels measured under chapter 143 or chapter 145 of this title.''.

SEC. 703. LONGSHORE AND HARBOR WORKERS COMPENSATION.

Section 3(d)(3)(B) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 903(d)(3)(B)) is amended by inserting after ''1,600 tons gross'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 704. RADIOTELEPHONE REQUIREMENTS.

Section 4(a)(2) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(a)(2)) is amended by inserting after ''one hundred gross tons'' the following ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 705. VESSEL OPERATING REQUIREMENTS.

Section 4(a)(3) of the Ports and Waterways Safety Act (33 U.S.C. 1223(a)(3)) is amended by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 706. MERCHANT MARINE ACT, 1920.

Section 27A of the Merchant Marine Act, 1920 (46 U.S.C. App. 883–1), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title,''.

SEC. 707. MERCHANT MARINE ACT, 1956.

Section 2 of the Act of June 14, 1956 (46 U.S.C. App. 883a), is amended by inserting after ''five hundred gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 708. MARITIME EDUCATION AND TRAINING.

Section 1302(4)(A) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295a(4)(a)) is amended by inserting after ''1,000 gross tons or more'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 709. GENERAL DEFINITIONS.

Section 2101 of title 46, United States Code, is amended—

(1) in paragraph (13), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (13a), by inserting after ''3,500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in paragraph (19), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in paragraph (22), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in paragraph (30)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in paragraph (32), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(7) in paragraph (33), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(8) in paragraph (35), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(9) in paragraph (42), by inserting after ''100 gross tons'' each place it appears, the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 710. AUTHORITY TO EXEMPT CERTAIN VESSELS.

Section 2113 of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in paragraph (5), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 711. INSPECTION OF VESSELS.

Section 3302 of title 46, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(4)(A), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (d)(1), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(6) in subsection (i)(1)(A), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(7) in subsection (j), by inserting after ''15 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 712. REGULATIONS.

Section 3306 of title 46, United States Code, is amended—

(1) in subsection (h), by inserting after ''at least 100 gross tons but less than 300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (i), by inserting after ''at least 100 gross tons but less than 500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 713. PENALTIES—INSPECTION OF VESSELS.

Section 3318 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section

14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (j)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 714. APPLICATION—TANK VESSELS.

Section 3702 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in subsection (d), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 715. TANK VESSEL CONSTRUCTION STANDARDS.

Section 3703a of title 46, United States Code, is amended—

(1) in subsection (b)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(2), by inserting after ''5,000 gross tons'' each place it appears the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (c)(3)(A), by inserting after ''15,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (c)(3)(B), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (c)(3)(C), by inserting after ''30,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 716. TANKER MINIMUM STANDARDS.

Section 3707 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (b), by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 717. SELF-PROPELLED TANK VESSEL MINIMUM STANDARDS.

Section 3708 of title 46, United States Code, is amended by inserting after ''10,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 718. DEFINITION—ABANDONMENT OF BARGES.

Section 4701(1) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 719. APPLICATION—LOAD LINES.

Section 5102(b) of title 46, United States Code, is amended—

(1) in paragraph (4), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in paragraph (5), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(3) in paragraph (10), by inserting after ''150 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 720. LICENSING OF INDIVIDUALS.

Section 7101(e)(3) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 721. ABLE SEAMEN—LIMITED.

Section 7308 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 722. ABLE SEAMEN—OFFSHORE SUPPLY VESSELS.

Section 7310 of title 46, United States Code, is amended by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 723. SCALE OF EMPLOYMENT—ABLE SEAMEN.

Section 7312 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (c)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (d), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (f)(1), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (f)(2), by inserting after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 724. GENERAL REQUIREMENTS—ENGINE DEPARTMENT.

Section 7313(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 725. COMPLEMENT OF INSPECTED VESSELS.

Section 8101(h) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 726. WATCHMEN.

Section 8102(b) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 727. CITIZENSHIP AND NAVAL RESERVE REQUIREMENTS.

Section 8103(b)(3)(A) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 728. WATCHES.

Section 8104 of title 46, United States Code, is amended—

(1) in subsection (b), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (d), by inserting after ''100 gross tons'' and after ''5,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (l)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (m)(1), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(5) in subsection (o)(1), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(6) in subsection (o)(2), by inserting after ''500 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 729. MINIMUM NUMBER OF LICENSED INDIVIDUALS.

Section 8301 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by inserting after ''1,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(2) in subsection (a)(3), by inserting after ''at least 200 gross tons but less than 1,000 gross

tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(3) in subsection (a)(4), by inserting after ''at least 100 gross tons but less than 200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title'';

(4) in subsection (a)(5), by inserting after ''300 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(5) in subsection (b), by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 730. OFFICERS' COMPETENCY CERTIFICATES CONVENTION.

Section 8304(b)(4) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 731. MERCHANT MARINERS' DOCUMENTS REQUIRED.

Section 8701 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 732. CERTAIN CREW REQUIREMENTS.

Section 8702 of title 46, United States Code, is amended—

(1) in subsection (a), by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''; and

(2) in subsection (a)(6), by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 733. FREIGHT VESSELS.

Section 8901 of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 734. EXEMPTIONS.

Section 8905(b) of title 46, United States Code, is amended by inserting after ''200 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 735. UNITED STATES REGISTERED PILOT SERVICE.

Section 9303(a)(2) of title 46, United States Code, is amended by inserting after ''4,000 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 736. DEFINITIONS—MERCHANT SEAMEN PROTECTION.

Section 10101(4)(B) of title 46, United States Code, is amended by inserting after ''1,600 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 737. APPLICATION—FOREIGN AND INTERCOASTAL VOYAGES.

Section 10301(a)(2) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 738. APPLICATION—COASTWISE VOYAGES.

Section 10501(a) of title 46, United States Code, is amended by inserting after ''50 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 739. FISHING AGREEMENTS.

Section 10601(a)(1) of title 46, United States Code, is amended by inserting after ''20 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 740. ACCOMMODATIONS FOR SEAMEN.

Section 11101(a) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 741. MEDICINE CHESTS.

Section 11102(a) of title 46, United States Code, is amended by inserting after ''75 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 742. LOGBOOK AND ENTRY REQUIREMENTS.

Section 11301(a)(2) of title 46, United States Code, is amended by inserting after ''100 gross tons'' the following: ''as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 743. COASTWISE ENDORSEMENTS.

Section 12106(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 744. FISHERY ENDORSEMENTS.

Section 12108(c)(1) of title 46, United States Code, is amended by striking ''two hundred gross tons'' and inserting ''200 gross tons as measured under section 14502 of title 46, United States Code, or an alternate tonnage measured under section 14302 of that title as prescribed by the Secretary under section 14104 of that title''.

SEC. 745. CLERICAL AMENDMENT.

Chapter 121 of title 46, United States Code, is amended—

(1) by striking the first section 12123; and

(2) in the table of sections at the beginning of the chapter by striking the first item relating to section 12123.

SEC. 746. REPEAL OF GREAT LAKES ENDORSEMENTS.

(a) REPEAL.—Section 12107 of title 46, United States Code, is repealed.

(b) CONFORMING AMENDMENTS.—

(1) The analysis at the beginning of chapter 121 of title 46, United States Code, is amended by striking the item relating to section 12107.

(2) Section 12101(b)(3) of title 46, United States Code, is repealed.

(3) Section 4370(a) of the Revised Statutes of the United States (46 App. U.S.C. 316(a)) is amended by striking ''or 12107''.

(4) Section 2793 of the Revised Statutes of the United States (46 App. U.S.C. 111, 123) is amended—

(A) by striking ''coastwise, Great Lakes endorsement'' and all that follows through ''foreign ports,'' and inserting ''registry endorsement, engaged in foreign trade on the Great Lakes or their tributary or connecting waters in trade with Canada,''; and

(B) by striking '', as if from or to foreign ports''.

SEC. 747. CONVENTION TONNAGE FOR LICENSES, CERTIFICATES, AND DOCUMENTS.

(a) AUTHORITY TO USE CONVENTION TONNAGE.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

''§ 7506. Convention tonnage for licenses, certificates, and documents

''Notwithstanding any provision of section 14302(c) or 14305 of this title, the Secretary may—

''(1) evaluate the service of an individual who is applying for a license, a certificate of registry, or a merchant mariner's document by using the tonnage as measured under chapter 143 of this title for the vessels on which that service was acquired, and

''(2) issue the license, certificate, or document based on that service.''.

(b) CLERICAL AMENDMENT.—The analysis to chapter 75 of title 46, United States Code, is amended by adding a new item as follows:

''7506. Convention tonnage for licenses, certificates, and documents.''.

TITLE VIII—COAST GUARD AUXILIARY AMENDMENTS

SEC. 801. ADMINISTRATION OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 821 of title 14, United States Code, is amended to read as follows:

''§ 821. Administration of the Coast Guard Auxiliary

''(a) The Coast Guard Auxiliary is a nonmilitary organization administered by the Commandant under the direction of the Secretary. For command, control, and administrative purposes, the Auxiliary shall include such organizational elements and units as are approved by the Commandant, including but not limited to, a national board and staff (to be known as the 'Auxiliary headquarters unit'), districts, regions, divisions, flotillas, and other organizational elements and units. The Auxiliary organization and its officers shall have such rights, privileges, powers, and duties as may be granted to them by the Commandant, consistent with this title and other applicable provisions of law. The Commandant may delegate to officers of the Auxiliary the authority vested in the Commandant by this section, in the manner and to the extent the Commandant considers necessary or appropriate for the functioning, organization, and internal administration of the Auxiliary.

''(b) Each organizational element or unit of the Coast Guard Auxiliary organization (but excluding any corporation formed by an organizational element or unit of the Auxiliary under subsection (c) of this section), shall, except when acting outside the scope of section 822, at all times be deemed to be an instrumentality of the United States, for purposes of—

''(1) chapter 26 of title 28 (popularly known as the Federal Tort Claims Act);

''(2) section 2733 of title 10 (popularly known as the Military Claims Act);

''(3) the Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessels Act);

''(4) the Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act);

''(5) the Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act); and

''(6) other matters related to noncontractual civil liability.

''(c) The national board of the Auxiliary, and any Auxiliary district or region, may form a corporation under State law in accordance with policies established by the Commandant.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 821, and inserting the following:

''821. Administration of the Coast Guard Auxiliary.''.

SEC. 802. PURPOSE OF THE COAST GUARD AUXILIARY.

(a) IN GENERAL.—Section 822 of title 14, United States Code, is amended to read as follows:

''§ 822. Purpose of the Coast Guard Auxiliary

''The purpose of the Auxiliary is to assist the Coast Guard as authorized by the Commandant, in performing any Coast Guard function, power, duty, role, mission, or operation authorized by law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 822 and inserting the following:

''822. Purpose of the Coast Guard Auxiliary.''.

SEC. 803. MEMBERS OF THE AUXILIARY; STATUS.

(a) IN GENERAL.—Section 823 of title 14, United States Code, is amended—

(1) in the heading by adding **", and status"** after **"enrollments"**;

(2) by inserting ''(a)'' before ''The Auxiliary''; and

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

''(b) A member of the Coast Guard Auxiliary is not a Federal employee except for the following purposes:

''(1) Chapter 26 of title 28 (popularly known as the Federal Tort Claims Act).

''(2) Section 2733 of title 10 (popularly known as the Military Claims Act).

''(3) The Act of March 3, 1925 (46 App. U.S.C. 781–790; popularly known as the Public Vessel Act).

''(4) The Act of March 9, 1920 (46 App. U.S.C. 741–752; popularly known as the Suits in Admiralty Act).

''(5) The Act of June 19, 1948 (46 App. U.S.C. 740; popularly known as the Admiralty Extension Act).

''(6) Other matters related to noncontractual civil liability.

''(7) Compensation for work injuries under chapter 81 of title 5.

''(8) The resolution of claims relating to damage to or loss of personal property of the member incident to service under section 3721 of title 31 (popularly known as the Military Personnel and Civilian Employees' Claims Act of 1964).

''(c) A member of the Auxiliary, while assigned to duty, shall be deemed to be a person acting under an officer of the United States or an agency thereof for purposes of section 1442(a)(1) of title 28.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 14, United States Code, is amended by striking the item relating to section 823 and inserting the following:

''823. Eligibility, enrollments, and status.''.

SEC. 804. ASSIGNMENT AND PERFORMANCE OF DUTIES.

(a) TRAVEL AND SUBSISTENCE EXPENSE.—Section 830(a) of title 14, United States Code, is amended by striking ''specific''.

(b) ASSIGNMENT OF GENERAL DUTIES.—Section 831 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

(c) BENEFITS FOR INJURY OR DEATH.—Section 832 of title 14, United States Code, is amended by striking ''specific'' each place it appears.

SEC. 805. COOPERATION WITH OTHER AGENCIES, STATES, TERRITORIES, AND POLITICAL SUBDIVISIONS.

(a) IN GENERAL.—Section 141 of title 14, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 141. Cooperation with other agencies, States, territories, and political subdivisions";

(2) in the first sentence of subsection (a), by inserting after ''personnel and facilities'' the following: ''(including members of the Auxiliary and facilities governed under chapter 23)''; and

(3) by adding at the end of subsection (a) the following new sentence: ''The Commandant may prescribe conditions, including reimbursement, under which personnel and facilities may be provided under this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 14, United States Code, is amended by striking the item relating to section 141 and inserting the following:

''141. Cooperation with other agencies, States, territories, and political subdivisions.''.

SEC. 806. VESSEL DEEMED PUBLIC VESSEL.

Section 827 of title 14, United States Code, is amended to read as follows:

''§ 827. Vessel deemed public vessel

''While assigned to authorized Coast Guard duty, any motorboat or yacht shall be deemed to be a public vessel of the United States and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law.''.

SEC. 807. AIRCRAFT DEEMED PUBLIC AIRCRAFT.

Section 828 of title 14, United States Code, is amended to read as follows:

''§ 828. Aircraft deemed public aircraft

''While assigned to authorized Coast Guard duty, any aircraft shall be deemed to be a Coast Guard aircraft, a public vessel of the United States, and a vessel of the Coast Guard within the meaning of sections 646 and 647 of this title and other applicable provisions of law. Subject to the provisions of sections 823a and 831 of this title, while assigned to duty, qualified Auxiliary pilots shall be deemed to be Coast Guard pilots.''.

SEC. 808. DISPOSAL OF CERTAIN MATERIAL.

Section 641(a) of title 14, United States Code, is amended—

(1) by inserting after ''with or without charge,'' the following: ''to the Coast Guard Auxiliary, including any incorporated unit thereof,''; and

(2) by striking ''to any incorporated unit of the Coast Guard Auxiliary,''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, agree to the request for a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed from the Committee on Commerce Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY of Massachusetts, Mr. BREAUX, Mr. DORGAN and Mr. WYDEN, from the Committee on Environment and Public Works for all Oil Pollution Act issues under their jurisdiction Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN and Mrs. BOXER conferees on the part of the Senate.

WATER RESOURCES DEVELOPMENT ACT OF 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 227, S. 640.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this section:

(1) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(2) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(3) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(4) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(5) ILLINOIS SHORELINE EROSION, INTERIM III, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for storm damage reduction and shoreline erosion protection from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000, and the breakwater near the South Water Filtration Plant, a separable element of the project at a total cost of $8,539,000, with an estimated Federal cost of $5,550,000 and an estimated non-Federal cost of $2,989,000. The operation, maintenance, repair, replacement, and rehabilitation of the project after construction shall be the responsibility of the non-Federal interests.

(6) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(7) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(8) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(9) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(10) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(11) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(12) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(13) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(14) POND CREEK, OHIO.—The project for flood control, Pond Creek, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(15) COOS BAY, OREGON.—The project for navigation, Coos Bay, Oregon: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $14,541,000, with an estimated Federal cost of $10,777,000 and an estimated non-Federal cost of $3,764,000.

(16) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(17) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(18) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $257,900,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

SEC. 102. PROJECT MODIFICATIONS.

(a) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(b) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat.

1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(c) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(d) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(e) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,800,000, with an estimated Federal cost of $20,774,000 and an estimated non-Federal cost of $14,026,000.

(f) ARKANSAS CITY, KANSAS.—The project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated June 1994, at a total cost of $35,700,000, with an estimated Federal cost of $26,600,000 and an estimated non-Federal cost of $9,100,000.

(g) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(h) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(i) MANISTIQUE HARBOR, MICHIGAN.—

(1) SAND AND STONE CAP.—The project for navigation, Manistique Harbor, Schoolcraft County, Michigan, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1905 (33 Stat. 1136), is modified to permit installation of a sand and stone cap over sediments affected by polychlorinated biphenyls, in accordance with an administrative order of the Environmental Protection Agency.

(2) PROJECT DEPTH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the project described in paragraph (1) is modified to provide for an authorized depth of 18 feet.

(B) EXCEPTION.—The authorized depth shall be 12.5 feet in the areas where the sand and stone cap described in paragraph (1) will be placed within the following coordinates: 4220N–2800E to 4220N–3110E to 3980N–3260E to 3190N–3040E to 2960N–2560E to 3150N–2300E to 3680N–2510E to 3820N–2690E and back to 4220N–2800E.

(3) HARBOR OF REFUGE.—The project described in paragraph (1), including the breakwalls, pier, and authorized depth of the project (as modified by paragraph (2)), shall continue to be maintained as a harbor of refuge.

(j) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) for the purpose of evaluating the Federal interest in construction of the project for flood control and determining the most feasible alternative. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the most feasible alternative at a total cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(k) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(l) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(m) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(n) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(o) INDIA POINT BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The project for the removal and demolition of the India Point Railroad Bridge, Seekonk River, Rhode Island, authorized by section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258), is modified to authorize the Secretary to demolish and remove the center span of the bridge, at a total cost of $1,300,000, with an estimated Federal cost of $650,000, and an estimated non-Federal cost of $650,000.

(p) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—

(1) IN GENERAL.—The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091), is modified to provide that, notwithstanding the last sentence of section 104(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2214(c)), the Secretary shall credit the cost of work performed by the non-Federal interests in constructing flood protection works for Rochester Park and the Central Wastewater Treatment Plant against the non-Federal share of the cost of the project or any revision of the project.

(2) DETERMINATION OF AMOUNT.—The amount to be credited under paragraph (1) shall be determined by the Secretary. In determining the amount, the Secretary shall include only the costs of such work performed by the non-Federal interests as is—

(A) compatible with the project described in paragraph (1) or any revision of the project; or

(B) required for construction of the project or any revision of the project.

(3) CASH CONTRIBUTION.—Nothing in this subsection limits the applicability of the requirement specified in section 103(a)(1)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)(1)(A)) to the project described in paragraph (1).

(q) MATAGORDA SHIP CHANNEL, PORT LAVACA, TEXAS.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(r) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,370,000, with an estimated Federal cost of $8,220,000 and an estimated non-Federal cost of $4,150,000.

(s) GRUNDY, VIRGINIA.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(t) HAYSI LAKE, VIRGINIA AND KENTUCKY.—The Secretary shall expedite completion of the flood damage reduction plan for the Levisa Fork Basin in Virginia and Kentucky, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in a manner that is consistent with the Haysi Lake component of the plan for flood control and associated water resource features identified by the non-Federal interests.

(u) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law

101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(v) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking ''Secretary: Provided, That'' and inserting the following: ''Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to perform operation and maintenance for the project on a cost-reimbursable basis. The'';

(2) by inserting '', through providing in-kind services or'' after ''$35,000''; and

(3) by inserting a comma after ''materials''.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(b) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(c) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(d) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(e) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the ''River and Harbor Act of 1910''), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(f) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(g) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(h) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(i) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFER OF PROPERTY.—

(A) IN GENERAL.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (B), including all works, structures, and other improvements on the lands.

(B) LAND DESCRIPTION.—The lands to be transferred pursuant to subparagraph (A) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(C) TERMS AND CONDITIONS.—The transfer under subparagraph (A) shall be made on the

condition that the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of the lands and improvements subject to the transfer.

(D) DEADLINES.—Not later than July 1, 1996, the Secretary shall transmit to the State of Wisconsin an offer to make the transfer under this paragraph. The offer shall provide for the transfer to be made in the period beginning on November 1, 1996, and ending on December 31, 1996.

(E) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfer under this paragraph.

(F) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of project referred to in paragraph (1) until the date of the transfer under this paragraph.

SEC. 104. STUDIES.

(a) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(c) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(d) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(e) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(f) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(g) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(h) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(i) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(j) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(k) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(l) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(m) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(n) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(o) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(p) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(q) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99–88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(r) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(s) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—The Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota; and

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas.

(t) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 202. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 203. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act

entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 204. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled ''Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida'', dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $121,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25 percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 205. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled ''Everglades Protection Project, Palm Beach County, Florida, Conceptual Design'', prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 206. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 207. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 208. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 209. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 210. CLIFFWOOD BEACH, NEW JERSEY.

(a) IN GENERAL.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 211. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 212. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the Buford Trenton Irrigation District described in subparagraph (A) that has been affected by rising ground water and surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands subject to the easements. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands prior to being affected by rising ground water and surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary may—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) may provide a lump sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 213. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 214. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 215. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.''.

SEC. 216. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 217. COOPER LAKE AND CHANNELS, TEXAS.

(a) ACCEPTANCE OF LANDS.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under

subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 218. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 219. VIRGINIA BEACH, VIRGINIA.

Notwithstanding any other law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) environmental protection and restoration: 25 percent.''.

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

''(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

''(A) the date on which the Secretary enters into such an agreement with respect to the information; or

''(B) the last day of the 2-year period beginning on the date of the determination.

''(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.''.

SEC. 303. NATIONAL INVENTORY OF DAMS.

Section 13 of Public Law 92–367 (33 U.S.C. 467l) is amended by striking the second sentence and inserting the following: ''There are authorized to be appropriated to carry out this section $500,000 for each fiscal year.''.

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary is authorized to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b) PUBLIC PARTICIPATION.—''; and

(B) by striking ''subsection'' each place it appears and inserting ''section''.

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking ''10'' and inserting ''5'';

(2) in the second sentence, by striking ''Before'' and inserting ''Upon official''; and

(3) in the last sentence, by inserting ''the planning, design, or'' before ''construction''.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking ''or subsection (a) of this section''.

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''and to determine if the operation of the projects has contributed to the degradation of the quality of the environment'';

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

''(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

''(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.''.

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking ''during the period of such study'';

(2) by inserting after the first sentence the following: ''During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).''; and

(3) in the last sentence, by striking ''such non-Federal contribution'' and inserting ''the non-Federal share required under this paragraph''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking ''sections thirteen, fourteen, and fifteen'' and inserting ''section 13, 14, 15, 19, or 20''; and

(2) by striking ''not exceeding twenty-five hundred dollars nor less than five hundred dollars'' and inserting ''of not more than $25,000 for each day that the violation continues''.

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking ''Under emergency'' and inserting ''SUMMARY REMOVAL PROCEDURES.—Under emergency''; and

(B) by striking ''expense'' the first place it appears and inserting ''actual expense, including administrative expenses,'';

(2) in subsection (b)—

(A) by striking ''cost'' and inserting ''actual cost, including administrative costs,''; and

(B) by striking ''(b) The'' and inserting ''(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The''; and

(3) by inserting after subsection (a) the following:

''(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).''.

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

''(c) LEVEE OWNERS MANUAL.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

''(2) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

''(4) DEFINITIONS.—In this subsection:

''(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

''(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

''(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

''(ii) does not include—

''(I) any improvement to the structure; or

''(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of the Army.''.

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) TASK FORCE.—

(1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) MEMBERSHIP.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) EXPENSES.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: ''The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day.''; and

(B) by adding at the end the following:

''(3) REPORT TO CONGRESS.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2).''; and

(2) in subsection (c)—

(A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''1992'' and inserting ''1996''.

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting ''melaleuca tree,'' after ''milfoil,''.

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) DESIGNATION.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the ''Russell B. Long Lock and Dam''.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the ''Russell B. Long Lock and Dam''.

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term ''New York State canal system'' means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4855) is amended by striking ''1993 and 1994'' and inserting ''1995 and 1996''.

SEC. 329. CAPITAL IMPROVEMENTS FOR THE WASHINGTON AQUEDUCT.

(a) AUTHORIZATIONS.—

(1) AUTHORIZATION OF MODERNIZATION.—Subject to approval in, and in such amounts as may be provided in appropriations Acts, the Chief of Engineers of the Army Corps of Engineers is authorized to modernize the Washington Aqueduct.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Army Corps of Engineers borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct. The borrowing authority shall be provided by the Secretary of the Treasury, under such terms and conditions as are established by the Secretary of the Treasury, after a series of contracts with each public water supply customer has been entered into under subsection (b).

(b) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(1) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Acts, and in accordance with paragraphs (2) and (3), the Chief of Engineers of the Army Corps of Engineers is authorized to enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share of the principal and interest owed by the Army Corps of Engineers to the Secretary of the Treasury under subsection (a). Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(2) OFFSETTING OF RISK OF DEFAULT.—Each contract under paragraph (1) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(3) OTHER CONDITIONS.—Each contract entered into under paragraph (1) shall—

(A) provide that the public water supply customer pledges future income from fees assessed to operate and maintain the Washington Aqueduct;

(B) provide the United States priority over all other creditors; and

(C) include other conditions that the Secretary of the Treasury determines to be appropriate.

(c) BORROWING AUTHORITY.—Subject to an appropriation under subsection (a)(2) and after entering into a series of contracts under subsection (b), the Secretary, acting through the Chief of Engineers of the Army Corps of Engineers, shall seek borrowing authority from the Secretary of the Treasury under subsection (a)(2).

(d) DEFINITIONS.—In this section:

(1) PUBLIC WATER SUPPLY CUSTOMER.—The term ''public water supply customer'' means the District of Columbia, the county of Arlington, Virginia, and the city of Falls Church, Virginia.

(2) VALUE TO THE GOVERNMENT.—The term ''value to the Government'' means the net present value of a contract under subsection (b) calculated under the rules set forth in subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 661a(5)), excluding section 502(5)(B)(i) of the Act, as though the contracts provided for the repayment of direct loans to the public water supply customers.

(3) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the water supply system of treatment plans, raw water intakes, conduits, reservoirs, transmission mains, and pumping stations owned by the Federal Government located in the metropolitan Washington, District of Columbia, area.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities, water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of ''fish-friendly'' turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended by inserting before the period at the end the following: ''and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected''.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

''SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

''(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—The erosion control program shall include provisions for—

''(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

''(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

''(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

''(D) technology transfers to private property owners and State and local entities.

''(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

''(A) the development and demonstration of innovative technologies;

''(B) efficient designs to prevent erosion at a shoreline site, taking into account the life-cycle cost of the design, including cleanup, maintenance, and amortization;

''(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

''(D) the avoidance of negative impacts to adjacent shorefront communities;

''(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

''(F) the potential for long-term protection afforded by the technology; and

''(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93–251; 42 U.S.C. 1962d–5 note), including—

''(i) adequate consideration of the subgrade;

''(ii) proper filtration;

''(iii) durable components;

''(iv) adequate connection between units; and

''(v) consideration of additional relevant information.

''(3) SITES.—

''(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

''(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

''(i) a variety of geographical and climatic conditions;

''(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

''(iii) the rate of erosion;

''(iv) significant natural resources or habitats and environmentally sensitive areas; and

''(v) significant threatened historic structures or landmarks.

''(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

''(i) the Atlantic, Gulf, and Pacific coasts;

''(ii) the Great Lakes; and

''(iii) the State of Alaska.

''(d) COOPERATION.—

''(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

''(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established under the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) university research facilities.

''(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

''(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

''(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking ''section 3'' and inserting ''section 3 or 5''.

SEC. 334. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking ''(8662)'' and inserting ''(8862)''.

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking ''(8662)'' and inserting ''(8862)''.

Mr. CHAFEE. Mr. President, today the Senate will consider S. 640, the Water Resources Development Act of 1996. This measure, similar to water resources legislation enacted in 1986, 1988, 1990, and 1992, is comprised of water resources project and study authorizations and policy modifications for the U.S. Army Corps of Engineers Civil Works Program.

S. 640 was introduced on March 28, 1995, and was reported by the Environment and Public Works Committee to the full Senate on November 9, 1995.

Since that time, additional project and policy requests have been presented to the committee. Some have come from our Senate colleagues—many have come from the administration.

We have carefully reviewed each such request and include those that are consistent with the committee's criteria in the manager's amendment being considered along with S. 640 today. Mr. President, let me take a few moments here to discuss these criteria—that is—the criteria used by the committee to judge project authorization requests.

On November 17, 1986, almost 10 years ago, President Reagan enacted the Water Resources Development Act of 1986. Importantly, the 1986 act marked an end to the 16-year deadlock between Congress and the executive branch regarding authorization of the Army Corps Civil Works program.

In addition to authorizing numerous projects, the 1986 act resolved long-standing disputes relating to cost-sharing between the Army Corps and non-Federal sponsors, waterway user fees, environmental requirements and, importantly, the types of projects in which Federal involvement is appropriate and warranted.

The criteria used to develop the legislation before us are consistent with the reforms and procedures established in the landmark Water Resources Development Act of 1986.

Is a project for flood control, navigation, or some other purpose cost-shared in a manner consistent with the 1986 act?

Have all of the requisite reports and studies on economic, engineering and environmental feasibility been completed for a project?

Is a project consistent with the traditional and appropriate mission of the Army Corps?

Should the Federal Government be involved?

These, Mr. President, are the fundamental questions that we have applied to each and every project included here for authorization.

As I noted at the outset, water resources legislation has been enacted on a biennial basis since 1986, with the exception of 1994. As such, we have a 4-year backlog of projects reviewed by the Army Corps and submitted to Congress for authorization. Since 1993, the committee has received more than 250 project and study requests totaling an estimated $6.5 billion.

This legislation authorizes the Secretary of the Army to construct 32 projects for flood control, port development, inland navigation, storm damage reduction and environmental restoration. The bill also modifies 39 existing Army Corps projects, authorizes 27 project studies, and eliminates portions of 15 projects from consideration for future funding.

Also included are other project-specific and general provisions related to Army Corps operations. Among them is a provision to authorize borrowing authority in amounts sufficient to cover the full costs of modernizing the Washington Aqueduct water treatment facility. In total, this bill authorizes an estimated Federal cost of $3.3 billion.

Mr. President, S. 640 contains important policy changes. First, we have included a provision proposed by the administration to clarify the cost-sharing for dredged material disposal associated with the operation and maintenance of Federal channels.

Currently, Federal and non-Federal responsibilities for construction of dredged material disposal facilities vary from project to project, depending on when the project was authorized, and the method or site selected for disposal.

For some projects, the costs of providing dredged material disposal facilities are all Federal. For others, the non-Federal sponsor bears the entire cost of constructing disposal facilities. This arrangement is inequitable for numerous ports.

In addition, the failure to identify economically and environmentally acceptable disposal options has reduced operations and increased cargo costs in many port cities. Regrettably, this is the case for the Port of Providence in Rhode Island.

Under this provision, the costs of constructing dredged material disposal facilities will be shared in accordance with the cost-sharing formulas established for general navigation features by section 101(a) of the 1986 Water Resources Development Act. This would apply to all methods of dredged material disposal including open water, upland and confined.

We have also expanded section 1135 of the 1986 Act in this bill. Currently, section 1135 authorizes the Secretary of the Army to review the structure and operation of existing projects for possible modifications—at the project itself—which will improve the quality of the environment. The 1986 act authorizes a $5 million Federal cost-sharing cap for each such project and a $25 million annual cap for the entire program.

The provision included in this bill does not increase the existing dollar limits. Instead, it authorizes the Secretary to implement small fish and wildlife habitat restoration projects in cooperation with non-Federal interests in those situations where mitigation is required off of project lands.

Third, we have included a provision to shift certain dam safety responsibilities from the Army Corps to the Federal Emergency Management Agency [FEMA]. This change, proposed by Senator BOND and supported by the two agencies, authorizes a total of $22 million over 5 years for FEMA to conduct

dam safety inspections and to provide technical assistance to the States.

Also included here is a provision which addresses the administration's proposal to discontinue Army Corps involvement with shore protection projects. The provision amends existing law to specifically include beach protection, restoration and renourishment among shoreline protection activities traditionally performed by the Army Corps. I plan to work with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.

Mr. President, this legislation includes Everglades restoration provisions. On June 11 of this year, the administration submitted its proposal to restore and protect the Everglades.

While I join Senators MACK, GRAHAM and many others in support of Army Corps efforts to reverse damage done to this important natural resource, I was unable to support certain elements of the administration's proposal.

In particular, I am unable to endorse a blanket authorization for future projects needed to restore water flows and water quality. It is not responsible to leap blindly into this important initiative, by authorizing unlimited funding, without knowing what the overall costs will be.

Instead, we have provided an expedited process for project development, consistent with all applicable laws and regulations, that will preserve the current momentum for restoration. I look forward to working with the Florida delegation and the administration on this initiative as the bill advances.

Finally, Mr. President, let me state clearly that a provision submitted by the administration to modify cost-sharing for the construction of flood control projects has not been included.

In summary, the administration has proposed that the current cost-sharing ratio of 75 percent Federal and 25 percent non-Federal be changed to an even 50–50 cost-share.

This proposal has been made for budgetary reasons. However, we have not been presented with any estimates on resulting budget savings in the outyears. We do not know how much money, if any, this proposal would save in the long run.

Moreover, we do not know what impact this cost-sharing change would have on the flood control program. While I support the general notion of increasing non-Federal involvement for these types of projects, I cannot support this significant change to the 1986 act without knowing the long-range effects.

Mr. President, this legislation is vitally important for countless States and communities across the country.

For economic and life-safety reasons, we must maintain our harbors, ports and inland waterways, our flood control levees and shorelines, and the environment.

Despite the fact that this package represents a 4-year backlog of project authorizations, it is consistent with the overall funding levels authorized in previous water resources measures.

I urge my colleagues to support the bill.

Mr. BAUCUS. Mr. President, the Senate is about to consider the Water Resources Development Act of 1996. This is an important bill. A great deal of work has been done to get this legislation to the floor today. Everyone involved in this process has been diligent in assuring that only worthy projects are included. Sound criteria have been consistently applied so that each project has a Federal interest and a good benefit to cost ratio.

But I have a larger concern about this bill. It is the issue of our spending priorities. Briefly stated, at a time when we are trying to cut spending in order to balance the budget, we should not be authorizing so much new spending on water resource projects.

This legislation authorizes more than $3.3 billion in new Federal spending. And while investing in our infrastructure, including navigation, flood control, coastal and storm protection, is important, it is not the only demand being made on our taxpayers.

We are in the midst of one of the most critical balancing acts in our Nation's history—balancing the budget. We are facing some very tough choices. The question facing us is whether modernizing an existing lock is more important than protecting Medicare, or whether deepening an existing channel will be of greater benefit to the people of this country than promoting education programs?

Less than a month ago, the Senate passed a budget resolution that would cut funding for the Army Corps of engineers by nearly $1 billion over the next 5 years. Yet this bill adds more than $3 billion in new spending for the corps.

How can we ever get the budget in balance if we continue to say yes to projects we do not have the money to build? How will we ever get to balance if one day we vote to cut spending and the next day we vote to increase spending?

In my judgment, while the projects in this bill are largely worthy ones, we simply cannot afford them.

FINDING A SOLUTION TO THE FLOODING OF THE JAMES RIVER IN SOUTH DAKOTA

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State. This flooding has cost South Dakota producers millions of dollars in lost revenue and greatly diminished the value of their land by washing away valuable topsoil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been exacerbated by the James River management policy of the U.S. Army Corps of Engineers.

Mr. President, it is unfair and unacceptable to ask producers to continue to bear economic losses that could be mitigated by a more reasonable corps river management policy. In recognition of this fact, I recently introduced legislation that, among other things, would ensure that South Dakotans are included in the revision process of the Jamestown dam and Pipestem dam operations manuals. By assuring consideration of down river interests in South Dakota, this legislation would provide landowners along the James River with a measure of security against future high water flows and induce the Federal Government to assume greater responsibility for the damaging effects of its river management policies.

Specifically, this legislation would give landowners the opportunity to sell easements on their land to the U.S. Army Corps of Engineers if they so desire. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

It was my intention to attach this legislation to the Water Resources Development Act, which was developed by the Senate Environment and Public Works Committee. While receptive to this approach, the committee expressed its desire to allow the corps to examine a range of solutions, including structural and nonstructural efforts, to reduce the flooding and/or mitigate the damage suffered by landowners. I appreciate the desire to examine all options before settling on a final solution, as long as this evaluation is accomplished in a reasonable period of time and includes a review of the use of easements.

During committee deliberations, Senator PRESSLER objected to the inclusion of language explicitly directing the corps to evaluate the purchase of easements from willing sellers. While I would have preferred to include such language in the bill, the compromise provision directs the corps to examine all options, including the purchase of easements from willing sellers. It is my expectation and understanding that the corps will assess the feasibility of allowing South Dakotans to sell easements, and thus gain some financial relief, as one means of mitigating the damage caused by the flooding, as part of its evaluation of structural and nonstructural solutions to the flooding and its associated damage.

The Water Resources Development Act should set in motion a process that will lead to the corps providing relief to landowners affected by the frequent flooding of the James River in South Dakota. This problem will only be solved through a number of actions, including, I hope, both allowing the landowners along the river to sell easements to the corps and changing the

overall management of the Jamestown and Pipestem dams. I will continue to urge the corps to take seriously the concerns of South Dakotans as this process continues.

Mr. WARNER. Mr. President, I wish to discuss a specific provision in the Water Resources Development Act of 1996 which addresses the Washington Aqueduct—the public water system for the Metropolitan Washington area that is owned by the Federal Government and administered by the Corps of Engineers.

As my colleagues may recall, the conditions at the Washington Aqueduct gained national attention when the Environmental Protection Agency issued a boil-water order in December 1993 for the Metropolitan Washington region. There was significant concern that the water supply for the Nation's Capital was contaminated. Thankfully, extensive testing conducted by the EPA and independent authorities concluded equipment failure followed by human error affected the results of the water quality testing. While, there was no contamination, it was a loud wake-up call for the region.

I commend the Environmental Protection Agency for their precautionary steps and quick response to this situation. This incident brought to light the significant capital improvements that are needed at the facility to meet current Federal drinking water standards.

While the Washington Aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government and it is critical to providing services to the Congress and other Federal facilities in the region. Since 1853, all activities relating to the maintenance and operation of the system have been administered by the U.S. Army Corps of Engineers.

In an effort to accelerate the needed capital improvements to the system, I authored legislation to grant the Corps of Engineers access to borrowing from the Treasury to underwrite the cost of these improvements. This approach did not relieve the local water customers of any of their existing responsibilities. The customers of the Washington Aqueduct—the District of Columbia, and the Virginia jurisdictions of Arlington and Falls Church—would continue to bear all the costs of these improvements through higher water rates. This additional revenue would be used to repay the loans from the Treasury over a reasonable period of time.

Mr. President, that is a description of my earlier proposal to respond to the situations at the Washington Aqueduct. I regret that in the 2 years that I have been pursuing this approach the administration continues to oppose this solution. The administration's proposal is simply to dispose of this antiquated facility.

I strongly reject that position because it fails to address any of the legitimate issues at hand. First, I believe the Federal Government has a responsibility to ensure an uninterrupted, safe supply of drinking water to the Federal community, including the Congress. Second, if the corps and the customers decide to explore the potential for non-Federal ownership, we must devise a workable approach that enables the capital improvement program to go forward.

Although I have serious reservations about transferring ownership to a non-Federal entity because of the potential to expose the system to terrorist actions, I want to move forward with modernizing the system. This legislation ensures that critically needed capital improvements are made and sets forth a framework which allows the corps and the aqueduct customers to reach agreement on the future of the Washington Aqueduct. Again, at no cost to the Federal Government.

The approach in the Chairman's amendment accomplishes that goal and I appreciate his support.

Mr. SIMON. Is the chairman aware that the U.S. Army Corps of Engineers Division Restructuring Plan calls for the closure of the North Central Division Office, in Chicago, IL? My colleague and I are particularly concerned that the Great Lakes region is losing skilled personnel at a time when waterway issues are requiring the increased attention of the corps.

Ms. MOSELEY-BRAUN. I might add that it simply does not make sense to have Great Lakes, Lake Michigan, and Upper Mississippi River issues handled by an office that not only has no institutional knowledge and expertise in these areas, but also is not even located in the Great Lakes basin.

Mr. CHAFEE. I have indeed seen a draft of the Army corps restructuring plan. I believe it is true that the restructuring plan involves closure of the North Central Division Office.

Mr. SIMON. The chairman is also aware that in response to the restructuring plan we sought to include language in the Senate version of the Water Resources Development Act, S. 640, to preclude the closure of the North Central Division Office.

Mr. CHAFEE. Indeed, you both have been diligent in that regard. I have been reluctant to include the proposed amendment here because I believe it is a matter better dealt with on the relevant appropriations legislation. It is my understanding, however, that there are plans to include similar language in the House version of the WRDA bill.

Ms. MOSELEY-BRAUN. Should similar language be adopted in the House, will you commit to giving it your close and careful consideration in conference?

Mr. CHAFEE. Indeed. I would, however, like to work carefully with the chairman of the Energy and Water Development Appropriations Subcommittee, Senator DOMENICI, as his subcommittee had jurisdiction over the original language that mandated the restructuring plan.

Mr. SIMON. I sympathize with your concerns over the jurisdictional issue. It is my understanding, however, that Senator DOMENICI does not object to our addressing this problem on the WRDA bill.

Ms. MOSELEY-BRAUN. I am pleased we could work together. My colleague and I appreciate your assistance on a matter of critical importance to the State of Illinois.

DAM SAFETY AMENDMENT TO WRDA

Mr. BOND. Mr. President, I congratulate the chairman and ranking member of the Environment and Public Works Committee, Chairman CHAFEE and Senator BAUCUS, and Senator WARNER, chairman of the subcommittee of jurisdiction for their efforts to put together this very difficult legislation. Flood damage prevention and navigation are of particular importance to the people of Missouri given our unique reliance on the inland waterway system. Both the benefits of this system and its shortfalls have been highlighted by the recent record flood events in 1993 and again this spring. Though substantial progress has been made, there remains much hard work to be completed.

Of considerable concern to me are the crippling effects the President's budget is placing on our Nation's effort to protect lives and property from flooding. Clearly, the President does not consider the missions of flood control and navigation to be a priority and through various policy positions and inadequate funding requests, our inland waterway system, the economic activity that depends on it, and the people who live near it are at risk. Those of us who represent regions that rely on flood protection and the competitive international trade advantages provided by the critical corps navigation programs must continue to oppose the administration's intention to let them wither on the vine.

This legislation includes an important Missouri project and many others. Since 1928, the corps has spent $33 billion for flood control projects. In that time, $275 billion in damages have been prevented. This does not account for the massive economic development that flood protection permits. I would have thought the political leadership of the administration would be trying to promote these important missions of safety, economic development, and international competitiveness instead of trying to undermine the successful mission and efforts of the Corps of Engineers.

The cheapest way to move a ton of grain in the world is by barge on the Mississippi River. Senators who are concerned about competitiveness, promoting trade opportunities, protecting jobs, and growing the economy recognize the benefits of promoting water resources on our inland waterway system. Half our Nation's grain is shipped by barge and this cost advantage contributes to the fact that we are expecting a record $60 billion in agricultural exports this year with a $30 billion trade surplus. As I have said before,

trying to update our water infrastructure to capture the growing Asian market is not pork as OMB would suggest—''its the economy, stupid.''

On another matter, I am very proud to have included in the managers package of amendments language I drafted to encourage more effective approaches to dam safety. As people in Missouri know well, the power of water and its potential for causing loss of life and property is a profound reality. The National Inventory of Dams includes roughly 75,000 dams. Over 95 percent of these dams are State regulated. Of these dams, over 9,000 are considered ''State high hazard'' dams which means that dam failure may result in significant loss of life or property. Many of these dams are considered ''unsafe'', or susceptible to failure due to deficiencies.

Thousands of citizens in every State are dependent on dams for water supply, flood control, irrigation, and recreation. High safety standards for these dams can keep them from failing and causing devastating environmental and property damage, economic hardships, and, in the worst case, loss of life. My State of Missouri has 3,500 dams on the inventory of which 650 are high hazard.

Deterioration of the infrastructure is a major concern and problems increase as dams decay with age. It has been determined that the life of a dam is 50 years. The majority of dams in this country are quickly approaching this age and rehabilitation of these structures is a major concern. In 1994 alone, 273 documented failures occurred across the Nation. This included 250 during the Georgia flood where lives were lost and where States reported downstream repair costs of over $50 million. In the 1970's, a dam failure in Idaho cost 11 lives and a West Virginia dam failure was responsible for killing 125 people.

Recent studies by the Association of State Dam Safety Officials show that about half the States have shown program improvement progress while half have either remained constant or regressed in the last 10 years. With the recent economic climate, even those State programs showing improvement are struggling to keep up with growing responsibilities.

There is currently no statutory national dam safety program. Two laws enacted by previous Congresses have since expired. The Federal Emergency Management Agency coordinates the implementation of guidelines pursuant to Executive order to implement a program to encourage coordination among Federal and State dam safety personnel and activities but a more aggressive partnership is needed.

The legislation reauthorizes several previously enacted provisions and codifies the interagency working groups who have expertise in issues of dam safety. The lead agency will be FEMA, whose stated goal is ''to make mitigation the cornerstone of the Federal multi-hazard emergency management system.'' This approach promotes a focus on taking relatively inexpensive preventative approaches that can preclude expensive and fatal disasters.

The legislation authorizes matching funds of up to $4 million per year over 5 years as an incentive for States to adopt dam safety programs. It further authorizes research in dam safety technology to discover methods to make new dams more reliable; to assess more reliably the condition of existing dams; and to prolong the reliable life of existing dams. Also included are funds to train State dam inspectors. In short, this program is meant to share the considerable level of Federal expertise and modest dollars to maximize the effectiveness of States to improve their programs and reduce exposure to dam failure.

This incentive and partnership-based approach is not a Federal mandate and does not interfere with the Federal responsibility to ensure the safety of Federal dams. It does not provide for Federal inspection of non-Federal dams and does not authorize any funds for construction and rehabilitation which explicitly and appropriately remain the responsibility of the States.

This approach has the support of the Federal agencies, the National Governors Association, the Association of State Dam Safety Officials who brought these recommendations to the Congress, the National Association of Civil Engineers, and others.

I am pleased to note that the House Committee on Transportation and Infrastructure adopted companion language in their markup of WRDA legislation on June 30.

I thank representatives of the ASDSO and ASCE for working closely and diligently with my office in pursuit of these commonsense provisions to improve dam safety. Brad Iarossi with the Maryland Department of Natural Resources has been of invaluable assistance as this process has moved forward. Again, I appreciate the assistance of Chairman CHAFEE, Chairman WARNER and Senator BAUCUS and their able staff in bringing this legislation before the Senate.

LOWER FOX RIVER SEDIMENT REMEDIATION PROJECT

Mr. KOHL. Mr. President, the chairman of the Senate Environment and Public Works Committee is well aware of the concerns that Senator FEINGOLD and I have raised about the concentration of contaminated sediments in the Lower Fox River of Wisconsin.

As a result of a high concentration of PCB's and other toxic pollutants in the sediment of the Lower Fox River, the area has been designated by the International Joint Commission as 1 of 43 toxic hotspots in the Great Lakes. Most of these 43 hotspot areas are characterized by contamination which cannot be cleaned up through existing routine programs. Because the contaminated sediments at these sites oftentimes disperse throughout the Great Lakes ecosystem, it is believed that remediation is critical for environmental restoration of the Great Lakes.

The Fox River is known to be the biggest source of PCB loadings into Green Bay, a fact which has been documented by the Green Bay mass balance study conducted by EPA between 1988 and 1992. Further, it is believed that the Fox River may also be the biggest source of PCB contamination to Lake Michigan. Specifically, the Green Bay mass balance study, conducted by EPA, estimated the volume of contaminated sediment with high concentrations of PCB's to be 7 to 9 million cubic meters. It is clear that the potential for continued dispersion of the sediments throughout the Great Lakes ecosystem is great.

To address the problem, a partnership has been formed in Wisconsin where the Wisconsin Department of Natural Resources, local governments, POTW's and area businesses are working together to analyze and characterize the contamination, and to plan for the remediation of the sites. Given the urgency of the clean up, the group is seeking to proceed with remediation using a consensus-based process, in order to avoid any delays that may be associated with litigation.

Mr. FEINGOLD. I concur with the Senator from Wisconsin's characterization of the urgency of clean up on the Lower Fox River. Not only is the contamination from the Fox River believed to be the biggest source of PCB loading to Lake Michigan, but it may easily become the biggest source of contamination for the entire Great Lakes system. It is widely understood that a large storm event in the region could resuspend those contaminated sediments in the Fox River to disperse pollutants more broadly into the food chain of the Great Lakes.

I would ask the chairman of the Environment Committee if he would agree that there is an urgent need for clean up at the Fox River site, and that a consensus-based clean up process should be encouraged?

Mr. CHAFEE. I would say to both Senators from Wisconsin that I share their concern about the contaminated sediment problems in the Fox River. I agree that there does appear to be an urgent need for cleanup. Further, I would agree that a consensus-based process for remediation should be encouraged, and may lead to a more timely remediation.

Mr. KOHL. Given the urgent need for remediation, Senator FEINGOLD and I had requested that the Committee authorize the Corps of Engineers to help in the clean up of the Fox River, thereby becoming a partner in the effort to remediate the contamination using a consensus-based process. Specifically, we requested that the Lower Fox River sediment remediation project be authorized under Section 312(b) of the 1990 Water Resources Development Act (P.L. 101–640), which authorizes funds for environmental dredging projects within and adjacent to ongoing Army

Corps navigation projects. The Fox River is currently an authorized corps project. Long-range Army Corps plans include a continued corps involvement in the ongoing operation and maintenance of the water regulation portion of the project. However, the Army Corps does not maintain the waterway for navigation purposes and has recommended an end to its role in the navigation portion of the project. The corps is currently in negotiations with the State of Wisconsin to effect deauthorization of navigation.

In response to my and Senator FEINGOLD's request to authorize the Army Corps to clean up the contaminated sediments along the Fox River, Chairman CHAFEE and other members of the Committee on Environment and Public Works expressed strong reservations. I wonder if the chairman would discuss briefly his concern with our proposal.

Mr. CHAFEE. The Senators from Wisconsin have indeed been diligent with regard to including a provision in this bill to address the Fox River matter. However, I am convinced that under these circumstances, assigning the Army Corps with these responsibilities is inappropriate.

While it is true that existing water resources law authorizes the Secretary of the Army to remove contaminated sediments in conjunction with operation and maintenance of ongoing navigation projects, the law establishes conditions which must first be met. First, section 311 (c) of the 1990 WRDA requires a joint plan to be developed by the Secretary of the Army and interested Federal, State, and local officials. Regrettably, we do not have such a plan for the Lower Fox River. Second, it is required that the remediation be done, as stated a moment ago, in connection with ongoing operation and maintenance of a navigation project. It is my understanding that the corps no longer performs operation and maintenance activities along the Lower Fox. Third, the law requires that the method to be used for dredged material disposal and the specific responsibilities of the Secretary and other involved parties be provided prior to authorization. The 1990 Water Resources Development Act also requires that sources of funding for the work be identified. Again, regrettably, none of these conditions are met with respect to the Lower Fox.

Without having a clear understanding of the exact responsibilities of the Secretary, I would also be concerned about potential liability problems the corps might face once they get involved.

Mr. FEINGOLD. I know that the Senator is aware that a provision was included in the House version of the water resources bill authorizing the Lower Fox River sediment remediation project. I would ask for the Senator's commitment to give that provision strong consideration in conference, or to work with Senator KOHL and myself to find another vehicle to address this urgent matter.

Mr. CHAFEE. I will say to the Senators from Wisconsin that I will give the House Fox River provision my strong consideration in conference, and will continue to work with them to find the most appropriate way to address the pressing contamination problems of the Fox River.

Mr. NICKLES. Mr. President, included in S. 640, the Water Resources Development Act, is a provision which provides for the reallocation of a sufficient amount of existing water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery on a permanent basis. The bill also requires releases of water from Broken Bow Lake to be undertaken at no expense to the State of Oklahoma to mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service.

The Oklahoma Department of Wildlife Conservation [ODWC] began stocking trout in 12 miles of the lower Mountain Fork river in December 1988. I worked on legislation in 1992, Public Law 102–580, section 102(v), which authorized the reallocation of unobligated water supply storage for the purpose of maintaining the trout fishery. As a result, it is estimated the trout fishery generates over $1 million annually in aggregate benefits to the economy of southeastern Oklahoma.

It is the intention of this bill that water releases be made from the Mountain Fork Dam to mitigate the loss of 26 miles of high-quality small mouth bass waters destroyed when the Broken Bow Dam was constructed. A 1960 U.S. Fish and Wildlife mitigation recommendation for a 100 cubic-feet-per-second instantaneous release from Broken Bow Dam is being released approximately 8 miles downstream and gauged 12 miles downstream rather than at the dam, as originally recommended. With slight modification, implementation of the 1960 USFWS mitigation recommendation would provide releases necessary to maintain the fishery in its present capacity.

Under a reasonable worst-case scenario, maintaining the Mountain Fork fishery requires release of approximately 38,454 acre-feet through the spillway and 41,259 acre-feet released through hydro generation. It is my understanding that over 90 percent of Broken Bow water storage capacity is uncontracted. Thus, mitigating the loss of the small mouth bass fishery through maintenance of the trout fishery does not adversely affect the water supply needs of local municipalities or hydro generation.

Finally, it is not the intent of this legislation to interrupt maintenance of the Mountain Fork trout fishery as it has been maintained since 1992. The purpose of this legislation is to partially mitigate the loss of fish and wildlife resources in the Mountain Fork River as recommended by the U.S. Fish and Wildlife Service Regional Director in 1960.

The Mountain Fork trout fishery could not be properly maintained without cooperation between the Oklahoma Department of Wildlife Conservation, the Army Corps of Engineers, and the Southwestern Power Administration. I, along with the people of McCurtain County, appreciate their hard work to maintain this project.

Mr. KOHL. Mr. President, this water resources bill includes many provisions of great importance. Perhaps none of the provisions is more important to the State of Wisconsin than the transfer of land in the Kickapoo River Valley from the Corps of Engineers to the State of Wisconsin, for the purpose of creating the Kickapoo Valley Reserve.

We in the Senate spend a great deal of time arguing about the appropriate role of the Federal Government. I know that my colleagues of all ideological stripes can list specific instances in which Federal intervention has caused undue pain and suffering to individuals or communities. Today with this bill, and the Kickapoo Valley, WI, provision included therein, we have begun the process of rectifying a wrong that was done the people of Southwestern Wisconsin 3 decades ago.

In the mid 1960s, Congress authorized the Corps of Engineers to build a flood control dam on the Kickapoo River at LaFarge in Vernon County, WI. In order to proceed with the project, the Corp of Engineers condemned 140 farms covering an area of about 8,500 acres. To LaFarge, a community of only 840 people, the loss of these farms dealt a significant economic and emotional blow.

With the loss of economic activity, the community eagerly awaited the completion of the dam, and the creation of a lake that promised to provide some economic benefits in the form of recreational and tourism activities. But because of budgetary and environmental concerns, the project never happened. And the people of LaFarge were left holding the bag.

But the passage of this bill today represents a milestone in the cooperative effort of the citizens of the Kickapoo River Valley, the State of Wisconsin, the Ho Chunk Nation, and local environmental leaders to turn this bad situation into an outstanding success for the community, the State, and the Federal taxpayers.

The Kickapoo Valley, WI, provision of this water resources bill would modify the original LaFarge Dam authorization, returning the federally condemned property to the State of Wisconsin. Anticipating this action, the State legislature and Governor Thompson have already acted to authorize the use of this 8,500 property as a State recreational and environmental management area. Further, in recognition of the cultural and religious significance of this area to the Ho Chunk People, agreement has been reached with the Ho Chunk Nation to transfer

up to 1,200 acres of that area to the Secretary of Interior in trust for the Ho Chunk Nation.

While this legislation does not include all of the things that my colleague from Wisconsin, Senator FEINGOLD, and I have wanted in terms of funding for infrastructure improvements in the area, it does address the most crucial aspect of this matter, which is the land transfer. This measure is long overdue, and it is my sincere pleasure to be able to return this remarkable piece of property back to local control.

COLUMBIA RIVER CHANNEL

Mr. HATFIELD. Mr. President, the top marine transportation priority for my region is the project to deepen the Columbia River deep-draft channel from 40 to 43 feet. Local sponsors of the project include three Oregon ports: Astoria, Portland, and St. Helens; and four Washington ports: Longview, Kalama, Woodland, and Vancouver. The project enjoys strong support within the Oregon and Washington congressional delegations.

Port and regional interest is so keen because some of the ships calling in the Columbia River now exceed the 40-foot draft of the existing channel. If the channel comes to be viewed in the world shipping community as too shallow for the larger, more efficient vessels, our region's reliance on trade and distribution as economic mainstays will be at risk.

On June 27, Mr. President, the biggest container vessel ever to call in the Columbia River, the *Ever Ultra,* took on more than 2,100 containers in Portland. If loaded fully, the *Ever Ultra* would have needed a channel nearly 42 feet deep. This class of vessel will operate out of the river at low-water periods by leaving light loaded, but the vessel owners clearly view this as a test of the Columbia River port market. As world trade mushrooms in the years ahead, there will be more pressure on these vessels, and the channel as well, to operate at full capacity.

At stake is more than $15 billion in annual trade and more than 46,000 jobs in the region. Obviously, the job impact climbs even higher when you consider job impacts throughout the region. Exports crossing the Columbia River docks originate around the country, coming from the Midwest and northern tier States. Thus, the trade impacts of the channel reverberate throughout the U.S. economy.

Mr. President, let me cite just one regional example: An estimated three-quarters of Montana wheat is exported through the Columbia River system. Montana grain growers acknowledge that bottlenecks in the Columbia River Channel hamper their efforts to bet their grain to market. The same is true for States around the west that rely on the channel as the gateway to the international marketplace. Columbia River ports handle grain from throughout the Midwest and products from around the rest of the country.

Restrictions on channel draft mean lost business opportunities. for grain vessels, a foot of draft equates to 2,000 tons of cargo, valued at $324,000. For container cargo, that same foot of draft equates to $2.5 million in cargo value. When vessels leave light loaded or without taking a full load so that they do not exceed channel depth, that is the value of cargo left behind for each foot of draft sacrifices.

Mr. President, my colleague from Oregon, Senator WYDEN, and I have worked diligently with the committee on moving this project ahead. Included in this year's water resources bill is language directing the corps to move ahead with technical improvements on turns in the lower Columbia River. But I want to put the Senate on notice that more needs to be done on this project. I have discussed the importance of the Columbia River Channel deepening with the chairman of the Environment and Public Works Committee as he assures me the committee is well versed in the importance of this navigation improvement project.

Mr. CHAFEE. Mr. President, I rise to join with the Senator from Oregon in expressing my understanding of the vital importance of the Columbia River Channel deepening project. I have also expressed to my colleague my willingness to help keep review of the project moving ahead as swiftly as possible in the years ahead. I will do all that I can to urge the Corps of Engineers to complete its feasibility study on schedule so that Congress can address the merits of this project without any delay. I have given that commitment to my colleagues from Oregon and I am happy to repeat it during this debate today.

Mr. HATFIELD. I thank the distinguished chairman of the committee. This project has been one of the top priorities in my recent years in the Senate. This past year, the Columbia River was the largest volume export port on the west coast and its significance means the impacts are felt well beyond my State and region. I appreciate having the chairman of the authorizing committee recognize this importance and commit to timely consideration of the Columbia River Channel improvement project in the future.

WATER RESOURCES DEVELOPMENT ACT AND THE LA FARGE DAM

Mr. FEINGOLD. Mr. President, I want to express my strong support for the inclusion of language deauthorizing the La Farge Dam and Lake project in the 1996 Water Resources Development Act Reauthorization [WRDA] and extend my thanks to the Senator from Rhode Island [Mr. CHAFEE], the Senator from Montana [Mr. BAUCUS], and the Senator from Virginia [Mr. WARNER] for their assistance in incorporating these provisions. I want to recognize the efforts of all the individuals who have worked so hard over the last year on this legislation, including State Senator Brian Rude, Ho Chunk Nation President Chloris Lowe, State Representative DuWayne Johnsrud, Ron Johnson, the chair of the Kickapoo Valley Governing Board, Lou Kowalski, formerly of the St. Paul District Corps of Engineers, and Alan Anderson of the University of Wisconsin Extension. Finally, I want to extend my gratitude for the commitment and perseverance of the Wisconsin delegation. As a delegation, my colleagues from Wisconsin in the other body—Representatives GUNDERSON and PETRI—the senior Senator from Wisconsin [Mr. KOHL], and I introduced identical legislation on the 1st day of the 104th Congress in our respective bodies—S. 40 and H.R. 50—to address this unfinished business the Federal Government began in our State in 1962. We supported legislation to address this issue in the 103d Congress—S. 2186 and H.R. 4575. The House of Representatives included H.R. 4575 in the WRDA bill that passed on October 3, 1995. Senate action on this measure was not completed in the closing days of the 103d Congress.

In this Congress, the Senate Environment and Public Works Committee included the land transfer portion of my bill as part of the WRDA bill it introduced on March 28, 1995. That bill was favorably reported by the committee on August 2, 1995.

Today marks a major step toward ending the conflict and controversy created by the proposed construction, and later abandonment, of the La Farge Dam project. More than 30 years ago, the U.S. Army Corps of Engineers planned to build a dam across the Kickapoo River, near the village of La Farge, located in the southwestern portion of the State. In fact, Mr. President, I believe there is scarcely a person over 30 years of age in my State that has not heard about the La Farge Dam. The dam was supposed to provide flood control in an often flooded valley. Local residents were assured of the economic benefits in tourism dollars that the planned lake and other authorized improvements would bring to the area.

Federal legislation authorizing the La Farge Dam passed in 1962, and construction began in 1971. The Federal Government condemned the property and displaced 144 families. However, the project was never completed. Construction ended in 1975 following a dispute over the project's environmental impact statement. Mr. President, the La Farge area is ecologically sensitive and is a truly beautiful area of my State, filled with unique natural features such as: Sandstone cliffs, hearty forest lands, and scenic valleys. It is also home to many rare plants and several State threatened and endangered animals.

When construction stopped, the proposed dam was only 61 percent complete. The area, already struggling economically prior to the dam's development, was devastated. By 1990, it was estimated that annual losses resulting from the cessation of family farm operations and the unrealized tourism benefits that had been promised with the

dam totaled more 300 jobs and $8 million for the local economy per year. In fact, the only remaining legacy of the dam project is a fragmented landscape. It is dotted with scattered remains of former farm homes, and a 103-foot-tall concrete shell of the dam, with the Kickapoo River flowing unimpeded through a 1,000-foot-gap.

When the 144 families were forced to leave their homes in the 1960's, many left the region entirely. Those who stayed in the area lost income, and the land they once owned was removed from the local tax base. Businesses, which once relied on these customers, suffered, and the school system lost property tax funding along with approximately one-third of its students. Today, the median income of the La Farge area is only slightly above half of the State average, and the heartfelt bitterness toward what was widely considered an irresponsible Federal boondoggle will only begin to be tempered now that plans for Federal deauthorization are in progress with the passage of this measure.

For the past 5 years, under the sponsorship of Governor Thompson, members of the local community, the Army Corps of Engineers, University of Wisconsin-Extension, Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, Wisconsin State Historical Society, the Governor's office, State legislators, Wisconsin environmental groups, members of the congressional delegation, and, most recently, the Ho Chunk Nation have collaborated to develop a plan to reclaim the dam area and manage it under a combination of State and local control.

The Wisconsin State Legislature passed legislation in 1994 to establish the Kickapoo Valley Reserve. State law now provides that the deauthorized land will be managed under the auspices of the newly created Kickapoo Valley Governing Board. This entity is prepared to accept ownership on behalf of the State of Wisconsin upon Federal deauthorization of the land.

The Governing Board is required to preserve and enhance the unique environmental, scenic, and cultural features of the Kickapoo Valley, to provide facilities for the use and enjoyment of visitors to the area, and to promote the area as a destination for vacationing and recreation.

Strong environmental protection provisions are included in the State law, including limits on development and an outright ban on any mining activities. The State has also made a financial commitment to support both the administration of the governing board and the reserve at a cost of more than $300 thousand per year. In addition, the State will pay local property taxes and aid to local school districts.

At the time of the August 1995 WRDA markup, representatives of the Ho Chunk Nation, a Wisconsin Native American tribe, contacted the Bureau of Indian Affairs and my office raising concerns about the proposed transfer. The area which is now the La Farge Dam property at one time belonged to the Nation under two treaties with the Federal Government in 1825 and 1827. In a later treaty of 1837, the tribe was required to cede this property to the United States. Because these lands had been the Nation's, both at the time of and prior to its treaties with the Federal Government, there are nearly 400 tribal archeological sites in this area. These include 150 prehistoric campsites, 18 prehistoric villages, rock shelters, petroglyphs, and burial mounds. In deauthorizing the dam project, and opening the property to public use, the Nation wanted to be certain that sites they believe to be culturally and religiously significant within this area were protected from desecration or other improper use.

Upon learning of the tribe's concerns, my office began a dialog with all the parties to determine how to transfer the property and insure that the tribal archeological sites were protected.

The result is truly landmark legislation. When this project is deauthorized, a portion of the more than 8,500 acre property now owned by the corps—some 1,200 acres—will be transferred to the Ho Chunk Nation. The remainder will be given to the State of Wisconsin. The parties will be required to sign a memorandum of understanding [MOU] to jointly operate the area as the Kickapoo Valley Reserve, a public outdoor recreational and educational area. This site in Wisconsin, which was untouched by the glaciers and contains this wealth of archeological sites, will create a ecologically and historically significant State reserve. In addition to its ecological significance, the reserve is also unique in a number of other ways. It will be the first time in our State's history and, according to the Congressional Research Service, nationally that a tribe and State will work together to pursue natural resource objectives for a particular piece of property in this fashion. Moreover, the day to day management of the reserve will be conducted by a governing board made up of local residents, not administered by the State Department of Natural Resources—a first in Wisconsin.

I was disappointed that we were unable to reach agreement under this legislation to include authorizations for improvement projects at this site, which were included both in the original La Farge Dam project as proposed by the corps and in my bill. These improvements include: Reconstruction of the three roads; construction of an education and interpretative complex that includes buildings, parking areas, recreational trails, and canoe facilities; remediation of old underground storage tanks and wells on the abandoned farms; and a complete inventory of the archeological sites as required by the National Historic Preservation Act.

These projects provide hope for the area and fulfillment of Federal promises made long ago. It is my understanding that the House has included authorizations for some of these improvements in the markup of their water resources bill and it is my hope that these improvements can be considered in the conference. We in the Wisconsin delegation are all concerned about the fiscal implications of WRDA projects. I believe that these improvement projects are a financial win for both Wisconsin and the Federal Government. The Army Corps of Engineers estimates that if the La Farge Dam were to be completed today, the total cost would be $102 million.

In conclusion, this effort should truly be dedicated to the people of the Kickapoo Valley. It is their hopeful vision of renewal of this area, and their tenacity that should be recognized today. This legislation marks the starting point of the work that is to come, which I know they will pursue with grace and fortitude.

Mr. BRADLEY. Mr. President, today's passage by the Senate of S. 640, the Water Resources Development Act [WRDA], represents a continuing Federal commitment to the water resources of our country. Passage of this important measure is a direct result of the leadership and diligent efforts of my colleagues Senator JOHN CHAFEE and Senator MAX BAUCUS and I would like to thank them for all their hard work. Their efforts have resulted in an excellent bill that has not only my whole-hearted support, but the solid backing of this body. This strong support is unsurprising. This bill has much to recommend it. Our waterways and ports, which funnel billions of dollars of products throughout the Nation and generate hundreds of thousands of jobs across the country, will be better served by this bill. For those Americans who live in areas of the country that are prone to flooding, this bill provides for flood-control projects that protect their homes and the billions of dollars that their property represents. I know that my colleagues understand the important navigation and flood control projects provided for in this measure, but I would like to take a moment to call their attention to another significant provision in this bill.

S. 640 includes important language that provides for a continuing Federal role in protecting a valuable national resource—our Nation's coastline. This language states clearly that the Federal Government has an obligation to provide the necessary support for projects that promote the protection, restoration, and enhancement of sandy beaches and shorelines in cooperation with States and localities. Mr. President, before I detail the significance of this language, I would again like to acknowledge and thank Senator CHAFEE and Senator BAUCUS for working with me on this issue as they readied WRDA for consideration by the full Senate. Their thoughtful consideration and leadership has been instrumental in achieving constructive progress on this

issue and I look forward to continuing to work with them as the bill moves forward.

To understand the significance of the inclusion of this shore protection language in this bill, it is necessary to understand the history that has led to today's congressional action on this subject. As many of my colleagues know, in 1995, the administration proposed an end to the Federal role in shore protection projects. Citing budgetary concerns, the administration proposal called for Federal involvement in projects that were of ''national significance'' only. This short-sighted policy ignores the fact that beach, shore, and coastal resources are critical to our economy and quality of life, but that they are fragile and must be protected, conserved, and restored.

As a coastal State senator, who walks the beaches of the Jersey shore every year, I know first hand the economic and recreational benefits that are derived from healthy beaches. This is why on May 23, 1996, I joined with my colleague and co-chair of the Senate Coastal Coalition, Senator CONNIE MACK of Florida, to introduce S. 1811, the Shore Protection Act of 1996. This bill would provide for a Federal role in shore protection projects, including those projects involving the placement of sand, for which the economic and ecological benefits to the locality, region or Nation exceed the costs.

I am pleased that Senator CHAFEE and Senator BAUCUS have agreed to include elements of the Shore Protection Act of 1996 in the Water Resources Development Act, which is the vehicle that authorizes the Federal involvement in civil works projects like shore protection. The history of Federal involvement in water resource projects dates back almost 200 years and includes a long history of involvement in shore protection projects. The role of the Federal Government in beach restoration projects was reaffirmed as recently as 1986 with passage of WRDA '86, the largest and most comprehensive authorization of the Corps Civil Works Program since the 1940's. The passage of WRDA '86 included cost-sharing requirements that made States a partner in the funding of these programs. For the past decade, the protection of our Nation's shoreline has continued to be a partnership between the Federal Government and the States. Despite the Clinton administration's new policy of eliminating Federal participation in beach restoration projects, the Environment and Public Works Committee continues to authorize new projects and the Energy and Water Appropriations Subcommittee continues to appropriate funds for these projects. However, these measures address shore protection projects on an ad hoc, rather than comprehensive and coordinated, basis.

The language included in WRDA from the Shore Protection Act of 1996 challenges the administration's new policy and reaffirms a Federal role in shore protection. The language included states that one of the goals of WRDA is to ''promote shore protection projects and related research that encourage the protection, restoration and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, and localities, and private enterprises.'' This puts the Senate on record as rejecting the Administration's policy and more clearly defines the Army Corps' mandate to undertake shore protection projects, specifically those projects which include the placement of sand. This mandate is further clarified by the adoption in WRDA of new definitions from the Shore Protection Act of 1996 that redefines ''shore,'' to include ''sandy beaches'' and expands ''shoreline protection project'' to include ''a project for beach renourishment, including the placement of sand.'' The inclusion of this language would mandate a continuing Federal role in shore protection projects by changing the mission of the Corps from one of general authority to do beach projects to a specific mandate to undertake the protection, restoration and enhancement of beaches in cooperation with States and local communities.

I am pleased that this language was included in WRDA, and look forward to continuing discussions on the other important provisions in the Shore Protection Act that were not included in this measure at this time. These provisions include the requirement that new criteria be used in conducting the cost-benefit analysis of a proposed project. Currently, when undertaking cost-benefit analysis to determine the suitability of proposed projects, the corps is only required to consider the property values of property directly adjacent to the beach. The corps can take into account revenues generated through recreation, but is not required to do so, nor can the recreational values be weighed as anything other than an incidental benefit. The Shore Protection Act requires that the benefits to the local, regional and national economy and the local, regional and national ecology be considered. This comprehensive evaluation will demonstrate that shore protection projects are of national significance.

The Shoreline Protection Act also requires that the corps report annually to Congress on beach project priorities. The corps will be required to submit information—reports—to Congress on projects that, when evaluated with the bill's new cost-benefit criteria, are found to merit Federal involvement. In current law, this authority is discretionary and has been suspended by the administration.

Additionally, the act encourages the corps to work with State and local authorities to develop regional plans for preservation, restoration and enhancement of shorelines and coastal resources. Further the corps is encouraged to work with other agencies to coordinate with other projects that may have a complimentary effect on shoreline protection projects.

A network of healthy and nourished beaches is essential to our economy, competitiveness in world tourism and the safety of our coastal communities. I know that many of my colleagues have heard the numbers before but they bear repeating. More than 28 million people work in businesses related to costal tourism, and healthy beaches contributed to a $26 billion tourism trade surplus last year. Protection of the Nation's shoreline must be a continued Federal priority and I appreciate Senator CHAFEE's leadership on this issue. By authorizing new shore protection projects in this year's WRDA and by associating himself with the provisions of the Shore Protection Act that call for a continued Federal role in shore protection, he has distinguished himself in the effort to preserve one of our Nation's most unique and valuable resources. I want to associate myself with Senator CHAFEE's remarks that state that he ''plans to work closely with Senators MACK, BRADLEY, and others to build on this provision as S. 640 advances.'' I look forward to continuing this dialog as the bill continues to progress.

TECHNOLOGY TO DECONTAMINATE SEDIMENTS

Mr. LEVIN. Mr. President, I wish to engage the distinguished chairman of the Senate Committee on Environment and Public Works in a brief colloquy regarding S. 640, the Water Resources Development Act of 1996.

As the chairman may know, I have been very involved in efforts to clean up contaminated sediments in the Great Lakes. I have long supported the program for the assessment and remediation of contaminated sediments. The Water Resources Development Act of 1990 authorized very modest funding for the Secretary of the Army to provide technical planning and engineering assistance to States and local governments to develop contaminated sediment remediation plans. This has been a joint Army Corps of Engineers—Environmental Protection Agency effort to develop more cost-effective technologies for cleaning up sediments in freshwater. This coordinated effort is very similar to the one in New York/New Jersey Harbor authorized in section 405 of the Water Resources Development Act of 1992, which is extended and expanded in the bill before us, except that that program primarily addresses saltwater areas.

The Great Lakes region faces a multibillion dollar problem in cleaning up and preventing the deposition of more contaminated sediments. This overwhelming task will require cooperation and financial support from all levels of government and sectors of society. The long-term environmental and economic health of the region depend on our ability to address this difficult problem.

Recently, I have communicated to the chairman and the Environment

Committee about my strong interest in pursuing the Superfund as one possible option for cleaning up the areas of concern around the Great Lakes. Unfortunately, for a variety of reasons, including the lack of cost-effective technology, Superfund has not adequately considered the risks from or attempted to address most of these aquatic sites. Superfund would be an appropriate funding source since the majority of these areas are contaminated with many of the very persistent substances and chlorinated hydrocarbons that plague our ecosystem and are produced from the feedstocks that are taxed to fill the Superfund.

As a result of research and planning efforts at the Army Corps and EPA, we have now identified promising technologies and it is time to put them into practice. That is why I am seeking the Senator from Rhode Island's firm commitment to accept, or recede to in conference, the House provision outlined in section 509 of H.R. 3592 or something similar.

Mr. CHAFEE. I appreciate the interest of the the Senator from Michigan. I am pleased to tell him that the provision appears to be reasonable and consistent with the navigation mission of the Army Corps. As such, I can assure the Senator from Michigan that I will look favorably upon the provision he refers to and will make sure all of the Senate conferees are aware of his interest in this matter.

Mr. LEVIN. I thank the chairman for his assurances and look foward to working with him further on preventing and remediating contaminated sediments in the Great Lakes and in other areas of the country. I would also like to note for my colleagues that they will likely be surprised at the pervasiveness of contaminated sediments in our coastal waters, which will be revealed if and when EPA finally releases its very tardy national assessment of aquatic sediment quality. This was due to have been released in October 1994, pursuant to the Water Resources Development Act of 1992, section 503.

Mr. SARBANES. I would like to engage the distinguished chairman of the Committee on Environment and Public Works in a colloquy regarding the funding levels authorized in the bill for the Chesapeake & Delaware Canal. At the very outset, I want to commend the chairman for his leadership in crafting this legislation which is of vital importance to our Nation's water resources infrastructure.

I am particularly grateful for the committee's favorable consideration of the Poplar Island restoration project and the improvements to the Tolchester Channel and the C&D Canal made possible by this legislation. I note, however, that the project costs for the C&D Canal improvements are unfortunately inaccurate. I would stress that this happened through no fault of the committee staff. The Corps of Engineers draft feasibility study for the project released in January 1996, estimates the total cost of the project at $83,900,000 rather than the $33 million shown in the bill. Of this revised amount, $54,204,000 is Federal and $29,696,000 is non-Federal responsibility.

I ask the chairman whether it would be possible to have these numbers corrected in the conference committee.

Ms. MIKULSKI. Mr. President, I would only add two points. First, that the project is one of considerable importance to the Port of Baltimore and to the efficient passage of ships up and down the east coast. Second, that the correct figures are those developed by the Corps of Engineers and represent the current estimates for the project in accordance with the cost-sharing provisions of the Water Resource Development Act of 1986. I would also request the chairman's assistance in resolving this matter.

Mr. CHAFEE. I thank Senators SARBANES and MIKULSKI for their kind remarks and express my agreement that we should utilize the correct numbers for this and all other projects. As such, I will look favorably upon the necessary modification to this project authorization during conference with the House of Representatives.

Mr. SARBANES. Mr. President, I rise in strong support of S. 640, the Water Resources Development Act of 1995, and the committee amendment, which provide for the development and improvement of our Nation's water resources infrastructure. This legislation authorizes water resource projects of vital importance to our Nation's and our States' economy and maritime industry as well as our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to ensure the future health of the Port of Baltimore and of the Chesapeake Bay.

First, the bill authorizes the Poplar Island beneficial use of dredged material project. This project would take clean dredged materials from the shipping channels leading to the Port of Baltimore and use it to stabilize the shoreline, create habitat, and restore wetlands of one of the Chesapeake Bay's most valuable island ecosystems. Providing adequate and environmentally compatible dredged material disposal capacity for the millions of cubic years of materials which must be dredged from Baltimore's shipping channels, harbors, and anchorages are perhaps the biggest challenge facing our State. This is a creative solution that will not only help alleviate Maryland's shortage of dredge disposal capacity, but provide substantial environmental benefits for the Chesapeake Bay, creating new habitat for waterfowl and other wildlife and reducing the sediment and nutrient problems of the bay. The Poplar Island project would be the first large scale project to beneficially use dredged material and would serve as a national model demonstrating that clean dredged material can be a resource rather than a waste. It has been a top priority of mine, of the State of Maryland, and of the Chesapeake Bay community for many years and I am delighted that this legislation will enable us to move forward with this important project.

Second, the legislation directs the U.S. Army Corps of Engineers to expedite its study of the Tolchester Channel S-turn and, if feasible and necessary for safe and efficient navigation, to straighten the channel as part of project maintenance. The Tolchester Channel, a Chesapeake and Delaware Canal approach channel, is a vital link in the Baltimore Port system. The channel has a significant S-turn which requires ships to change course 5 times within 3 miles. With vessels nearly 1,000 feet in length, it is difficult to safely navigate the channel, particularly in poor weather conditions. The Maryland Pilots Association has indicated that two groundings and a greater number of near misses have occurred in the area. This legislation provides a mechanism for the Corps of Engineers to expedite safety-related improvements to the channel.

Third, the bill authorizes navigation and safety improvements to the Chesapeake and Delaware Canal and approach channels. The Chesapeake and Delaware Canal is a strategic and cost-effective shortcut from the Port of Baltimore to the North Atlantic, saving up to 12 hours of sailing time for many of the world's largest vessels. Nearly one half of all breakbulk and container tonnage moving through the Port of Baltimore utilizes the canal. Unfortunately current dimensions of the canal and connecting channels present serious constraints for modern container ships—many of which exceed 900 feet in length—seeking to use this shortcut. In January, after an extensive 6-year study, the Philadelphia District of the U.S. Army Corps of Engineers, completed a draft feasibility report and environmental impact statement which recommends deepening the existing channel from 35 feet to 40 feet. The project also includes enlarging the Reedy Point flare, bend widening at Sandy Point, and construction of an emergency anchorage at Howell Point. Subject to a final favorable feasibility report, expected in September of this year, the corps would be able to undertake these improvements and make transit of the canal safer and more efficient, while allowing larger ships to access the port.

The Port of Baltimore is one of the great ports of the world and one of Maryland's most important economic assets. The port generates $2 billion in annual economic activity, provides for an estimated 87,000 jobs, and over $500 million a year in State and local tax revenues and customs receipts. These three projects will help assure the continued vitality of the Port of Baltimore into the 21st century.

In addition to port development and improvement projects, the measure contains three amendments which will

help significantly to enhance Maryland's and the Chesapeake Bay region's environment.

It incorporates provisions of S. 934, the Chesapeake Bay Environmental Restoration and Protection Program, legislation I introduced together with Senators WARNER, ROBB, and MIKULSKI to expand the authority of the U.S. Army Corps of Engineers to assist in the environmental restoration of the Chesapeake Bay. The bill authorizes a $10 million pilot program for the corps to design and construct water-related projects in the Chesapeake Bay including projects for sediment and erosion control, wetland creation, fish passage barrier removal, wastewater treatment and related facilities, and other related projects. As the lead Federal agency in water resource management, the corps has a vital role to play in the restoration of the bay and these provisions would greatly enhance the ability of the corps to actively participate in this important endeavor.

It also authorizes $18.8 million in funding for environmental restoration of the Anacostia River. The Anacostia River is one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation. In July 1994 the Army Corps of Engineers completed a feasibility study which recommended 13 restoration actions, include 2 wetland restoration projects, 6 stormwater management/wetland projects, and 5 stream restoration projects. In total, these actions will restore 80 acres of wetlands, 5 miles of stream and 33 acres of bottom land habitat within the Anacostia basin. This legislation would enable the Corps of Engineers to undertake these projects and help restore the river and regain what has been lost through years of neglect.

Finally, the legislation authorizes the Secretary to transfer up to $600,000 to the State of Maryland for use by the State in constructing an access road to Jennings Randolph Lake. The fiscal 1994 energy and water appropriations bill contained a provision directing the corps to pave the access road on the Maryland side of the Jennings Randolph Lake utilizing the operations and maintenance budget. The Army has indicated that due to varying standards for Federal versus State road construction and the design and planning activity already undertaken by Maryland, the total cost of the road would be significantly lower if built by the State. This provision would enable the corps to transfer to the State of Maryland the funds necessary to complete the final portion of the access road which traverses corps property.

I want to compliment the distinguished chairmen of the committee and the subcommittee, Senators CHAFEE and WARNER, and the ranking member, Senator BAUCUS, for their leadership in crafting this legislation and I urge my colleagues to join me in supporting this measure.

AMENDMENT NO. 4445

(Purpose: To improve the bill)

Mr. STEVENS. Mr. President, I understand there is a manager's amendment to the committee amendment at the desk offered by Senator CHAFEE. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CHAFEE proposes amendment numbered 4445.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to and the committee amendment, as amended, be agreed to.

The amendment (No. 4445) was agreed to.

The committee amendment, as amended, was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill be deemed read for the third time and passed and the motion to reconsider be laid on the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 640) was deemed read the third time and passed, as follows:

S. 640

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

(2) MARIN COUNTY SHORELINE, SAN RAFAEL CANAL, CALIFORNIA.—The project for hurricane and storm damage reduction, Marin County Shoreline, San Rafael Canal, California: Report of the Chief of Engineers, dated January 28, 1994, at a total cost of $27,200,000, with an estimated Federal cost of $17,700,000 and an estimated non-Federal cost of $9,500,000.

(3) SAN LORENZO RIVER, CALIFORNIA.—The project for flood control, San Lorenzo River, California: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $16,100,000, with an estimated Federal cost of $8,100,000 and an estimated non-Federal cost of $8,000,000 and the habitat restoration, at a total cost of $4,050,000, with an estimated Federal cost of $3,040,000 and an estimated non-Federal cost of $1,010,000.

(4) SANTA BARBARA HARBOR, SANTA BARBARA COUNTY, CALIFORNIA.—The project for navigation, Santa Barbara Harbor, Santa Barbara, California: Report of the Chief of Engineers, dated April 26, 1994, at a total cost of $5,720,000, with an estimated Federal cost of $4,580,000 and an estimated non-Federal cost of $1,140,000.

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

(6) PALM VALLEY BRIDGE REPLACEMENT, ST. JOHNS COUNTY, FLORIDA.—The project for navigation, Palm Valley Bridge, County Road 210, over the Atlantic Intracoastal Waterway in St. Johns County, Florida: Report of the Chief of Engineers, dated June 24, 1994, at a total Federal cost of $15,312,000. As a condition of receipt of Federal funds, St. Johns County shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

(8) KENTUCKY LOCK ADDITION, KENTUCKY.—The project for navigation, Kentucky Lock Addition, Kentucky: Report of the Chief of Engineers, dated June 1, 1992, at a total cost of $467,000,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

(10) WOLF CREEK HYDROPOWER, CUMBERLAND RIVER, KENTUCKY.—The project for hydropower, Wolf Creek Dam and Lake Cumberland, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $50,230,000. Funds derived by the Tennessee Valley Authority from the power program of the Authority and funds derived from any private or public entity designated by the Southeastern Power Administration may be used for all or part of any cost-sharing requirements for the project.

(11) PORT FOURCHON, LOUISIANA.—The project for navigation, Port Fourchon, Louisiana: Report of the Chief of Engineers, dated April 7, 1995, at a total cost of $2,812,000, with an estimated Federal cost of $2,211,000 and an estimated non-Federal cost of $601,000.

(12) WEST BANK HURRICANE PROTECTION LEVEE, JEFFERSON PARISH, LOUISIANA.—The West Bank Hurricane Protection Levee, Jefferson Parish, Louisiana project, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to authorize the Secretary to extend protection to areas east of the Harvey Canal, including an area east of the Algiers Canal: Report of the Chief of Engineers, dated May 1, 1995, at a total cost of $217,000,000, with an estimated Federal cost of $141,400,000 and an estimated non-Federal cost of $75,600,000.

(13) STABILIZATION OF NATCHEZ BLUFFS, MISSISSIPPI.—The project for bluff stabilization, Natchez Bluffs, Natchez, Mississippi: Natchez Bluffs Study, dated September 1985, Natchez Bluffs Study: Supplement I, dated June 1990, and Natchez Bluffs Study: Supplement II, dated December 1993, in the portions of the bluffs described in the reports designated in this paragraph as Clifton Avenue, area 3; Bluff above Silver Street, area 6; Bluff above Natchez Under-the-Hill, area 7; and Madison Street to State Street, area 4, at a total cost of $17,200,000, with an estimated Federal cost of $12,900,000 and an estimated non-Federal cost of $4,300,000.

(14) WOOD RIVER AT GRAND ISLAND, NEBRASKA.—The project for flood control, Wood River at Grand Island, Nebraska: Report of the Chief of Engineers, dated May 3, 1994, at a total cost of $10,500,000, with an estimated Federal cost of $5,250,000 and an estimated non-Federal cost of $5,250,000.

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

(16) WILMINGTON HARBOR, CAPE FEAR-NORTHEAST CAPE FEAR RIVERS, NORTH CAROLINA.—The project for navigation, Wilmington Harbor, Cape Fear-Northeast Cape Fear Rivers, North Carolina: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $23,290,000, with an estimated Federal cost of $16,955,000 and an estimated non-Federal cost of $6,335,000.

(17) DUCK CREEK, OHIO.—The project for flood control, Duck Creek, Cincinnati, Ohio: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $15,408,000, with an estimated Federal cost of $11,556,000 and an estimated non-Federal cost of $3,852,000.

(18) BIG SIOUX RIVER AND SKUNK CREEK AT SIOUX FALLS, SOUTH DAKOTA.—The project for flood control, Big Sioux River and Skunk Creek at Sioux Falls, South Dakota: Report of the Chief of Engineers, dated June 30, 1994, at a total cost of $31,600,000, with an estimated Federal cost of $23,600,000 and an estimated non-Federal cost of $8,000,000.

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

(20) ATLANTIC INTRACOASTAL WATERWAY BRIDGE REPLACEMENT AT GREAT BRIDGE, CHESAPEAKE, VIRGINIA.—The project for navigation at Great Bridge, Virginia Highway 168, over the Atlantic Intracoastal Waterway in Chesapeake, Virginia: Report of the Chief of Engineers, dated July 1, 1994, at a total cost of $23,680,000, with an estimated Federal cost of $20,341,000 and an estimated non-Federal cost of $3,339,000. The city of Chesapeake shall assume full ownership of the replacement bridge, including all associated operation, maintenance, repair, replacement, and rehabilitation costs.

(21) MARMET LOCK REPLACEMENT, KANAWHA RIVER, WEST VIRGINIA.—The project for navigation, Marmet Lock Replacement, Marmet Locks and Dam, Kanawha River, West Virginia: Report of the Chief of Engineers, dated June 24, 1994, at a total cost of $229,581,000. The construction costs of the project shall be paid—

(A) 50 percent from amounts appropriated from the general fund of the Treasury; and

(B) 50 percent from amounts appropriated from the Inland Waterways Trust Fund established by section 9506 of the Internal Revenue Code of 1986.

(b) PROJECTS SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

SEC. 102. PROJECT MODIFICATIONS.

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading ''MOBILE HARBOR, ALABAMA'' in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: ''In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.''.

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

(d) OAKLAND HARBOR, CALIFORNIA.—The projects for navigation, Oakland Outer Harbor, California, and Oakland Inner Harbor, California, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4092), are modified to combine the 2 projects into 1 project, to be designated as the Oakland Harbor, California, project. The Oakland Harbor, California, project shall be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the reports designated for the projects in the section, except that the non-Federal share of project cost and any available credits toward the non-Federal share shall be calculated on the basis of the total cost of the combined project. The total cost of the combined project is $102,600,000, with an estimated Federal cost of $64,120,000 and an estimated non-Federal cost of $38,480,000.

(e) BROWARD COUNTY, FLORIDA.—

(1) IN GENERAL.—The Secretary shall provide periodic beach nourishment for the Broward County, Florida, Hillsborough Inlet to Port Everglades (Segment II), shore protection project, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1090), through the year 2020. The beach nourishment shall be carried out in accordance with the recommendations of the section 934 study and reevaluation report for the project carried out under section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) and approved by the Chief of Engineers by memorandum dated June 9, 1995.

(2) COSTS.—The total cost of the activities required under this subsection shall not exceed $15,457,000, of which the Federal share shall not exceed $9,846,000.

(f) CANAVERAL HARBOR, FLORIDA.—The project for navigation, Canaveral Harbor, Florida, authorized by section 101(7) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to reclassify the removal and replacement of stone protection on both sides of the channel as general navigation features of the project subject to cost sharing in accordance with section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)). The Secretary may reimburse the non-Federal interests for such costs incurred by the non-Federal interests in connection with the removal and replacement as the Secretary determines are in excess of the non-Federal share of the costs of the project required under the section.

(g) FORT PIERCE, FLORIDA.—The Secretary shall provide periodic beach nourishment for the Fort Pierce beach erosion control project, St. Lucie County, Florida, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1092), through the year 2020.

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

(i) NORTH BRANCH OF CHICAGO RIVER, ILLINOIS.—The project for flood control for the North Branch of the Chicago River, Illinois, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change report for the project dated March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

(j) HALSTEAD, KANSAS.—The project for flood control, Halstead, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), is modified to authorize the Secretary to construct the project substantially in accordance with the post authorization change report for the project dated March 1993, at a total cost of $11,100,000, with an estimated Federal cost of $8,325,000 and an estimated non-Federal cost of $2,775,000.

(k) BAPTISTE COLLETTE BAYOU, LOUISIANA.—The project for navigation, Mississippi River Outlets, Venice, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide for the extension of the 16-foot deep (mean low gulf) by 250-foot wide Baptiste Collette Bayou entrance channel to approximately mile 8 of the Mississippi River Gulf Outlet navigation channel at a total estimated Federal cost of $80,000, including $4,000 for surveys and $76,000 for Coast Guard aids to navigation.

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for

flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

(r) CAPE GIRARDEAU, MISSOURI.—The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4118–4119), is modified to authorize the Secretary to carry out the project, including the implementation of nonstructural measures, at a total cost of $44,700,000, with an estimated Federal cost of $32,600,000 and an estimated non-Federal cost of $12,100,000.

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: '', except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent''.

(v) WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina, authorized by section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), is modified to authorize the Secretary to construct the project substantially in accordance with the general design memorandum for the project dated April 1990 and the general design memorandum supplement for the project dated February 1994, at a total cost of $50,921,000, with an estimated Federal cost of $25,128,000 and an estimated non-Federal cost of $25,793,000.

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes'', approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

(z) SAW MILL RUN, PENNSYLVANIA.—The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary to carry out the project substantially in accordance with the post authorization change and general reevaluation report for the project, dated April 1994, at a total cost of $12,780,000, with an estimated Federal cost of $9,585,000 and an estimated non-Federal cost of $3,195,000.

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

(bb) ALLENDALE DAM, NORTH PROVIDENCE, RHODE ISLAND.—The project for reconstruction of the Allendale Dam, North Providence, Rhode Island, authorized by section 358 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861), is modified to authorize the Secretary to reconstruct the dam, at a total cost of $350,000, with an estimated Federal cost of $262,500 and an estimated non-Federal cost of $87,500.

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking ''$500,000'' and inserting ''$1,300,000''; and

(2) by striking ''$250,000'' each place it appears and inserting ''$650,000''.

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 22, 1922

(42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

(ff) MATAGORDA SHIP CHANNEL, PORT LAVACA, TEXAS.—The project for navigation, Matagorda Ship Channel, Port Lavaca, Texas, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 298), is modified to require the Secretary to assume responsibility for the maintenance of the Point Comfort Turning Basin Expansion Area to a depth of 36 feet, as constructed by the non-Federal interests. The modification described in the preceding sentence shall be considered to be in the public interest and to be economically justified.

(gg) UPPER JORDAN RIVER, UTAH.—The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4610), is modified to authorize the Secretary to carry out the project substantially in accordance with the general design memorandum for the project dated March 1994, and the post authorization change report for the project dated April 1994, at a total cost of $12,870,000, with an estimated Federal cost of $8,580,000 and an estimated non-Federal cost of $4,290,000.

(hh) GRUNDY, VIRGINIA.—The Secretary shall proceed with planning, engineering, design, and construction of the Grundy, Virginia, element of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project, authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), in accordance with Plan 3A as set forth in the preliminary draft detailed project report of the Huntington District Commander, dated August 1993.

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) RECREATIONAL COMPONENT.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

(jj) PETERSBURG, WEST VIRGINIA.—The project for flood control, Petersburg, West Virginia, authorized by section 101(a)(26) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4611), is modified to authorize the Secretary to construct the project at a total cost of not to exceed $26,600,000, with an estimated Federal cost of $19,195,000 and an estimated non-Federal cost of $7,405,000.

(kk) TETON COUNTY, WYOMING.—Section 840 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4176) is amended—

(1) by striking ''Secretary: *Provided,* That'' and inserting the following: ''Secretary. In carrying out this section, the Secretary may enter into agreements with the non-Federal sponsors permitting the non-Federal sponsors to provide operation and maintenance for the project on a cost-reimbursable basis. The'';

(2) by inserting '', through providing in-kind services or'' after ''$35,000''; and

(3) by inserting a comma after ''materials''.

SEC. 103. PROJECT DEAUTHORIZATIONS.

(a) BRANFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) DESCRIPTION OF LINE.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

(b) BRIDGEPORT HARBOR, CONNECTICUT.—

(1) ANCHORAGE AREA.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), consisting of a 2-acre anchorage area with a depth of 6 feet at the head of Johnsons River between the Federal channel and Hollisters Dam, is deauthorized.

(2) JOHNSONS RIVER CHANNEL.—The portion of the project for navigation, Johnsons River Channel, Bridgeport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 24, 1946 (60 Stat. 634), that is northerly of a line across the Federal channel the coordinates of which are north 123318.35, east 486301.68, and north 123257.15, east 486380.77, is deauthorized.

(c) GUILFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The portion of the project for navigation, Guilford Harbor, Connecticut, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that consists of the 6-foot deep channel in Sluice Creek and that is not included in the description of the realigned channel set forth in paragraph (2) is deauthorized.

(2) DESCRIPTION OF REALIGNED CHANNEL.—The realigned channel referred to in paragraph (1) is described as follows: starting at a point where the Sluice Creek Channel intersects with the main entrance channel, N159194.63, E623201.07, thence running north 24 degrees, 58 minutes, 15.2 seconds west 478.40 feet to a point N159628.31, E622999.11, thence running north 20 degrees, 18 minutes, 31.7 seconds west 351.53 feet to a point N159957.99, E622877.10, thence running north 69 degrees, 41 minutes, 37.9 seconds east 55.00 feet to a point N159977.08, E622928.69, thence turning and running south 20 degrees, 18 minutes, 31.0 seconds east 349.35 feet to a point N159649.45, E623049.94, thence turning and running south 24 degrees, 58 minutes, 11.1 seconds east 341.36 feet to a point N159340.00, E623194.04, thence turning and running south 90 degrees, 0 minutes, 0 seconds east 78.86 feet to a point N159340.00, E623272.90.

(d) NORWALK HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of projects for navigation, Norwalk Harbor, Connecticut, are deauthorized:

(A) The portion authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1919 (40 Stat. 1276), that lies northerly of a line across the Federal channel having coordinates N104199.72, E417774.12 and N104155.59, E417628.96.

(B) The portions of the 6-foot deep East Norwalk Channel and Anchorage, authorized by the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 13), that are not included in the description of the realigned channel and anchorage set forth in paragraph (2).

(2) DESCRIPTION OF REALIGNED CHANNEL AND ANCHORAGE.—The realigned 6-foot deep East Norwalk Channel and Anchorage referred to in paragraph (1)(B) is described as follows: starting at a point on the East Norwalk Channel, N95743.02, E419581.37, thence running northwesterly about 463.96 feet to a point N96197.93, E419490.18, thence running northwesterly about 549.32 feet to a point N96608.49, E419125.23, thence running northwesterly about 384.06 feet to a point N96965.94, E418984.75, thence running northwesterly about 407.26 feet to a point N97353.87, E418860.78, thence running westerly about 58.26 feet to a point N97336.26, E418805.24, thence running northwesterly about 70.99 feet to a point N97390.30, E418759.21, thence running westerly about 71.78 feet to a point on the anchorage limit N97405.26, E418689.01, thence running southerly along the western limits of the Federal anchorage in existence on the date of enactment of this Act until reaching a point N95893.74, E419449.17, thence running in a southwesterly direction about 78.74 feet to a point on the East Norwalk Channel N95815.62, E419439.33.

(3) DESIGNATION OF REALIGNED CHANNEL AND ANCHORAGE.—All of the realigned channel shall be redesignated as an anchorage, with the exception of the portion of the channel that narrows to a width of 100 feet and terminates at a line the coordinates of which are N96456.81, E419260.06 and N96390.37, E419185.32, which shall remain as a channel.

(e) SOUTHPORT HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The following portions of the project for navigation, Southport Harbor, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of

certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), are deauthorized:

(A) The 6-foot deep anchorage located at the head of the project.

(B) The portion of the 9-foot deep channel beginning at a bend in the channel the coordinates of which are north 109131.16, east 452653.32, running thence in a northeasterly direction about 943.01 feet to a point the coordinates of which are north 109635.22, east 453450.31, running thence in a southeasterly direction about 22.66 feet to a point the coordinates of which are north 109617.15, east 453463.98, running thence in a southwesterly direction about 945.18 feet to the point of beginning.

(2) REMAINDER.—The portion of the project referred to in paragraph (1) that is remaining after the deauthorization made by the paragraph and that is northerly of a line the coordinates of which are north 108699.15, east 452768.36, and north 108655.66, east 452858.73, is redesignated as an anchorage.

(f) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

(h) EAST BOOTHBAY HARBOR, MAINE.—The following portion of the navigation project for East Boothbay Harbor, Maine, authorized by the first section of the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly referred to as the ''River and Harbor Act of 1910''), containing approximately 1.15 acres and described in accordance with the Maine State Coordinate System, West Zone, is deauthorized:

Beginning at a point noted as point number 6 and shown as having plan coordinates of North 9, 722, East 9, 909 on the plan entitled, ''East Boothbay Harbor, Maine, examination, 8-foot area'', and dated August 9, 1955, Drawing Number F1251 D–6–2, said point having Maine State Coordinate System, West Zone coordinates of Northing 74514, Easting 698381; and

Thence, North 58 degrees, 12 minutes, 30 seconds East a distance of 120.9 feet to a point; and

Thence, South 72 degrees, 21 minutes, 50 seconds East a distance of 106.2 feet to a point; and

Thence, South 32 degrees, 04 minutes, 55 seconds East a distance of 218.9 feet to a point; and

Thence, South 61 degrees, 29 minutes, 40 seconds West a distance of 148.9 feet to a point; and

Thence, North 35 degrees, 14 minutes, 12 seconds West a distance of 87.5 feet to a point; and

Thence, North 78 degrees, 30 minutes, 58 seconds West a distance of 68.4 feet to a point; and

Thence, North 27 degrees, 11 minutes, 39 seconds West a distance of 157.3 feet to the point of beginning.

(i) YORK HARBOR, MAINE.—The following portions of the project for navigation, York Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), are deauthorized:

(1) The portion located in the 8-foot deep anchorage area beginning at coordinates N109340.19, E372066.93, thence running north 65 degrees, 12 minutes, 10.5 seconds east 423.27 feet to a point N109517.71, E372451.17, thence running north 28 degrees, 42 minutes, 58.3 seconds west 11.68 feet to a point N109527.95, E372445.56, thence running south 63 degrees, 37 minutes, 24.6 seconds west 422.63 feet to the point of beginning.

(2) The portion located in the 8-foot deep anchorage area beginning at coordinates N108557.24, E371645.88, thence running south 60 degrees, 41 minutes, 17.2 seconds east 484.51 feet to a point N108320.04, E372068.36, thence running north 29 degrees, 12 minutes, 53.3 seconds east 15.28 feet to a point N108333.38, E372075.82, thence running north 62 degrees, 29 minutes, 42.1 seconds west 484.73 feet to the point of beginning.

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

(k) FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.—The project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to provide that alteration of the drawspan of the Brightman Street Bridge to provide a channel width of 300 feet shall not be required after the date of enactment of this Act.

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

(n) OSWEGATCHIE RIVER, OGDENSBURG, NEW YORK.—The portion of the Federal channel in the Oswegatchie River in Ogdensburg, New York, from the southernmost alignment of the Route 68 bridge, upstream to the northernmost alignment of the Lake Street bridge, is deauthorized.

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United

States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

SEC. 104. STUDIES.

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

(b) BEAR CREEK DRAINAGE, SAN JOAQUIN COUNTY, CALIFORNIA.—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, flood control project, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(c) LAKE ELSINORE, RIVERSIDE COUNTY, CALIFORNIA.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the advisability of modifying, for the purpose of flood control pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), the Lake Elsinore, Riverside County, California, flood control project, for water conservation storage up to an elevation of 1,249 feet above mean sea level; and

(2) report to Congress on the study, including making recommendations concerning the advisability of so modifying the project.

(d) LONG BEACH, CALIFORNIA.—The Secretary shall review the feasibility of navigation improvements at Long Beach Harbor, California, including widening and deepening of the navigation channel, as provided for in section 201(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091). The Secretary shall complete the report not later than 1 year after the date of enactment of this Act.

(e) MORMON SLOUGH/CALAVERAS RIVER, CALIFORNIA.—The Secretary shall conduct a review of the Mormon Slough/Calaveras River, California, flood control project, authorized by section 10 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (58 Stat. 902), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(f) MURRIETA CREEK, RIVERSIDE COUNTY, CALIFORNIA.—The Secretary shall review the completed feasibility study of the Riverside County Flood Control and Water Conservation District, including identified alternatives, concerning Murrieta Creek from Temecula to Wildomar, Riverside County, California, to determine the Federal interest in participating in a project for flood control.

(g) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—The Secretary shall study the feasibility of fish and wildlife habitat improvement measures identified for further study by the Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation Reconnaissance Report.

(h) WEST DADE, FLORIDA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to increase the supply of surface water to the Everglades in order to enhance fish and wildlife habitat.

(i) SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention and reduction, water supply, and other related water resources needs in the Savannah River Basin.

(2) SCOPE.—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works missions of the Army Corps of Engineers.

(3) COORDINATION.—Notwithstanding paragraph (2), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study by the Agency of the Savannah River Basin.

(j) BAYOU BLANC, CROWLEY, LOUISIANA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in the construction of a bulkhead system, consisting of either steel sheet piling with tiebacks or concrete, along the embankment of Bayou Blanc, Crowley, Louisiana, in order to alleviate slope failures and erosion problems in a cost-effective manner.

(k) HACKBERRY INDUSTRIAL SHIP CHANNEL PARK, LOUISIANA.—The Secretary shall incorporate the area of Hackberry, Louisiana, as part of the overall study of the Lake Charles ship channel, bypass channel, and general anchorage area in Louisiana, to explore the possibility of constructing additional anchorage areas.

(l) CITY OF NORTH LAS VEGAS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in channel improvements in channel A of the North Las Vegas Wash in the city of North Las Vegas, Nevada, for the purpose of flood control.

(m) LOWER LAS VEGAS WASH WETLANDS, CLARK COUNTY, NEVADA.—The Secretary shall conduct a study to determine the feasibility of the restoration of wetlands in the Lower Las Vegas Wash, Nevada, for the purposes of erosion control and environmental restoration.

(n) NORTHERN NEVADA.—The Secretary shall conduct reconnaissance studies, in the State of Nevada, of—

(1) the Humboldt River, and the tributaries and outlets of the river;

(2) the Truckee River, and the tributaries and outlets of the river;

(3) the Carson River, and the tributaries and outlets of the river; and

(4) the Walker River, and the tributaries and outlets of the river;

in order to determine the Federal interest in flood control, environmental restoration, conservation of fish and wildlife, recreation, water conservation, water quality, and toxic and radioactive waste.

(o) BUFFALO HARBOR, NEW YORK.—The Secretary shall determine the feasibility of excavating the inner harbor and constructing the associated bulkheads in Buffalo Harbor, New York.

(p) COEYMANS, NEW YORK.—The Secretary shall conduct a reconnaissance study to determine the Federal interest in reopening the secondary channel of the Hudson River in the town of Coeymans, New York, which has been narrowed by silt as a result of the construction of Coeymans middle dike by the Army Corps of Engineers.

(q) SHINNECOCK INLET, NEW YORK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a reconnaissance study in Shinnecock Inlet, New York, to determine the Federal interest in constructing a sand bypass system, or other appropriate alternative, for the purposes of allowing sand to flow in the natural east-to-west pattern of the sand and preventing the further erosion of the beaches west of the inlet and the shoaling of the inlet.

(r) KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.—The Secretary shall continue engineering and design in order to complete the navigation project at Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized to be constructed in the Supplemental Appropriations Act, 1985 (Public Law 99–88; 99 Stat. 313), and section 202(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4095), described in the general design memorandum for the project, and approved in the Report of the Chief of Engineers dated December 14, 1981.

(s) COLUMBIA SLOUGH, OREGON.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon, as reported in the August 1993 Revised Reconnaissance Study. The study shall be a demonstration study done in coordination with the Environmental Protection Agency.

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled ''Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania'', dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

(w) OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) conduct a study to determine the feasibility of sediment removal and control in the area of the Missouri River downstream of Oahe Dam through the upper reaches of Lake Sharpe, including the lower portion of the Bad River, South Dakota;

(2) develop a comprehensive sediment removal and control plan for the area—

(A) based on the assessment by the study of the dredging, estimated costs, and time required to remove sediment from affected areas in Lake Sharpe;

(B)(i) based on the identification by the study of high erosion areas in the Bad River channel; and

(ii) including recommendations and related costs for such of the areas as are in need of stabilization and restoration; and

(C)(i) based on the identification by the study of shoreline erosion areas along Lake Sharpe; and

(ii) including recommended options for the stabilization and restoration of the areas;

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

(y) ASHLEY CREEK, UTAH.—The Secretary is authorized to study the feasibility of undertaking a project for fish and wildlife restoration at Ashley Creek, near Vernal, Utah.

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terrebonne Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by Public Law 101–646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under paragraph (1), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

TITLE II—PROJECT-RELATED PROVISIONS

SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

SEC. 202. HEBER SPRINGS, ARKANSAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Heber Springs, Arkansas, to provide 3,522 acre-feet of water supply storage in Greers Ferry Lake, Arkansas, for municipal and industrial purposes, at no cost to the city.

(b) NECESSARY FACILITIES.—The city of Heber Springs shall be responsible for 100 percent of the costs of construction, operation, and maintenance of any intake, transmission, treatment, or distribution facility necessary for utilization of the water supply.

(c) ADDITIONAL WATER SUPPLY STORAGE.—Any additional water supply storage required after the date of enactment of this Act shall be contracted for and reimbursed by the city of Heber Springs, Arkansas.

SEC. 203. MORGAN POINT, ARKANSAS.

The Secretary shall accept as in-kind contributions for the project at Morgan Point, Arkansas—

(1) the items described as fish and wildlife facilities and land in the Morgan Point Broadway Closure Structure modification report for the project, dated February 1994; and

(2) fish stocking activities carried out by the non-Federal interests for the project.

SEC. 204. WHITE RIVER BASIN LAKES, ARKANSAS AND MISSOURI.

The project for flood control and power generation at White River Basin Lakes, Arkansas and Missouri, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218), shall include recreation and fish and wildlife mitigation as purposes of the project, to the extent that the purposes do not adversely impact flood control, power generation, or other authorized purposes of the project.

SEC. 205. CENTRAL AND SOUTHERN FLORIDA.

The project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), is modified, subject to the availability of appropriations, to authorize the Secretary to implement the recommended plan of improvement contained in a report entitled ''Central and Southern Florida Project, Final Integrated General Reevaluation Report and Environmental Impact Statement, Canal 111 (C–111), South Dade County, Florida'', dated May 1994 (including acquisition of such portions of the Frog Pond and Rocky Glades areas as are needed for the project), at a total cost of $156,000,000. The Federal share of the cost of implementing the plan of improvement shall be 50 percent. The Secretary of the Interior shall pay 25

percent of the cost of acquiring such portions of the Frog Pond and Rocky Glades areas as are needed for the project, which amount shall be included in the Federal share. The non-Federal share of the operation and maintenance costs of the improvements undertaken pursuant to this section shall be 100 percent, except that the Federal Government shall reimburse the non-Federal interest in an amount equal to 60 percent of the costs of operating and maintaining pump stations that pump water into Taylor Slough in Everglades National Park.

SEC. 206. WEST PALM BEACH, FLORIDA.

The project for flood protection of West Palm Beach, Florida (C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), is modified to provide for the construction of an enlarged stormwater detention area, Storm Water Treatment Area 1 East, generally in accordance with the plan of improvements described in the February 15, 1994, report entitled ''Everglades Protection Project, Palm Beach County, Florida, Conceptual Design'', prepared by Burns and McDonnell, and as further described in detailed design documents to be approved by the Secretary. The additional work authorized by this section shall be accomplished at full Federal cost in recognition of the water supply benefits accruing to the Loxahatchee National Wildlife Refuge and the Everglades National Park and in recognition of the statement in support of the Everglades restoration effort set forth in the document signed by the Secretary of the Interior and the Secretary in July 1993. Operation and maintenance of the stormwater detention area shall be consistent with regulations prescribed by the Secretary for the Central and Southern Florida project, with all costs of the operation and maintenance work borne by non-Federal interests.

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term ''develop'' means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term ''Task Force'' means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the ''conceptual plan'').

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled ''Conceptual Plan for the Central and Southern Florida Project Restudy'', published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on

the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) NOTICE OF MEETINGS.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4177) is amended by adding at the end the following:

''(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).''.

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98–8 (97 Stat. 13).

SEC. 211. PERIODIC MAINTENANCE DREDGING FOR GREENVILLE INNER HARBOR CHANNEL, MISSISSIPPI.

The Greenville Inner Harbor Channel, Mississippi, is deemed to be a portion of the navigable waters of the United States, and shall be included among the navigable waters for which the Army Corps of Engineers maintains a 10-foot navigable channel. The navigable channel for the Greenville Inner Harbor Channel shall be maintained in a manner that is consistent with the navigable channel to the Greenville Harbor and the portion of the Mississippi River adjacent to the Greenville Harbor that is maintained by the Army Corps of Engineers, as in existence on the date of enactment of this Act.

SEC. 212. SARDIS LAKE, MISSISSIPPI.

The Secretary shall work cooperatively with the State of Mississippi and the city of Sardis to the maximum extent practicable in the management of existing and proposed leases of land consistent with the master tourism and recreational plan for the economic development of the Sardis Lake area prepared by the city.

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

SEC. 214. LIBBY DAM, MONTANA.

(a) IN GENERAL.—In accordance with section 103(c)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)(1)), the Secretary shall—

(1) complete the construction and installation of generating units 6 through 8 at Libby Dam, Montana; and

(2) remove the partially constructed haul bridge over the Kootenai River, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $16,000,000, to remain available until expended.

SEC. 215. SMALL FLOOD CONTROL PROJECT, MALTA, MONTANA.

Not later than 1 year after the date of enactment of this Act, the Secretary is authorized to expend such Federal funds as are necessary to complete the small flood control project begun at Malta, Montana, pursuant to section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 216. CLIFFWOOD BEACH, NEW JERSEY.

(a) IN GENERAL.—Notwithstanding any other provision of law or the status of the project authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1180) for hurricane-flood protection and beach erosion control on Raritan Bay and Sandy Hook Bay, New Jersey, the Secretary shall undertake a project to provide periodic beach nourishment for Cliffwood Beach, New Jersey, for a 50-year period beginning on the date of execution of a project cooperation agreement by the Secretary and an appropriate non-Federal interest.

(b) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project authorized by this section shall be 35 percent.

SEC. 217. FIRE ISLAND INLET, NEW YORK.

For the purpose of replenishing the beach, the Secretary shall place sand dredged from the Fire Island Inlet on the shoreline between Gilgo State Park and Tobay Beach to protect Ocean Parkway along the Atlantic Ocean shoreline in Suffolk County, New York.

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the ''11th Street Basin'') and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri

River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

SEC. 221. WISTER LAKE PROJECT, LEFLORE COUNTY, OKLAHOMA.

The Secretary shall maintain a minimum conservation pool level of 478 feet at the Wister Lake project in LeFlore County, Oklahoma, authorized by section 4 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved June 28, 1938 (52 Stat. 1218). Notwithstanding title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or any other provision of law, any increase in water supply yield that results from the pool level of 478 feet shall be treated as unallocated water supply until such time as a user enters into a contract for the supply under such applicable laws concerning cost-sharing as are in effect on the date of the contract.

SEC. 222. WILLAMETTE RIVER, MCKENZIE SUBBASIN, OREGON.

The Secretary is authorized to carry out a project to control the water temperature in the Willamette River, McKenzie Subbasin, Oregon, to mitigate the negative impacts on fish and wildlife resulting from the operation of the Blue River and Cougar Lake projects, McKenzie River Basin, Oregon. The cost of the facilities shall be repaid according to the allocations among the purposes of the original projects.

SEC. 223. ABANDONED AND WRECKED BARGE REMOVAL, RHODE ISLAND.

Section 361 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—In order to alleviate a hazard to navigation and recreational activity, the Secretary shall remove a sunken barge from waters off the shore of the Narragansett Town Beach in Narragansett, Rhode Island, at a total cost of $1,900,000, with an estimated Federal cost of $1,425,000, and an estimated non-Federal cost of $475,000. The Secretary shall not remove the barge until title to the barge has been transferred to the United States or the non-Federal interest. The transfer of title shall be carried out at no cost to the United States.''.

SEC. 224. PROVIDENCE RIVER AND HARBOR, RHODE ISLAND.

The Secretary shall incorporate a channel extending from the vicinity of the Fox Point hurricane barrier to the vicinity of the Francis Street bridge in Providence, Rhode Island, into the navigation project for Providence River and Harbor, Rhode Island, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1089). The channel shall have a depth of up to 10 feet and a width of approximately 120 feet and shall be approximately 1.25 miles in length.

SEC. 225. COOPER LAKE AND CHANNELS, TEXAS.

(a) ACCEPTANCE OF LANDS.—The Secretary is authorized to accept from a non-Federal interest additional lands of not to exceed 300 acres that—

(1) are contiguous to the Cooper Lake and Channels Project, Texas, authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091) and section 601(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4145); and

(2) provide habitat value at least equal to the habitat value provided by the lands authorized to be redesignated under subsection (b).

(b) REDESIGNATION OF LANDS TO RECREATION PURPOSES.—Upon the acceptance of lands under subsection (a), the Secretary is authorized to redesignate mitigation lands of not to exceed 300 acres to recreation purposes.

(c) FUNDING.—The cost of all work under this section, including real estate appraisals, cultural and environmental surveys, and all development necessary to avoid net mitigation losses, to the extent required, shall be borne by the non-Federal interest.

SEC. 226. RUDEE INLET, VIRGINIA BEACH, VIRGINIA.

Notwithstanding the limitation set forth in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), Federal participation in the maintenance of the Rudee Inlet, Virginia Beach, Virginia, project shall continue for the life of the project. Nothing in this section shall alter or modify the non-Federal cost sharing responsibility as specified in the Rudee Inlet, Virginia Beach, Virginia Detailed Project Report, dated October 1983.

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share of the costs of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, authorized by section 501(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4136), shall be reduced by $3,120,803, or by such amount as is determined by an audit carried out by the Department of the Army to be due to the city of Virginia Beach as reimbursement for beach nourishment activities carried out by the city between October 1, 1986, and September 30, 1993, if the Federal Government has not reimbursed the city for the activities prior to the date on which a project cooperation agreement is executed for the project.

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4810).

TITLE III—GENERAL PROVISIONS

SEC. 301. COST-SHARING FOR ENVIRONMENTAL PROJECTS.

Section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) environmental protection and restoration: 25 percent.''.

SEC. 302. COLLABORATIVE RESEARCH AND DEVELOPMENT.

Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) TEMPORARY PROTECTION OF TECHNOLOGY.—

''(1) PRE-AGREEMENT.—If the Secretary determines that information developed as a result of a research or development activity conducted by the Army Corps of Engineers is likely to be subject to a cooperative research and development agreement within 2 years after the development of the information, and that the information would be a trade secret or commercial or financial information that would be privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a), the Secretary may provide appropriate protections against the dissemination of the information, including exemption from subchapter II of chapter 5 of title 5, United States Code, until the earlier of—

''(A) the date on which the Secretary enters into such an agreement with respect to the information; or

''(B) the last day of the 2-year period beginning on the date of the determination.

''(2) POST-AGREEMENT.—Any information subject to paragraph (1) that becomes the subject of a cooperative research and development agreement shall be subject to the protections provided under section 12(c)(7)(B) of the Act (15 U.S.C. 3710a(c)(7)(B)) as if the information had been developed under a cooperative research and development agreement.''.

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92–367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Dam Safety Program Act'.'';

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

''(2) DAM.—The term 'dam'—

''(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

''(i) is 25 feet or more in height from—

''(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

''(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

''(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

''(B) does not include—

''(i) a levee; or

''(ii) a barrier described in subparagraph (A) that—

''(I) is 6 feet or less in height regardless of storage capacity; or

''(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

''(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

''(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

''(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

''(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

''(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

''(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

''(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

''(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

''(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.'';

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 3. As'' and inserting the following:

''SEC. 3. INSPECTION OF DAMS.

''(a) IN GENERAL.—As''; and

(B) by adding at the end the following:

''(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

''(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

''(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.'';

(6) in section 4 (as redesignated by paragraph (3)), by striking ''SEC. 4. As'' and inserting the following:

''SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

''As'';

(7) in section 5 (as redesignated by paragraph (3)), by striking ''SEC. 5. For'' and inserting the following:

''SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

''For'';

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

''SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

''SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

''(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

''(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

''(2) chaired by the Director.

''(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

''(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

''(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

''(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

''(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

''(2) involve, to the extent appropriate, each Federal agency; and

''(3) include—

''(A) each of the components described in subsection (d);

''(B) the implementation plan described in subsection (e); and

''(C) assistance for State dam safety programs described in subsection (f).

''(b) DUTIES.—The Director shall—

''(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

''(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

''(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

''(A) develop and implement the Program;

''(B) establish goals, priorities, and target dates for implementation of the Program; and

''(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

''(c) OBJECTIVES.—The objectives of the Program are to—

''(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

''(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

''(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

''(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

''(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

''(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

''(d) COMPONENTS.—

''(1) IN GENERAL.—The Program shall consist of—

''(A) a Federal element and a non-Federal element; and

''(B) leadership activity, technical assistance activity, and public awareness activity.

''(2) ELEMENTS.—

''(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

''(B) NON-FEDERAL.—The non-Federal element shall consist of—

''(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

''(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

''(3) FUNCTIONAL ACTIVITIES.—

''(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

''(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

''(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

''(e) IMPLEMENTATION PLAN.—The Director shall—

''(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

''(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

''(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

''(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

''(A) in accordance with the criteria specified in paragraph (2); and

''(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

''(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

''(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include substantially, at a minimum—

''(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

''(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

''(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

''(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

''(II) a procedure for more detailed and frequent safety inspections;

''(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

''(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

''(vii) regulations for carrying out the legislation of the State described in this subparagraph;

''(viii) provision for necessary funds—

''(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

''(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

''(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

''(x) an identification of—

''(I) each dam the failure of which could be reasonably expected to endanger human life;

''(II) the maximum area that could be flooded if the dam failed; and

''(III) necessary public facilities that would be affected by the flooding.

''(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

''(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

''(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

''(5) APPROVAL OF PROGRAMS.—

''(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

''(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

''(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

''(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

''(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

''(h) BOARD.—

''(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

''(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

''(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

''(A) 1 member shall represent the Department of Agriculture;

''(B) 1 member shall represent the Department of Defense;

''(C) 1 member shall represent the Department of the Interior;

''(D) 1 member shall represent FEMA;

''(E) 1 member shall represent the Federal Energy Regulatory Commission;

''(F) 5 members shall be selected by the Director from among dam safety officials of States; and

''(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

''(4) COMPENSATION OF MEMBERS.—

''(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

''(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

''(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

''(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''SEC. 9. RESEARCH.

''(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

''(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

''(2) devices for the continued monitoring of the safety of dams.

''(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

''SEC. 10. REPORTS.

''(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

''(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

''(1) describes the status of the Program;

''(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

''(3) describes the progress achieved in dam safety by States participating in the Program; and

''(4) includes any recommendations for legislative and other action that the Director considers necessary.'';

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 11. Nothing'' and inserting the following:

''SEC. 11. STATUTORY CONSTRUCTION.

''Nothing'';

(B) by striking ''shall be construed (1) to create'' and inserting the following: ''shall—

''(1) create'';

(C) by striking ''or (2) to relieve'' and inserting the following:

''(2) relieve''; and

(D) by striking the period at the end and inserting the following: ''; or

''(3) preempt any other Federal or State law.''; and

(10) by adding at the end the following:

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''(a) FUNDING.—

''(1) NATIONAL DAM SAFETY PROGRAM.—

''(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

''(B) ALLOCATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

''(I) One-third among States that qualify for assistance under section 8(f).

''(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

''(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

''(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

''(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

''(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

''(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

''(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

''(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

''(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

''(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.''.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking ''the first section of Public Law 92–367 (33 U.S.C. 467)'' and inserting ''section 2 of the National Dam Safety Program Act''.

SEC. 304. HYDROELECTRIC POWER PROJECT UPRATING.

(a) IN GENERAL.—In carrying out the maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary is authorized, to the extent funds are made available in appropriations Acts, to take such actions as are necessary to increase the efficiency of energy production or the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that the increase—

(1) is economically justified and financially feasible;

(2) will not result in any significant adverse effect on the other purposes for which the project is authorized;

(3) will not result in significant adverse environmental impacts; and

(4) will not involve major structural or operational changes in the project.

(b) EFFECT ON OTHER AUTHORITY.—This section shall not affect the authority of the Secretary and the Administrator of the Bonneville Power Administration under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).

SEC. 305. FEDERAL LUMP-SUM PAYMENTS FOR FEDERAL OPERATION AND MAINTENANCE COSTS.

(a) IN GENERAL.—In the case of a water resources project under the jurisdiction of the Department of the Army for which the non-Federal interests are responsible for performing the operation, maintenance, replacement, and rehabilitation of the project, or a separable element (as defined in section 103(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(f)) of the project, and for which the Federal Government is responsible for paying a portion of the operation, maintenance, replacement, and rehabilitation costs of the project or separable element, the Secretary may make, in accordance with this section and under terms and conditions acceptable to the Secretary, a payment of the estimated total Federal share of the costs to the non-Federal interests after completion of construction of the project or separable element.

(b) AMOUNT OF PAYMENT.—The amount that may be paid by the Secretary under subsection (a) shall be equal to the present value of the Federal payments over the life of the project, as estimated by the Federal Government, and shall be computed using an interest rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States with maturities comparable to the remaining life of the project.

(c) AGREEMENT.—The Secretary may make a payment under this section only if the non-Federal interests have entered into a binding agreement with the Secretary to perform the operation, maintenance, replacement, and rehabilitation of the project or separable element. The agreement shall—

(1) meet the requirements of section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(2) specify—

(A) the terms and conditions under which a payment may be made under this section; and

(B) the rights of, and remedies available to, the Federal Government to recover all or a portion of a payment made under this section if a non-Federal interest suspends or terminates the performance by the non-Federal interest of the operation, maintenance, replacement, and rehabilitation of the project or separable element, or fails to perform the activities in a manner that is satisfactory to the Secretary.

(d) EFFECT OF PAYMENT.—Except as provided in subsection (c), a payment provided to the non-Federal interests under this section shall relieve the Federal Government of any obligation, after the date of the payment, to pay any of the operation, maintenance, replacement, or rehabilitation costs for the project or separable element.

SEC. 306. COST-SHARING FOR REMOVAL OF EXISTING PROJECT FEATURES.

After the date of enactment of this Act, any proposal submitted to Congress by the Secretary for modification of an existing authorized water resources development project (in existence on the date of the proposal) by removal of one or more of the project features that would significantly and adversely impact the authorized project purposes or outputs shall include the recommendation that the non-Federal interests shall provide 50 percent of the cost of any such modification, including the cost of acquiring any additional interests in lands that become necessary for accomplishing the modification.

SEC. 307. TERMINATION OF TECHNICAL ADVISORY COMMITTEE.

Section 310 of the Water Resources Development Act of 1990 (33 U.S.C. 2319) is amended—

(1) by striking subsection (a); and

(2) in subsection (b)—

(A) by striking ''(b) PUBLIC PARTICIPATION.—''; and

(B) by striking ''subsection'' each place it appears and inserting ''section''.

SEC. 308. CONDITIONS FOR PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended—

(1) in the first sentence, by striking ''10'' and inserting ''5'';

(2) in the second sentence, by striking ''Before'' and inserting ''Upon official''; and

(3) in the last sentence, by inserting ''the planning, design, or'' before ''construction''.

(b) CONFORMING AMENDMENTS.—Section 52 of the Water Resources Development Act of 1988 (Public Law 100–676; 102 Stat. 4044) is amended—

(1) by striking subsection (a) (33 U.S.C. 579a note);

(2) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively; and

(3) in subsection (d) (as so redesignated), by striking ''or subsection (a) of this section''.

SEC. 309. PARTICIPATION IN INTERNATIONAL ENGINEERING AND SCIENTIFIC CONFERENCES.

Section 211 of the Flood Control Act of 1950 (33 U.S.C. 701u) is repealed.

SEC. 310. RESEARCH AND DEVELOPMENT IN SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—In carrying out research and development in support of the civil works program of the Department of the Army, the Secretary may utilize contracts, cooperative research and development agreements, and cooperative agreements with, and grants to, non-Federal entities, including State and local governments, colleges and universities, consortia, professional and technical societies, public and private scientific and technical foundations, research institutions, educational organizations, and nonprofit organizations.

(b) COMMERCIAL APPLICATION.—In the case of a contract for research or development, or both, the Secretary may—

(1) require that the research or development, or both, have potential commercial application; and

(2) use the potential for commercial application as an evaluation factor, if appropriate.

SEC. 311. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

(a) IN GENERAL.—The Secretary may engage in activities in support of other Federal agencies or international organizations to address problems of national significance to the United States. The Secretary may engage in activities in support of international organizations only after consulting with the Secretary of State. The Secretary may use the technical and managerial expertise of the Army Corps of Engineers to address domestic and international problems related to water resources, infrastructure development, and environmental protection.

(b) FUNDING.—There are authorized to be appropriated $1,000,000 to carry out this section. The Secretary may accept and expend additional funds from other Federal agencies or international organizations to carry this section.

SEC. 312. SECTION 1135 PROGRAM.

(a) EXPANSION OF PROGRAM.—Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''and to determine if the operation of the projects has contributed to the degradation of the quality of the environment'';

(2) in subsection (b), by striking the last two sentences;

(3) by redesignating subsections (c), (d), and (e) as subsections (e), (f), and (g), respectively; and

(4) by inserting after subsection (b) the following:

''(c) MEASURES TO RESTORE ENVIRONMENTAL QUALITY.—If the Secretary determines under subsection (a) that operation of a water resources project has contributed to the degradation of the quality of the environment, the Secretary may carry out, with respect to the project, measures for the restoration of environmental quality, if the measures are feasible and consistent with the authorized purposes of the project.

''(d) FUNDING.—The non-Federal share of the cost of any modification or measure carried out pursuant to subsection (b) or (c) shall be 25 percent. Not more than $5,000,000 in Federal funds may be expended on any 1 such modification or measure.''.

(b) PINE FLAT DAM FISH AND WILDLIFE HABITAT RESTORATION, CALIFORNIA.—In accordance with section 1135(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(b)), the Secretary shall carry out the construction of a turbine bypass at Pine Flat Dam, Kings River, California.

(c) LOWER AMAZON CREEK RESTORATION, OREGON.—In accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Secretary may carry out justified environmental restoration measures with respect to the flood reduction measures constructed by the Army Corps of Engineers, and the related flood reduction measures constructed by the Natural Resources Conservation Service, in the Amazon Creek drainage. The Federal share of the restoration measures shall be jointly funded by the Army Corps of Engineers and the Natural Resources Conservation Service in proportion to the share required to be paid by each agency of the original costs of the flood reduction measures.

SEC. 313. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (Public Law 101–640; 33 U.S.C. 1252 note) is amended by striking subsection (f).

SEC. 314. FEASIBILITY STUDIES.

(a) NON-FEDERAL SHARE.—Section 105(a)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(a)(1)) is amended—

(1) in the first sentence, by striking ''during the period of such study'';

(2) by inserting after the first sentence the following: ''During the period of the study, the non-Federal share of the cost of the study shall be not more than 50 percent of the estimate of the cost of the study as contained in the feasibility cost sharing agreement. The cost estimate may be amended only by mutual agreement of the Secretary and the non-Federal interests. The non-Federal share of any costs in excess of the cost estimate shall, except as otherwise mutually agreed by the Secretary and the non-Federal interests, be payable after the project has been authorized for construction and on the date on which the Secretary and non-Federal interests enter into an agreement pursuant to section 101(e) or 103(j).''; and

(3) in the last sentence, by striking ''such non-Federal contribution'' and inserting ''the non-Federal share required under this paragraph''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply notwithstanding any feasibility cost sharing agreement entered into by the Secretary and non-Federal interests, and the Secretary shall amend any feasibility cost sharing agreements in effect on the date of enactment of this Act so as to conform the agreements with the amendments. Nothing in this section or any amendment made by this section shall require the Secretary to reimburse the non-Federal interests for funds previously contributed for a study.

SEC. 315. OBSTRUCTION REMOVAL REQUIREMENT.

(a) PENALTY.—Section 16 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 411), is amended—

(1) by striking ''sections thirteen, fourteen, and fifteen'' and inserting ''section 13, 14, 15, 19, or 20''; and

(2) by striking ''not exceeding twenty-five hundred dollars nor less than five hundred dollars'' and inserting ''of not more than $25,000 for each day that the violation continues''.

(b) GENERAL AUTHORITY.—Section 20 of the Act (33 U.S.C. 415) is amended—

(1) in subsection (a)—

(A) by striking ''Under emergency'' and inserting ''SUMMARY REMOVAL PROCEDURES.—Under emergency''; and

(B) by striking ''expense'' the first place it appears and inserting ''actual expense, including administrative expenses,'';

(2) in subsection (b)—

(A) by striking ''cost'' and inserting ''actual cost, including administrative costs,''; and

(B) by striking ''(b) The'' and inserting ''(c) LIABILITY OF OWNER, LESSEE, OR OPERATOR.—The''; and

(3) by inserting after subsection (a) the following:

''(b) REMOVAL REQUIREMENT.—Not later than 24 hours after the Secretary of the Department in which the Coast Guard is operating issues an order to stop or delay navigation in any navigable waters of the United States because of conditions related to the sinking or grounding of a vessel, the owner or operator of the vessel, with the approval of the Secretary of the Army, shall begin removal of the vessel using the most expeditious removal method available or, if appropriate, secure the vessel pending removal to allow navigation to resume. If the owner or operator fails to begin removal or to secure the vessel pending removal in accordance with the preceding sentence or fails to complete removal as soon as possible, the Secretary of the Army shall remove or destroy the vessel using the summary removal procedures under subsection (a).''.

SEC. 316. LEVEE OWNERS MANUAL.

Section 5 of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved August 18, 1941 (33 U.S.C. 701n), is amended by adding at the end the following:

''(c) LEVEE OWNERS MANUAL.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, in accordance with chapter 5 of title 5, United States Code, the Secretary shall prepare a manual describing the maintenance and upkeep responsibilities that the Army Corps of Engineers requires of a non-Federal interest in order for the non-Federal interest to receive Federal assistance under this section. The Secretary shall provide a copy of the manual at no cost to each non-Federal interest that is eligible to receive Federal assistance under this section.

''(2) PROHIBITION ON DELEGATION.—The preparation of the manual shall be carried out under the personal direction of the Secretary.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this subsection.

''(4) DEFINITIONS.—In this subsection:

''(A) MAINTENANCE AND UPKEEP.—The term 'maintenance and upkeep' means all maintenance and general upkeep of a levee performed on a regular and consistent basis that is not repair and rehabilitation.

''(B) REPAIR AND REHABILITATION.—The term 'repair and rehabilitation'—

''(i) except as provided in clause (ii), means the repair or rebuilding of a levee or other flood control structure, after the structure has been damaged by a flood, to the level of protection provided by the structure before the flood; and

''(ii) does not include—

''(I) any improvement to the structure; or

''(II) repair or rebuilding described in clause (i) if, in the normal course of usage, the structure becomes structurally unsound and is no longer fit to provide the level of protection for which the structure was designed.

''(C) SECRETARY.—The term 'Secretary' means the Secretary of the Army.''.

SEC. 317. RISK-BASED ANALYSIS METHODOLOGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall obtain the services of an independent consultant to evaluate—

(1) the relationship between—

(A) the Risk-Based Analysis for Evaluation of Hydrology/Hydraulics and Economics in Flood Damage Reduction Studies established in an Army Corps of Engineers engineering circular; and

(B) minimum engineering and safety standards;

(2) the validity of results generated by the studies described in paragraph (1); and

(3) policy impacts related to change in the studies described in paragraph (1).

(b) TASK FORCE.—

(1) IN GENERAL.—In carrying out the independent evaluation under subsection (a), the Secretary, not later than 90 days after the date of enactment of this Act, shall establish a task force to oversee and review the analysis.

(2) MEMBERSHIP.—The task force shall consist of—

(A) the Assistant Secretary of the Army having responsibility for civil works, who shall serve as chairperson of the task force;

(B) the Administrator of the Federal Emergency Management Agency;

(C) the Chief of the Natural Resources Conservation Service of the Department of Agriculture;

(D) a State representative appointed by the Secretary from among individuals recommended by the Association of State Floodplain Managers;

(E) a local government public works official appointed by the Secretary from among individuals recommended by a national organization representing public works officials; and

(F) an individual from the private sector, who shall be appointed by the Secretary.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the task force shall serve without compensation.

(B) EXPENSES.—Each member of the task force shall be allowed—

(i) travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the task force; and

(ii) other expenses incurred in the performance of services for the task force, as determined by the Secretary.

(4) TERMINATION.—The task force shall terminate 2 years after the date of enactment of this Act.

(c) LIMITATION ON USE OF METHODOLOGY.—During the period beginning on the date of enactment of this Act and ending 2 years after that date, if requested by a non-Federal interest, the Secretary shall refrain from using any risk-based technique required under the studies described in subsection (a) for the evaluation and design of a project carried out in cooperation with the non-Federal interest unless the Secretary, in consultation with the task force, has provided direction for use of the technique after consideration of the independent evaluation required under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section.

SEC. 318. SEDIMENTS DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (Public Law 102–580; 33 U.S.C. 2239 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following: ''The goal of the program shall be to make possible the development, on an operational scale, of 1 or more sediment decontamination technologies, each of which demonstrates a sediment decontamination capacity of at least 2,500 cubic yards per day.''; and

(B) by adding at the end the following:

''(3) REPORT TO CONGRESS.—Not later than September 30, 1996, and September 30 of each year thereafter, the Administrator and the Secretary shall report to Congress on progress made toward the goal described in paragraph (2).''; and

(2) in subsection (c)—

(A) by striking ''$5,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''1992'' and inserting ''1996''.

SEC. 319. MELALEUCA TREE.

Section 104(a) of the River and Harbor Act of 1958 (33 U.S.C. 610(a)) is amended by inserting ''melaleuca tree,'' after ''milfoil,''.

SEC. 320. FAULKNER ISLAND, CONNECTICUT.

In consultation with the Director of the United States Fish and Wildlife Service, the Secretary shall design and construct shoreline protection measures for the coastline adjacent to the Faulkner Island Lighthouse, Connecticut, at a total cost of $4,500,000.

SEC. 321. DESIGNATION OF LOCK AND DAM AT THE RED RIVER WATERWAY, LOUISIANA.

(a) DESIGNATION.—Lock and Dam numbered 4 of the Red River Waterway, Louisiana, is designated as the ''Russell B. Long Lock and Dam''.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to the lock and dam referred to in subsection (a) shall be deemed to be a reference to the ''Russell B. Long Lock and Dam''.

SEC. 322. JURISDICTION OF MISSISSIPPI RIVER COMMISSION, LOUISIANA.

The jurisdiction of the Mississippi River Commission established by the Act of June 28, 1879 (21 Stat. 37, chapter 43; 33 U.S.C. 641 et seq.), is extended to include all of the area between the eastern side of the Bayou Lafourche Ridge from Donaldsonville, Louisiana, to the Gulf of Mexico and the west guide levee of the Mississippi River from Donaldsonville, Louisiana, to the Gulf of Mexico.

SEC. 323. WILLIAM JENNINGS RANDOLPH ACCESS ROAD, GARRETT COUNTY, MARYLAND.

The Secretary shall transfer up to $600,000 from the funds appropriated for the William Jennings Randolph Lake, Maryland and West Virginia, project to the State of Maryland for use by the State in constructing an access road to the William Jennings Randolph Lake in Garrett County, Maryland.

SEC. 324. ARKABUTLA DAM AND LAKE, MISSISSIPPI.

The Secretary shall repair the access roads to Arkabutla Dam and Arkabutla Lake in Tate County and DeSoto County, Mississippi, at a total cost of not to exceed $1,400,000.

SEC. 325. NEW YORK STATE CANAL SYSTEM.

(a) IN GENERAL.—In order to make capital improvements to the New York State canal system, the Secretary, with the consent of appropriate local and State entities, shall enter into such arrangements, contracts, and leases with public and private entities as may be necessary for the purposes of rehabilitation, renovation, preservation, and maintenance of the New York State canal system and related facilities, including trailside facilities and other recreational projects along the waterways referred to in subsection (c).

(b) FEDERAL SHARE.—The Federal share of the cost of capital improvements under this section shall be 50 percent. The total cost is $14,000,000, with an estimated Federal cost of $7,000,000 and an estimated non-Federal cost of $7,000,000.

(c) DEFINITION OF NEW YORK STATE CANAL SYSTEM.—In this section, the term ''New York State canal system'' means the Erie, Oswego, Champlain, and Cayuga-Seneca Canals in New York.

SEC. 326. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The Secretary shall replace the bulkhead between piers 1 and 2 at the Quonset Point-Davisville Industrial Park, Rhode Island, at a total cost of $1,350,000. The estimated Federal share of the project cost is $1,012,500, and the estimated non-Federal share of the project cost is $337,500. In conjunction with this project, the Secretary shall install high mast lighting at pier 2 at a total cost of $300,000, with an estimated Federal cost of $225,000 and an estimated non-Federal cost of $75,000.

SEC. 327. CLOUTER CREEK DISPOSAL AREA, CHARLESTON, SOUTH CAROLINA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Notwithstanding any other law, the Secretary of the Navy shall transfer to the Secretary administrative jurisdiction over the approximately 1,400 acres of land under the jurisdiction of the Department of the Navy that comprise a portion of the Clouter Creek disposal area, Charleston, South Carolina.

(b) USE OF TRANSFERRED LAND.—The land transferred under subsection (a) shall be used

by the Department of the Army as a dredge material disposal area for dredging activities in the vicinity of Charleston, South Carolina, including the Charleston Harbor navigation project.

(c) COST SHARING.—Nothing in this section modifies any non-Federal cost-sharing requirement established under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

SEC. 328. NUISANCE AQUATIC VEGETATION IN LAKE GASTON, VIRGINIA AND NORTH CAROLINA.

Section 339(b) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4855) is amended by striking ''1993 and 1994'' and inserting ''1995 and 1996''.

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term ''non-Federal public water supply customer'' means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29,000,000 for fiscal year 1997 and $24,000,000 for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22,000,000 in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

SEC. 330. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to provide environmental assistance to non-Federal interests in the Chesapeake Bay watershed.

(2) FORM.—The assistance shall be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects affecting the Chesapeake Bay estuary, including projects for sediment and erosion control, protection of eroding shorelines, protection of essential public works, wastewater treatment and related facilities,

water supply and related facilities, and beneficial uses of dredged material, and other related projects that may enhance the living resources of the estuary.

(b) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned, and will be publicly operated and maintained.

(c) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each local cooperation agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LANDS, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out a local cooperation agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of lands, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of carrying out the agreement under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS AND AGREEMENTS.—

(1) IN GENERAL.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project carried out with assistance provided under this section.

(2) COOPERATION.—In carrying out this section, the Secretary shall cooperate fully with the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies and agencies of a State or political subdivision of a State as the Secretary determines to be appropriate.

(f) DEMONSTRATION PROJECT.—The Secretary shall establish at least 1 project under this section in each of the States of Maryland, Virginia, and Pennsylvania. A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) REPORT.—Not later than December 31, 1998, the Secretary shall transmit to Congress a report on the results of the program carried out under this section, together with a recommendation concerning whether or not the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

SEC. 331. RESEARCH AND DEVELOPMENT PROGRAM TO IMPROVE SALMON SURVIVAL.

(a) SALMON SURVIVAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary shall accelerate ongoing research and development activities, and is authorized to carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia River Basin.

(2) ACCELERATED ACTIVITIES.—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

(A) impacts from water resources projects and other impacts on salmon life cycles;

(B) juvenile and adult salmon passage;

(C) light and sound guidance systems;

(D) surface-oriented collector systems;

(E) transportation mechanisms; and

(F) dissolved gas monitoring and abatement.

(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

(A) marine mammal predation on salmon;

(B) studies of juvenile salmon survival in spawning and rearing areas;

(C) estuary and near-ocean juvenile and adult salmon survival;

(D) impacts on salmon life cycles from sources other than water resources projects; and

(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

(5) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out research and development activities under subparagraphs (A) through (C) of paragraph (3).

(b) ADVANCED TURBINE DEVELOPMENT.—

(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing innovative, efficient, and environmentally safe hydropower turbines, including design of ''fish-friendly'' turbines, for use on the Columbia River hydro system.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $12,000,000 to carry out this subsection.

(c) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.

SEC. 332. RECREATIONAL USER FEES.

(a) IN GENERAL.—Section 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)(4)) is amended by inserting before the period at the end the following: ''and, subject to the availability of appropriations, shall be used for the purposes specified in section 4(i)(3) of the Act at the water resources development project at which the fees were collected''.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report, with respect to fiscal year 1995, on—

(1) the amount of day-use fees collected under section 210(b) of the Flood Control Act of 1968 (16 U.S.C. 460d–3(b)) at each water resources development project; and

(2) the administrative costs associated with the collection of the day-use fees at each water resources development project.

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking ''damage to the shores'' and inserting ''damage to the shores and beaches''; and

(2) by striking ''the following provisions'' and all that follows through the period at the end and inserting the following: ''this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.''.

(b) DEFINITION OF SHORE PROTECTION PROJECT.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking ''SEC. 4. As used in this Act, the word 'shores' includes all the shorelines'' and inserting the following:

''SEC. 4. DEFINITIONS.

''In this Act:

''(1) SHORE.—The term 'shore' includes each shoreline of each''; and

(2) by adding at the end the following:

''(2) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.''.

SEC. 334. SHORELINE EROSION CONTROL DEMONSTRATION.

(a) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—The Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e et seq.), is amended by adding at the end the following:

''SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) EROSION CONTROL PROGRAM.—The term 'erosion control program' means the national shoreline erosion control development and demonstration program established under this section.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers of the Army Corps of Engineers.

''(b) ESTABLISHMENT OF EROSION CONTROL PROGRAM.—The Secretary shall establish and conduct a national shoreline erosion control development and demonstration program for a period of 8 years beginning on the date that funds are made available to carry out this section.

''(c) REQUIREMENTS.—

''(1) IN GENERAL.—The erosion control program shall include provisions for—

''(A) demonstration projects consisting of planning, designing, and constructing prototype engineered and vegetative shoreline erosion control devices and methods during the first 5 years of the erosion control program;

''(B) adequate monitoring of the prototypes throughout the duration of the erosion control program;

''(C) detailed engineering and environmental reports on the results of each demonstration project carried out under the erosion control program; and

''(D) technology transfers to private property owners and State and local entities.

''(2) EMPHASIS.—The demonstration projects carried out under the erosion control program shall emphasize, to the extent practicable—

''(A) the development and demonstration of innovative technologies;

''(B) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(C) natural designs, including the use of vegetation or temporary structures that minimize permanent structural alterations;

''(D) the avoidance of negative impacts to adjacent shorefront communities;

''(E) in areas with substantial residential or commercial interests adjacent to the shoreline, designs that do not impair the aesthetic appeal of the interests;

''(F) the potential for long-term protection afforded by the technology; and

''(G) recommendations developed from evaluations of the original 1974 program established under the Shoreline Erosion Control Demonstration Act of 1974 (section 54 of Public Law 93–251; 42 U.S.C. 1962d–5 note), including—

''(i) adequate consideration of the subgrade;

''(ii) proper filtration;

''(iii) durable components;

''(iv) adequate connection between units; and

''(v) consideration of additional relevant information.

''(3) SITES.—

''(A) IN GENERAL.—Each demonstration project under the erosion control program shall be carried out at a privately owned site with substantial public access, or a publicly owned site, on open coast or on tidal waters.

''(B) SELECTION.—The Secretary shall develop criteria for the selection of sites for the demonstration projects, including—

''(i) a variety of geographical and climatic conditions;

''(ii) the size of the population that is dependent on the beaches for recreation, protection of homes, or commercial interests;

''(iii) the rate of erosion;

''(iv) significant natural resources or habitats and environmentally sensitive areas; and

''(v) significant threatened historic structures or landmarks.

''(C) AREAS.—Demonstration projects under the erosion control program shall be carried out at not fewer than 2 sites on each of the shorelines of—

''(i) the Atlantic, Gulf, and Pacific coasts;

''(ii) the Great Lakes; and

''(iii) the State of Alaska.

''(d) COOPERATION.—

''(1) PARTIES.—The Secretary shall carry out the erosion control program in cooperation with—

''(A) the Secretary of Agriculture, particularly with respect to vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established under the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) university research facilities.

''(2) AGREEMENTS.—The cooperation described in paragraph (1) may include entering into agreements with other Federal, State, or local agencies or private organizations to carry out functions described in subsection (c)(1) when appropriate.

''(e) REPORT.—Not later than 60 days after the conclusion of the erosion control program, the Secretary shall prepare and submit an erosion control program final report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include a comprehensive evaluation of the erosion control program and recommendations regarding the continuation of the erosion control program.

''(f) FUNDING.—

''(1) IN GENERAL.—Subject to paragraph (2), the Federal share of the cost of a demonstration project under the erosion control program shall be determined in accordance with section 3.

''(2) RESPONSIBILITY.—The cost of and responsibility for operation and maintenance (excluding monitoring) of a demonstration project under the erosion control program shall be borne by non-Federal interests on completion of construction of the demonstration project.''.

(b) CONFORMING AMENDMENT.—Subsection (e) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by striking ''section 3'' and inserting ''section 3 or 5''.

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (33 U.S.C. 701–1(a)), is amended—

(1) in the ninth sentence, by striking ''ninety'' and inserting ''30''; and

(2) in the eleventh sentence, by striking ''ninety-day'' and inserting ''30-day''.

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

''(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

''(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

''(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

''(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

''(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

''(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

''(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

''(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

''(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

''(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

''(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.''.

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: '', dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility''.

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: ''For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.''.

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–

5b(a)) is amended by inserting before the period at the end the following: '', except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest''.

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a), by inserting '', watersheds, and ecosystems'' after ''basins'';

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''$300,000'' and inserting ''$500,000''.

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1940), is amended to read as follows:

''SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

''(a) CONVEYANCES.—

''(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

''(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

''(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

''(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

''(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

''(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(F) such easements as the Secretary of the Army considers necessary for—

''(i) sewer and water line crossings of relocated Washington State Highway 14; and

''(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

''(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

''(b) EFFECT OF CONVEYANCES.—

''(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

''(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

''(A) execute an acknowledgment of payment of just compensation;

''(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

''(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

''(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

''(A) dismiss any pending litigation arising from the relocation of the city; and

''(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, aff'd in part and rev'd in part, 833 F.2d 1024 (Fed. Cir. 1987), cert. denied, 485 U.S. 1007 (1988).

''(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

''(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

''(B) execute a release of all claims for relief of any kind against the United States arising from this section.

''(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

''(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

''(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.''.

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100–581 (102 Stat. 2944) is amended—

(1) by striking ''(a) All Federal'' and all that follows through ''Columbia River Gorge Commission'' and inserting the following:

''(a) EXISTING FEDERAL LANDS.—

''(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.''.

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated ''Area D'' on Exhibit A to Army Lease No. DACW–68–1–81–43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW–68–1–77–20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW–68–1–77–20;

(C) the 20 acres of property commonly known as ''Richland Bend'' that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(D) the 7.05 acres of property commonly known as ''Taylor Flat'' that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(E) the 14.69 acres of property commonly known as ''Byers Landing'' that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW–68–1–77–10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. ''Sonny'' Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the ''J. Bennett Johnston Waterway''.

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the ''J. Bennett Johnston Waterway''.

SEC. 347. TECHNICAL CORRECTIONS.

(a) CONTRIBUTIONS FOR ENVIRONMENTAL AND RECREATION PROJECTS.—Section 203(b) of the Water Resources Development Act of 1992 (33 U.S.C. 2325(b)) is amended by striking ''(8662)'' and inserting ''(8862)''.

(b) CHALLENGE COST-SHARING PROGRAM.—The second sentence of section 225(c) of the Act (33 U.S.C. 2328(c)) is amended by striking ''(8662)'' and inserting ''(8862)''.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. May I address the Senator from Nevada? Does the Senator from Nevada seek the floor for any particular purpose on this bill?

Mr. REID. To speak on the amendment.

Mr. STEVENS. Is the Senator willing to have a time agreement on that statement?

Mr. REID. No.

Mr. STEVENS. Mr. President, the amendment that is pending before the Senate in this bill, the 1997 appropriations bill, is that we establish a separate transfer account for contingency operations. Moving into this account are the funds budgeted for the contingency operations from services' operations and maintenance accounts. In addition, the subcommittee added funding for emergency requirements identified by the Department of Defense. This amendment would transfer an additional $4,200,000 from the Army's operation and maintenance account, and seek $66 million from the defensewide operation and maintenance accounts. The funds were identified by the department as needed in support of contingency operations, but were not identified for previous transfer.

Mr. President, I ask unanimous consent there be a time limit on this amendment of 30 minutes with time equally divided.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, it is apparent that the Senators from Nevada are trying to hold up the Department of Defense, the people who are in the field serving this country, and to delay the consideration of this bill, as I said, which is a critical bill, with Members wanting to go back to their States because of this hurricane.

The rules of the Senate are the rules of the Senate, and there is not much this Senator can do about it. If the Senator from Nevada is going to persist to put us through the same gyrations we went through yesterday, I might say to my friend—he is my good friend—I am appalled at this, and I really am at a loss to consider what to do about it. Under the circumstances, it would be my intention to confer with the leadership to see what they would like to do.

Mr. President, might I say for the information of the Senate, it was my intention, and that of the Senator from Hawaii, to proceed now to a series of amendments that have been cleared by all concerned, have been reviewed by Members on both sides and are prepared to be added to this bill. I do think that the problem is, how do we get this bill to a vote today. And I am still proceeding to try and find out how to do that.

Mr. President, let me outline these amendments that I am trying to get considered. Let me point out to the Senate we have an amendment by Senator BINGAMAN which would reduce the amount for the Pentagon renovation fund by $100 million. We have cleared that. We have an amendment by Senator CHAFEE for the Defense Technical Transfer Pilot Program that has been cleared. Senators KEMPTHORNE and CRAIG have an amendment related to the Army's mobile munition assessment system that has been cleared, Senator LIEBERMAN's amendment adjusting funding levels for the Corps SAM and Other Theater Missile Defense/Follow-On TMD Activities Program. Those have been cleared.

I have an amendment to make available $11.5 million for B–52 bomber modifications. I have an amendment regarding the CAMP Program and an amendment to provide moneys for P–3 aircraft personnel offset by a reduction in defense health and also provides additional money for B–52 squadron personnel. We have a series of other amendments that we are in the process of clearing. I tell the Senate that there are some 20 other amendments ready to go to be debated now. We have an additional series here that I believe will be cleared, and the amendment that is pending has been cleared. I hope we will be able to proceed with those. It does seem to me however, it is just an exercise in futility to have a filibuster on a defense bill. I intend to do what I can to thwart that.

Mr. President, in my judgment, this bill is the key to our being able to complete action on appropriations bills and get the whole subject cleared by the end of the fiscal year. My good friend and our chairman, Senator HATFIELD, is retiring this year. I want to do my best to assure that the key bills that we have, all the appropriations bills, are sent to conference before the August recess.

In my judgment, if we have to give up the August recess to do that, we should do it. If we are going to have filibusters on every bill, then so be it. We will have to break them. It seems this is an unfortunate circumstance.

Let me describe, for instance, this B–52 modification amendment. It provides $11.5 million within the account that is already outlined in the bill to modify the B–52 aircraft. These are required to maintain the combat effectiveness of the aircraft, should they be called upon once again to fly combat missions. They are going to be offset by a decrease in funds available to the F–15 fighter in the same account. I think we can do that because we can still proceed with the F–15. There has been a delay in the projected contract award, and the fighter data link program will remain fully funded for 1997, according to the maximum amount that can be spent. We believe we should provide these moneys. There is an initiative by the Senators from North Dakota to assure the current floor structure be preserved, and we are trying to prevent attrition of these aircraft. That is one of the amendments I have, and I am seeking to get approval today at this time.

We are also going to add $4.9 million to the Navy's personnel account and $4.4 million to the Air Force personnel account to allow the Navy to maintain an end-strength support of the P–3 squadron, and the Air Force to maintain the personnel necessary to carry out the B–52 mission as outlined by the Senators from North Dakota.

We are trying to cooperate as much as possible with many people on the other side of the aisle. I might say, all of these pending amendments are to make sure that amendments to the authorization bill by Members of the minority would be fully funded.

Our leader is here, and I want to yield to the leader, Mr. President.

The PRESIDING OFFICER. The majority leader is recognized.

NUCLEAR WASTE POLICY ACT OF 1996—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S. 1936 and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1936, the nuclear waste bill:

Trent Lott, Larry E. Craig, Fred Thompson, Dan Coats, Don Nickles, Ted Stevens, Craig Thomas, Richard G. Lugar, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Alan K. Simpson, Bill Frist, Hank Brown.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATION FOR FISCAL YEAR 1997

CLOTURE MOTION

Mr. STEVENS. Mr. President, I send to the desk a motion to invoke cloture on the passage of the pending bill.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1894, the Defense Appropriations bill.

Trent Lott, Ted Stevens, Larry E. Craig, Fred Thompson, Dan Coats, Charles Grassley, Richard G. Lugar, Don Nickles, Mark O. Hatfield, Craig Thomas, Slade Gorton, Spencer Abraham, Frank H. Murkowski, Conrad R. Burns, Dirk Kempthorne, Hank Brown.

Mr. STEVENS. Mr. President, I simply say to my friend from Nevada that we can either proceed with the Defense bill and finish it today, or if he wishes to try to filibuster this bill, if he will not agree to a time agreement, it is my recommendation to the leader that we recess until Monday and have the votes on the cloture. That means we will take up the nuclear waste bill first and when we get cloture on that, we will vote on it, and when we are finished with that, we will finish the Defense appropriation bill.

Mr. LOTT. Mr. President, I thank the distinguished managers of this very important legislation: Senator STEVENS, who is the chairman of the Defense Appropriations Subcommittee, and Senator INOUYE, the great Senator from Hawaii. They always do a magnificent job on this legislation. It is legislation that is very, very important to the defense of our country and carrying out our commitments here in this country and around the world. We have troops in Bosnia right now that have a very important role they are trying to carry out. The President is committed to that. They need the funds that are necessary to do their job wherever they are in the world, where sailors are steaming today. They are looking to us to provide the funds. There are very important funds in this legislation for every state that our military men and women are serving in, and we need to get this done. We have 7 weeks left in this year. We have 12 appropriations bills to get done, including this one. We must get that done or we cannot go home. We must get started, and we can complete this bill, I think, very quickly.

Now, what has happened—I understand the concern by the Senators from Nevada about the nuclear waste issue. By forcing my hand to do these cloture motions, it has speeded up the time in which this issue will come to a head. I had planned on not filing a cloture motion on the nuclear waste issue until Friday and the vote would have occurred on Tuesday, but now it really is bringing it up sooner than it would have otherwise.

Mr. President, this is an urgent, important issue for our country. There is dangerous, radioactive nuclear waste stored in cooling pools all over this country from Vermont to Minnesota to Idaho to South Carolina. This has been an issue for 10 years which the Congress and the governments, the administrations, Republican and Democrat, have not sufficiently addressed. Countries like Sweden, France, Britain, and Japan have stepped up to this issue of how we deal with the temporary and permanent storage of nuclear waste, but in America we have not been able to bring ourselves to do it.

At the same time, the ratepayers have paid millions, in fact, billions of dollars to move toward a time when we would have a permanent storage site for nuclear waste. Do we wish it would go away? Of course. We cannot wish it away. It is there. Something must be done. This nuclear waste legislation is probably the most important environmental legislation this Congress or any Congress will consider.

(Mr. INHOFE assumed the chair.)

Mr. LOTT. Mr. President, we cannot stick our heads in the sand. If we do, we will probably be radioactive. We have to step up to this issue. This is a bipartisan bill. This is a bill that Senator MURKOWSKI has worked very hard on, as have Senator CRAIG of Idaho and Senator BENNETT JOHNSTON. We cannot just ignore it. Do I want to bring it up now at a time when we are trying to work together to move Presidential

nominations, judicial appointments, appropriations bills? No. But I do not have a choice. As majority leader, when I have bipartisan senior leaders of the Congress come to me and say we have a fundamental national issue that must be addressed, I cannot ignore it.

Does it eat up time? Yes. We blew 4 or 5 hours yesterday. We could have finished this bill last night or this morning. Are we balled up here now? Yes. Do I want that? No. But can we ignore our responsibility? Absolutely not.

Now, let me say again, I am sympathetic to how the Senators from Nevada feel. I know they cannot accept this without a fight. But I ask the distinguished Senator from Nevada to allow us to do our work on the Department of Defense appropriations bill, give us an opportunity to work with him and find any opportunity that we can to be fair and work with him. But we cannot ignore this problem any further. So, again, I wanted to make those points. I think they are very important. I hope that we can work something out. I will be glad to work with the Democratic leader. I know the Democratic leader wants to proceed on the Department of Defense appropriations bill. He has assured me of that personally. I know he has given the managers, Senator INOUYE and Senator STEVENS, that commitment and assurance. So I hope we can find a way to face up to this issue and also to allow the Senate to get its work done.

We are now locked in a rolling filibuster on every issue, which is totally gridlocking the U.S. Senate. That is wrong. It is wrong for America. We cannot get the appropriations bills done. We cannot get the taxpayers' bill of rights done. We cannot get the White House Travel Office bill for Billy Dale done. We cannot get the gaming commission issue up. I do not support all of these bills, but we have an obligation to allow the Senate to do its work. That is not happening. I hope we can find a way to do it on this bill today.

I yield the floor.

UNANIMOUS-CONSENT REQUEST

Mr. STEVENS. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that the cloture vote with respect to the pending bill, the DOD appropriations bill, occur at 1 p.m., and I might say that we are prepared to let the Senator from Nevada talk and have all the time between now and 1 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID addressed the Chair.

Mr. STEVENS. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LOTT. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. Yes.

Mr. LOTT. Mr. President, what was the consent that was asked for and objected to?

Mr. STEVENS. I sought to accelerate the time to vote on the Defense appropriations bill. If we could bring that to a vote at 1 o'clock, I feel certain we will get cloture, and we would have 30 hours for debate on this bill. I believe that would expire before the time to vote on the nuclear waste bill, which, under other circumstances, will come first on Monday.

I am prepared to state that I think we can finish the bill today or tomorrow. It might mean that we would stay in session tonight to do so. But I would like to get this bill through. I think that there is no greater issue facing the country today than the amount and level of support for our armed services and the people in Bosnia. I think the uncertainty involved here is going to lead to some real problems.

I hope that maybe we might have a chance to have a recess and let us just try to discuss this with the Senator from Nevada and others and see if we can get to this bill. There is no question in my mind that we are going to vote on this bill one way or the other. If cloture is the only way to get to it, we will have to do that.

Mr. LOTT. If the Senator will yield, Mr. President, I would like to further inquire, if I could, with the indulgence of the Senator from Alaska, with him retaining control of the floor. What are the wishes of the Senator from Nevada? Does he wish to just talk for a period of time? Can we accommodate him in some way? I do not want to cut him off, but I know that he has to be also aware of the desires of the 98 other Senators in trying to get the work done of the Senate on the Department of Defense appropriations bill. Would the Senator like to talk for an hour? What are his intentions?

Mr. REID. I say to my friends, Senator INOUYE, Senator STEVENS, and the majority leader that I understand the importance of this bill. I am a member of the committee. I think we have had the good fortune of having the other military appropriations bill, military construction, passed. I am very happy about that. I received the support of Senators STEVENS and INOUYE on that. That bill pales in the comparison to this bill, and I understand that.

But I respectfully say to my friend, the majority leader, that I disagree that S. 1936 is the most important environmental issue facing this Congress. I say, respectfully, to my friend that if the majority feels this is the most important environmental issue, no wonder the American public is upset at some of the environmental stands taken by this Congress.

Now, I say to my friends, I support this bill. I speak in favor of this bill. I believe, as outlined by Senators INOUYE and STEVENS, that we do not have an obligation—in fact, we have a contrary obligation—to go along with what the White House suggests as to levels of military spending. We are a separate, just-as-important, equal branch of Government. Therefore, I support this bill.

But I also have obligations to the people of the State of Nevada and of this country to have every opportunity that I can to speak about S. 1936, which the President is going to veto. That is one of the points I tried to make yesterday. Hopefully, I did it well. I think we are wasting a lot of time here, when the President says he is going to veto the bill anyway. So I will be happy to cooperate in any way that I can. It is my understanding, as someone told me, that there might be some need for a recess.

Even though I do not speak very loud most of the time, I have the opportunity and the right as a Senator to follow the rules. That is all I am asking to do. I am not asking that any special privilege be extended to this Senator. But as those Senators in this Chamber know, I feel very strongly about S. 1936. I think it is a waste of our time. I would like to take every possible opportunity to speak on this.

Mr. LOTT. Would the Senator from Nevada be willing to bring this bill up right now?

Mr. REID. I would not.

Mr. LOTT. I have just one reaction, if I can ask the Senator from Alaska to continue to yield to me. First of all, I would be amazed if the President of the United States would veto this bill after it has gone through the House and the Senate, supported by Senators from the diverse States I named, all the way from Minnesota, Idaho, Vermont, New Hampshire, my own State, and perhaps others. But, if the Congress gets to the point where, just because of the mere threat from the President of a veto, we do not act, we might as well go ahead and leave now for the year because he is talking about vetoing every bill that is moving. I do not think we can use that as a basis of not acting on important legislation.

RECESS

Mr. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

Mr. REID. Objection.

I wish to make an inquiry.

Will the Senator from Alaska yield for a question; or the majority leader?

The PRESIDING OFFICER. The Chair advises the Senator that a unanimous-consent request is pending.

Mr. LOTT. Mr. President, I moved that the Senate stand in recess until 1 p.m.

Mr. REID. I apologize to the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The question occurs on the motion.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The question is on agreeing to the motion.

Mr. REID. I ask for the yeas and nays.

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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I move that the Senate stand in recess until the hour of 1 p.m. today.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Thereupon, the Senate, at 11:12 a.m., recessed until the hour of 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. STEVENS].

QUORUM CALL

The PRESIDING OFFICER (Mr. STEVENS). In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BRYAN. Objection.

The PRESIDING OFFICER (Mr. KYL). Objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

Bryan	Inouye	Nickles
Coats	Kempthorne	Reid
Conrad	Kyl	Santorum
Craig	Lott	Stevens
Daschle	Mack	

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Vermont [Mr. JEFFORDS] are necessarily absent.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Washington [Mrs. MURRAY] are necessarily absent.

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—93

Abraham	Feinstein	Lott
Akaka	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McConnell
Biden	Glenn	Mikulski
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Nickles
Bradley	Grams	Nunn
Breaux	Grassley	Pell
Brown	Gregg	Pressler
Bryan	Harkin	Pryor
Bumpers	Hatch	Reid
Burns	Hatfield	Robb
Byrd	Heflin	Rockefeller
Campbell	Helms	Roth
Coats	Hollings	Santorum
Cochran	Hutchison	Sarbanes
Cohen	Inhofe	Shelby
Conrad	Inouye	Simon
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Snowe
Daschle	Kennedy	Specter
DeWine	Kerrey	Stevens
Dodd	Kerry	Thomas
Domenici	Kohl	Thompson
Dorgan	Kyl	Thurmond
Exon	Lautenberg	Warner
Faircloth	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—2

Bennett	McCain

NOT VOTING—5

Chafee	Leahy	Murray
Jeffords	Moseley-Braun	

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The distinguished majority leader is recognized.

Mr. LOTT. Mr. President, I begin by pointing out that in order to come off of a quorum call I had to use this procedure of instructing the Sergeant at Arms to get the presence of the Members here. It is the first time I ever had to do that as majority leader, and I do not like to do it. I remember grumbling loudly when it was done by a former majority leader. In fact, I usually voted no because I hated the procedure. However, I had no alternative, because I was trying to come off of a quorum call so we could have some discussion about the situation we find ourselves in. That exercise is reflective of why we are in this situation right now.

Apparently, Mr. President, there is a planned concerted effort to have gridlock in the U.S. Senate. We need to do the people's business. I am committed to that. I still think that the best thing to do for ourselves politically is to do what is right for the country, and for us to be locked down and not able to move any legislation after the exercise we went through to vote on the small business tax relief package and the minimum wage, to sort of clear the decks and move on to other issues, and now I find that instead of gridlock being broken it is beginning to get worse every day.

Mr. President, we have now in this Congress had to file 73 cloture motions, I presume probably the largest in history. There were 40 in the 102d Congress, 51 in the 103d Congress, and already 73 in the 104th Congress. Now, I am new in this position. I am trying mightily to do a good job by finding a way to produce, finding a way for the Senate to act, while honoring the needs of 100 Senators. It is not easy. It is very hard. It takes cooperation. It takes communication. I have been doing that. I tried to talk to my colleagues, one by one, small groups, repeated meetings, and I tried doing it across the aisle.

I say, honestly, I found the Democratic leader open and helpful in many instances, and I tried to work with others. Senator PRYOR from Arkansas has a bill that he has been working on for years. He started this whole effort of having the taxpayer bill of rights. For heaven's sakes, we ought to have that. The taxpayers ought to have some rights when it comes to dealing with the Internal Revenue Service. Yet we have not been able to get that bill cleared. Why? I do not understand.

As soon as I was elected to this position I said, ''Look, enough on this Federal Reserve Board holdup. Let the Senators talk. Decide on a time, have our say, and vote.'' They are the President's nominees. We may not like them. I did not like all of them. I voted against one of them. Some of you voted against one of them, maybe somebody voted against two of them, but we agreed on a time with the distinguished majority leader and those that had problems—the Senator from Iowa had held up these nominees from his own administration for weeks. I said, ''Enough. Give them the time, talk about it, vote, and go on.''

Small business tax relief and minimum wage have been sitting in our lap for weeks, months, balling up everything. I could have been willing to just continue it that way because I did not like the way it was set up, but it would have wound up tying up the small business tax relief, minimum wage, taxpayers bill of rights, the Billy Dale White House travel issue, and I do not know whatever else was balled up in the Gordian knot. I said for the good of the Senate, for Democrats and Republicans, and some of my colleagues did not like my concerted, aggressive continuous effort to find a way to resolve that issue, but I stayed with it and I stayed with it. The Democratic leader and I have worked, and we ran into little problems. Sometimes he misunderstood what I said. Sometimes I could not carry out what I thought I could. Sometimes he could not. We had to rework it, but we did it. We set up a process to do it.

Regular order. I remember Senator Mitchell saying what we need to do is the regular order. There is a way you do things around here. You bring up a bill reported by a committee, have debate, offer amendments, you vote and win or lose, and you move on, and then it goes to conference.

Now, on both sides we are beginning to block appointments of conferees. This is a relatively new device—not unprecedented, but are we going to start

doing it on every bill? I do not like it. We ought to go to conference on Coast Guard authorization of conferees. Finally, we did it today after being held up for, gee, 2 months.

I am going to try to go to appointment of conferees on health care. For 80 days, it has been held up to appoint conferees on the health care bill—80 days—while we have had these running negotiations. There have been complaints that, ''Well, gee, we are not in on the discussions.'' How about regular order? How about we appoint conferees, make sure it is a fair appointment, and go to conference.

I want to tell you who I recommend that we appoint on the health care conference: Senator KASSEBAUM. You know of her work in this area. She has been very diligent. She voted against putting the medical savings accounts in the bill when it was on the floor of the Senate. She has said, standing right there, that she thinks what I have been working on and what we are trying to do is eminently fair and reasonable, and we ought to go with the medical savings account compromise we have worked out. She wants to move this legislation. Senator ROTH, Senator KENNEDY, Senator MOYNIHAN, and myself, Senator LOTT. There are five Senators that are about as equally balanced as you could possibly get and allow the majority party to have a one-vote edge with one of the Senators in the majority certainly committed to getting the job done and certainly unbiased in what she wants to do and how it is achieved.

So we worked through that agreement and carried it out this week. I said Tuesday that, sundown Wednesday, we are back to business. Minimum wage, voted on. Small business tax relief, voted on. Finance Committee improvements in the small business area, accepted. TEAM Act, voted on. Right to work, cloture motion, voted on. The decks are clear and ready to go.

Appropriations bills. DOD, Department of Defense appropriations bill. Do we need it? Is it the right thing for the country? Have we already debated everything that is in it? Yes. The authorization bill. We spent 2 weeks on that. Then, with a little cooperation at the end, we concluded it and voted on it this week. That was clear. We have two of the most effective managers of legislation in the Congress wanting to handle this bill. Senator STEVENS from Alaska and Senator INOUYE from Hawaii are ready to go. The truth of the matter is that if they had 40 minutes, they could probably finish it. They want to go to work. And then it is blocked—blocked before an effort was even made on nuclear waste.

Yesterday, we thought everything was all ready to go on the Department of Defense appropriations. I am in my office and, all of a sudden, we are talking about nuclear waste, not on DOD. We blew 4 hours or more yesterday when we could have probably completed the Department of Defense appropriations bill. But, again, in an abundance of wanting to be fair, I understand how important this is to the Senators from Nevada. I am sympathetic to how they feel. But I am more sympathetic to doing the job and doing what is right for all of America.

What about the Senators from Minnesota, who have nuclear waste piling up in their State to the limit, sitting out in cooling pools? If you want to talk about the environment, this is the most dangerous issue in this country—nuclear waste, sitting in open pools in Minnesota, in Vermont, in Idaho, in South Carolina, North Carolina. It is all over America. What about the other 48 Senators that are directly involved in this nuclear waste issue and the States that are involved—sorry to get carried away there. It is dangerous to be sitting here. This is worse than nuclear waste.

I want to do it for the country's sake. Britain, France, Sweden, and Japan have stepped up and addressed the issue of nuclear waste. Yet, we cannot bring ourselves to deal with this. It is not easy. Transportation is a problem. Temporary storage and permanent storage. It has to go somewhere. Nobody wants it. Nevada does not want it, nobody wants it.

But there are safe ways we can do this. It is the right thing to do. It is right for the country. Now we found that not only did it delay us last night—I thought we did the right thing to let the Senators talk and express their concerns; they were entitled to that. But they agreed that we would close it up about 6 o'clock last night, and they agreed that we would come back at 10 o'clock and we would be on the Department of Defense appropriations bill. Lo and behold, I had a cup of coffee, and I woke up and, gee, we are back on nuclear waste again.

Now, I am trying my best, but for America's sake, I need some help on both sides of this aisle so that we can move this legislation. I set up campaign finance reform. I did not agree with it, did not like it, did not want to waste the time of the Senate on it. I admit that. But we set up a fair and agreed-to process that Senator MCCAIN of Arizona agreed to, Senator MCCONNELL agreed to, and Senator FEINGOLD, and others, agreed to. We took it up, debated it, and we voted. Regular order.

On judges. You know, I do not like to not move appointments that are not controversial. So I tried it. I tried four. It was objected to by a Democrat because his judge was not on the list of four. So we worked on it and came back and said, ''Let us do the four and we will keep going.'' It was objected to by a Senator. He said, ''My judge is not on the list.'' I said, ''OK, I will work on that.'' I put a lot of time and effort into it. I came back and said, ''How about 10?'' Then there was objection to one of those that we worked out later on. So we took one off and said, ''Here are nine; how about nine?'' That was objected to because there were, I guess, seven that were not on the list with the nine. So if their judge was not on the list, they objected. So we could not move nine. I said, ''Well, OK, I could not get four, could not get 10, and could not get nine. How about one at a time?''

I even, at the request of the Democratic leader—and I thought it was a reasonable request—I gave him the list of the order for the next 2 weeks. We talked about it, and I told him I would keep working on it.

I am not interested in balling these things up. I am interested in moving this place. So we lined up nine. When I brought the first one up the day before yesterday, bam, objection again. But, overnight, some additional consideration was given to it. Yesterday, we moved two. Yea, two. Two judges. Wonderful. I would like to do another one today and another tomorrow.

My point in all of this is to say that I am trying. But now we find that the Department of Defense appropriations bill is being held up. The nuclear waste issue, which I was not going to bring up until Friday, lay down cloture, and vote on next Tuesday to see where we were—and not a lot of cloture motions win around here. But now I had to file a cloture motion on nuclear waste.

Health insurance conferees—80 days it has been held up.

Taxpayer bill of rights—I mentioned that. I cannot imagine that anybody is going to stand up and admit they object to bringing this thing up.

White House Travel Office—we have had our fun with that. We have; you have. Nobody in the end when we get to a vote is going to pass it 98 to 2 or 100 to 0. Why not do that?

Gambling Impact Study Commission—I do not particularly like it. I do not like national commissions. I do not like subpoena powers. My State is not particularly happy about it. But some are. A lot of people feel gambling is a problem in this country.

So I said, Look, it is supported by the distinguished Senators, like the Senator from Illinois, Senator SIMON, a highly respected Senator; Senator LUGAR from Indiana; Mr. COATS; Congressman FRANK WOLF. I was not going to stand in the way of bringing that up. I could not. So I want to schedule it. I said let us bring it up, get UC, and move on. I was told, ''Well, you know, we will probably have objection to that. Maybe we can work that out.'' I am ready.

The stalking bill—here is a bill that one night had been cleared, and all day. At the last minute, bam, it got stopped. I never did quite figure out what the problem was with bringing up a bill that would have some limit, some controls, on stalking of people and women and children. But I understand there is a little tete-a-tete thing going on. I am willing to meet with the Senators involved and work that out. But nobody in here is opposed to this stalking bill; not any of us.

So I am just beginning now to wonder what is going on here. We need to work together. We need to move these bills.

We need to move to the foreign ops appropriations bill. We need to do it tonight. Next week we need to do the legislative appropriations bill.

Treasury-Postal Service—we have work to do, and we are completely balled up. This is wrong.

So I have a series of unanimous-consent requests that I want to go through here now. I want to say up front to the distinguished leader that this will not necessarily be the end of it for you or us. Maybe we can work some of them out. I am ready. But as of right now we are completely balled up, and it is not my fault.

I want us all to sober up here now and get on with the business of the Senate.

With that—and he has been very patient—I am glad to yield to the Senator from South Dakota who I know would like to help.

But we have to do it now. We cannot just keep talking about it.

I am beginning to feel like Charlie Brown. I keep running up to kick the football, and it ''ain't'' there. I have tried one time, two times, and three times on the judges. I thought it was your ball. You know because it kept disappearing into your cloakroom.

Let us quit this stuff.

I would be glad to yield.

Mr. DASCHLE. Mr. President, now the majority leader knows why they pay him much more now.

Mr. LOTT. They do? (Laughter.)

Mr. DASCHLE. Mr. President, I am delighted that he has taken the speech that I put in his desk from George Mitchell from about 2 years ago and used it almost verbatim. Obviously, as leaders, we face these frustrations with some frequency. I have learned that now myself over the last 18 months.

I say to the distinguished majority leader that there are many things that he has done since he has taken this office that many of us have found to be very productive, and we appreciate his willingness to cooperate on so many things in the short time that he has been majority leader. I have been asked almost daily by members of the media how I view the first few weeks of the majority leader's tenure, and I have given him very high marks because of his determination to continue to find ways to deal with the many issues that he has listed.

There have been times in this Congress when we have been able to accomplish a number of things. We passed the unfunded mandates bill last year. We passed the line-item veto. We passed the congressional accountability legislation. We passed telecommunications reform. We passed in the Senate a couple of bills that may or may not ultimately become law, including welfare reform. We might be able to do that again.

On those occasions where Democrats and Republicans have worked together, we have had overwhelming votes. Just this week we passed the minimum wage bill by an overwhelming vote in part because the leadership has been able to find ways to work together.

The majority leader made a point that he has had to file—he used the words ''had to file''—a number of cloture motions. I must tell you that I do not know why he and his predecessor have felt compelled so often to file cloture motions on the very day they lay a bill down.

How many times have we seen bills laid down and cloture motions filed on the very first day? What kind of a message for bipartisanship does that send? How many opportunities are we going to have to participate in the legislative process when that happens?

I would like to go through that list of all of those bills and find out how many times on the first or second day a cloture motion was filed. That is not the way we used to do business around here. I hope we can get back to the good old days when we legislated.

He mentioned conferences. He mentioned the fact that we have been reluctant to go to conference. There is one very simple reason for that. We have been unable to go to conference because we do not know they exist once we agree to them. There have been occasions—I cannot tell you how many—when we have agreed to go to conference, then discover that House and Senate Republicans find some room to meet and agree, and then they tell the other Democratic conferees what they have agreed to. That is the conference. We're not even told about it until it's over.

Mr. President, that is not the way to legislate. In the good old days it took Democrats and Republicans to make a conference.

The majority leader has at least expressed a desire to see more bipartisanship in conferences. I am very hopeful that happens because once it does, we will be in a much better position to agree to go to conference.

Talk about kicking the ball. How about when you feel like you are the ball? [Laughter.]

That is really what we are talking about here. It is not a question of where the ball is. The ball is here, and we are getting kicked. [Laughter.]

It is not a very advantageous position for us to be in.

Let me talk briefly about the health care reform conference. The majority leader says conferees have been blocked for 80 days. Maybe it has been so long that the majority leader has forgotten what happened 80 days ago. Eighty days ago, the Senate voted on MSA's. The Senate voted not to include MSA's in this portability bill. Why? Because we all agreed we wanted to keep our eye on the ball, so to speak. [Laughter.]

We wanted to be able to say, ''Look, we know that if expand this bill to include other kinds of things, nothing will get done.'' I had my own list of thing I wish could have been added. In fact, one of the toughest votes I have had to cast in a long time was against the measure offered by the Senator from New Mexico and the Senator from Minnesota on mental health. I did not want to vote against that. But I can recall so vividly the distinguished chair of the Labor Committee and the distinguished ranking member saying, ''Our plan is to oppose all amendments regardless of how good they may be because we know that, if this bill gets loaded up, nothing is going to get done.''

I do not know how much more visionary they could have been. How prophetic it was, because that is exactly what has happened. Eighty days later, the bill languishes. Do you know what we are hung up on? We are hung up on the insistence of the minority that the majority accept its position and make sure it prevails in the conference. That is really what we are talking about here.

They want to put MSA's back in the bill. We said, ''We are prepared to put MSA's back in the bill. But let us simply test it first. We have been debating about whether we can figure out a way to have a test that meets with both sides' satisfaction. But why should we agree to go to conference with the likelihood that we would not even be in the room, based on past performance? That has happened, and it is likely to happen again, given the makeup of the committees.''

Now the leader has come up with a new MSA formula, and it is certainly encouraging. But I am guessing that the Senate conferee will still be in favor of MSA's.

In fact, I am sure that will be the conference position under the plan proposed by the majority leader. So if the Senate is on record in opposition to MSA's, again, it seems to me we feel like we are the football, and we're getting kicked again. We are just not going to do it.

If we can work out a way to ensure that we can reach an agreement in a bipartisan fashion, I am all for it.

The last thing—the majority leader talked about the taxpayer bill of rights. Well, we may have amendments to the taxpayer bill of rights; that's a matter we have been unable to work out up until today. As a result of our negotiations, I think we can now work out our differences.

He talked about the White House Travel Office. Again, we have amendments. We would like to be able to work out an arrangement that would allow these amendments to be taken up.

The majority leader mentioned that he still cannot get the Gambling Impact Study Commission done. I want the RECORD to show that this is the first request we have ever seen to clear the Gambling Impact Study Commission.

The distinguished majority leader mentioned the stalking bill. The distinguished Senator from New Jersey

[Mr. LAUTENBERG], proposed an amendment to the stalking bill weeks ago. Republicans have that amendment for weeks. The reason the stalking bill does not come up—because they do not want that amendment added to this bill.

So that is the issue, Mr. President. We can deal with any one of these bills. But it has to be in a bipartisan way.

That is all we are hoping we can do. We will continue to work with the majority leader to make his tenure as majority leader less frustrating and more productive. And I stand here ready to do it this afternoon.

I yield the floor.

Mr. LOTT. Mr. President, I do feel a need to respond to some of the Democrat leader's comments. First of all, after you pass a bill, you do not take that proverbial ball we have been talking about and go home. You go to conference. That is the way you do business around here.

Now, with regard to these cloture motions, about how we file them on the first day that a bill is brought up, I learned that from Senator Mitchell. He did it all the time.

So I ask unanimous consent to have printed in the RECORD, Mr. President, an analysis of what has happened with regard to these cloture motions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLOTURE COMPARISONS BETWEEN THE 103D AND 104TH CONGRESSES

	103d	104th
Number of legislative items having cloture filed against them	20.0	28.0
Of those cloture petitions, number filed on same day as legislative item is first laid before the Senate (or motion to proceed is made)	12.0	15.0
The average number of days of consideration of the remaining legislative items prior to a cloture petition being filed	4.6	4.6

Conclusion: The Republican majority filed 54 percent of their cloture petitions on the first day a measure was considered (or first motion to proceed made).

The Democrat majority filed 60 percent of their cloture petitions on the first day.

Mr. LOTT. On this, it does compare cloture motions between the 103d and 104th Congress. The number of legislative items having cloture filed against them in the 103d, 20, and 104th, 28. Of those cloture motions, the number filed on the same day as a legislative item is first laid before the Senate or motion to proceed is made, 12 in the 103d, and 15 in the 104th.

When I actually got a comparison here of first-day filings by the Republican majority, I find it is 54 percent of their cloture motions on the first day a measure was considered, the Democratic majority filed 60 percent of their cloture motions on the first day.

So maybe we all need to do a little work on that. But our record is not any worse—in fact, it is better—than the one we found from the previous Congress when I believe Democrats were in charge.

Mr. DASCHLE. On that point, if the majority leader will yield briefly, there are three categories: Amendable vehicles, motions to proceed, and conference reports.

Now, on the motions to proceed and conference reports, we will compare notes here, but let us look at amendable vehicles and see what the record is between Democrats and Republicans. I would like to put that in the RECORD.

Mr. LOTT. My only point is we did not invent this procedure, and we have not been any worse percentagewise than our predecessors.

Now, the next point, talking about how we have worked together, on occasion we have, but let us take the unfunded mandates. I remember that one very well. I remember how long it took us at the beginning of last year to pass a very popular bill that there should not have been any problem with. It took us 3 weeks—3 weeks—to get the unfunded mandates bill through here and then it passed 86 to 10—86 to 10.

Now, with regard to the conferences, I do not know what you are so horrified about that maybe Republicans talk to each other when there is a conference going on. I remember a crime bill on which Senator SIMPSON from Wyoming was working. I remember some sort of conference the Democrats had excluded Republicans on a Sunday afternoon. I remember that. We did not invent that procedure either.

But let me point this out. On three major issues that we have passed this year and sent to the President—I was involved at the direction of Senator Dole in trying to help move those conferences—line-item veto, bipartisan effort; telecommunications, bipartisan effort—Senator HOLLINGS, Senator PRESSLER, Senator MCCAIN, we were all there, bipartisan. I remember it. And again I did not like a lot of what was going on but Democrats were in that room when that final deal was made; small business regulatory relief. This Congress ought to be embarrassed that we have not passed a big regulatory reform package. Fifty-eight Senators voted for that, and yet it languishes in the Senate because we cannot get 60 votes once again for cloture. But we did in a bipartisan way pass small business regulatory reform.

On the health care issue, the vote in the Senate, I remind my colleagues, was a very close one, 52 to 46. And if the vote were held today in the Senate on the experiment proposal that we have offered, it would pass, I would be willing to bet you, overwhelmingly. And by the way, the President has accepted the concept of a broad-based experiment for medical savings accounts. Now, you might argue over the word ''broad,'' but we are not talking about 2,000 or 10,000. You are talking about several hundreds of thousands would be involved in this medical savings account experiment.

My colleagues, we have won. The American people have won. Why do we not declare victory? We have said we will go with an experiment. You have said the President has said, ''I will accept it.'' What is the problem?

I know, there are a lot of details that need to be ironed out; you have to understand every little word, exactly how the deductibles will be determined, and when would there be a vote, and how would there be a vote to extend it, sunset it or whatever. You know where you work those out? Not running up and down the hall out here and your office or my office. You work it out in a conference. We can negotiate, go back and forth with the Senator from Massachusetts until the cows come home, but sooner or later we have to go to conference and work it out.

Now, talk about compromise. I wish this bill had medical malpractice in it. But the conferees have already agreed, the House has agreed to recede, take that out. We want it. I want it. But we want legitimate portability, ability to carry your insurance between jobs. We want an opportunity to deal with preexisting illnesses. We think it is important that the self-employed be able to deduct more of the costs of their health insurance premiums. But compromise is under way.

The so-called MEWA's—a Washington word, but the ability of small businesses to form pools to give coverage to their workers, I do not understand—I will never understand—why the Federal Government should be telling small businesses you cannot form pools to provide coverage to your workers. In these fast food restaurants, the majority of the workers cannot get and the employers cannot provide health coverage. But if they could form a pool with the restaurant association or the National Federation of Independent Businesses, they could get it. But that was dropped in an effort to show good faith and compromise. We have bent over backwards, I have bent over backwards to try to be reasonable in coming to a compromise, and we are close enough we ought to go to conference with a fair group of conferees and get the job done.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent that during the pendency of S. 1894, the Department of Defense appropriations bill, it be considered under the following restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, and Monday, July 15, occur beginning at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted and H.R. 3610 be read for a third time and final

passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the DOD appropriations bill.

I think this is an eminently fair unanimous-consent request on the way to deal with this very, very important bill that our colleagues are ready to handle on the floor this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I regret to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to consideration of S. 1936, the Nuclear Waste Policy Act, and during the pendency of S. 1936, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form; 1 hour on all first-degree amendments which must be relevant; 30 minutes on all relevant second-degree amendments. Further, I ask unanimous consent any rollcall votes ordered with respect to the nuclear waste bill on Friday, July 12, or Monday, July 15, occur at 9:30 a.m. on Tuesday, July 16, and that following the disposition of all amendments, S. 1936 be read for a third time and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII; and that no call for the regular order serve to displace this bill.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Objection.

UNANIMOUS-CONSENT REQUEST—H.R. 3103

Mr. LOTT. Mr. President, I ask unanimous consent the Senate insist on its amendment to H.R. 3103, the Senate agree to the request for a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, first of all, let me begin by saying the distinguished majority leader made comments about how nice it would be to have regular order. I would just note for the RECORD that the first two unanimous consents were not in keeping with regular order. There is nothing regular about asking unanimous consent with a predetermined procedure. Regular order is to take up a bill and deal with it.

With regard to the health insurance reform conferees, for the reasons I have already stated on the RECORD just moments ago, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 3448

Mr. LOTT. Mr. President, I further ask unanimous consent that immediately following the appointment of the conferees, that the Senate then insist on its amendment to H.R. 3448, the small business tax package bill, the Senate then request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I ask unanimous consent the clerk be directed to make the following changes in the enrollment of H.R. 3448, the small business minimum wage bill, and the bill be sent to the House for its consideration. These changes, which I shall send to the desk, change the effective date for the minimum wage increase to 30 days after the date of enactment, and they take care of the problem regarding the utilities which Senators MOYNIHAN and D'AMATO discussed on the floor yesterday.

Mr. LOTT. Mr. President, I object to that because the way this should be dealt with, and I feel it should be dealt with, is to go to conference. I had just made a unanimous-consent request that we appoint conferees on the minimum wage and small business tax relief package, and it was objected to. When we get conferees appointed to this conference, then we will deal with this issue.

Mr. DASCHLE. Reserving further the right to object, I would only point out the minimum wage title in the bill passed in the Senate is identical to the minimum wage title passed in the House. There is no need for a conference. But, if they insist on a conference at this time, given the fact they have also insisted on health care conferees, for both reasons, we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

Mr. DASCHLE. Mr. President, reserving the right to object, we have a number of amendments to this legislation we would like considered. So we object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—H.R. 2937

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 380, H.R. 2937, relating to the White House Travel Office and former employee Billy Dale; further, that a substitute amendment which is at the desk be offered by Senator HATCH, that it be considered and agreed to, the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table.

I note that I did try this yesterday. There was some problem with an objection to it because they indicated they had not seen Senator HATCH's amendment. They have now had it and had 24 hours to review it, so I renew my unanimous consent request.

Mr. DASCHLE. Reserving the right to object, I find all these unanimous consent requests intriguing, given the eloquent comments made by the distinguished majority leader about how wonderful it would be to have regular order.

This is not regular order. As I have indicated to the majority leader, we have amendments we would like to offer to this bill, and to several of the other pieces of legislation he is propounding today. So obviously we have to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—S. 704

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish a gambling impact study commission; further, a managers' amendment that I will send to the desk be agreed to, the bill then be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, this is the first time we have had the opportunity to see this unanimous-consent request. Ordinarily, we are given unanimous-consent requests ahead of time so we can check with our colleagues. No one has given us this unanimous consent request. So, in order to clear it with our colleagues, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I would like the RECORD to show, as a matter of fact, they did receive notice on this. We have been talking back and forth about it for days. I believe Senator SIMON had indicated he thought it had been cleared. A couple of Senators who had earlier had reservations on the Democratic side had indicated they would not object. You have seen it. There is no great big surprise here. There was a chance, I think, 3 weeks ago, to read it and reread it.

Mr. DASCHLE. Mr. President, usually we do these things leader to leader. I will be happy to talk to Senator

THOMAS about the legislative calendar, or I might be able to talk to other Members of the Senate Republican caucus, but I prefer to deal with the majority leader. I think we ought to see the reciprocal here. I have not had a chance to see it or check with my colleagues. Until that happens, nothing is going to get done on this side.

Mr. LOTT. As I indicated earlier, I will be glad to try this again later on today once you have a chance to talk to your colleagues. I will be glad to come back to this at 4, 5, 6 o'clock, so we can deal with this issue. I know there are Senators interested in it on both sides. So I will put you on notice, I have tried to bring it up. I will try it again later. If we do not get it today, I will try it again tomorrow.

At some point, I want to say this, if the objection continues to be heard that would bring it up under unanimous consent, then I will want to schedule time for it and move to bring it up, have some debate. I am willing to do that, too. I am just trying to find a way to get some of these things up and get them considered.

Mr. DASCHLE. Mr. President, we might want to bring it up under regular order. I am told, just now, we may have amendments to the legislation. So that might be the most appropriate vehicle.

Mr. LOTT. I might say, if there are going to be a lot of amendments to what I thought was going to be relatively noncontroversial, that will affect when it comes up, because we do have appropriations bills that take priority over everything else.

UNANIMOUS-CONSENT REQUEST—H.R. 2980

Mr. LOTT. Mr. President, I ask unanimous consent the Senate turn to Calendar No. 421, H.R. 2980, a bill relating to stalking, and the bill be then read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Because we have amendments pending, we are not prepared at this point to agree to this unanimous consent as well.

The PRESIDING OFFICER. Objection is heard.

RECESS

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate stand in recess until the hour of 4 p.m.

There being no objection, at 2:27 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANTORUM].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, 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. DASCHLE. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATOR MURRAY AND THE NATIONAL DEMOCRATIC PLATFORM

Mr. DASCHLE. Mr. President, I rise to make a statement on behalf of my colleague from Washington, Senator MURRAY. Senator MURRAY is unable to attend today's session of the Senate, because she has been called away to participate in very important national business. She is charting the course of Democratic priorities for the balance of this century, and into the next, as part of a distinguished group of 16 Americans meeting today to write the National Democratic platform on which the President and all of us will run this fall.

As a person who came to public service as an outsider, with a message of commonsense middle class values, Senator MURRAY is uniquely qualified to make sure the 1996 National Democratic Platform reflects the hopes and dreams and concerns of all Americans. Her priority is making modern Government policies relevant to families in particular, including workers, young parents, senior citizens, and all people looking to work hard, get ahead, and live the American dream. I speak for all my colleagues on this side in saying that we are grateful for her leadership, and we take comfort in knowing she is bringing an important personal touch to our national agenda.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued to call the roll.

Mr. STEVENS. 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.

RECESS

Mr. STEVENS. Mr. President, I move that the Senate stand in recess until 6 p.m. this evening.

The motion was agreed to, and at 5:17 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BENNETT].

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I had hoped that we could come to some agreement with regard to these numerous matters that we had taken up, but it does not look like that is going to be possible; therefore, I intend to ask unanimous consent again on a number of items.

There has been a concerted effort on behalf of the chairman of the Energy and Natural Resources Committee, Senator MURKOWSKI, and the Senator from Idaho, Senator CRAIG, and the Senators from Nevada to see if an agreement could be reached.

I thought we had one that was time-consuming but fair to all concerned, but at the last minute it appears that that is not possible after an effort to get an agreement that would have allowed the nuclear waste issue to be brought up later on in July, I think the 23d, for limited debate, a vote on cloture, then bringing it back up after the August recess, the first day we are back, with a vote and then 30 hours of debate, and then a vote on final passage, and then go to conference.

That is an awful lot of time when the Senate has limited time to do its work, but it is a way to allow the Senators from Nevada to make their point and to get this issue resolved. But then we find, no; they want to reserve the ability to add three more hurdles to filibuster and get votes on going to conference. That was a river too far. There is a limit to what we can do in terms of agreeing to what is obviously just, you know, a dilatory agreement. So it was not acceptable in that condition.

We will be in session tomorrow. Hopefully we can make some progress then. If not, we will go next Tuesday to the cloture vote. But it does gridlock the Senate. The inability to get this agreement between the key players ties up the Department of Defense appropriations bill and ties up everything else that is pending around here. I think that is really unfortunate because we need to get the agreement on these issues if at all possible.

Perhaps there has been some positive result of our discussions earlier today. At least now I do have something in writing with regard to the medical savings accounts. I just received it within the last 15 minutes. I will take a serious look at it and discuss it with the key Senators involved on the Republican side in the House and Senate. We need to get this done.

I still find it indefensible that we have not appointed conferees on health insurance reform for 80 days. I have the conferees. It is a fair division. Even if we get an agreement on the medical savings accounts, we still are going to need a conference to agree on the final

details of exactly what the rest of the bill will entail even though almost everybody knows what is in it. But we need to make sure that the Senators and the Congressmen on both sides have a chance to go over it and make sure that the words are as we think they are supposed to be.

So I am very disappointed about this. I even wondered once again if there was an intent not to have any votes tonight or tomorrow from the very beginning. The Senator from South Dakota, the Democratic leader, assured me that is not the case, and I accept his word. But it sure looks to me like maybe there was some knowledge that there were not going to be any votes tonight.

Mr. DASCHLE. Mr. President, would the Senator yield?

Mr. LOTT. I yield to the Senator.

Mr. DASCHLE. The majority leader raises the question on the floor, so I think it is important that I again reiterate to him for the Record that there was absolutely no desire on my part to avoid doing business, whatever the business may be. There are obviously some very serious questions that the distinguished Senators from Nevada have attempted to raise in light of their concern on nuclear waste. But at no time have I instructed members of our caucus that they should feel free to leave.

Our desire is to get some work done, regardless of whether we make a great deal of progress or not, at least to be here to try to get the work done. I have emphasized that. I cautioned them not to leave because there could be votes either tonight or tomorrow. I reiterate that statement now, as I did this afternoon in our Democratic policy committee. So I think that point ought to be very clear to everybody. I hope we can put that rumor to rest once and for all.

Mr. LOTT. I appreciate that assurance.

Mr. LEAHY. Will the Senator yield?

Mr. LOTT. I will be glad to yield to the Senator.

Mr. LEAHY. I want to totally confirm what the Democratic leader has said. I am one of the more senior Members on our side, and I certainly would be one who would have known had there been any such plan. I can assure both leaders that had there been such, I would not be here talking to the two Senators, I would probably be on the front porch of my farm in Vermont right now planning to spend the weekend seeing constituents and working from my computer connection in Vermont rather than here.

So I can assure both my friends, who are my friends, the two leaders, that had there been any such plan on this side, first, I would have known about it, but, second, I would be in Vermont by now.

Mr. LOTT. Having been through good times and bad times with the Senator from Vermont, that is very comforting. I accept that, and I thank the Senator for that assurance.

Can I inquire of the Democratic leader if there is a possibility we could get an agreement on the taxpayers bill of rights tonight? I thought we kind of worked through that. I think it could maybe be some sign of good faith here if we could get that done. Again, it is bipartisan. The American people deserve it. Why do we not do it? If it would be possible, I would like to try to get that agreed to tonight.

Mr. DASCHLE. Mr. President, responding to the distinguished majority leader, we have consulted with the senior Senator from Ohio, Senator GLENN. It is my understanding that, on the assumption that we can insert in the RECORD at the time of the consideration of H.R. 2337 a colloquy between Senators ROTH and GLENN concerning confidentiality of records, I think we would be prepared to move the taxpayers bill of rights. That is assuming, of course—and the distinguished majority leader has been very good about moving these judges and keeping them ahead, but I would like to do that as well today if we could.

Mr. LOTT. If we could get this done, then we could maybe—I have always maintained that the only way you get these things moving is to get them moving one at a time. If we get a little reciprocity, we get a little something here and something there, then we can get this locomotive moving again.

Mr. BRYAN. Would the majority leader yield for a question?

Mr. LOTT. Let me respond to the taxpayers bill of rights. It is my understanding, with regard to Senator GLENN's concerns, that the Finance Committee chairman has agreed to move, in a future appropriate tax bill, Senator GLENN's amendment to impose criminal penalties for the unauthorized browsing of confidential taxpayer information by IRS employees. I believe that is the assurance that he wanted. That is my understanding, and I feel sure that would be lived up to.

Mr. DASCHLE. I am informed that that is the commitment he was looking for. On that basis, I think we would be prepared to move to that particular piece of legislation.

Mr. BRYAN. Will the majority leader yield for a question?

Mr. LOTT. I will be glad to.

Mr. BRYAN. What is the nature of the unanimous-consent agreement that is being propounded?

Mr. LOTT. I did not actually propound one. I am asking whether it is possible that the concerns that have been raised have been worked out. I understand they have been, and this would be a unanimous-consent request to pass the taxpayers bill of rights. In view of that, let me go through, then, some requests.

UNANIMOUS-CONSENT REQUEST—S. 1936

Mr. LOTT. Mr. President, I ask for an agreement with regard to nuclear waste. I ask unanimous consent that the Senate proceed to the consideration of S. 1936, the nuclear waste bill, on Tuesday, July 23, at 12 noon, and immediately after the bill is called up, the majority leader be recognized for the purpose of filing a cloture motion on the bill, and there then be 15 minutes for debate prior to the cloture vote.

This is the latest version. The time is equally divided in the usual form, with the cloture vote occurring at 2:15 on Tuesday, July 23. If cloture is invoked, the bill will immediately be laid aside and it will become the pending business on Tuesday, September 3, 1996, at a time to be determined by the two leaders; and following final passage of the bill, if in the affirmative, then it would be in order for the Senate to insist on its amendments, if applicable, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. I object.

Mr. LOTT. Could I inquire of the Senator from Nevada what his objection is to that?

Mr. BRYAN. I would be happy to state my objection. As you know, the Senators from Nevada have worked with the majority leader, with those on the other side of the aisle who are proponents of this legislation. We have had an exchange of proposals, as the majority leader knows, during the course of this afternoon.

The latest proposal that was brought back by the other side of the aisle had a provision in it which had not previously been discussed and was unacceptable, so we could not accept it.

Mr. LOTT. The provision with regard to going to conference?

Mr. BRYAN. That is the provision that had not heretofore been discussed, as the majority leader knows, and we had assumed within the parameters of what was being discussed all rights would be reserved under rule XXII, including any options that might be available to us in the event that this legislation moved to conference.

So it was on that basis that we interposed our objection.

Mr. LOTT. I want to make sure I understood. I just note that if every opportunity was taken with regard to going to conference, that could lead to at least three more votes, three more debatable motions, and would take up days, and therefore without that, we have accomplished almost nothing with that.

Mr. REID. Will the Senator yield?

Mr. LOTT. I would be glad to yield.

Mr. REID. I do have the right to object. I think there has been an objection. I say respectfully to my friend the majority leader and to the minority leader, we have an obligation to move legislation along here. We agree with the statement of the majority leader, we should move legislation, but take it a step at a time.

What we thought we were doing, the Senators from Nevada, is moving this—

we were jumping two steps. We were willing to do away with those, but we cannot waive all of our rights, and we know how important it is to move legislation. We felt that by going directly to the Defense appropriations bill, getting that completed, doing other things that will be able to be completed, without the two Senators from Nevada exercising their rights—under the rules, we felt we were doing the country and the two leaders here, in effect, a favor, but to have us avoid three or four different procedural moves that we have, seems to be a little bit too much.

We appreciate you trying to work with us. I object.

UNANIMOUS-CONSENT REQUEST—S. 1894

Mr. LOTT. Mr. President, I ask unanimous consent during the pendency of S. 1894, the Department of Defense appropriations bill, that it be considered under the following time restraints: 1 hour on the bill to be equally divided in the usual form, 1 hour on all first-degree amendments which must be relevant, 30 minutes on all relevant second-degree amendments.

I further ask unanimous consent that any rollcall votes ordered with respect to the DOD appropriations bill on Friday, July 12, on Monday, July 15, occur beginning at 9:30 a.m., on Tuesday, July 16, and following the disposition of all amendments, S. 1894 be read for a third time, the Senate proceed immediately to H.R. 3610, the House companion bill, all after the enacting clause be stricken, the text of S. 1894, as amended, be inserted, and H.R. 3610 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, July 16, notwithstanding rule XXII, and that no call for the regular order serve to displace the Department of Defense appropriations bill.

Mr. President, as I state that, I want to emphasize no matter what happens on the nuclear waste issue, we still have this Department of Defense appropriations bill awaiting action. The chairman is here ready to go. I am trying to get some order and some reasonable manner in which to handle this very important bill.

I am glad to yield to the Senator from Alaska.

The PRESIDING OFFICER. Is an objection heard?

Mr. BRYAN. Objection.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. There is an objection? I thought that was cleared on the other side.

The PRESIDING OFFICER. The objection is heard.

Mr. STEVENS. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. STEVENS. There is a cloture motion pending, which I understand will ripen into a vote on Tuesday. We are not in session on Monday, but it would be Monday if we are in session.

I regret that very much. This will accomplish the same thing. Under cloture, we will have an hour on each amendment, actually have an hour on two amendments if you wish to do so, but Mr. President, we have lost 2 days in the defense bill already. We will have a very tough time to try and conference this bill. We are trying our best to work with the administration to see if we can get the bill signed once again this year. The Senator from Hawaii and I have accommodated the White House on several matters already. We are trying to work this out, but we need time.

I think the Senator is putting us in the position where we are not going to be able to go out in August if we keep this up. I do not understand the objection to this because it is the same thing—if we had voted cloture on Tuesday, by definition, we cannot get to it until Tuesday, anyway. I do not know why we cannot proceed with this bill.

The alternative, as far as I am concerned, it is the pending measure and I am going to ask the distinguished leader that we just stay in on this bill. I can guarantee the Senator we will have some votes tonight and tomorrow if we stay in. The bill is the pending measure, and I would like to stay in and get going on this bill. I do not know what the leader wants to do.

Mr. REID. Will the leader yield, if the Senator is finished.

Mr. LOTT. I am glad to yield.

Mr. REID. I respectfully say to my friend from Alaska, through the majority leader, that we understand the rules also—maybe not as well as the distinguished Senator from Alaska. We feel we know what our rights are. If it is the wish of the Senate to stay in tonight, that is fine. But I think there is going to be a lot of business conducted.

We have been willing to play by the rules. To hear that we are holding up progress in the Senate is also to understand that we feel that a lot of the time being wasted, if not all the time, is based on the fact that we have a bill that was brought out that is very selective in nature. We have all kinds of other things we need to do. The President said he will veto this. We feel the waste of time is not on the shoulders of the two Senators from Nevada. I am sure the Senator from Alaska did not mean it that way, but in fact if there is some effort to threaten, or the fact that we will be in late tonight, I have no place else to go. I will be here late tonight.

Mr. LOTT. I ask unanimous consent we have a cloture vote on the defense appropriations bill at 7 o'clock tonight.

Mr. REID. I object.

Mr. LOTT. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I feel constrained to say, over the last recess I had the privilege of being able to fish at home on the river, and the men and women from throughout the country kept asking me one thing: What is gridlock? Why do we have gridlock? I think the American public is getting very disturbed about this. I have to say, it is obvious I am getting disturbed.

We have worked a long time to frame a bill that I think is possible to pass both the Senate and come out of conference, and go to the President. I think it is one of the most contentious issues facing America today, and that is the continued funding of our defense system. I do not understand why we cannot get going on it. It has nothing to do with nuclear waste. It has nothing to do with delay on nuclear waste. Nuclear waste will be the subject of a cloture motion vote on Tuesday. I just do not understand why we have to be gridlocked on defense. Of all the matters that we ought to be dealing with, it is defense. Why should we have a gridlock on defense? The people in this country, I think, have a right to ask this Congress why should you gridlock on defense? This is a gridlock, as far as I am concerned. We have tried for 2 days to get this bill going and the delay has nothing to do with defense, I am told, nothing at all. If it has nothing to do with defense, why should anyone object to our proceeding with this bill?

I hope the leader will let me continue. I can show you how we will have some votes tonight and tomorrow. I can guarantee you we will have votes if we keep going.

Mrs. BOXER. Will the majority leader yield?

Mr. LOTT. I yield for a question.

Mrs. BOXER. As I listened to the Senator from Alaska, there is a way to break through all this.

As I hear the Senators in Nevada, they will not object to moving to the defense bill at all. As a matter of fact, as long as I have known them, they have worked hard on those bills, as hard as anyone else here. But they are saying, if this particular bill dealing with nuclear waste would be pulled, they would not object. If I might ask my friends, are they not saying that the reason they are objecting is because they are bringing this nuclear waste bill forward?

Mr. REID. Will the majority leader yield so that I may answer the question?

Mr. LOTT. I yield for the Senator to answer the question.

Mr. REID. I say to the Senator from California, I am a supporter of this bill. I am on the Appropriations Committee. One of the most troubling things I have done since I have been in the Senate is to have my friend, the senior Senator from Hawaii, come to me and say, ''Can we move this bill?'' and I say, ''No.'' There is no one in the Senate I have more respect for than the senior Senator from Hawaii.

We feel that the shoe is on the other foot. We are not the ones holding things up. It is being held up because they are moving on this bill, which the President said he is going to veto. Maybe we cannot continue this forever.

But it is going to take weeks of the Senate's time on nuclear waste.

We know what our rights are, and we felt that we offered a reasonable proposal to move this along, get the appropriations bills done before the September reconvening of the Senate. But this is an issue that is important. It is important not only to the people in the State of Nevada but for this country. And for us to say we are going to walk away from this would be something that we cannot do.

Mr. LOTT. Mr. President, if I could respond to the comments. Again, I have said several times today that I understand the feelings of the Senators from Nevada. I am sympathetic to them. But this legislation has been crafted very carefully, in a bipartisan way, by the committee of jurisdiction, the Energy and Natural Resources Committee. It has been in the making literally for years. I am under the impression that 65 Senators will vote to end the debate on this, will vote for cloture.

How can the majority leader refuse to bring up a bill and try to pass a bill of this consequence, which involves radioactive nuclear waste, when 65 Senators want an opportunity to vote on it? Now, I understand how they feel, but two Senators are thwarting the wishes of 65 Senators and their constituents all across America. I have no option but to bring up legislation of this importance, which involves that many States with that many Senators.

Mrs. BOXER. May I ask the majority leader this. I understand his point, but 74 or so Senators voted for the minimum wage, and we do not seem to get action on that. So it is a matter of priorities, I say.

Mr. LOTT. You got action on it because I worked with your leader and we made it happen, and it is going to be acted on and wind up on the President's desk.

Mr. REID. Will the Senator yield for one more question?

Mr. LOTT. I will be glad to, sure.

Mr. REID. I say, respectfully, to the majority leader, with whom I served in the House in a leadership position there and now in a leadership position here, that we know you have the right to bring this up. But, also, I, the Senator from Nevada, did not work out these rules. These rules were worked out many years ago. It started with the Constitution and the Senate rules that are in existence. I did not draw them up. I am just playing by the rules. The majority leader knew—or should have known, as we say in the law—that this would happen. You are—and I do not mean ''you'' in the pejorative sense—holding up the progress; we are not. We could move on and we could have this bill passed, the one now before the body, our defense appropriations bill. We could do foreign operations. This should have all been done. But there is going to be a lot more delay, I say to my friends, the majority and minority leaders. We have certain rights, and we have an obligation to protect those.

TAXPAYER BILL OF RIGHTS 2

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 374, H.R. 2337, the taxpayer bill of rights legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2337) to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROTH. Mr. President, today the Senate will pass the Taxpayer Bill of Rights 2 which provides taxpayers with added protections in their dealings with the Internal Revenue Service. I urge the President to sign this bipartisan legislation.

One of my longstanding concerns relates to serious complaints by taxpayers that the tax laws can and are being enforced unfairly by the Internal Revenue Service. With the broad authority conferred on this agency, the Internal Revenue Service has the potential to abuse its power at the expense of law-abiding and well-meaning taxpayers. The Taxpayer Bill of Rights 2 is the taxpayers' arsenal against an often heavy-handed IRS.

When the Federal Government thinks it has more rights to your paycheck than you do, something is terribly wrong with the system. That is why this legislation, which returns power to the taxpayers, is so important. While it is not a complete solution by any means, it is a good first step.

The Finance Committee has worked on this legislation for several years on a bipartisan basis. I would like to give special recognition to Senators GRASSLEY and PRYOR for their tenacity in pursuing enactment of these taxpayer protections.

Let me also mention that the procedure for this is somewhat unique. In the usual course, a tax bill from the House of Representatives would be referred to the Senate Finance Committee for review before consideration by the full Senate. However, Taxpayer Bill of Rights 2 provisions were previously approved by the Finance Committee and included in the Balanced Budget Act of 1995, which was vetoed by President Clinton. The Finance Committee worked closely with the Ways and Means Committee on this new bill, which was unanimously passed by the House of Representatives. In order to expedite passage of this important legislation, I decided that this bill should bypass the Finance Committee and go directly to the full Senate.

Mr. President, the bill provides the following provisions which increase taxpayer protections:

1. ESTABLISH OFFICE OF THE TAXPAYER ADVOCATE

The bill establishes a taxpayer advocate, which would replace the taxpayer ombudsman, at the Internal Revenue Service [IRS] to assist taxpayers. The taxpayer advocate must annually provide an independent report to Congress without review or censure by Treasury or the IRS.

2. EXPAND TAXPAYER ASSISTANCE AUTHORITY

The bill provides the taxpayer advocate with additional tools to help taxpayers deal with the IRS. In order to prevent the IRS from dragging its feet in complying with the taxpayer advocate's orders, the bill requires such matters to be resolved on a timely basis.

3. NOTICE OF REASON FOR TERMINATION OF INSTALLMENT AGREEMENTS

The bill requires the IRS to notify taxpayers 30 days before altering, modifying, or terminating any installment agreement for paying taxes. An exception is provided if collection is in jeopardy.

4. ADMINISTRATIVE REVIEW OF TERMINATION OF INSTALLMENT AGREEMENT

The bill requires the IRS to establish an additional administrative reiew before terminating installment agreements.

5. EXPAND AUTHORITY TO ABATE INTEREST

The bill expands the IRS's ability to abate interest due to IRS error or delay.

6. JUDICIAL REVIEW OF IRS FAILURE TO ABATE INTEREST

The bill grant the Tax Court jurisdiction to review whether the IRS's failure to abate interest was an abuse of discretion.

7. EXTEND INTEREST-FREE PERIOD TO PAY TAX

The bill extends the interest-free period to pay tax from 10 to 21 calendar days from noticve and demand when the total tax liability is less than $100,000.

8. ABATE PENALTY FOR FAILURE TO DEPOSIT PAYROLL TAX

The bill allows the IRS to abate penalties for certain inadvertent failures to deposit payroll tax.

9. STUDIES OF JOINT RETURN ISSUES MUST BE CONDUCTED

10. JOINT RETURN MAY BE MADE AFTER SEPARATE RETURNS WITHOUT FULL PAYMENT OF JOINT RETURN TAX

11. DISCLOSURE OF COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURNS

The bill requires the IRS, upon request, to disclose in writing whether the IRS has attempted to collect unpaid taxes from the other individual who joined in the filing of a joint return.

12. WITHDRAWAL OF NOTICE OF LIEN

The bill allows the IRS to withdraw a public notice of tax lien prior to full payment by the indebted taxpayer. Upon request, the IRS must make reasonable efforts to notify credit agencies, etc.

13. RETURN OF LEVIED PROPERTY

The bill allows the IRS to return levied property without full payment of tax debt.

14. MODIFY CERTAIN LEVY EXEMPTION AMOUNTS

The bill increases the amount exempt from a tax levy for personal property

from $1,650 to $2,500 and for books and tools of a trade from $1,100 to $1,250. These amounts will be indexed after 1997.

15. OFFERS-IN-COMPROMISE

The bill streamlines the procedure for settling tax debts under $50,000 by increasing from $500 to $50,000 the amount requiring a written opinion from the Office of Chief Counsel in order to settle a tax debt.

16. CIVIL DAMAGES FOR FRAUDULENT FILING OF INFORMATION RETURNS

The bill creates a civil cause of action by an individual against any person who files a fraudulent information return with respect to purported payments made to the individual. The plaintiff may obtain the greater of $5,000 or the actual amount of damages, costs, and attorney's fees.

17. IRS MUST CONDUCT REASONABLE INVESTIGATION OF INFORMATION RETURNS

The bill requires the IRS to prove that its position in court was substantially justified if a taxpayer asserts a reasonable dispute with respect to an information return and fully cooperates with the IRS. The IRS is not presumed to be correct as under current law.

18. AWARDING OF COSTS AND FEES: IRS MUST PROVE ITS POSITION WAS SUBSTANTIALLY JUSTIFIED

The bill provides that once a taxpayer substantially prevails over the IRS in a tax dispute, the IRS has the burden of proving that its position was substantially justified. The taxpayer may be awarded attorney's fees if the IRS does not meet its burden.

19. INCREASE LIMIT ON ATTORNEY'S FEES FROM $75 TO $110 PER HOUR AND INDEXED AFTER 1996

20. FAILURE TO AGREE TO EXTENSION NOT TAKEN INTO ACCOUNT

The bill provides that in making a determination whether a taxpayer is eligible for an attorney's fees award, any failure to agree to an extension of the statute of limitations may not be considered in determining whether a taxpayer exhausted administrative remedies.

21. AWARD OF LITIGATION COSTS PERMITTED IN DECLARATORY JUDGMENT PROCEEDINGS

The bill eliminates the present-law restrictions on awarding attorney's fees in all declaratory judgment proceedings.

22. INCREASE LIMIT ON RECOVERY OF CIVIL DAMAGES FOR UNAUTHORIZED COLLECTION ACTIONS

The bill increase—from $100,000 to $1 million—the amount a taxpayer may be awarded for reckless or intentional action by an IRS officer or employee.

23. COURT DISCRETION TO REDUCE AWARD FOR LITIGATION COSTS FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

The bill permits, but does not require, a court to reduce an award if the taxpayer has not exhausted administrative remedies.

24. PRELIMINARY NOTICE REQUIREMENT

The bill requires the IRS to issue a notice to an individual the IRS has determined to be a responsible person for unpaid trust fund taxes, i.e., payroll taxes, at least 60 days before issuing a notice and demand penalties.

25. DISCLOSURE OF CERTAIN INFORMATION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill requires the IRS, if requested in writing by a person the IRS believes is responsible for unpaid trust fund taxes, to disclose in writing information about collection activity against others for the same tax liability.

26. RIGHT OF CONTRIBUTION WHERE MORE THAN ONE PERSON LIABLE FOR PENALTY

The bill creates a Federal cause of action for contribution. Persons who paid an amount in excess of their proportionate share of trust fund tax penalties may sue other responsible persons for their proportionate share. The proceeding must be separate from an IRS proceeding.

27. VOLUNTEER BOARD MEMBERS OF TAX-EXEMPT ORGANIZATIONS ARE EXEMPT FROM PENALTY

The bill clarifies that volunteer, unpaid board members serving on an honorary basis are not subject to responsible person penalties for unpaid trust fund taxes.

28. ENROLLED AGENTS ARE THIRD-PARTY RECORD KEEPERS

29. SAFEGUARDS RELATING TO DESIGNATED SUMMONSES

The bill limits the issuance of designated summonses to examinations involving the largest 1600 corporate taxpayers and requires review by regional counsel before issuance.

30. ANNUAL REPORT ON NUMBER OF DESIGNATED SUMMONSES WITHIN PRECEDING 12 MONTHS

31. RELIEF FROM RETROACTIVE APPLICATION OF TREASURY DEPARTMENT REGULATIONS WITHIN 18 MONTH SAFE-HARBOR

The bill generally prohibits Treasury regulations from being effective before publication in the Federal Register. Exceptions are provided to prevent abuse or if the regulation is filed or issued within 18 months of enactment of the statute to which it relates. Taxpayers may elect to retroactively apply a regulation.

32. INFORMATION RETURNS MUST INCLUDE THE PHONE NUMBER OF THE CONTACT PERSON

33. REQUIRED NOTICE TO TAXPAYERS OF CERTAIN PAYMENTS

The bill requires the IRS to make reasonable efforts to notify within 60 days taxpayers who have made payments which the IRS cannot trace to the taxpayer.

34. CIVIL DAMAGES FOR UNAUTHORIZED ENTICEMENT OF INFORMATION DISCLOSURE

The bill allows a taxpayer to sue the United States for up to $500,000 if any officer or employee of the United States intentionally compromises collection or determination of tax due from an attorney, certified public accountant, or enrolled agent representing the taxpayer in exchange for information concerning the taxpayer's tax liability.

35. ANNUAL REMINDERS TO TAXPAYERS WITH OUTSTANDING TAX DEBTS

36. FIVE-YEAR EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS

The bill allows the IRS to churn the income earned in an undercover operation to pay for its expenses.

37. DISCLOSURE OF RETURNS ON CASH TRANSACTIONS

Any person who receives more than $10,000 in cash in one transaction, or two or more related transactions must file a form with the IRS. The bill allows the IRS to disclose information from this form to other Federal and State agencies.

38. DISCLOSURE OF RETURNS AND RETURN INFORMATION TO DESIGNEE OF TAXPAYER

The bill deletes the word ''written'' from the requirement that written consent from a taxpayer is required for disclosure of taxpayer information. This change facilitates development of the tax system modernization projects.

39. REPORT ON NETTING OF INTEREST ON OVERPAYMENTS AND LIABILITIES

The bill requires Treasury to conduct a study on the netting of interest on overpayments and underpayment.

40. USE OF NON-POSTAL DELIVERY SERVICES FOR TIMELY-MAILING-AS-TIMELY-FILING RULE

Under current law, only items mailed with the U.S. Postal Service are deemed filed with the IRS when they are mailed. The bill expands the timely-mailing-as-timely-filing rule to designated delivery services.

41. ANNUAL REPORTS ON MISCONDUCT BY IRS EMPLOYEES

The bill requires the IRS to make annual reports to the tax writing committees on all allegations of IRS employee misconduct.

Mr. President, passage of the Taxpayer Bill of Rights 2 is the first step in eliminating unfair enforcement of our tax laws by giving taxpayers an arsenal against the IRS. I again urge my colleagues to approve this important legislation and urge President Clinton to sign it.

Mr. BAUCUS. Mr. President, when I came to the Senate a few years back, one of the first bills I introduced was the Taxpayers' Bill of Rights, to protect taxpayers in disputes with the Internal Revenue Service. At that time I noted:

> Oliver Wendell Holmes reasoned that ''Taxes are what we pay for a civilized society.'' However, Justice Holmes did not consider additional burdens imposed on taxpayers—added costs and delays that result from inefficiencies and inconsistencies in the administration of tax law.

That was back in 1979. And it took a while, but we finally scored a big win in 1988 with the enactment of a comprehensive Taxpayer Bill of Rights. That went a long ways toward defining taxpayer rights and providing protection against arbitrary actions by the IRS.

The Taxpayers' Bill of Rights required the IRS to give at least 30 days written notice before levying on a taxpayers' property, so that he or she would have time to file an appeal. It

expanded the kinds of property exempt from IRS levies, and raised the wage total exempt from collection. It allowed taxpayers to collect costs and attorney's fees from the Government if the IRS was not substantially justified in bringing an action. And it let taxpayers sue the Government for damages if IRS employees acted recklessly in collecting taxes or intentionally disregarded any provision of the Internal Revenue Code.

These were important steps toward accountability and fairness. But they did not solve all the problems. A few years ago I spent a day working at Rocky Mountain Log Homes in Hamilton, MT. The business is owned by Mark Moreland and a couple of partners. They put together prefabricated log homes, which add a lot of value to the timber and create skilled, high-paying jobs. These homes sell all over the world, and are especially popular in Japan.

But then last year, Mark sent me a letter to tell me about the trouble he was having with the Service on an ''independent contractor'' issue. The dispute goes all the way back to 1986.

Mark went through many meetings with the Service, including two meetings in which he thought the matter had been settled. But then in 1995—9 years later—he was told that the matter remained ''open'' and that they owed the IRS a great deal of money.

So I wrote to the Commissioner to ask what was going on. But we did not get much satisfaction. Mark wrote me a couple of months later to let me know how it went. He said:

> I felt you would want to know what has happened subsequently. In spite of your efforts, the IRS pursued the matter and we were forced to retain counsel. Our attorney was able to keep the IRS from attaching our assets and challenged their contentions based on the IRS' 20 point test. For several months we were forced to produce documents and try to refute their position.
>
> Once we were on the brink of going to court on the matter, we received the enclosed communication. Unbelievably, they had disposed of all the pertinent records related to our case back in 1986! They had absolutely no basis for attempting to collect the original $28,000 let alone the additional $60,000 to $70,000 in penalties and interest. Through what can only be referred to as a bluff, they threatened and postured, hoping we would roll over and pay. The cost to us in legal fees, time lost from our businesses and practices, and mental anguish is immense.

So here is a case in which the IRS, with little justification to begin with, and at the end with no evidence at all, put a good business through 9 years of misery. And Mark's experience is not an isolated event. I have received many letters—far too many—who have gone through experiences like his. Good, law-abiding people are fed up with the means the IRS uses to resolve disputes with taxpayers. It is no wonder that many believe the IRS should be eliminated and the current tax system torn out by the roots.

Today we will do something to help. The Taxpayer Bill of Rights II builds off the start we made in 1989. To be specific, it creates an Office of Taxpayer Advocate within the IRS to help taxpayers resolve their problems with the IRS; expands the ability of taxpayers to take the IRS to court in order to abate interest; raises the damages a taxpayer can collect in the event an IRS agent recklessly or intentionally disregards the Internal Revenue Code from $100,000 to $1 million; and eases the burden of proof a taxpayer must show in order to collect attorney's fees and costs when he or she successfully challenges an IRS decision.

These are commonsense ideas. They will help folks like Mark who are victimized by reckless and irresponsible IRS procedures. So let's pass this bill, and restore some fairness and accountability to tax collection in this country.

Mr. GRASSLEY. Mr. President, first of all, I want to commend Majority Leader LOTT for taking up the Taxpayer Bill of Rights II so that we can consider and pass this necessary legislation quickly. I have worked with others for a long time to finally get this done.

As most taxpayers have struggled to file their taxes by the deadline last April 15, and we recognize Tax Freedom Day today, the issue of taxpayers' rights takes on a special importance. Although most IRS employees provide valuable and responsible service, taxpayer abuse by the Government is an ongoing problem. With this in mind, I am very happy to have joined Senator PRYOR and others in reintroducing the Taxpayer Bill of Rights II in the Senate, as S. 258. This is very necessary legislation that builds upon the original Taxpayer Bill of Rights passed into law in 1988, sponsored by Senator PRYOR and myself.

For me, the long process of trying to ensure taxpayer protections began in the early 1980's, when I was a member and then chairman of the Finance Subcommittee on IRS Oversight. We made progress, but it was only the beginning.

Senator PRYOR helped continue the cause when he succeeded me as chairman in 1987. At that time, he took the initiative and asked me to work with him in pushing for a Taxpayer Bill of Rights by expanding legislation I and others had introduced. It took nearly 2 years, but we ultimately succeeded in achieving this goal.

We now have a 7-year record of implementation regarding the Taxpayer Bill of Rights. Great strides toward taxpayer protection were achieved through this legislation.

However, the Taxpayer Bill of Rights of 1988 was never expected to be the final chapter of the book on taxpayer protection. But, it was a major step in the continuing process of stamping out taxpayer abuse. And that process continues today, as we look into ways to improve the current law.

In reviewing the record, it is clear that much more needs to be done. There is no question that much more needs to be done. There is no question that breakdowns in implementing the law have occurred, and there are gaps in the law that need to be filled.

For instance, we believe the current ombudsman position is too limited and too beholden to IRS insiders. Our legislation will turn the ombudsman into a more independent office of taxpayer advocate that will have expanded powers to take the initiative in helping taxpayers who are being treated unfairly by the IRS.

Other important provisions include the abatement of interest with respect to unreasonable errors or delays by the IRS. Taxpayers would also have to be notified when and why installment agreements are terminated.

We also substantially increase the amount of civil damages taxpayers can claim for unauthorized collection actions, and taxpayers will not have protections against retroactive IRS regulations. And, of course, there are many more taxpayer protection provisions in the bill.

Mr. President, we were successful in passing a similar proposal through the Congress in 1992. However, the underlying legislation that the proposal was attached to was vetoed by former President Bush for reasons unrelated to taxpayers rights. So, we have come back again in the last two Congresses, working toward final passage.

Since 1987, Senator PRYOR and I have worked in a cooperative, bipartisan effort to further taxpayer rights. We have continued working with the House to improve taxpayer rights. Congresswoman JOHNSON and Chairman ARCHER are commended for their successful efforts to pass this bill out of the House.

This is truly a bipartisan effort. Even President Clinton mentioned to me last year that he supported our efforts.

And we have had quite a few meetings with IRS and Treasury officials, who finally came to understand and agree that problems exist and need to be dealt with.

So, I urge my colleagues to join us in the cause to help make the IRS more responsible and more accountable to the taxpayers of this country.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2337) was deemed read the third time, and passed.

Mr. REID. Mr. President, if I could ask a question on this bill, the one referred to in the unanimous-consent agreement. I wrote the first taxpayer bill of rights that passed. I authored that. It was through the good offices of a member of the Finance Committee, Senator PRYOR, and his diligent work that it passed. So I am very happy that the taxpayer bill of rights 2, which has been pushed through the Senate with a

lot of trouble by the Senator from Arkansas. He is to be commended. This is a great thing to happen to him in that he has now decided not to run again. I appreciate the work of the two leaders in getting the taxpayer bill of rights 2 passed.

Mr. DASCHLE. Mr. President, let me just say, in that regard, the Senator from Nevada makes a very good point. The Senator from Arkansas, Senator PRYOR, has labored on this issue probably longer than anybody here in the Senate and deserves much praise for his efforts. This is his second work product, along with others. We commend him for that.

GAMBLING IMPACT STUDY COMMISSION

Mr. LOTT. Mr. President, I inquire of the Democratic leader, what is the status with regard to the gambling impact study commission we had talked earlier about? You needed time to look at that and see if there were any problems with it, or whether amendments are required. What has the Senator been able to determine?

Mr. DASCHLE. If the majority leader will yield. As I understand it, we have three amendments that may be offered by one of the members of our caucus. At this point, he would like to be protected to offer those at the appropriate time.

Mr. LOTT. Are these germane amendments?

Mr. DASCHLE. As I understand it, they are germane amendments.

Mr. LOTT. I would like to try again to do this in such a way that it would not take much of the Senate's time. In fact, I do not think we can do it if we cannot get it done by unanimous consent. Could we ask for copies of these amendments to look at the text?

Mr. DASCHLE. Absolutely. If the majority leader will yield. I was not aware amendments were pending. As we tried to clear it, we were told that at least one Member—I think it is only one Member—has amendments. He said there were three. We would be happy to share them with you. He may be willing to agree to time agreements in an effort to expedite the situation.

Mr. LOTT. I would like to say that I did advise Senators on our side of the aisle that if there would be amendments, we probably would not even be able to bring it up because we do not have the time. We have killed 2 days here with these issues.

So I hope that Senators on both sides and Senators LUGAR and SIMON will work with us and see if we cannot get some sort of agreement so we can handle this quickly. I feel like I have fulfilled my commitment.

I yield to the chairman.

Mr. STEVENS. There is a managers' amendment, I point out, that Senator GLENN and I have worked up. So if we get a time agreement, I would like the managers to have the right to offer their amendment.

Mr. LOTT. I believe that is in the unanimous-consent request.

EXECUTIVE SESSION

NOMINATION OF WALKER MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 591, the nomination of Walker Miller, of Colorado, to be U.S. district judge for the District of Colorado; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. BRYAN. Reserving the right to object. As the request is propounded, we do not get off the Department of Defense appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BRYAN. I have no objection.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The nomination was considered and confirmed, as follows:

THE JUDICIARY

Walker D. Miller, of Colorado, to be United States District Judge for the District of Colorado.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONFEREE APPOINTMENTS

Mr. LOTT. Mr. President, I had planned to ask unanimous consent again to appoint conferees on health care reform—health insurance reform. I see the Senator from Massachusetts here. I would like very much for us to get these conferees appointed. I know that there is still discussion underway regarding medical savings accounts.

I now have something on paper. If we could review it, I will talk to Senator ROTH, Senator KASSEBAUM, and Congressman HASTERT and Congressman ARCHER. We will take a look at it. I had just about concluded that there was no intent at all to get health insurance reform. Now we have something we can review. I think it is a big mistake not to appoint conferees on this bill or any bill to go to conference. We labored for weeks and finally got conferees with the Coast Guard authorization bill. We got that done this morning at 10 o'clock, after all these weeks working on that.

My intent is, in short order, next week, to move to appoint conferees on the small business tax relief package, which includes minimum wage. I think we need to also appoint these. I will not ask for it tonight because I want to review the proposal I have.

Mr. DASCHLE. Mr. President, let me just say two things.

First, reference was made to the fact that the Democratic caucus—and those of us who are concerned about going to conference on health care also—oppose going to conference on the minimum wage. That was not the case. We do not oppose going to conference on the minimum wage. The unanimous consent was propounded in a way that combined the two, and, obviously, under those circumstances, we oppose.

I am pleased to hear the distinguished majority leader's comments that it is his desire to go to conference next week, and I am hopeful that on both these issues they can be resolved.

The second issue has to do again with the conferees. I do not want to be any more repetitive than he is. But since we tend to be repetitive on the floor to make our points, it is important again that I indicate our desire to be participants in conferences. We will be watching this Coast Guard conference very carefully because that will really be one of the prototypes. We are under new leadership now. It is my expectation that with new leadership there will be a new opportunity for bipartisan discussion, dialog, and resolution when it comes to the conference. This will be a good opportunity to demonstrate our good faith. I am hopeful that with that one over, we can move to others and see equal demonstrations of good faith and real bipartisanship in conferences. I have a feeling we will not have this conference problem in the future were that to be the case.

I yield the floor.

Mr. STEVENS. Mr. President, will the majority leader yield to me once again?

Mr. LOTT. Mr. President, I want to note with regard to the Coast Guard authorization that two of the Senators that are going to be in control of that are Senator STEVENS—once again he has been known and will be a conferee I am sure—and the Senator from South Carolina is going to be a conferee; bipartisan. Both of them represent coastal areas. Neither one of them wants us to end this session without a Coast Guard authorization bill. Yet, this issue has been held up by an issue involving claimless lawsuits that are being filed in the Federal court system—an issue which I really felt certainly did not justify all of the delay that has occurred here. But I believe that in conference they will work it out. They never are going to work it out until they get to conference. It took us weeks to get to conference. But now we are in it. I think these two guys, working with the House counterparts, are going to find a solution.

Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. I thank the leader. I can assure the leader that we will find an agreement on the Coast Guard bill. It is a very essential bill. I also state that there is no question about it, it has some very new initiatives, good new initiatives.

DEPARTMENT OF DEFENSE APPROPRIATIONS FOR 1997

Mr. STEVENS. Mr. President, I want to try once again on the defense bill.

As I understand it, Mr. President, under the situation we have now, if we are going to be in session tomorrow, the amendments in first degree on the defense bill must be filed by tomorrow. If we are in session on Monday, the second-degree amendments have to be filed Monday.

I certainly hope that I will not see the day when the Senate will vote against cloture on a defense bill, particularly one that has total bipartisan support; voted out of our committee without objection.

I can state to my good friend and partner from Hawaii that I am certain that we have personally reviewed every request made by each Senator and have discussed with each Senator every request made and have accommodated every Senator, or explained why it could not be accommodated. We have had no objection raised, to my knowledge, to any decision that has been made so far.

What I am concerned about is that means we are going into cloture on Tuesday, which means we are not going to get through our bill until at least this time next week.

I would like once again to see if there is not some way we can work out that question to come in tomorrow and handle amendments that are in agreement, come in Monday afternoon and handle amendments in agreement, and take up the amendments that are in contention on Monday and vote, and vote finally on our bill Tuesday afternoon.

That is the essence of what the request was in the unanimous consent proposal of the leader which we wrote.

Is there any way that any Senator would tell us what we could do to accommodate the concept of trying to move this bill forward?

Mr. LOTT. Mr. President, I might say to the Senator from Alaska and to the Senator from Nevada that their situation is in the mill. They are protected. I do not see why we cannot get an agreement to take up the Department of Defense appropriations bill and deal with it, recognizing your rights are still fully protected. Why can we not do that? I do not quite understand that.

Mr. BRYAN. Mr. President, if I might respond to the majority leader, the Senators on the floor currently have an understanding of the rules, as does the Senator from Alaska, and obviously the majority leader.

The Senators from Nevada are fighting for their lives. The legislation that is being proposed with respect to interim nuclear waste dumps is without precedent in the history of the country and the history of the Senate. Therefore, to ask the Senators from Nevada to surrender any of the parliamentary rights which this body confers upon us is to ask us to abandon the constituents that we represent.

I have not been here as long as my senior colleague, but I know that each of the Senators on the floor are advocates and tenacious supporters of their constituents. We can be no less with our own.

So the issue that is all important for us is the interim storage of nuclear waste, and there is no reason why that needs to go forward. The technical review people and scientists tell us there is no reason. It is only the nuclear utility lobby that puts us in this position.

Mr. LOTT. Mr. President, does either Senator from Alaska wish to say anything at this point or try anything else?

I thought I might propound another unanimous consent request.

I ask unanimous consent that the cloture vote with respect to nuclear waste occur at 10 a.m. on Tuesday, July 16, and it be in order to consider S. 1894 prior to the cloture vote regarding nuclear waste.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, will the leader allow me to respond to my friend?

Mr. LOTT. I yield to the Senator from Nevada.

Mr. REID. Mr. President, I state to my friend and colleague from Nevada that I serve on the Appropriations Committee. I would like this bill to move on. But for reasons that have been explained, we cannot do that. The Senator from Alaska knows that if we agree that the Defense bill go on before the two cloture votes on Monday or Tuesday, we give up certain rights, important rights that we have. And so I respectfully say that I think we cannot give those rights up.

I would only say in addition to what my friend from Nevada said, we, we believe, are not only protecting the rights of the people of the State of Nevada, but there are going to be tens of thousands of tons of nuclear waste transported on railroads and trucks all over the United States that is unnecessary. The nuclear review board has said leave it where it is—the technical review board.

So we understand the importance of moving legislation. We want to move legislation. But we cannot do it with this nuclear cloud hanging over our head.

Mr. LOTT addressed the Chair.

Mr. STEVENS. Will the Senator yield?

Mr. LOTT. I yield. In fact, Mr. President——

Mr. STEVENS. I will be brief. I would only say, if I might, Mr. President, I have been here a long time, and I have seen a lot of filibusters. I have seen a lot of delaying of the Senate. I have never seen any Senator—and I would challenge anyone to show me—that any Senator filibustering has ever held up a bill that is in the interest of national security. This Senator never has. I know Jim Allen never did. I do not remember any such parliamentary tactic being used against a Defense bill.

As a matter of fact, I think this is the first time I can remember we have had to file cloture to get the Defense appropriations bill passed. This is not just a run-of-the-mill bill. This is the most important bill we pass every Congress to maintain the defenses of this country. This is our second duty when we take the oath. We swear under the Constitution that we will maintain the defenses of this country.

I admire my friends from Nevada for standing up for their State. I take no back seat to anyone in standing up for my State. And I have taken every right that I have had on the floor to protect my State, but I have never held up a bill that is in the interest of national security.

I do not believe the Senators from Nevada are correct in asserting that somehow they would lose any rights by allowing us to proceed with this bill. Their rights are protected under the rules in terms of handling the issue that affects their State. Their rights are protected, of course, in handling whatever they want to do with regard to the bill that I have the privilege to manage, but they would lose none of their rights, and I would not be a party to taking rights away from them, by proceeding with the Defense bill.

Blocking the Defense bill has nothing to do with the national security as far as this country is concerned. My bill, our bill does. And it means now we will probably not get finished with this bill until about a week from now, and that means we will probably not be able to get back here, before we recess in August, with a conference report. We will not be able to know whether the President agrees. And we will be behind this bill that the Senators from Nevada are talking about all the way. If we are delayed now, we will be delayed later when it comes up again. It is going to come up again in terms of the conference report, in terms of appointing conferees. I say it is in the best interests of this country to get this bill out of the way.

I challenge the Senators from Nevada to demonstrate what they have said. Proceeding on this bill of ours now will not harm their rights with regard to the issue that affects their State in any single way.

Mr. REID. I would accept the challenge, if I could, through the majority leader.

Mr. STEVENS. I would be happy to have it.

Mr. LOTT. Mr. President, I believe I will yield the floor and let Senators get recognition in their own right.

Mr. STEVENS and Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If I could be more explicit, I will try. The rules do not provide any protection for the Senators from Nevada with regard to delay of the defense bill. I would challenge them to so state, and I do challenge them to so state. What they are doing today is just merely delaying getting to the bill that they object to with regard to Nevada. It is a timing question, until the cloture motion was filed. When the cloture motion was filed, we all know when we will vote on the issue pertaining to Nevada. But to say that it must wait, the decision on that must wait before we proceed on the bill—it is the pending business. It was the pending business this morning. We tried to raise it yesterday. And now we have spent the day today. I will be back tomorrow. I will be back Monday. I will be back Tuesday. I am going to be out on the floor every day. And I want to say to my good friends from Nevada, I am going to tell the world they are holding up the defense of the United States.

Mr. CRAIG. Will the Senator yield?

Mr. REID addressed the Chair.

Mr. STEVENS. I do yield to my friend from Nevada.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. BRYAN addressed the Chair.

Mr. STEVENS. I yield for a question.

Mr. CRAIG. The Senator from Idaho, in working with the Senators from Nevada, assured them the protection that they now ask that they have and is granted under the rules of the Senate. There was no way to change their protection. The process we used to bring this bill to the floor is the process of the Senate.

So the Senator from Alaska is absolutely right. The Senators from Nevada, their full rights are protected. Now they use the defense bill, tragically enough, because I agree with the Senator from Alaska, while it is clearly within their rights to do what they do, and I do not dispute that now and I do not think the Senator from Alaska does, I believe their action is unprecedented.

I think it is important the RECORD show the Senator from Idaho has worked very hard to bring this national nuclear waste bill to the floor so that we can deal with a national problem. I dealt with the Senators from Nevada in a very forthright way to assure them that all of their rights would be protected and that I or any other Senator interested in this legislation was not in any way going to attempt to step on their rights, because in the Senate we do not do that. So they were protected in an adequate way.

I yield back to the Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator from Nevada wish to——

Mr. BRYAN. Mr. President, could I be recognized?

The PRESIDING OFFICER. The Senator from Alaska has the floor. The Senators from Nevada are seeking the floor.

Mr. STEVENS. I have no desire to end up today having the Senators from Nevada start filibustering my bill at this late hour. I will be happy to yield to the Senators for a question, but I hope that we either go ahead with my bill or decide when we will go ahead with my bill without regard to a filibuster on the nuclear issues. I will be glad——

Mr. BRYAN. Will the Senator yield for a question?

Mr. STEVENS. To have the Senators ask a question.

The PRESIDING OFFICER. The junior Senator from Nevada is recognized for a question.

Mr. BRYAN. I am sure the Senator from Alaska is aware that the Senators from Nevada are not trying to do anything that would compromise or jeopardize national defense. The Senators from Nevada, like the Senator from Alaska, have a strong conviction—come from a State in which national defense interests are of paramount consideration, as they are in the State which the Senator so ably represents.

We are talking about an appropriations bill that will go into effect October 1 of this year for the next fiscal year, so there is no imminent crisis that we face at the moment.

If I might indirectly respond to a question in the statement made by the Senator from Idaho, the Senators from Nevada have tried throughout this afternoon to offer a series of proposals that would allow us to move immediately not only to the defense appropriations bill but to other pieces of legislation that are pending as well. And we would be prepared to do that.

I think it is fair to say that some on the other side of the aisle were prepared to accept the proposals the Senators from Nevada were offering, but the Senator from Idaho and others indicated that they would be unprepared to accept the proposal which would move us immediately to the consideration of this bill only if the Senators from Nevada surrendered their parliamentary rights conferred under the rules with respect to a process which might occur if the nuclear waste bill ever went to conference, something at this point we do not know for sure.

So I do not believe it is fair to characterize that the Senators from Nevada are unwilling to try to deal with this bill, the Department of Defense bill. We have offered several proposals, and they have been rejected. I regret that because I think that would be the appropriate course of action for us to follow this evening.

Mr. REID. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Mr. President, let me respond to this first now. I want to make it clear—and we stand out here and say these are our friends in the Chamber. The Senators from Nevada come from a small State like I do in terms of population. We are friends. But I disagree. We currently have an order we will vote on the cloture motion on the nuclear waste disposal bill on Tuesday.

There is absolutely nothing that can be lost, in terms of rights of the two Senators from Nevada with regard to that bill by letting our bill go forward. As a matter of fact, letting it be voted on before, we could have it finished before that cloture vote.

I understand the idea of trying to delay getting to a bill in terms of trying to delay the bill ahead of it. But that is past, as I said. Once the cloture motion was filed, the time runs under the rule from then, and there is nothing that can be done to harm the position of the Senators from Nevada with regard to that bill by proceeding with the pending business.

I respectfully say again, we have a strange situation this year with regard to this bill. We know we are presenting a bill that is beyond the request of the President. We are working on a strategy to present the President a bill we think he will sign. That will take time. In any event, we need to know if the bill is to be signed. If it is not to be signed, then—if he wants to veto it—then we have to go back and finish that process. But we have to do it all within the period of September in order to finish, and this year is an election year. This is the second year of a Congress. We will go out of session in October.

I am saying again to the Senators, the worst thing that could happen to the defense of the United States is to act under a continuing resolution. We must get a bill for this subject, on defense, or else we cannot enter into long-term contracts. We cannot enter into contracts that save the taxpayers' money. We pointed out here today, on three occasions, what we will save by virtue of this bill; $1 billion in one acquisition alone, we will save. It is certified by the GAO. Everybody knows we are going to save money by changing the way we handle some of this acquisition for our defense forces. We cannot do that under a continuing resolution. The whole Government can act, perhaps, on a continuing resolution. The Department of Defense loses money, the taxpayers pay in excess for their defense every time we have to go through a continuing resolution.

I say to my friend, there is no way we are going to get back here and have another bill for defense if the President in fact vetoes the bill in September and we do not get the bill again to him in September. We cannot get through the defense bill in 2 weeks. We are going to be dealing with a continuing resolution. Every single portion of the Department of Defense loses and the taxpayers lose, if we try to operate the Department of Defense on a continuing resolution. I am pleading with my friend from Nevada to let go of our bill. They will not lose any of their rights. Again, I will be pleased to respond to any question the Senators have.

I do think I do know these rules. I challenge anyone to challenge what I have just said, because there is no right the Senator from Nevada will lose by letting us proceed with the pending business with regard to anything they have the right to. They do have the right to do what they are doing, I agree. But they do not lose any rights by letting us go ahead.

Mr. NICKLES. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mr. NICKLES. The Senator from Alaska has been here a little bit longer than I have, and I compliment him for his years of service as well as the Senator from Hawaii, Senator INOUYE, and I hope we can move forward with this legislation.

I cannot recall—I have been around when we had a few filibusters—but I cannot recall in my 16 years here that anybody has filibustered a bill, not the bill they were opposed to, but filibustering a bill that is coming up prior to the bill that they were opposed to.

Mr. STEVENS. I know Senators have objected to unanimous consent requests on legislation that was preceding an issue they were concerned with. I think that is done.

I do not know of any situation where, after a cloture motion has been filed on the subject of the Senator's interest, where a Senator has then tried to delay any other legislation in order to try to protect a right that he perceived. Because I can perceive no right in such delay after the cloture motion is filed. We either get cloture or we do not get cloture. The Senator's rights are protected either way, under cloture rule or postcloture—the handling of the bill if cloture fails. I do not remember any such circumstance.

Mr. SANTORUM. Will the Senator from Alaska yield for another question?

Mr. STEVENS. Yes.

Mr. SANTORUM. I am trying to understand the rights that might be given up. If the Senators from Nevada do not allow the Defense bill to come up, will there be a cloture vote on the nuclear waste bill at 10 o'clock on Tuesday?

Mr. STEVENS. Yes.

Mr. SANTORUM. If they allow the bill to come up, will there be a cloture vote at 10 on Tuesday on the nuclear waste bill?

Mr. STEVENS. Yes.

Mr. SANTORUM. What rights, then, do they lose if that occurs?

Mr. STEVENS. I perceive none once we get into the cloture motion and vote.

Mr. REID. Will the Senator from Alaska yield, with his retaining his right to the floor?

Mr. STEVENS. Yes, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend from Alaska, it appears to me that we are criticizing the wrong people here. If, in fact, there is such an urge to go forward with this legislation, and much other legislation, it would seem to me it would be the right thing to do to move away from a bill that the President said he is going to veto. Why is all the burden placed on us?

Mr. STEVENS. Let me answer that, respectfully. When we tried yesterday to get to the defense bill, nuclear waste was not on the screen. We tried to get on it this morning, did get on to it, and immediately we have a filibuster because of nuclear waste. The leader did what he should do. He made the motion to call up nuclear waste, and filed the cloture motion so there will be a cloture vote on the motion to proceed to that bill.

The Senators from Nevada not only have the right to insist on a cloture motion on the motion to proceed, but they also have a subsequent right to a cloture motion on the final vote on the bill, they then have the right to cloture motion on appointment of conferees on that bill. I can tell the Senators, if I were the Senators I can guarantee the Senate would not vote on this bill you oppose this year.

But that has nothing to do with my bill. That has nothing to do with my bill. You have every right to protect your own interests with regard to your bill, but you are delaying the defense interests, the basic concern of the defense of the United States, in my opinion.

I am telling you, you lose no rights. I should not address the Senator directly. I apologize. The Senator from Nevada loses no rights, neither Senator, by allowing our bill to proceed. And by consenting to that unanimous-consent request, we would vote either before or after the cloture motion, the bill would go to conference, the defense bill, and we have a chance—a chance of finishing this year with a bill signed and approved by the President.

Mr. President, I cannot deal with this much longer without displaying some of what some people have called an unruly temper. It is not an unruly temper. I know how to use it.

So I would say to my friend from Nevada, I am sorry this is the case. It is my understanding the distinguished assistant minority leader has duties. Mr. President, under the circumstances, I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

THE TAXPAYER BILL OF RIGHTS

Mr. NICKLES. Mr. President, I wish to compliment Senator PRYOR and others for passage of the taxpayer bill of rights. I also wish to recognize Senator GRASSLEY, because he worked very energetically in trying to see that the Taxpayer Bill Of Rights 2 would actually become law. I am delighted we were successful in passing that today.

MORNING BUSINESS

TRIBUTE TO LT. GEN. PAUL E. BLACKWELL

Mr. HOLLINGS. Mr. President, today I wish to congratulate Lt. Gen. Paul E. Blackwell, Deputy Chief of Staff for Operations and Plans of the U.S. Army, who will retire on 26 July 1996. Lieutenant General Blackwell's career spans 31 years in which he has given distinguished service as a soldier, leader, and visionary for our military. Let me briefly recount to you the career of this distinguished servant of our Nation.

A native of South Carolina, Lieutenant General Blackwell graduated from Clemson University where he earned both a bachelor and masters of science. He entered active duty as a second lieutenant in 1965 as an infantryman. Since then, he has commanded at platoon through division level.

Lieutenant General Blackwell has served in every type of U.S. Army division—light, airborne, mechanized, motorized, and armor. He has held an extraordinary variety of command and staff positions, including commanding general, 24th Infantry Division (mechanized) and his most recent assignment as deputy chief of staff for operations and plans. Other key assignments include commanding general, 2d Armored Division(-), Garlstedt, Federal Republic of Germany; commander, III Corps (Forward), Maastrich, The Netherlands; assistant division commander, 3d Armored Division and commander, Hanau Military Community, Federal Republic of Germany; deputy director for operations, National Military Command Center, Joint Staff, Washington, DC; commander, 1st Brigade, 9th Infantry Division, Fort Lewis, WA; chief of staff, 9th Infantry Division, Fort Lewis, WA; G3 (operations officer), 9th Infantry Division, Fort Lewis, WA; commander, 1st Battalion, 4th Infantry, 3d Infantry Division, Aschaffenburg; Brigade S3, 2d Brigade, 3d Infantry Division, Kitzingen; S3, 2d Battalion, 325th Infantry, 82d Airborne Division.

Lieutenant General Blackwell's combat experience includes two tours in the Republic of Vietnam and service in Saudi Arabia during Operation Desert Storm. During his tours in Vietnam, he served in various positions to include commander, Company D, 3d Battalion, 60th Infantry, 9th Infantry Division and platoon leader of an airfield security platoon. During Operation Desert Storm, Lieutenant General Blackwell served as the assistant division commander of 3d Armored Division.

Lieutenant General Blackwell's career spanned a period of enormous changes and great turmoil requiring vigilance coupled with decisiveness to ensure our Nation's security. He has adapted to new and diverse and integrated technologies to assist the Army to change both intellectually and organizationally to meet the challenges of the 21st century.

Throughout his three decades of service, Lieutenant General Blackwell provided flawless moral character and vision for our Army. He led by example and significantly contributed to the transformation of the Army from a cold war, forward deployed force, into a power projection force, ready to defend the national interest in any corner of the world, whenever the Nation called. While meeting the challenges of today, he prepared the Army for tomorrow as well, with a farsighted and far-reaching vision of the conduct of future war. His determination to keep the Army ''trained and ready,'' his sense of responsibility to his soldiers and the Nation, and his understanding of both our history and the future of armed conflict have given this Nation an Army capable of achieving decisive victory now and into the 21st century.

Lieutenant General Blackwell's career reflects selfless service to our Nation and the essence excellence we expect from our military leaders. Through the decades of service and sacrifice, he has been supported by a loving family. Lieutenant General Blackwell's family is a critical part of his success. Janet Blackwell and his son, Paul, have served the Nation by providing unconditional love and support through numerous deployments and countless family moves to maintain the homefront for this dedicated soldier.

Lt. Gen. Paul E. Blackwell is the quintessential professional, loyal servant of the Constitution, and caring leader for America's sons and daughters, on behalf of the Congress of the United States and the people we represent, I offer our sincere thanks for your service.

BILL LEE

Mr. JOHNSTON. Mr. President, today, I join thousands of Americans and other admirers around the world in paying tribute to Bill Lee, retired chairman of Duke Power Co. and a personal friend, who died on July 10, 1996, in New York at age 67.

To eulogize William States Lee as Duke's former chairman, while accurate, does not begin to do justice to the scope of Bill's talents, vision, and accomplishments. In a career at Duke that spanned four decades, Bill presided over one of the most successful electric utilities in the Nation. He provided the leadership for the most successful nuclear power program in the Nation. It was his determination to bring safe, clean, and reliable power for North and South Carolina electricity consumers that resulted in the construction of the Oconee, McGuire, and Catawba nuclear powerplants, which have admirable served the people of the region for many years.

Bill Lee's achievements do not stop at the bounds of Duke's service territory. He is revered as the driving force behind the national and international organizations that today do so much to ensure the safety of the United States and world nuclear powerplants. It is those contributions, perhaps even more that his contributions at Duke Power, that constitute his true legacy and assure his place in the history for the electric power industry.

After the 1979 accident at the Three Mile Island, Bill Lee, then president and chief operating officer of Duke Power, was called in to lead the recovery effort. It was Bill who spawned the idea that the nuclear industry needed its own watchdog organization to assure excellence in operation at every plant. He went on to create the Institute for Nuclear Power Operations, headquartered in Atlanta, which includes every nuclear utility in the Nation as its members. He served as INPO chairman from 1979 to 1982.

The news of the Chernobyl accident was only days old in 1986 when Lee launched a personal diplomatic crusade to bring the former East bloc countries into an organization like INPO. In was his often-stated belief that ''radiation knows no national boundaries.'' Thanks largely to his personal ability to persuade and the respect he commanded on both sides of the Atlantic, the World Association of Nuclear Operators [WANO] was founded in 1986. Lee served as WANO president from 1989 to 1991. Today, WANO continues to be a major force for global nuclear safety, as a vehicle for sharing Western safety and performance expertise throughout the world.

Bill Lee was a native of Charlotte, NC. He was graduated from Princeton in 1951, with a degree in civil engineering, and after a stint in the U.S. Navy, joined Duke Power as a junior engineer in 1955. He was named vice president of engineering in 1965, and a board member 3 years later. He became chairman and president in 1989, and remained in that position until his retirement in 1994, when he became Duke's first chairman emeritus.

The business magazine Financial World named Bill a winner in its CEO of the Year competition for 4 consecutive years. In 1989, the magazine named him ''Utility CEO of the Decade.''

Bill also was active in numerous civic organizations, especially as an advocate for education reform. He is survived by his wife, Jan, his son, States, his two daughters, Helen and Lisa, his mother, Sara Toy, and five grandchildren. He will be greatly missed—and long remembered—by both family and his many admiring associates.

I will personally miss his boundless enthusiasm. This enthusiasm was always there, whether he was raising money for charity, keeping Duke Power on the cutting edge of excellence, or taking up some new adventure-like skiing at the age of 40. I worked with Bill on some of the toughest legislative issues the Energy and Natural Resources Committee faced. He was a great ally: Tough, razor sharp, sophisticated, always able to see the big picture. He was a leader who was a gentleman, a man with great integrity and a keen sense of the public interest. In an industry obsessed with the bottom line and next week's stock price, Bill was a visionary who took responsibility for the future. We need more Bill Lees, but were not likely to find any like him.

Bill Lee did it all, and he enjoyed all. I know my colleagues join me in paying tribute to this remarkable man and extending condolences to his family and many friends.

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.)

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc.

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3754. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 193. Concurrent resolution expressing the sense of the Congress that the

cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3290. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC–3291. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''Powerplant and Industrial Fuel Use Repeal Act,''; to the Committee on Energy and Natural Resources.

EC–3292. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the rule entitled ''Interest Rate Risk,'' received on July 9, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3293. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report on investors who are senior citizens; to the Committee on Banking, Housing, and Urban Affairs.

EC–3294. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of eight rules relative to TV broadcast stations, received on July 9, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3295. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of twenty rules entitled ''Alteration of Jet Route J–66,'' (RIN2120–AA66, 2120–AA65, 2120–AA64, 2120–AA83) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3296. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to consent agreements, (FRL5378–3) received on July 9, 1996; to the Committee on Environment and Public Works.

EC–3297. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules relative to nonattainment areas for ozone (FRL5536–1, 5532–4, 5524–2, 5381–7, 5381–4) received on July 8, 1996; to the Committee on Environment and Public Works.

EC–3298. A communication from Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to a deep-draft navigation project; to the Committee on Environment and Public Works.

EC–3299. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to access filings for calendar year 1996; to the Committee on Commerce, Science, and Transportation.

EC–3300. A communication from the President and Chief Executive Officer, Corporation for Public Broadcasting, transmitting, pursuant to law, an annual report relative to services to minorities and other groups; to the Committee on Commerce, Science, and Transportation.

EC–3301. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Ocean Salmon Fisheries Off the Coasts of Washington, Oregon and California,'' received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3302. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC–3303. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science and Transportation.

EC–3304. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish of the Gulf of Alaska,'' received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3305. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement 96–63 (Processing of Returns Filed by Exempt Organizations to be Centralized in the Ogden Service Center),'' received on June 27, 1996; to the Committee on Finance.

EC–3306. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling 96–33,'' received on June 27, 1996; to the Committee on Finance.

EC–3307. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 96–36 (Weighted Average Interest Rate Update),'' received on June 27, 1996; to the Committee on Finance.

EC–3308. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC–3309. A communication from the President of the United States, transmitting, pursuant to law, the report to Congress concerning emigration laws and policies of Romania; to the Committee on Finance.

EC–3310. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Work Incentive Programs for AFDC Recipients,'' (RIN1205–AB12) received on June 27, 1996; to the Committee on Finance.

EC–3311. A communication from the Administrator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs,'' received on June 28, 1996; to the Committee on Finance.

EC–3312. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the evaluation of the Grant Program for rural health care transition; to the Committee on Finance.

EC–3313. A communication from Acting Assistant Administrator for Fisheries, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska,'' (RIN0648–AG41) received on July 8, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3314. A communication from General Counsel, Department of Transportation, transmitting, pursuant to law, the report of four rules entitled ''Establishment of Class E Airspace,'' (RIN2120–AA66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3315. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–3316. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–3317. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled ''Amendment to the International Traffic in Arms Regulations,'' received on July 5, 1996; to the Committee on Foreign Relations.

EC–3318. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the prevention of nuclear proliferation for calendar years 1994 and 1995; to the Committee on Foreign Relations.

EC–3319. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule relative to terrorists, received on June 26, 1996; to the Committee on Foreign Relations.

EC–3320. A communication from the Director of Budget, Management and Information and Chief Information Officer, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Removal of CFR Chapter,'' (RIN0644–XX01) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3321. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Disclosure and Notice of Change Rates and Other Service Terms for Pipeline Common Carriage,'' received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3322. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of seven rules entitled ''Navigation Safety Equipment for Towing Vessels,'' (RIN2115–AE91, 2115–AF33, 2115–AA97, 2115–AE66) received on July 1, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3323. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Disclosure, Publication and Notice of Change of Rates and Other Service Terms for Rail Common Carriage,'' received on July 5, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3324. A communication from the Deputy Assistant Administrator of the Office of

Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the rule entitled ''Waiver of Requirements for the Distribution of Prescription Drug Products that Contain List I Chemicals'' received on July 8, 1996; to the Committee on the Judiciary.

EC–3325. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule concerning visas, received on July 1, 1996; to the Committee on the Judiciary.

EC–3326. A communication from the Attorney for National Council of Radiation Protection and Measurements, transmitting, pursuant to law, the report of financial statements and schedules for calendar year 1995; to the Committee on the Judiciary.

EC–3327. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule concerning a notice of opposition, (RIN0651–AA89) received on July 9, 1996; to the Committee on the Judiciary.

EC–3328. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the Proceedings of the Judicial Conference of the United States; to the Committee on the Judiciary.

EC–3329. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Acquisition of Citizenship,'' (RIN1115–AD75) received on July 1, 1996; to the Committee on the Judiciary.

EC–3330. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Fees Assessed for Defaulted Payments,'' (RIN1115–AD92) received on July 1, 1996; to the Committee on the Judiciary.

EC–3331. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the rule entitled ''Effect of Parole of Cuban and Haitian Nationals on Resettlement Assistance Eligibility'' (RIN1115–AD92) received on July 8, 1996; to the Committee on the Judiciary.

EC–3332. A communication from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Pension and Welfare Benefits Administration,'' (RIN1210–AA51) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3333. A communication from Assistant Secretary of Labor for Mine Safety and Health Agency Contact, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Safety Standards for Explosives at Metal and Nonmetal Mines,'' (RIN1219–AA84) received on July 8, 1996; to the Committee on Labor and Human Resources.

EC–3334. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report relative to the final funding priority for the Rehabilitation Research and Training Center; to the Committee on Labor and Human Resources.

EC–3335. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Commerce, Science, and Transportation.

EC–3336. A communication from the Director of the Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices,'' received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3337. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Office of Vocational and Adult Education School-to-Work Opportunities,''; to the Committee on Labor and Human Resources.

EC–3338. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a report entitled ''Safe and Drug-Free Schools and Communities Federal Activities Grants Program,''; to the Committee on Labor and Human Resources.

EC–3340. A communication from the Assistant Attorney General, transmitting, pursuant to law, the report of the Asset Forfeiture Program for fiscal year 1994; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were 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 1997'' (Rept. No. 104–316).

By Mr. COCHRAN, from the Committee on Appropriations, with amendments:

H.R. 3603. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–317).

By Mr. BOND, from the Committee on Appropriations, with amendments:

H.R. 3666. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted on July 10, 1996:

By Mr. THURMOND, from the Committee on Armed Services:

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

(The above nomination was reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. BRYAN, and Mr. CONRAD):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN, and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. REID, Mr. DEWINE, Mr. DORGAN, Mr. MACK, Mr. CONRAD, and Mr. BRYAN):

S. 1943. A bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes; to the Committee on Labor and Human Resources.

THE FAIR LABOR STANDARDS ACT OF 1938 AMENDMENT ACT OF 1996

Mr. GRAHAM. Mr. President, with my colleague, Senator REID, we introduce today legislation which will clarify the Fair Labor Standards Act and the issue of minimum wage, as it applies to prisoners incarcerated in State and local institutions. I send the legislation to the desk.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. GRAHAM. Mr. President, the main points of this legislation are as follows. No. 1, it will exempt prison workers from the minimum wage provisions. No. 2, it will put an end to a cascade of lawsuits that our States have been faced with by prisoners demanding back wages. It enables the effective prison work and employment training programs that have been developed within many of our State corrections facilities to continue without the fear of these lawsuits.

Mr. President, I am pleased to be able to cosponsor this legislation with my colleague, Senator REID, who, during

the last Congress and previously, has brought this issue so effectively to our attention. This legislation has engendered bipartisan support and today we are joined by Senators MACK, DEWINE, BRYAN and DORGAN in our efforts to correct the application of minimum wage to State prisons.

This is an issue of national concern. Class action lawsuits by prisoners demanding backpay at minimum wage are entangling Federal courts in many sectors of the country. Florida alone has faced two such class action lawsuits in the last 24 months. In 1992, 18 States asked Congress for clarification of this issue. Today, 4 years later, we have yet to answer their call for help. It seems appropriate that we should address this issue in the very week that we have taken action to increase the minimum wage in the law.

Many prisoners participate in job training and work programs which provide numerous benefits. This legislation restricts its applicability in terms of prohibition from the application of the minimum wage to those prison industry programs which are providing goods or services to either a local, State, or Federal governmental agency. We are not including where there might be the production of products or the delivery of services that would be beneficial and therefore in competition with commercial, private-sector activities.

Not only are these activities beneficial in terms of providing services which range, in my State, from supplies such as furniture and printed materials, to the provision of services which are valuable to local, State, or Federal governments, but they also deal with one of the major issues that affects recidivism, the likelihood of a person upon release from prison returning to a life of crime. Consistently, one of the key factors in the likelihood of a prisoner either living a life of law and order and production or returning to their previous criminal behavior is whether they leave the prison prepared to hold a job.

These programs provide that kind of on-the-job training and experience that make prisoners, upon release, more likely to be employable, more likely to have the cultural skills, the understanding of what it means to go to work every day in order to get and hold a job.

I am very proud that in our State, the recidivism rate among those prisoners who have been through our prison industry program is one-fifth of the recidivism rate of the population as a whole. We want to protect these programs by eliminating the prospect that they might be subjected to the minimum wage.

What would happen if the minimum wage were to be made applicable to these prison work programs? Again, using the State of Florida as an example, it has been estimated that if the State were to lose the class action suit that is before it, it would cost millions of dollars in backpay and an additional $24 million every year to continue the programs as they are currently in place.

In a time of tight State budgets, there is very little likelihood that there would be this $24 million forthcoming, and, therefore, the prospect would be that this effective program that is serving so many important interests would be terminated.

So, Mr. President, this legislation is beneficial to the States and the communities that are the direct beneficiaries of the products and services produced by these prison industries. There is even a greater benefit in terms of reducing the likelihood of prisoners, upon release, returning to a life of crime and, therefore, being a predator upon society.

But it also gives us a chance, frankly, to eliminate a provision which makes us appear to be foolish to the American public. If you were to tell the average citizen in New Hampshire, did you know that there is an interpretation of the Federal minimum wage law that requires your State, if a prisoner is working while they are incarcerated, doing something productive, helping prepare themselves for their post-incarceration life, requiring the State to pay minimum wage to that person, in spite of the fact that the State is also providing them a place to live, to eat, their medical services, all of the requirements, and then to say they have to receive the minimum wage, which is now going to be raised over the next 2 years to $5.15 an hour, you would first encounter bemusement and then, I think, public anger at what they would see to be such a foolish idea.

So, Mr. President, I hope that, albeit 4 years late, we would respond to the request of the States to clarify that we do not intend to apply the minimum wage to those persons engaged in prison industries and allow the States to continue with this thoroughly rational and important part of their corrections program.

It is my honor to turn the remainder of the time to my colleague and cosponsor, Senator REID.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate very much the efforts of my colleague. When this matter was first introduced in August 1992, Senator GRAHAM was a steadfast supporter of this legislation. He indicated that I have been a good advocate of this legislation. I say, Mr. President, not good enough. It seems that we should have this in law. We have not been able to do that.

I think it is fair to say that we should put the committee of jurisdiction, or committees of jurisdiction, on notice that we are going to move forward with this legislation. It is important we do so, and if we do not get it done in the committees, then we are going to have to do it here on the floor. We have waited too long.

The legislation that I introduced in 1992 was in response to the decision of the Ninth Circuit Court of Appeals that all inmates working in correctional institutions and industries in those institutions are covered by the Fair Labor Standards Act. That was stunning to me. As my colleague from Florida has indicated, this decision is beyond the ability to comprehend.

The decision has been overturned, and the courts around this country are confused on this issue, and it calls for a clarification. In fact, it is a pending court case in Florida that has brought Senator GRAHAM and I to the floor this morning to reintroduce the prison wage bill. Clarification is needed, not only for the direction of the courts, but to dissuade prisoner lawsuits to recover minimum wage payments for work done while in prison.

If inmates were covered by the Fair Labor Standards Act, they would not only be eligible—listen to this—for minimum wage, but it would open the door for unemployment compensation for prisoners, it would open the door for worker's compensation for prisoners, it would open the door for paid vacations for prisoners, it would open the door for overtime pay for prisoners. I mean, is this ridiculous?

If the Federal Government or States are required to pay minimum wage, it would mean the end of most prison work programs. We simply would not be able to afford them. State governments are already staggering from budget deficits. Inmates would lose their job training, in most instances, lose their opportunity to produce something during their incarceration and lose the incentive to reform themselves and return to society. Prisoners would sit idle in their cells. Taxpayers already pay for room, board, even cable TV for prisoners. I do not believe they want to pay for minimum wage as well.

Mr. President, I, frankly, would like to go further. I do not think they should have cable television. I do not think they should have some of the things they have in prison that they do have, but I am going to let well enough alone and see if we can move forward on this very meaningful legislation.

We in Congress just spent months, as my colleague has indicated, fighting for an increase in the minimum wage. Were we fighting for a worker trying to raise a family on $8,500 a year—that is minimum wage—or were we fighting for a wage increase for prisoners? I know that I was fighting for the working family and not the prisoner who has not played by the rules of society and is supposed to be punished, in my estimation.

Some opponents of this bill have raised the question of low-wage inmate competition with the private sector. But this issue has already been adequately explained by my colleague. This issue has already been, I repeat, addressed by the Ashurst-Sumners Act, as well as the Prison Industry Enhancement Certification Program. This is only talk.

Further, in our bill, we provide specifically that our language does not affect programs certified pursuant to the Ashurst-Sumners Act.

Mr. President, I asked, sometime ago, the General Accounting Office to look into this matter, and they rendered a very fine report on prison labor. I quote from this report:

If the prison systems we visited were required to pay minimum wage to their inmate workers and did so without reducing the number of inmate hours worked, they would have to pay hundreds of millions of dollars more each year for inmate labor. Consequently, these prison systems generally regard minimum wage for prison work as unaffordable, even if substantial user fees (e.g.: charges for room and board) were imposed on the inmates.

They went on to say:

Prison systems officials consistently identified large-scale cutbacks in inmate labor as likely and, in their view, a dangerous consequence of having to pay minimum wage. They believed that less inmate work means more idle time and increased potential for violence and misconduct.

Therefore, paying minimum wage to prisoners would not only be expensive, but dangerous and counterproductive.

The Fair Labor Standards Act of 1938 was enacted as a progressive measure to ensure all able-bodied working men and women a fair day's pay for a fair day's work. It was never, never intended to cover criminals in our prisons.

By Mr. HATFIELD (for himself, Mr. GRASSLEY, and Mr. HARKIN):

S. 1944. A bill to establish a commission to be known as the Harold Hughes Commission on Alcoholism; to the Committee on Labor and Human Resources.

THE HAROLD HUGHES COMMISSION ON ALCOHOLISM ACT OF 1996

● Mr. HATFIELD. Mr. President, it is my honor today, along with my distinguished colleagues, Senators GRASSLEY and HARKIN, to introduce legislation that will fulfill a lifetime dream. The Honorable Harold Hughes, the ''man from Ida Grove,'' has made the struggle against alcoholism and its affects on individuals and their families his life work. Harold Hughes vision is to combat alcoholism, not only on a personal level, but on a community and national level as well. His dream will be fulfilled with the creation of a commission on all matters related to alcoholism and its affects on America.

The Talmud defines a good man as, ''one who needs no monuments because their deeds are shrines.'' The Honorable Harold Hughes deeds are indeed shrines. My distinguished friend has devoted his life to helping others. He has served as Governor of Iowa, U.S. Senator, and now as a leader in the fight against the abuse of alcohol and drugs. He is the founder and chairman of the Hughes Foundation as well as the Harold Hughes Centers for Alcoholism and Drug Treatment. He has become a front-line soldier in the war against alcohol abuse in the United States.

Alcohol use and abuse in the United States affects all of us. Although alcohol is a legal drug, its effects are devastating. Alcoholism tears apart marriages, families and communities. As a Nation, we cannot allow the devastating effects to continue.

Alcohol abuse and dependency affects 10 percent of Americans, 18.5 million, but we all pay the price for this addiction.

About 56 percent of American families are affected by alcoholism.

If alcohol were never carelessly used in our society, 105,000 fewer people would die each year.

Alcohol is a factor in one-half of all homicides, suicides, and motor vehicle fatalities.

Treatment, support, direct health care costs, as well as lost work time and premature death cost the public $98.6 billion in 1990.

The Harold Hughes Commission on Alcoholism will provide the President, Congress, and the American people with the tools that are necessary to address the effects of this disease. Unlike commissions of the past, which studied the affects of alcoholism on our society, the work of this Commission will be uniquely narrowly tailored. The focus will not be on the big picture of alcoholism in the United States, rather it will be on the limited, practical, and cost-effective solutions to our growing crisis with alcoholism. The Commission will examine better ways to coordinate existing Government programs, improve education on the affects of alcohol, improve alcoholism research, and increase public/private sector cooperation in combating this disease. This work will be carried out by small working groups that will include academics, business executives and alcoholism experts. These working groups will focus on single policy issues in order to produce recommendations that will lead to tangible solutions to alcoholism.

Currently, the National Institute on Alcohol Abuse and Alcoholism under the National Institutes of Health is the leading research and funding organization for issues dealing with alcohol abuse. NIAAA conducts 90 percent of all research in these areas. Current research in the area of alcoholism includes: Searching for the genome for genetic markers that are linked to alcoholism; developing and approving a new drug, Naltexone, for the treatment of alcoholism; educating mothers on the risks drinking poses during pregnancy; preventing alcoholism through educational programs developed for schools, the workplace, and the community. This research and programming will greatly reduce the overall cost of alcohol abuse to society.

The Harold Hughes Commission will be a vehicle for existing programs like NIAAA as well as other research programs and Government agencies to increase their effectiveness. The coordination of exsisting programs will increase the success rate of all the programs.

This legislation marks the beginning of a renewed congressional commitment to fighting alcoholism in America. It also pays tribute to a man who made a similar commitment in his own life for himself, his community, and others who are fighting the battle against alcoholism.●

By Mr. DEWINE:

S. 1945. A bill to broaden the scope of certain firearms offenses; to the Committee on the Judiciary.

GUN CRIMES LEGISLATION

● Mr. DEWINE. Mr. President, prosecutions of gun criminals are down 20 percent under the Clinton administration. At a time when 10 million Americans every year become victims of violent crime, the administration is not making the prosecution of armed criminals a major priority.

I think that's a mistake. I think we have to do more to get violent felons off the streets. And I am introducing a bill that will help make sure this happens.

Recently, the Supreme Court handled down a unanimous decision that essentially disarmed a very effective weapon that Federal prosecutors use to combat violence and drug abuse. The bill I am introducing will rearm Federal prosecutors—and it will do so in a way that it will not be open to reinterpretation by the courts. Congress must leave no doubt that when a criminal commits a violent crime or completes a drug deal, and a gun is around, the gun is a part of the offense, and the criminal will get 5 years added to his prison sentence.

Prior to December 6, 1995, Federal prosecutors used title 18, section 924(c)(1) to impose an additional mandatory 5 years in prison for those criminals who use or carry a firearm during or in relation to a violent crime or a drug trafficking crime.

The purpose of this statute was to send violent criminals and drug traffickers to jail—where they belong. And this provision was an effective law enforcement tool because the lower courts defined ''use'' very broadly. In fact, if the defendant simply had a gun nearby, it was sufficient to convict under section 924(c)(1)—because the courts ruled that the proximity of the gun served to ''embolden'' the defendant.

According to the U.S. Sentencing Commission, in 1994 alone, over 2,000 defendants were sentenced to longer terms under section 924(c)(1).

The Supreme Court's ruling last year ended the effectiveness of this statute as a crime-fighting tool. The court ruled that, in order to charge a defendant under section 924(c)(1), the Government must show that the defendant actively employed a firearm during or in relation to a violent or drug trafficking crime. Therefore, if a firearm merely served to embolden a criminal, the court said, it was not being ''used''

within the meaning of section 924(c)(1), and the criminal would not receive the additional 5 years in prison.

When Congress passed this statute, it was sending a clear message to drug dealers and violent criminals—Guns and drugs are a recipe for disaster. And, if you mix them, you are going to pay a price. I believe that this Congress should act to restore this crime fighting tool, and we should do it in a way that leaves nothing to the reckoning of the courts.

My legislation would do just that. It would amend section 924(c)(1) to cover all circumstances in which a drug dealer or violent criminal is caught with a firearm that is being used to further his drug trafficking or violent enterprise. Under this legislation, a drug dealer, for example, would be subject to a mandatory additional 5-year prison sentence for drug trafficking, if he ''uses or carries a firearm, or has a firearm in close proximity to illegal drugs or drug proceeds, or has a firearm in close proximity at the time of arrest or at the point of sale of illegal drugs.''

I believe that this legislation will do a great deal to help the law enforcement officials on the front lines of the war on drugs. It makes our law stronger—and helps get these felons off the streets, out of our communities, and into prison.●

By Mr. DEWINE:

S. 1946. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. DEWINE. Mr. President, a few weeks ago, I spoke on the floor about the current administration's record on crime. The facts clearly demonstrate that the administration's actions do not fulfill its rhetoric on this issue.

I think it is time to give law enforcement officers the tools they need to do their jobs—protecting American families. Today, I am introducing legislation aimed at doing just that, in one significant way.

The bill I am introducing today would establish, for the first time in the Federal Criminal Code, a general attempt provision. Thankfully, criminals do not succeed every time they set out to commit a crime. We need to take advantage of these failed crimes to get criminals off the streets.

Mr. President, under current Federal law, there is no general attempt provision applicable to all Federal offenses. This has forced Congress to enact separate legislation to cover specific circumstances. This approach to the law has led to a patchwork of attempt statutes—leaving gaps in coverage, and failing to adequately define exactly what constitutes an attempt in all circumstances.

Since statutes include attempt language within the substantive offense, but don't bother to define exactly what an attempt is. Others define, as a separate crime, conduct which is only a step toward commission of a more serious offense. Moreover, there is no offense of attempt for still other serious crimes, such as disclosing classified information to an unauthorized person.

This ad hoc approach to attempt statutes is causing problems for law enforcement officials. At what point is it OK for law enforcement officials to step in to prevent the completion of a crime? If someone is seriously dedicated to committing a crime, law enforcement must be able to intervene and prevent it—without having to worry whether doing so would cause a criminal to walk. In the absence of a statutory definition of an attempt, the courts have been called upon to decide whether specific actions fit within existing statutory language.

When a criminal is attempting to commit a crime where attempt is not an offense, then law enforcement must wait until the crime is completed, or find some other charge to fit the criminal's actions. Law enforcement should never be placed in either of these positions.

The bill that I am introducing today will solve these problems in the current law. As I mentioned earlier, this legislation will add a general attempt provision to the U.S. Criminal Code. It provides congressional direction in defining what constitutes an attempt in all circumstances. And, it will serve to fill in the irrational gaps in attempt coverage.

In my view, it is time for the American people—acting through the Congress—to clarify their intention when it comes to this area of the law.

Millions of Americans work hard every day to make ends meet and raise their families and provide a better life for their children.

But, there are some people who choose a different approach to life—a life of crime. We as Americans need to leave no doubt where we stand on that choice. If you even try to commit a crime, we're going to prosecute you and convict you. This bill will make it easier for our law enforcement officers to protect our families and our communities.●

By Mr. DEWINE:

S. 1947. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

THE CLONE PAGER AUTHORIZATION ACT OF 1996

● Mr. DEWINE. Mr. President, I recently made some remarks on the Senate floor about the current administration's record on crime. The facts are clear: The administration's actions on crime do not meet its rhetoric.

To stop crime, we have to do more. That doesn't mean another rhetorical assault on crime—or even a flashy 10-point program. Rather, we have to do more of the little things that—when you put them all together—make a big difference.

The most important of these is giving law enforcement officials the tools they need to do their jobs. Today, I am introducing legislation that will help us do that.

The bill I am introducing today would simply rectify an imbalance in current Federal law which makes it more difficult for law enforcement officials to fight drug trafficking. Today, drug traffickers have taken advantage of technological advances to advance their own criminal interests.

Drug traffickers—on a regular basis—use digital display paging devices—better known as beepers—in transacting their business. They do this because it gives them the freedom to run their criminal enterprise out of any available phone booth, and to avoid police surveillance. If law enforcement officials knew from whom they were receiving the calls to their beepers it would certainly aid efforts in tracking down drug traffickers.

The technology now exists to allow law enforcement to receive the digital display message, without intercepting the content of any conversation or message. It is called a clone pager. This clone pager is programmed identically to the suspect's pager and allows law enforcement to receive the digital displays at the same time as the suspect.

This device functions identically to a pen register. Mr. President, as you may know, a pen register is a device which law enforcement attaches to a phone line to decode the numbers which have called a specific telephone. Like a clone pager, the pen register only intercepts phone numbers, not the content of any conversation or message.

Since both devices serve the same purpose, a reasonable person would conclude that both the system for receiving authorization to use these devices, and the procedures mandated by the courts once the authorization was granted would be the same. However, in both cases it is not.

Under current law, the requirements for obtaining authorization to use a clone pager are much more stringent than they are for using a pen register. I would like to briefly outline the differences.

In order to obtain authorization to use a pen register, a Federal prosecutor must certify to a district court judge the phone number to which the pen register will be attached, the phone company that delivers service to that number, and that the pen register serves a legitimate law enforcement purpose. In other words, the prosecutor must show only that the use of the pen register is based on an ongoing investigation. The district court judge may then grant the authorization on a mere finding that the prosecutor has made the required certification. The pen register can then be used for a period of 60 days—with no requirement that law enforcement report pen register activity to the court.

In contrast, the U.S. attorney for a particular district must sign off on a request for clone pager authorization. Once this occurs, a prosecutor may

then go before a district court judge where he must show that there is probable cause to suspect an individual has committed a crime—a much higher standard than what is required for a pen register authorization. He must also detail what other investigative techniques have been used, why they have not been successful, and why they will continue to be unsuccessful. Moreover, the prosecutor must disclose other available investigative techniques and why they are unlikely to be successful. Only after all of this is done can authorization to use a clone pager be granted.

But these are not the only differences in treatment. After the authorization is granted, it can only be used for 30 days. During that 30 days, the prosecutor must report activity from the clone pager to the issuing judge at least once every 2 weeks.

I do not believe that the authorization disparity in authorization for these two devices is warranted.

The legislation that I am introducing today would simply amend the Federal code to end this disparity. This bill would give law enforcement agents ready access, with warranted limitations, to the tools they need to do their jobs. This bill will bring Federal law enforcement into the 21st century. The drug traffickers are already there. It's time for law and order to catch up with them.●

By Mr. D'AMATO (for himself and Mr. KERRY):

S. 1948. A bill to amend section 2241 of title 18, United States Code, to provide for Federal jurisdiction over sexual predators; to the Committee on the Judiciary.

CRIME LEGISLATION

● Mr. D'AMATO. Mr. President, I offer a bill, originally sponsored in the House by my colleague from New York, Representative SLAUGHTER. The bill will allow local district attorneys the option to federally prosecute repeat sexual offenders. Authorizing local district attorneys the opportunity to pursue Federal prosecution of habitual sexual offenders ensures that the toughest penalties will be imposed on these predators. They deserve nothing less.

It is horrendous that a rapist's average sentence is only 10½ years, with even less time being served. The sentence for child sex offenders is no better. Too often, these monsters are on the street ready to prey on their next victim.

In addition, repeat offenders convicted under this section of the bill will be sentenced to life for their second offense. Criminals repeatedly convicted of rape and serious sexual assaults must be taken off our streets and removed from our communities forever.

I urge my colleagues to review the merits of this bill, join as cosponsors and urge its immediate passage.●

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BAUCUS, Mr. HARKIN, Mr. WELLSTONE, Mr. FEINGOLD, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. EXON, Mr. BINGAMAN and Mr. HEFLIN):

S. 1949. A bill to ensure the continued viability of livestock producers and the livestock industry in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

THE CATTLE INDUSTRY IMPROVEMENT ACT OF 1996

Mr. DASCHLE. Mr. President, today several colleagues and I are introducing the Cattle Industry Improvement Act of 1996. This legislation addresses the deep concern of cattle, hog, and sheep producers across the Nation that the livestock industry does not operate in a free and open market. Livestock producers, especially cattle producers, are receiving the lowest prices in recent memory. Producers can barely make ends meet, let alone make a profit. The Cattle Industry Improvement Act is a fair, substantive bill which offers commonsense solutions to problems that have plagued the livestock industry for a long time.

For the last 2 years the issue of livestock concentration has been the No. 1 agricultural issue in South Dakota, even exceeding interest in the farm bill. Livestock concentration and low cattle prices do not just affect farmers and ranchers in my State. The impact is felt by the entire economy of South Dakota, affecting people who live in cities, towns, and rural communities alike. A recession in the cattle industry has a ripple effect throughout the entire State the consequences of which are potentially devastating. Farm foreclosures, job layoffs by agriculture related businesses and bank failures are all likely if cattle prices do not rebound in the immediate future.

I began the effort to address the issue of livestock concentration last year with the introduction of legislation creating a livestock commission to review the impact of packer concentration. This bill was a bipartisan effort that passed the Senate but was blocked in the House.

Fortunately, Secretary Glickman rescued the effort by creating the USDA Advisory Committee on Agricultural Concentration. This advisory committee, which included livestock producers, has served a vital role in addressing concentration in agriculture. The advisory committee submitted its findings and recommendations to Secretary Glickman on June 6. Some of its recommendations can be implemented administratively and are currently under review by Department of Agriculture officials to determine their feasibility. Others require legislative action. The conclusion the committee reached is unequivocal: the status quo is unacceptable. Modern livestock production has changed, the USDA must keep pace, and Congress must give the Department of Agriculture the tools necessary to respond to these changes in a way that gives producers a chance to make an honest living and compete fairly in the marketplace.

The Cattle Industry Improvement Act of 1996 gives the Department those tools. The bill requires the Secretary to define and prohibit noncompetitive practices. It mandates price reporting for all sales transactions conducted by any entity who has greater than 5 percent of the national slaughter business, and requires timely reporting of quantity and price of all imports and exports of meat and meat by products. Livestock producers will be able to count on Federal protection against packers and buyers who retaliate against them for public comments made regarding industry practices. Federal agriculture credit policies will be reviewed to determine if they are adequate to address the cyclical nature of modern livestock production.

The bill also calls for the review of Federal lending practices to determine if the Government is contributing to packer concentration, and directs the President and the Secretaries of Agriculture and Health and Human Services to formulate a plan consolidating and streamlining the entire food inspection system.

Finally the bill requires the USDA to develop a system for labeling U.S. meat and meat products. Companies will be encouraged to voluntarily participate in labeling their products as originating from U.S. livestock producers.

Swift congressional action is crucial for our Nation's livestock producers. Free and open markets are one of the foundations of our Nation and our economy. We as consumers all suffer if markets, especially food markets, do not operate freely. The Cattle Industry Improvement Act is critical to ensuring a fair shake for hard-working livestock producers and the Nation's consumers

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1949

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cattle Industry Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. EXPEDITED IMPLEMENTATION OF FUND FOR RURAL AMERICA.

Section 793(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(b)(1)) is amended by striking ''January 1, 1997,'' and all that follows through ''October 1, 1999,'' and inserting ''November 10, 1996, October 1, 1997, and October 1, 1998,''.

SEC. 3. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting ''; or''; and

(2) by adding at the end the following:

''(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.''.

SEC. 4. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(1) by inserting ''(1)'' before ''To collect''; and

(2) by adding at the end the following:

''(2) Each person engaged in the business of slaughtering livestock who carries out more than 5 percent of the national slaughter for a given species shall report to the Secretary in such manner as the Secretary shall require, as soon as practicable but not later than 24 hours after a transaction takes place, such information relating to prices and the terms of sale for the procurement of livestock and the sale of meat food products and livestock products as the Secretary determines is necessary to carry out this subsection.

''(3) Whoever knowingly fails or refuses to provide to the Secretary information required to be reported by paragraph (2) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(4) The Secretary shall encourage voluntary reporting by any person engaged in the business of slaughtering livestock who carries out 5 percent or less of the national slaughter for a given species.

''(5) The Secretary shall make information received under this subsection available to the public only in the aggregate and shall ensure the confidentiality of persons providing the information.''.

(b) ELIMINATION OF OUTMODED REPORTS.—The Secretary of Agriculture, after consultation with producers and other affected parties, shall periodically—

(1) eliminate obsolete reports; and

(2) streamline the collection and reporting of data related to livestock and meat and livestock products, using modern data communications technology, to provide information to the public on as close to a real-time basis as practicable.

(c) DEFINITION OF ''CAPTIVE SUPPLY''.—For the purpose of regulations issued by the Secretary of Agriculture relating to reporting under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), the term ''captive supply'' means livestock obligated to a packer in any form of transaction in which more than 7 days elapses from the date of obligation to the date of delivery of the livestock.

SEC. 5. IMPORT AND EXPORT REPORTING.

(a) EXPORTS.—Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting after ''products thereof,'' the following: ''and meat food products and livestock products (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)),''.

(b) IMPORTS.—

(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Commerce shall, using modern data communications technology to provide the information to the public on as close to a real-time basis as practicable, jointly make available to the public aggregate price and quantity information on imported meat food products, livestock products, and livestock (as the terms are defined in section 2 of the Packers and Stockyards Act, 1921 (7 U.S.C. 182)).

(2) FIRST REPORT.—The Secretaries shall release to the public the first report under paragraph (1) not later than 60 days after the date of enactment of this Act.

SEC. 6. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.

(a) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(1) by striking ''or subject'' and inserting ''subject''; and

(2) by inserting before the semicolon at the end the following: '', or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer''.

(b) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

''(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

''(1) CONSIDERATION BY SPECIAL PANEL.—The President shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

''(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

''(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.''.

(c) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

''(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

''(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

''(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

''(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.''.

SEC. 7. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 8. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.—In consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and all other interested parties, the President shall prepare a plan to consolidate the United States food inspection system that ensures the best use of available resources to improve the consistency, coordination, and effectiveness of the United States food inspection system, taking into account food safety risks.

(b) SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the President shall submit to Congress the plan prepared under subsection (a).

SEC. 9. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

''(g) LABELING OF MEAT OF UNITED STATES ORIGIN.—

''(1) IN GENERAL.—The Secretary shall develop a system for the labeling of carcasses, parts of carcasses, and meat produced in the United States from livestock raised in the United States, and meat food products produced in the United States from the carcasses, parts of carcasses, and meat, to indicate the United States origin of the carcasses, parts of carcasses, meat, and meat food products.

''(2) ASSISTANCE.—The Secretary shall provide technical and financial assistance to establishments subject to inspection under this title to implement the labeling system.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 10. SPOT TRANSACTIONS INVOLVING BULK CHEESE.

(a) IN GENERAL.—The Secretary of Agriculture shall collect and publicize, on a weekly basis, statistically reliable information, obtained from all cheese manufacturing areas in the United States, on prices and terms of trade for spot transactions involving bulk cheese, including information on the national average price, and regional average prices, for bulk cheese sold through spot transactions.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under this section shall be kept confidential by each officer and employee of the Department of Agriculture, except that general weekly statements may be issued that are based on the reports of a number of spot transactions and that do not identify the information provided by any person.

(c) FUNDING.—The Secretary may use funds that are available for dairy market data collection to carry out this section.

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of the Cattle Industry Improvement Act, which addresses an issue that is critical to our livestock and dairy industries—the concentration of economic

power. I want to applaud the Minority Leader [Senator DASCHLE] for his extraordinary leadership on this issue. Last year he led the effort to establish a commission to investigate concentration in meat packing and processing, introducing legislation that passed in the Senate. That legislation ultimately led to the report Concentration in Agriculture—A Report of the USDA Advisory Committee on Agricultural Concentration—issued this June, which confirmed the extensive concentration occurring through the entire livestock marketing chain. The report warned that concentration in processing and manufacturing is likely to harm farmers more than anyone else in the marketing chain given their already low market power in the face of a few large corporate buyers. That report made a number of recommendations to Congress, the administration and the livestock industry for steps that could be taken to address these problems. The legislation Senator DASCHLE is introducing today takes action on a number of those recommendations.

The trend towards concentration in the livestock industry is particularly disturbing in light of the current record low prices in cattle markets and record high prices for feed—the most important and costly input to livestock production. In Wisconsin, low cattle prices have hit our dairy farmers hard as they obtain a substantial portion of their income from the sale of cull cows and veal calves. When beef prices are low, Wisconsin's 27,000 dairy farmers are equally hard hit.

According to the USDA report, while prices are distressingly low for producers, returns for meat packers are still quite high. As some of my colleagues have pointed out, with four firms slaughtering 80 percent of the cattle in this country, it is no wonder that producers in Wisconsin and elsewhere are concerned about the disparate economic health of livestock producers and livestock packing and processing industry. While it isn't clear that concentration has caused the low prices, the USDA report confirmed that given the circumstances in the livestock industry, market manipulation for large packers and processors is certainly possible.

The Cattle Industry Improvement Act includes provisions designed to improve market information in the cattle industry which suffers from inadequate market information. Less than 2 percent of fed cattle are sold through an open ''price discovery'' process, providing producers with very little information about what other cattle producers are receiving for their cattle and what buyers are paying for cattle. The market information provisions of this bill will allow producers to deal with their buyers on a more level playing field.

In addition, this bill provides additional flexibility and authority for the Secretary of Agriculture to aggressively target noncompetitive activities in livestock markets under the Packers and Stockyards Act. Another extremely important provision in this bill is the mandated review of Federal agriculture credit policies to determine whether or not our lending practices are facilitating the growth of larger livestock and dairy operations. Many dairy farmers have complained to me that they have a difficult time getting credit for both operating purposes and for capital investments because lenders insist that farmers greatly expanding their herd size in order to be credit worthy. Many small farmers simply cannot get credit for minor herd expansion. That is neither fair to our family sized farmers nor is it sound policy. Such practices create self-fulfilling prophecies—forcing small farms to grow significantly larger or to exit the industry. I am looking forward to reviewing the results of the study required by this legislation.

Finally, Mr. President, I want to thank Senator DASCHLE for his cooperation in including a provision in this bill which I proposed to address concentration concerns and market information inadequacies in dairy markets. The cheese industry operates in a market that suffers from a lack of pricing information that is even more extreme than in the cattle industry. While less than 2 percent of the cattle in the United States are sold on markets with open and competitive bidding, less than one-half of one percent of the cheese in the United States is sold on an open cash market—the National Cheese Exchange in Green Bay, WI.

Even so, the price opinion of the National Cheese Exchange directly and decisively affects the price that farmers throughout the nation receive for their milk. Milk prices are tied directly to that price through the Basic Formula Price, calculated by USDA. The BFP determines the class III price for milk under the Federal milk marketing order system. Even if that linkage did not exist, however, milk prices would still be dramatically affected by the exchange opinion because it is used as the benchmark in virtually all forward contracts for bulk cheese. Ninety to ninety-five percent of bulk cheese in the United States is sold through forward contracts. In other words, virtually all cheese sold in the country is priced based on the opinion price at the cheese exchange. Additionally, concentration in cheese processing is high and increasing. The top four manufacturers and marketers of processed cheese market 69 percent of the tonnage of processed cheese nationally. Most if not all of those manufacturers are traders on the exchange.

The National Cheese exchange has been the subject of great controversy among dairy farmers because the small amount of trading on the exchange has such a substantial impact on farmers. A recently released report by the University of Wisconsin-Madison and the Wisconsin Department of Agriculture, Trade and Consumer Protection concluded that characteristics of the Green Bay cheese exchange make it vulnerable to price manipulation by the most powerful member-firms of the exchange. While such behavior may or may not violate antitrust laws, it is certainly not good policy to rely solely on this type of thin cash market to determine milk prices or cheese prices for the Nation.

Like cattle producers, dairy farmers suspect that the price they receive for their product may be controlled by a few large processors that trade on the National Cheese Exchange. A one cent change in the opinion price at the exchange translates into a 10 cent change in the price of milk to farmers. When prices on the exchange drop suddenly and precipitously, dairy farmers nationally lose millions of dollars in producer receipts and begin to wonder whether the price decline was truly reflective of market conditions. Others suspect that in times of rising milk prices, such as today, traders on the exchange are able to prevent prices from rising as high as they might given the market conditions.

Unfortunately, no alternative to the National Cheese Exchange exist for cheese price discovery. It is the only cash market in the country for bulk cheese. While there is a futures market for cheese and other dairy products, trading of futures contracts have been weak making the futures prices unreliable benchmarks. Furthermore, there is little or no market information on prices for spot transactions of cheese collected by the Department of Agriculture. What little information that is collected is not considered extensive enough to be reliable.

Section 4 of the Cattle Industry Improvement Act includes a provision requiring the Secretary of Agriculture to collect and report weekly statistically reliable prices and terms of trade for spot transactions of bulk cheese from all cheese manufacturing areas of the country. The intent of this provision is straight forward—to increase the amount of market information on cheese prices that is available to producers and processors.

This provision is not the end solution to the policy challenges imposed by the National Cheese Exchange. Those solutions will be considered by the Department of Agriculture through their Federal milk marketing order reform process and by the regulators of the exchange. This provision is a first step towards solving a complicated and multi-faceted problem. This market data collection effort may only collect 5–10 percent of bulk cheese transactions nationally. However, even if the data captures only 5 percent of the transactions, it will still represent a 10-fold increase in the amount of market information available to producers and processors today.

As the USDA advisory report concluded ''It is of the utmost importance that information about market conditions and trends be widely available to sellers and buyers at all levels of the

industry. . . It is widely agreed that equal and accurate market information improves the price discovery and determination process.'' While that report was referring to cattle, not cheese, the principle that more market information is always better holds true for cheese as well.

USDA collection of prices for spot transaction of bulk cheese was recommended by the joint UW-Madison/Wisconsin Department of Agriculture report as a possible solution to the thin market problem at the Cheese Exchange. During a recent House Livestock, Dairy and Poultry Subcommittee hearing on the National Cheese Exchange, the Department of Agriculture also suggested an approach similar to that described in Section 4 of this legislation as a way to improve cheese market information. Other witnesses, such as the National Farmers Union and Kraft General Foods, also suggested increased reporting of spot transactions of cheese as a method of improving price discovery in cheese markets.

Mr. President, this is a very modest data collection effort. This is a first step towards improving market information in the dairy industry and lessening the influence of the exchange. It will not and is not intended to replace the National Cheese Exchange. The data collection required in the bill will merely supplement existing market information and hopefully, improve price discovery.

There is much more work to be done at both the State and Federal level to address the challenges posed by the National Cheese Exchange. But I think this is a logical first step forward.

Once again, I thank the minority leader for his recognition of the importance of the cheese price reporting provision in addressing concentration and market information concerns in the dairy industry and for his cooperation in including this provision in his important legislation.

ADDITIONAL COSPONSORS

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas [Mrs. FRAHM] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 607

At the request of Mr. WARNER, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 791

At the request of Mr. COCHRAN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 791, a bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes.

S. 1701

At the request of Mr. PELL, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1740, a bill to define and protect the institution of marriage.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1830, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

S. 1838

At the request of Mr. FAIRCLOTH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1838, a bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

S. 1939

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1939, a bill to improve reporting in the livestock industry and to ensure the competitiveness of livestock producers, and for other purposes.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

STEVENS AMENDMENT NO. 4439

Mr. STEVENS proposed an amendment to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''$1,140,157,000''.

MCCAIN AMENDMENTS NOS. 4440–4444

(Ordered to lie on the table.)

Mr. MCCAIN submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4440

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on the results of the audit conducted under subsection (a), including a description of the adequacy of—

(1) physical and operational security measures;

(2) access and perimeter control;

(3) communications security;

(4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;

(5) special security considerations at nonpermanent facilities;

(6) potential solutions to inadequate security, where identified; and

(7) cooperative security measures with host nations.

AMENDMENT NO. 4441

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

''(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).''.

Effective Date: This section shall take effect beginning with the President's budget submission for fiscal year 1999.

AMENDMENT NO. 4442

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for any program, project, or activity which is not included in the future-years defense program of the Department of Defense for fiscal years 1997 through 2002 submitted to Congress in 1996 under section 221 of title 10, United States Code, unless the Secretary of Defense certifies to Congress that—

(1) the program, project, or activity fulfills an existing, validated military requirement;

(2) the program, project, or activity is of a higher priority than any other program, project, or activity included in that future-years defense program for which no funds are appropriated or otherwise made available by this Act; and

(3) if additional funds will be required for the program, project, or activity in future fiscal years, such funds will be included in the future-years defense program to be submitted to Congress under such section in 1997.

AMENDMENT NO. 4443

On page 8, line 1, strike out ''$17,700,859,000'' and insert in lieu thereof ''$17,698,859,000''.

AMENDMENT NO. 4444

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the funds appropriated or otherwise made available for the Department of Defense by this Act, $14,000,000 shall be available to the Secretary of Defense for activities to meet the anti-terrorism requirements of the Department, including intelligence support, physical security measures, and education and training for anti-terrorism purposes.

THE WATER RESOURCES DEVELOPMENT ACT OF 1996

CHAFEE AMENDMENT NO. 4445

Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill (S. 640) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 65, line 9, strike ''1995'' and insert ''1996''.

Beginning on page 66, strike line 7 and all that follows through page 67, line 4, and insert the following:

(a) PROJECTS WITH REPORTS.—Except as otherwise provided in this subsection, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the respective reports designated in this subsection:

On page 67, between lines 4 and 5, insert the following:

(1) HUMBOLDT HARBOR AND BAY, CALIFORNIA.—The project for navigation, Humboldt Harbor and Bay, California: Report of the Chief of Engineers, dated October 30, 1995, at a total cost of $15,180,000, with an estimated Federal cost of $10,116,000 and an estimated non-Federal cost of $5,064,000.

On page 67, line 5, strike ''(1)'' and insert ''(2)''.

On page 67, line 13, strike ''(2)'' and insert ''(3)''.

On page 67, line 22, strike ''(3)'' and insert ''(4)''.

On page 68, between lines 3 and 4, insert the following:

(5) ANACOSTIA RIVER AND TRIBUTARIES, DISTRICT OF COLUMBIA AND MARYLAND.—The project for environmental restoration, Anacostia River and tributaries, District of Columbia and Maryland: Report of the Chief of Engineers, dated October 1994, at a total cost of $18,820,000, with an estimated Federal cost of $14,120,000 and an estimated non-Federal cost of $4,700,000.

On page 68, line 4, strike ''(4)'' and insert ''(6)''.

Beginning on page 68, strike line 15 and all that follows through page 69, line 5, and insert the following:

(7) ILLINOIS SHORELINE STORM DAMAGE REDUCTION, WILMETTE TO ILLINOIS AND INDIANA STATE LINE.—The project for lake level flooding and storm damage reduction, extending from Wilmette, Illinois, to the Illinois and Indiana State line: Report of the Chief of Engineers, dated April 14, 1994, at a total cost of $204,000,000, with an estimated Federal cost of $110,000,000 and an estimated non-Federal cost of $94,000,000. The Secretary shall reimburse the non-Federal interest for the Federal share of any costs that the non-Federal interest incurs in constructing the breakwater near the South Water Filtration Plant, Chicago, Illinois.

On page 69, line 6, strike ''(6)'' and insert ''(8)''.

On page 69, between lines 16 and 17, insert the following:

(9) POND CREEK, KENTUCKY.—The project for flood control, Pond Creek, Kentucky: Report of the Chief of Engineers, dated June 28, 1994, at a total cost of $16,865,000, with an estimated Federal cost of $11,243,000 and an estimated non-Federal cost of $5,622,000.

On page 69, line 17, strike ''(7)'' and insert ''(10)''.

On page 70, line 3, strike ''(8)'' and insert ''(11)''.

On page 70, line 9, strike ''(9)'' and insert ''(12)''.

On page 70, line 21, strike ''(10)'' and insert ''(13)''.

On page 71, line 9, strike ''(11)'' and insert ''(14)''.

On page 71, between lines 15 and 16, insert the following:

(15) ATLANTIC COAST OF LONG ISLAND, NEW YORK.—The project for hurricane and storm damage reduction, Atlantic Coast of Long Island from Jones Inlet to East Rockaway Inlet, Long Beach Island, New York: Report of the Chief of Engineers, dated April 5, 1996, at a total cost of $72,091,000, with an estimated Federal cost of $46,859,000 and an estimated non-Federal cost of $25,232,000.

On page 71, line 16, strike ''(12)'' and insert ''(16)''.

On page 71, line 24, strike ''(13)'' and insert ''(17)''.

On page 72, strike lines 5 through 16.

On page 72, line 17, strike ''(16)'' and insert ''(18)''.

On page 72, between lines 23 and 24, insert the following:

(19) HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.—The project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas: Report of the Chief of Engineers, dated May 9, 1996, at a total cost of $508,757,000, with an estimated Federal cost of $286,141,000 and an estimated non-Federal cost of $222,616,000.

On page 72, line 24, strike ''(17)'' and insert ''(20)''.

On page 73, line 11, strike ''(18)'' and insert ''(21)''.

On page 73, line 16, strike ''$257,900,000'' and insert ''$229,581,000''.

On page 73, after line 23, add the following:

(b) PROJECTS SUBJECT TO FAVORABLE REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a favorable final report (or in the case of the project described in paragraph (6), a favorable feasibility report) of the Chief of Engineers, if the report is completed not later than December 31, 1996:

(1) CHIGNIK, ALASKA.—The project for navigation, Chignik, Alaska, at a total cost of $10,365,000, with an estimated Federal cost of $4,344,000 and an estimated non-Federal cost of $6,021,000.

(2) COOK INLET, ALASKA.—The project for navigation, Cook Inlet, Alaska, at a total cost of $5,342,000, with an estimated Federal cost of $4,006,000 and an estimated non-Federal cost of $1,336,000.

(3) AMERICAN RIVER WATERSHED, CALIFORNIA.—

(A) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California: Supplemental Information Report for the American River Watershed Project, California, dated March 1996, at a total cost of $57,300,000, with an estimated Federal cost of $42,975,000 and an estimated non-Federal cost of $14,325,000, consisting of—

(i) approximately 24 miles of slurry wall in the levees along the lower American River;

(ii) approximately 12 miles of levee modifications along the east bank of the Sacramento River downstream from the Natomas Cross Canal;

(iii) 3 telemeter streamflow gauges upstream from the Folsom Reservoir; and

(iv) modifications to the flood warning system along the lower American River.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for expenses that the non-Federal interest incurs for design or construction of any of the features authorized under this paragraph before the date on which Federal funds are made available for construction of the project. The amount of the credit shall be determined by the Secretary.

(C) INTERIM OPERATION.—Until such time as a comprehensive flood control plan for the American River watershed has been implemented, the Secretary of the Interior shall continue to operate the Folsom Dam and Reservoir to the variable 400,000/670,000 acre-feet of flood control storage capacity and shall extend the agreement between the Bureau of Reclamation and the Sacramento Area Flood Control Agency with respect to the watershed.

(D) OTHER COSTS.—The non-Federal interest shall be responsible for—

(i) all operation, maintenance, repair, replacement, and rehabilitation costs associated with the improvements carried out under this paragraph; and

(ii) the costs of the variable flood control operation of the Folsom Dam and Reservoir.

(4) SANTA MONICA BREAKWATER, CALIFORNIA.—The project for hurricane and storm damage reduction, Santa Monica breakwater, California, at a total cost of $6,440,000, with an estimated Federal cost of $4,220,000 and an estimated non-Federal cost of $2,220,000.

(5) LOWER SAVANNAH RIVER BASIN, SAVANNAH RIVER, GEORGIA AND SOUTH CAROLINA.—The project for environmental restoration, Lower Savannah River Basin, Savannah River, Georgia and South Carolina, at a total cost of $3,419,000, with an estimated Federal cost of $2,551,000 and an estimated non-Federal cost of $868,000.

(6) NEW HARMONY, INDIANA.—The project for shoreline erosion protection, Wabash River at New Harmony, Indiana, at a total cost of $2,800,000, with an estimated Federal cost of $2,100,000 and an estimated non-Federal cost of $700,000.

(7) CHESAPEAKE AND DELAWARE CANAL, MARYLAND AND DELAWARE.—The project for navigation and safety improvements, Chesapeake and Delaware Canal, Baltimore Harbor channels, Delaware and Maryland, at a total cost of $33,000,000, with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $8,000,000.

(8) POPLAR ISLAND, MARYLAND.—The project for beneficial use of clean dredged material in connection with the dredging of Baltimore Harbor and connecting channels, Poplar Island, Maryland, at a total cost of $307,000,000, with an estimated Federal cost of $230,000,000 and an estimated non-Federal cost of $77,000,000.

(9) LAS CRUCES, NEW MEXICO.—The project for flood damage reduction, Las Cruces, New Mexico, at a total cost of $8,278,000, with an estimated Federal cost of $5,494,000 and an estimated non-Federal cost of $2,784,000.

(10) CAPE FEAR RIVER, NORTH CAROLINA.—The project for navigation, Cape Fear River deepening, North Carolina, at a total cost of $210,264,000, with an estimated Federal cost of $130,159,000 and an estimated non-Federal cost of $80,105,000.

(11) CHARLESTON HARBOR, SOUTH CAROLINA.—The project for navigation, Charleston Harbor, South Carolina, at a total cost of $116,639,000, with an estimated Federal cost of $72,798,000 and an estimated non-Federal cost of $43,841,000.

On page 74, between lines 1 and 2, insert the following:

(a) MOBILE HARBOR, ALABAMA.—The undesignated paragraph under the heading ''MOBILE HARBOR, ALABAMA'' in section 201(a) of the Water Resources Development Act of 1986 (Public 99–662; 100 Stat. 4090) is amended by striking the first semicolon and all that follows and inserting a period and the following: ''In disposing of dredged material from the project, the Secretary, after compliance with applicable laws and after opportunity for public review and comment, may consider alternatives to disposal of such material in the Gulf of Mexico, including environmentally acceptable alternatives consisting of beneficial uses of dredged material and environmental restoration.''.

(b) SAN FRANCISCO RIVER AT CLIFTON, ARIZONA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the project for flood control on the San Francisco River at Clifton, Arizona, authorized by section 101(a)(3) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4606), is modified to authorize the Secretary to construct the project at a total cost of $21,100,000, with an estimated Federal cost of $13,800,000 and an estimated non-Federal cost of $7,300,000.

(c) LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA.—The project for navigation, Los Angeles and Long Beach Harbors, San Pedro Bay, California, authorized by section 201 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4091), is modified to provide that, for the purpose of section 101(a)(2) of the Act (33 U.S.C. 2211(a)(2)), the sewer outfall relocated over a distance of 4,458 feet by the Port of Los Angeles at a cost of approximately $12,000,000 shall be considered to be a relocation.

On page 74, line 2, strike ''(a)'' and insert ''(d)''.

On page 74, line 19, strike ''(b)'' and insert ''(e)''.

On page 75, line 11, strike ''(c)'' and insert ''(f)''.

On page 76, line 1, strike ''(d)'' and insert ''(g)''.

On page 76, between lines 5 and 6, insert the following:

(h) TYBEE ISLAND, GEORGIA.—The Secretary shall provide periodic beach nourishment for a period of up to 50 years for the project for beach erosion control, Tybee Island, Georgia, constructed under section 201 of the Flood Control Act of 1965 (42 U.S.C. 1962d–5).

On page 76, line 6, strike ''(e)'' and insert ''(i)''.

On page 76, strike lines 13 through 24 and insert the following:

March 1994, at a total cost of $34,228,000, with an estimated Federal cost of $20,905,000 and an estimated non-Federal cost of $13,323,000.

On page 77, line 1, strike ''(g)'' and insert ''(j)''.

On page 77, line 10, strike ''(h)'' and insert ''(k)''.

Beginning on page 77, strike line 20 and all that follows through page 79, line 12, and insert the following:

(l) COMITE RIVER, LOUISIANA.—If a favorable final report of the Chief of Engineers is issued not later than December 31, 1996, the Comite River diversion project for flood control authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802), is modified to authorize the Secretary to construct the project at a total cost of $121,600,000, with an estimated Federal cost of $70,577,000 and an estimated non-Federal cost of $51,023,000.

(m) MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA.—The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana, authorized by the matter under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), is modified to require the Secretary, as part of the operations and maintenance segment of the project, to assume responsibility for periodic maintenance dredging of the Chalmette Slip to a depth of minus 33 feet mean low gulf, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(n) RED RIVER WATERWAY, MISSISSIPPI RIVER TO SHREVEPORT, LOUISIANA.—The project for navigation, Red River Waterway, Mississippi River to Shreveport, Louisiana, authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 731), is modified to require the Secretary to dredge and perform other related work as required to reestablish and maintain access to, and the environmental value of, the bendway channels designated for preservation in project documentation prepared before the date of enactment of this Act. The work shall be carried out in accordance with the local cooperation requirements for other navigation features of the project.

(o) WESTWEGO TO HARVEY CANAL, LOUISIANA.—If a favorable post authorization change report is issued not later than December 31, 1996, the project for hurricane damage prevention and flood control, Westwego to Harvey Canal, Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128), is modified to include the Lake Cataouatche area levee as part of the project at a total cost of $14,375,000, with an estimated Federal cost of $9,344,000 and an estimated non-Federal cost of $5,031,000.

(p) TOLCHESTER CHANNEL, MARYLAND.—The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (Public Law 85–500; 72 Stat. 297), is modified to direct the Secretary—

(1) to expedite review of potential straightening of the channel at the Tolchester Channel S-Turn; and

(2) if before December 31, 1996, it is determined to be feasible and necessary for safe and efficient navigation, to implement the straightening as part of project maintenance.

(q) STILLWATER, MINNESOTA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a design memorandum for the project authorized by section 363 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4861). The design memorandum shall include an evaluation of the Federal interest in construction of that part of the project that includes the secondary flood wall, but shall not include an evaluation of the reconstruction and extension of the levee system for which construction is scheduled to commence in 1996. If the Secretary determines that there is such a Federal interest, the Secretary shall construct the secondary flood wall, or the most feasible alternative, at a total project cost of not to exceed $11,600,000. The Federal share of the cost shall be 75 percent.

On page 79, line 13, strike ''(k)'' and insert ''(r)''.

On page 79, between lines 21 and 22, insert the following:

(s) FLAMINGO AND TROPICANA WASHES, NEVADA.—The project for flood control, Las Vegas Wash and Tributaries (Flamingo and Tropicana Washes), Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4803), is modified to provide that the Secretary shall reimburse the non-Federal sponsors (or other appropriate non-Federal interests) for the Federal share of any costs that the non-Federal sponsors (or other appropriate non-Federal interests) incur in carrying out the project consistent with the project cooperation agreement entered into with respect to the project.

(t) NEWARK, NEW JERSEY.—The project for flood control, Passaic River Main Stem, New Jersey and New York, authorized by paragraph (18) of section 101(a) of the Water Resources Development Act of 1990 (Public Law 101–640; 104 Stat. 4607) (as amended by section 102(p) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4807)), is modified to separate the project element described in subparagraph (B) of the paragraph. The project element shall be considered to be a separate project and shall be carried out in accordance with the subparagraph.

(u) ACEQUIAS IRRIGATION SYSTEM, NEW MEXICO.—The second sentence of section 1113(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4232) is amended by inserting before the period at the end the following: '', except that the Federal share of scoping and reconnaissance work carried out by the Secretary under this section shall be 100 percent''.

On page 79, line 22, strike ''(l)'' and insert ''(v)''.

On page 80, between lines 8 and 9, insert the following:

(w) BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.—The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500; 72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1187) and section 102(v) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4808), is further modified to provide for

the reallocation of a sufficient quantity of water supply storage space in Broken Bow Lake to support the Mountain Fork trout fishery. Releases of water from Broken Bow Lake for the Mountain Fork trout fishery as mitigation for the loss of fish and wildlife resources in the Mountain Fork River shall be carried out at no expense to the State of Oklahoma.

(x) COLUMBIA RIVER DREDGING, OREGON AND WASHINGTON.—The project for navigation, Lower Willamette and Columbia Rivers below Vancouver, Washington and Portland, Oregon, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes'', approved June 18, 1878 (20 Stat. 157), is modified to direct the Secretary—

(1) to conduct channel simulation and to carry out improvements to the deep draft channel between the mouth of the river and river mile 34, at a cost not to exceed $2,400,000; and

(2) to conduct overdepth and advance maintenance dredging that is necessary to maintain authorized channel dimensions.

(y) GRAYS LANDING, LOCK AND DAM 7, MONONGAHELA RIVER, PENNSYLVANIA.—The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4110), is modified to authorize the Secretary to carry out the project in accordance with the post authorization change report for the project dated September 1, 1995, at a total Federal cost of $181,000,000.

On page 80, line 9, strike ''(m)'' and insert ''(z)''.

On page 80, between lines 18 and 19, insert the following:

(aa) WYOMING VALLEY, PENNSYLVANIA.—The project for flood control, Wyoming Valley, Pennsylvania, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4124), is modified to authorize the Secretary—

(1) to include as part of the construction of the project mechanical and electrical upgrades to stormwater pumping stations in the Wyoming Valley; and

(2) to carry out mitigation measures that the Secretary is otherwise authorized to carry out but that the general design memorandum for phase II of the project, as approved by the Assistant Secretary of the Army having responsibility for civil works on February 15, 1996, provides will be carried out for credit by the non-Federal interest with respect to the project.

On page 80, line 19, strike ''(n)'' and insert ''(bb)''.

Beginning on page 81, strike line 3 and all that follows through page 82, line 15, and insert the following:

(cc) INDIA POINT RAILROAD BRIDGE, SEEKONK RIVER, PROVIDENCE, RHODE ISLAND.—The first sentence of section 1166(c) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4258) is amended—

(1) by striking ''$500,000'' and inserting ''$1,300,000''; and

(2) by striking ''$250,000'' each place it appears and inserting ''$650,000''.

(dd) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—The project for navigation, Corpus Christi Ship Channel, Corpus Christi, Texas, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 22, 1922 (42 Stat. 1039), is modified to include the Rincon Canal system as a part of the Federal project that shall be maintained at a depth of 12 feet, if the Secretary determines that the project modification is economically justified, environmentally acceptable, and consistent with other Federal policies.

(ee) DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.—The flood protection works constructed by the non-Federal interest along the Trinity River in Dallas, Texas, for Rochester Park and the Central Wastewater Treatment Plant shall be included as a part of the plan implemented for the Dallas Floodway Extension component of the Trinity River, Texas, project authorized by section 301 of the River and Harbor Act of 1965 (Public Law 89–298; 79 Stat. 1091). The cost of the works shall be credited toward the non-Federal share of project costs without regard to further economic analysis of the works.

On page 82, line 16, strike ''(q)'' and insert ''(ff)''.

On page 83, line 1, strike ''(r)'' and insert ''(gg)''.

On page 83, line 9, strike ''$12,370,000'' and insert ''$12,870,000''.

On page 83, line 10, strike ''$8,220,000'' and insert ''$8,580,000''.

On page 83, line 11, strike ''$4,150,000'' and insert ''$4,290,000''.

On page 83, line 12, strike ''(s)'' and insert ''(hh)''.

Beginning on page 83, strike line 21 and all that follows through page 84, line 4, and insert the following:

(ii) HAYSI DAM, VIRGINIA AND KENTUCKY.—

(1) IN GENERAL.—The Secretary shall construct the Haysi Dam feature of the project authorized by section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339), substantially in accordance with Plan A as set forth in the preliminary draft general plan supplement report of the Huntington District Engineer for the Levisa Fork Basin, Virginia and Kentucky, dated May 1995.

(2) RECREATIONAL COMPONENT.—The non-Federal interest shall be responsible for not more than 50 percent of the costs associated with the construction and implementation of the recreational component of the Haysi Dam feature.

(3) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), operation and maintenance of the Haysi Dam feature shall be carried out by the Secretary.

(B) PAYMENT OF COSTS.—The non-Federal interest shall be responsible for 100 percent of all costs associated with the operation and maintenance.

(4) ABILITY TO PAY.—Notwithstanding any other provision of law, the Secretary shall apply section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) to the construction of the Haysi Dam feature in the same manner as section 103(m) of the Act is applied to other projects or project features constructed under section 202 of the Energy and Water Development Appropriation Act, 1981 (Public Law 96–367; 94 Stat. 1339).

On page 84, line 5, strike ''(u)'' and insert ''(jj)''.

On page 84, line 13, strike ''(v)'' and insert ''(kk)''.

On page 84, line 20, strike ''perform'' and insert ''provide''.

On page 85, between lines 1 and 2, insert the following:

(a) BRANFORD HARBOR, CONNECTICUT.—

(1) IN GENERAL.—The 2,267 square foot portion of the project for navigation in the Branford River, Branford Harbor, Connecticut, authorized by the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved June 13, 1902 (32 Stat. 333), lying shoreward of a line described in paragraph (2), is deauthorized.

(2) DESCRIPTION OF LINE.—The line referred to in paragraph (1) is described as follows: beginning at a point on the authorized Federal navigation channel line the coordinates of which are N156,181.32, E581,572.38, running thence south 70 degrees, 11 minutes, 8 seconds west a distance of 171.58 feet to another point on the authorized Federal navigation channel line the coordinates of which are N156,123.16, E581,410.96.

On page 85, line 2, strike ''(a)'' and insert ''(b)''.

On page 85, line 21, strike ''(b)'' and insert ''(c)''.

On page 86, line 24, strike ''(c)'' and insert ''(d)''.

On page 89, line 1, strike ''(d)'' and insert ''(e)''.

On page 90, between lines 3 and 4, insert the following:

(f) STONY CREEK, CONNECTICUT.—The following portion of the project for navigation, Stony Creek, Connecticut, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), located in the 6-foot deep maneuvering basin, is deauthorized: beginning at coordinates N157,031.91, E599,030.79, thence running northeasterly about 221.16 feet to coordinates N157,191.06, E599,184.37, thence running northerly about 162.60 feet to coordinates N157,353.56, E599,189.99, thence running southwesterly about 358.90 feet to the point of beginning.

(g) THAMES RIVER, CONNECTICUT.—

(1) MODIFICATION.—The project for navigation, Thames River, Connecticut, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 30, 1935 (49 Stat. 1029), is modified to reconfigure the turning basin in accordance with the following alignment: beginning at a point on the eastern limit of the existing project, N251052.93, E783934.59, thence running north 5 degrees, 25 minutes, 21.3 seconds east 341.06 feet to a point, N251392.46, E783966.82, thence running north 47 degrees, 24 minutes, 14.0 seconds west 268.72 feet to a point, N251574.34, E783769.00, thence running north 88 degrees, 41 minutes, 52.2 seconds west 249.06 feet to a point, N251580.00, E783520.00, thence running south 46 degrees, 16 minutes, 22.9 seconds west 318.28 feet to a point, N251360.00, E783290.00, thence running south 19 degrees, 1 minute, 32.2 seconds east 306.76 feet to a point, N251070.00, E783390.00, thence running south 45 degrees, 0 minutes, 0 seconds, east 155.56 feet to a point, N250960.00, E783500.00 on the existing western limit.

(2) PAYMENT FOR INITIAL DREDGING.—Any required initial dredging of the widened portions identified in paragraph (1) shall be carried out at no cost to the Federal Government.

(3) DEAUTHORIZATION.—The portions of the turning basin that are not included in the reconfigured turning basin described in paragraph (1) are deauthorized.

On page 90, line 4, strike ''(e)'' and insert ''(h)''.

On page 91, line 10, strike ''(f)'' and insert ''(i)''.

On page 92, between lines 6 and 7, insert the following:

(j) COHASSET HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, Cohasset Harbor, Massachusetts, authorized by section 2 of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 2, 1945 (59 Stat. 12), or carried out pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C.

577), are deauthorized: a 7-foot deep anchorage and a 6-foot deep anchorage; beginning at site 1, beginning at a point N453510.15, E792664.63, thence running south 53 degrees 07 minutes 05.4 seconds west 307.00 feet to a point N453325.90, E792419.07, thence running north 57 degrees 56 minutes 36.8 seconds west 201.00 feet to a point N453432.58, E792248.72, thence running south 88 degrees 57 minutes 25.6 seconds west 50.00 feet to a point N453431.67, E792198.73, thence running north 01 degree 02 minutes 52.3 seconds west 66.71 feet to a point N453498.37, E792197.51, thence running north 69 degrees 12 minutes 52.3 seconds east 332.32 feet to a point N453616.30, E792508.20, thence running south 55 degrees 50 minutes 24.1 seconds east 189.05 feet to point of origin; then site 2, beginning at a point, N452886.64, E791287.83, thence running south 00 degrees 00 minutes 00.0 seconds west 56.04 feet to a point, N452830.60, E791287.83, thence running north 90 degrees 00 minutes 00.0 seconds west 101.92 feet to a point, N452830.60, E791185.91, thence running north 52 degrees 12 minutes 49.7 seconds east 89.42 feet to a point, N452885.39, E791256.58, thence running north 87 degrees 42 minutes 33.8 seconds east 31.28 feet to point of origin; and site 3, beginning at a point, N452261.08, E792040.24, thence running north 89 degrees 07 minutes 19.5 seconds east 118.78 feet to a point, N452262.90, E792159.01, thence running south 43 degrees 39 minutes 06.8 seconds west 40.27 feet to a point, N452233.76, E792131.21, thence running north 74 degrees 33 minutes 29.1 seconds west 94.42 feet to a point, N452258.90, E792040.20, thence running north 01 degree 03 minutes 04.3 seconds east 2.18 feet to point of origin.

On page 92, line 7, strike ''(g)'' and insert ''(k)''.

On page 92, between lines 14 and 15, insert the following:

(l) COCHECO RIVER, NEW HAMPSHIRE.—

(1) IN GENERAL.—The portion of the project for navigation, Cocheco River, New Hampshire, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved September 19, 1890 (26 Stat. 436), and consisting of a 7-foot deep channel that lies northerly of a line the coordinates of which are N255292.31, E713095.36, and N255334.51, E713138.01, is deauthorized.

(2) MAINTENANCE DREDGING.—Not later than 18 months after the date of enactment of this Act, the Secretary shall perform maintenance dredging for the remaining authorized portions of the Federal navigation channel under the project described in paragraph (1) to restore authorized channel dimensions.

(m) MORRISTOWN HARBOR, NEW YORK.—The portion of the project for navigation, Morristown Harbor, New York, authorized by the first section of the Act entitled ''An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved January 21, 1927 (44 Stat. 1014), that lies north of the northern boundary of Morris Street extended is deauthorized.

On page 92, line 15, strike ''(h)'' and insert ''(n)''.

Beginning on page 92, strike line 21 and all that follows through page 95, line 2, and insert the following:

(o) APPONAUG COVE, RHODE ISLAND.—The following portion of the project for navigation, Apponaug Cove, Rhode Island, authorized by section 101 of the River and Harbor Act of 1960 (Public Law 86–645; 74 Stat. 480), consisting of the 6-foot deep channel, is deauthorized: beginning at a point, N223269.93, E513089.12, thence running northwesterly to a point N223348.31, E512799.54, thence running southwesterly to a point N223251.78, E512773.41, thence running southeasterly to a point N223178.00, E513046.00, thence running northeasterly to the point of beginning.

(p) KICKAPOO RIVER, WISCONSIN.—

(1) PROJECT MODIFICATION.—The project for flood control and allied purposes, Kickapoo River, Wisconsin, authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1190), as modified by section 814 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4169), is further modified as provided by this subsection.

(2) TRANSFERS OF PROPERTY.—

(A) TRANSFER TO STATE OF WISCONSIN.—Subject to the requirements of this paragraph, the Secretary shall transfer to the State of Wisconsin, without consideration, all right, title, and interest of the United States in and to the lands described in subparagraph (E), including all works, structures, and other improvements to the lands, but excluding lands transferred under subparagraph (B).

(B) TRANSFER TO SECRETARY OF THE INTERIOR.—Subject to the requirements of this paragraph, on the date of the transfer under subparagraph (A), the Secretary shall transfer to the Secretary of the Interior, without consideration, all right, title, and interest of the United States in and to lands that are culturally and religiously significant sites of the Ho-Chunk Nation (a federally recognized Indian tribe) and are located within the lands described in subparagraph (E). The lands shall be described in accordance with subparagraph (C)(ii)(I) and may not exceed a total of 1,200 acres.

(C) TERMS AND CONDITIONS.—

(i) IN GENERAL.—The Secretary shall make the transfers under subparagraphs (A) and (B) only if—

(I) the State of Wisconsin enters into a written agreement with the Secretary to hold the United States harmless from all claims arising from or through the operation of lands and improvements subject to the transfer under subparagraph (A); and

(II) on or before October 30, 1997, the State of Wisconsin enters into and submits to the Secretary a memorandum of understanding, as specified in clause (ii), with the tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) of the Ho-Chunk Nation.

(ii) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding referred to in clause (i)(II) shall contain, at a minimum, the following:

(I) A description of sites and associated lands to be transferred to the Secretary of the Interior under subparagraph (B).

(II) An agreement specifying that the lands transferred under subparagraphs (A) and (B) shall be preserved in a natural state and developed only to the extent necessary to enhance outdoor recreational and educational opportunities.

(III) An agreement specifying the terms and conditions of a plan for the management of the lands to be transferred under subparagraphs (A) and (B).

(IV) A provision requiring a review of the plan referred to in subclause (III) to be conducted every 10 years under which the State of Wisconsin, acting through the Kickapoo Valley Governing Board, and the Ho-Chunk Nation may agree to revisions of the plan in order to address changed circumstances on the lands transferred under subparagraphs (A) and (B). The provision may include a plan for the transfer to the Secretary of the Interior of any additional site discovered to be culturally and religiously significant to the Ho-Chunk Nation.

(V) An agreement preventing or limiting the public disclosure of the location or existence of each site of particular cultural or religious significance to the Ho-Chunk Nation, if public disclosure would jeopardize the cultural or religious integrity of the site.

(D) ADMINISTRATION OF LANDS.—The lands transferred to the Secretary of the Interior under subparagraph (B), and any lands transferred to the Secretary of the Interior under the memorandum of understanding entered into under subparagraph (C), or under any revision of the memorandum of understanding agreed to under subparagraph (C)(ii)(IV), shall be held in trust by the United States for, and added to and administered as part of the reservation of, the Ho-Chunk Nation.

(E) LAND DESCRIPTION.—The lands referred to in subparagraphs (A) and (B) are the approximately 8,569 acres of land associated with the LaFarge Dam and Lake portion of the project referred to in paragraph (1) in Vernon County, Wisconsin, in the following sections:

(i) Section 31, Township 14 North, Range 1 West of the 4th Principal Meridian.

(ii) Sections 2 through 11, and 16, 17, 20, and 21, Township 13 North, Range 2 West of the 4th Principal Meridian.

(iii) Sections 15, 16, 21 through 24, 26, 27, 31, and 33 through 36, Township 14 North, Range 2 West of the 4th Principal Meridian.

(3) TRANSFER OF FLOWAGE EASEMENTS.—The Secretary shall transfer to the owner of the servient estate, without consideration, all right, title, and interest of the United States in and to each flowage easement acquired as part of the project referred to in paragraph (1) within Township 14 North, Range 2 West of the 4th Principal Meridian, Vernon County, Wisconsin.

(4) DEAUTHORIZATION.—The LaFarge Dam and Lake portion of the project referred to in paragraph (1) is not authorized after the date of the transfers under paragraph (2).

(5) INTERIM MANAGEMENT AND MAINTENANCE.—The Secretary shall continue to manage and maintain the LaFarge Dam and Lake portion of the project referred to in paragraph (1) until the date of the transfers under paragraph (2).

On page 95, between lines 3 and 4, insert the following:

(a) RED RIVER, ARKANSAS.—The Secretary shall—

(1) conduct a study to determine the feasibility of carrying out a project to permit navigation on the Red River in southwest Arkansas; and

(2) in conducting the study, analyze regional economic benefits that were not included in the limited economic analysis contained in the reconnaissance report for the project dated November 1995.

On page 95, line 4, strike ''(a)'' and insert ''(b)''.

On page 95, line 14, strike ''(b)'' and insert ''(c)''.

On page 96, line 4, strike ''(c)'' and insert ''(d)''.

On page 96, line 12, strike ''(d)'' and insert ''(e)''.

On page 96, line 21, strike ''(e)'' and insert ''(f)''.

On page 97, line 3, strike ''(f)'' and insert ''(g)''.

On page 97, line 9, strike ''(g)'' and insert ''(h)''.

On page 97, line 14, strike ''(h)'' and insert ''(i)''.

On page 98, line 6, strike ''(i)'' and insert ''(j)''.

On page 98, line 13, strike ''(j)'' and insert ''(k)''.

On page 98, line 19, strike ''(k)'' and insert ''(l)''.

On page 98, line 24, strike ''(l)'' and insert ''(m)''.

On page 99, line 4, strike ''(m)'' and insert ''(n)''.

On page 99, line 18, strike ''(n)'' and insert ''(o)''.

On page 99, line 22, strike ''(o)'' and insert ''(p)''.

On page 100, line 3, strike ''(p)'' and insert ''(q)''.

On page 100, line 12, strike ''(q)'' and insert ''(r)''.

On page 100, line 23, strike ''(r)'' and insert ''(s)''.

On page 101, between lines 4 and 5, insert the following:

(t) WILLAMETTE RIVER, OREGON.—The Secretary shall conduct a study to determine the Federal interest in carrying out a nonstructural flood control project along the Willamette River, Oregon, for the purposes of floodplain and ecosystem restoration.

(u) LACKAWANNA RIVER AT SCRANTON, PENNSYLVANIA.—Not later than 90 days after the date of enactment of this Act, the Secretary shall—

(1) review the report entitled ''Report of the Chief of Engineers: Lackawanna River at Scranton, Pennsylvania'', dated June 29, 1992, to determine whether changed conditions in the Diamond Plot and Green Ridge sections, Scranton, Pennsylvania, would result in an economically justified flood damage reduction project at those locations; and

(2) submit to Congress a report on the results of the review.

(v) CHARLESTON, SOUTH CAROLINA.—The Secretary shall conduct a study of the Charleston, South Carolina, estuary area located in Charleston, Berkeley, and Dorchester Counties, South Carolina, for the purpose of evaluating environmental conditions in the tidal reaches of the Ashley, Cooper, Stono, and Wando Rivers and the lower portions of Charleston Harbor.

On page 101, line 5, strike ''(s)'' and insert ''(w)''.

On page 101, line 6, strike ''The'' and insert ''Not later than 2 years after the date of enactment of this Act, the''.

On page 101, line 11, strike ''and''.

On page 102, line 5, strike the period and insert a semicolon.

On page 102, between lines 5 and 6, insert the following:

(3) use other non-Federal engineering analyses and related studies in determining the feasibility of sediment removal and control as described in paragraph (1); and

(4) credit the costs of the non-Federal engineering analyses and studies referred to in paragraphs (2) and (3) toward the non-Federal share of the feasibility study conducted under paragraph (1).

(x) MUSTANG ISLAND, CORPUS CHRISTI, TEXAS.—The Secretary shall conduct a study of navigation along the south-central coast of Texas near Corpus Christi for the purpose of determining the feasibility of constructing and maintaining the Packery Channel on the southern portion of Mustang Island.

On page 102, line 6, strike ''(t)'' and insert ''(y)''.

On page 102, between lines 8 and 9, insert the following:

(z) PRINCE WILLIAM COUNTY, VIRGINIA.—The Secretary shall conduct a study of flooding, erosion, and other water resource problems in Prince William County, Virginia, including an assessment of the wetland protection, erosion control, and flood damage reduction needs of the county.

(aa) PACIFIC REGION.—The Secretary shall conduct studies in the interest of navigation in the part of the Pacific Region that includes American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands. For the purpose of this subsection, the cost-sharing requirements of section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215) shall apply.

(bb) MORGANZA, LOUISIANA TO THE GULF OF MEXICO.—

(1) STUDY.—The Secretary shall conduct a study of the environmental, flood control and navigational impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall flood damage prevention study currently being conducted under the Morganza, Louisiana to the Gulf of Mexico feasibility study. In preparing such study, the Secretary shall consult the South Terreboone Tidewater Management and Conservation District and consider the District's Preliminary Design Document, dated February 1994. Further, the Secretary shall evaluate the findings of the Coastal Wetlands Planning, Protection and Restoration Federal Task Force, as authorized by P.L. 101–646, relating to the lock structure.

(2) REPORT.—The Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with recommendations on immediate implementation not later than 6 months after the enactment of this Act.

On page 102, between lines 10 and 11, insert the following:

SEC. 201. GRAND PRAIRIE REGION AND BAYOU METO BASIN, ARKANSAS.

The project for flood control and water supply, Grand Prairie Region and Bayou Meto Basin, Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 174) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)), is authorized to be carried out by the Secretary if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress that—

(1) describes necessary modifications to the project that are consistent with the functions of the Army Corps of Engineers; and

(2) contains recommendations concerning which Federal agencies (such as the Natural Resources Conservation Service, the United States Fish and Wildlife Service, the Bureau of Reclamation, and the United States Geological Survey) are most appropriate to have responsibility for carrying out the project.

On page 102, line 11, strike ''**201**'' and insert ''**202**''.

On page 103, line 1, strike ''**202**'' and insert ''**203**''.

On page 103, line 10, strike ''**203**'' and insert ''**204**''.

On page 103, line 22, strike ''**204**'' and insert ''**205**''.

On page 104, line 8, strike ''$121,000,000'' and insert ''$156,000,000''.

On page 104, line 21, strike ''**205**'' and insert ''**206**''.

On page 105, between lines 18 and 19, insert the following:

SEC. 207. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) DEVELOP.—The term ''develop'' means any preconstruction or land acquisition planning activity.

(2) SOUTH FLORIDA ECOSYSTEM.—The term ''South Florida ecosystem'' means the Florida Everglades restoration area that includes lands and waters within the boundary of the South Florida Water Management District, the Florida Keys, and the near-shore coastal waters of South Florida.

(3) TASK FORCE.—The term ''Task Force'' means the South Florida Ecosystem Restoration Task Force established by subsection (c).

(b) SOUTH FLORIDA ECOSYSTEM RESTORATION.—

(1) MODIFICATIONS TO CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) DEVELOPMENT.—The Secretary shall, if necessary, develop modifications to the project for Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176), to restore, preserve, and protect the South Florida ecosystem and to provide for the water-related needs of the region.

(B) CONCEPTUAL PLAN.—

(i) IN GENERAL.—The modifications under subparagraph (A) shall be set forth in a conceptual plan prepared in accordance with clause (ii) and adopted by the Task Force (referred to in this section as the ''conceptual plan'').

(ii) BASIS FOR CONCEPTUAL PLAN.—The conceptual plan shall be based on the recommendations specified in the draft report entitled ''Conceptual Plan for the Central and Southern Florida Project Restudy'', published by the Governor's Commission for a Sustainable South Florida and dated June 4, 1996.

(C) INTEGRATION OF OTHER ACTIVITIES.—Restoration, preservation, and protection of the South Florida ecosystem shall include a comprehensive science-based approach that integrates ongoing Federal and State efforts, including—

(i) the project for the ecosystem restoration of the Kissimmee River, Florida, authorized by section 101 of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4802);

(ii) the project for flood protection, West Palm Beach Canal, Florida (canal C–51), authorized by section 203 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1183), as modified by section 205 of this Act;

(iii) the project for modifications to improve water deliveries into Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8);

(iv) the project for Central and Southern Florida authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), as modified by section 204 of this Act;

(v) activities under the Florida Keys National Marine Sanctuary and Protection Act (Public Law 101–65; 16 U.S.C. 1433 note); and

(vi) the Everglades construction project implemented by the State of Florida under the Everglades Forever Act of the State of Florida.

(2) IMPROVEMENT OF WATER MANAGEMENT FOR ECOSYSTEM RESTORATION.—The improvement of water management, including improvement of water quality for ecosystem restoration, preservation, and protection, shall be an authorized purpose of the Central and Southern Florida project referred to in paragraph (1)(A). Project features necessary to improve water management, including features necessary to provide water to restore, protect, and preserve the South Florida ecosystem, shall be included in any modifications to be developed for the project under paragraph (1).

(3) SUPPORT PROJECTS.—The Secretary may develop support projects and other facilities necessary to promote an adaptive management approach to implement the modifications authorized to be developed by paragraphs (1) and (2).

(4) INTERIM IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Before the Secretary implements a component of the conceptual plan, including a support project or other facility under paragraph (3), the Jacksonville District Engineer shall submit an interim implementation report to the Task Force for review.

(B) CONTENTS.—Each interim implementation report shall document the costs, benefits, impacts, technical feasibility, and cost-

effectiveness of the component and, as appropriate, shall include documentation of environmental effects prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) ENDORSEMENT BY TASK FORCE.—

(i) IN GENERAL.—If the Task Force endorses the interim implementation report of the Jacksonville District Engineer for a component, the Secretary shall submit the report to Congress.

(ii) COORDINATION REQUIREMENTS.—Endorsement by the Task Force shall be deemed to fulfill the coordination requirements under the first section of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (33 U.S.C. 701–1).

(5) AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall not initiate construction of a component until such time as a law is enacted authorizing construction of the component.

(B) DESIGN.—The Secretary may continue to carry out detailed design of a component after the date of submission to Congress of the interim implementation report recommending the component.

(6) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of the costs of preparing interim implementation reports under paragraph (4) and implementing the modifications (including the support projects and other facilities) authorized to be developed by this subsection shall be 50 percent.

(B) WATER QUALITY FEATURES.—

(i) IN GENERAL.—Subject to clause (ii), the non-Federal share of the cost of project features necessary to improve water quality under paragraph (2) shall be 100 percent.

(ii) CRITICAL FEATURES.—If the Task Force determines, by resolution accompanying endorsement of an interim implementation report under paragraph (4), that the project features described in clause (i) are critical to ecosystem restoration, the Federal share of the cost of the features shall be 50 percent.

(C) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interests for the Federal share of any reasonable costs that the non-Federal interests incur in acquiring land for any component authorized by law under paragraph (5) if the land acquisition has been endorsed by the Task Force and supported by the Secretary.

(c) SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.—

(1) ESTABLISHMENT AND MEMBERSHIP.—There is established the South Florida Ecosystem Restoration Task Force, which shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of assistant secretary or an equivalent level):

(A) The Secretary of the Interior, who shall serve as chairperson of the Task Force.

(B) The Secretary of Commerce.

(C) The Secretary.

(D) The Attorney General.

(E) The Administrator of the Environmental Protection Agency.

(F) The Secretary of Agriculture.

(G) The Secretary of Transportation.

(H) 1 representative of the Miccosukee Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(I) 1 representative of the Seminole Tribe of Indians of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the tribal chairman.

(J) 3 representatives of the State of Florida, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(K) 2 representatives of the South Florida Water Management District, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(L) 2 representatives of local governments in the South Florida ecosystem, to be appointed by the Secretary of the Interior from recommendations submitted by the Governor of the State of Florida.

(2) DUTIES.—

(A) IN GENERAL.—The Task Force shall—

(i)(I) coordinate the development of consistent policies, strategies, plans, programs, and priorities for addressing the restoration, protection, and preservation of the South Florida ecosystem; and

(II) develop a strategy and priorities for implementing the components of the conceptual plan;

(ii) review programs, projects, and activities of agencies and entities represented on the Task Force to promote the objectives of ecosystem restoration and maintenance;

(iii) refine and provide guidance concerning the implementation of the conceptual plan;

(iv)(I) periodically review the conceptual plan in light of current conditions and new information and make appropriate modifications to the conceptual plan; and

(II) submit to Congress a report on each modification to the conceptual plan under subclause (I);

(v) establish a Florida-based working group, which shall include representatives of the agencies and entities represented on the Task Force and other entities as appropriate, for the purpose of recommending policies, strategies, plans, programs, and priorities to the Task Force;

(vi) prepare an annual cross-cut budget of the funds proposed to be expended by the agencies, tribes, and governments represented on the Task Force on the restoration, preservation, and protection of the South Florida ecosystem; and

(vii) submit a biennial report to Congress that summarizes the activities of the Task Force and the projects, policies, strategies, plans, programs, and priorities planned, developed, or implemented for restoration of the South Florida ecosystem and progress made toward the restoration.

(B) AUTHORITY TO ESTABLISH ADVISORY SUBCOMMITTEES.—The Task Force and the working group established under subparagraph (A)(v) may establish such other advisory subcommittees as are necessary to assist the Task Force in carrying out its duties, including duties relating to public policy and scientific issues.

(3) DECISIONMAKING.—Each decision of the Task Force shall be made by majority vote of the members of the Task Force.

(4) APPLICATION OF THE FEDERAL ADVISORY COMMITTEE ACT.—

(A) CHARTER; TERMINATION.—The Task Force shall not be subject to sections 9(c) and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) NOTICE OF MEETINGS.—The Task Force shall be subject to section 10(a)(2) of the Act, except that the chairperson of the Task Force is authorized to use a means other than publication in the Federal Register to provide notice of a public meeting and provide an equivalent form of public notice.

(5) COMPENSATION.—A member of the Task Force shall receive no compensation for the service of the member on the Task Force.

(6) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Task Force in the performance of services for the Task Force shall be paid by the agency, tribe, or government that the member represents.

SEC. 208. ARKANSAS CITY AND WINFIELD, KANSAS.

Notwithstanding any other provision of law, for the purpose of commencing construction of the project for flood control, Arkansas City, Kansas, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4116), and the project for flood control, Winfield, Kansas, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298; 79 Stat. 1078), the project cooperation agreements for the projects, as submitted by the District Office of the Army Corps of Engineers, Tulsa, Oklahoma, shall be deemed to be approved by the Assistant Secretary of the Army having responsibility for civil works and the Tulsa District Commander as of September 30, 1996, if the approvals have not been granted by that date.

SEC. 209. MISSISSIPPI RIVER-GULF OUTLET, LOUISIANA.

Section 844 of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4177) is amended by adding at the end the following:

''(c) COMMUNITY IMPACT MITIGATION PLAN.—Using funds made available under subsection (a), the Secretary shall implement a comprehensive community impact mitigation plan, as described in the evaluation report of the New Orleans District Engineer dated August 1995, that, to the maximum extent practicable, provides for mitigation or compensation, or both, for the direct and indirect social and cultural impacts that the project described in subsection (a) will have on the affected areas referred to in subsection (b).''.

SEC. 210. COLDWATER RIVER WATERSHED, MISSISSIPPI.

Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate all remaining work associated with the Coldwater River Watershed Demonstration Erosion Control Project, as authorized by Public Law 98–8 (97 Stat. 13).

On page 105, line 19, strike ''**206**'' and insert ''**211**''.

On page 106, line 8, strike ''**207**'' and insert ''**212**''.

On page 106, between lines 14 and 15, insert the following:

SEC. 213. YALOBUSHA RIVER WATERSHED, MISSISSIPPI.

The project for flood control at Grenada Lake, Mississippi, shall be extended to include the Yalobusha River Watershed (including the Toposhaw Creek), at a total cost of not to exceed $3,800,000. The Federal share of the cost of flood control on the extended project shall be 75 percent.

On page 106, line 15, strike ''**208**'' and insert ''**214**''.

On page 107, line 4, strike ''**209**'' and insert ''**215**''.

On page 107, line 11, strike ''**210**'' and insert ''**216**''.

On page 108, line 1, strike ''**211**'' and insert ''**217**''.

Beginning on page 108, strike line 7 and all that follows through page 109, line 25, and insert the following:

SEC. 218. QUEENS COUNTY, NEW YORK.

(a) DESCRIPTION OF NONNAVIGABLE AREA.—Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

(1) is not submerged;

(2) lies between the southerly high water line (as of the date of enactment of this Act) of Anable Basin (also known as the ''11th Street Basin'') and the northerly high water line (as of the date of enactment of this Act) of Newtown Creek; and

(3) extends from the high water line (as of the date of enactment of this Act) of the

East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) REQUIREMENT THAT AREA BE IMPROVED.—

(1) IN GENERAL.—The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) APPLICABILITY OF FEDERAL LAW.—Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

(A) sections 9 and 10 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved March 3, 1899 (33 U.S.C. 401 and 403);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) EXPIRATION DATE.—The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

(1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after the date of enactment of this Act; or

(2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the improvement is not commenced by the date that is 5 years after the date of issuance of the permit.

SEC. 219. BUFORD TRENTON IRRIGATION DISTRICT, NORTH DAKOTA AND MONTANA.

(a) ACQUISITION OF EASEMENTS.—

(1) IN GENERAL.—The Secretary shall acquire, from willing sellers, permanent flowage and saturation easements over—

(A) the land in Williams County, North Dakota, extending from the riverward margin of the Buford Trenton Irrigation District main canal to the north bank of the Missouri River, beginning at the Buford Trenton Irrigation District pumping station located in the NE¼ of section 17, T–152–N, R–104–W, and continuing northeasterly downstream to the land referred to as the East Bottom; and

(B) any other land outside the boundaries of the land described in subparagraph (A) within or contiguous to the boundaries of the Buford-Trenton Irrigation District that has been affected by rising ground water and the risk of surface flooding.

(2) SCOPE.—The easements acquired by the Secretary under paragraph (1) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the lands and such other terms and conditions as the Secretary considers appropriate.

(3) PAYMENT.—In acquiring the easements under paragraph (1), the Secretary shall pay an amount based on the unaffected fee value of the lands to be acquired by the Federal Government. For the purpose of this paragraph, the unaffected fee value of the lands is the value of the lands as if the lands had not been affected by rising ground water and the risk of surface flooding.

(b) CONVEYANCE OF DRAINAGE PUMPS.—Notwithstanding any other law, the Secretary shall—

(1) convey to the Buford Trenton Irrigation District all right, title, and interest of the United States in the drainage pumps located within the boundaries of the District; and

(2) provide a lump-sum payment of $60,000 for power requirements associated with the operation of the drainage pumps.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $34,000,000, to remain available until expended.

SEC. 220. JAMESTOWN DAM AND PIPESTEM DAM, NORTH DAKOTA.

(a) REVISIONS TO WATER CONTROL MANUALS.—In consultation with the State of South Dakota and the James River Water Development District, the Secretary shall review and consider revisions to the water control manuals for the Jamestown Dam and Pipestem Dam, North Dakota, to modify operation of the dams so as to reduce the magnitude and duration of flooding and inundation of land located within the 10-year floodplain along the James River in South Dakota.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) complete a study to determine the feasibility of providing flood protection for the land referred to in subsection (a); and

(B) submit a report on the study to Congress.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider all reasonable project-related and other options.

On page 110, line 1, strike ''**213**'' and insert ''**221**''.

On page 110, line 17, strike ''**214**'' and insert ''**222**''.

On page 111, line 1, strike ''**215**'' and insert ''**223**''.

On page 111, line 16, strike ''**216**'' and insert ''**224**''.

On page 112, line 1, strike ''**217**'' and insert ''**225**''.

On page 112, line 23, strike ''**218**'' and insert ''**226**''.

On page 113, strike lines 6 and 7 and insert the following:

SEC. 227. VIRGINIA BEACH, VIRGINIA.

(a) ADJUSTMENT OF NON-FEDERAL SHARE.—Notwithstanding any other provision of law, the non-Federal share

On page 113, between lines 19 and 20, insert the following:

(b) EXTENSION OF FEDERAL PARTICIPATION.—

(1) IN GENERAL.—In accordance with section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), the Secretary shall extend Federal participation in the periodic nourishment of Virginia Beach as authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1254) and modified by section 101 of the River and Harbor Act of 1962 (Public Law 87–874; 76 Stat. 1177).

(2) DURATION.—Federal participation under paragraph (1) shall extend until the earlier of—

(A) the end of the 50-year period provided for in section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f); and

(B) the completion of the project for beach erosion control and hurricane protection, Virginia Beach, Virginia, as modified by section 102(cc) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4810).

On page 115, strike lines 21 through 25 and insert the following:

SEC. 303. NATIONAL DAM SAFETY PROGRAM.

(a) FINDINGS.—Congress finds that—

(1)(A) dams are an essential part of the national infrastructure;

(B) dams fail from time to time with catastrophic results; and

(C) dam safety is a vital public concern;

(2) dam failures have caused, and may cause in the future, loss of life, injury, destruction of property, and economic and social disruption;

(3)(A) some dams are at or near the end of their structural, useful, or operational life; and

(B) the loss, destruction, and disruption resulting from dam failures can be substantially reduced through the development and implementation of dam safety hazard reduction measures, including—

(i) improved design and construction standards and practices supported by a national dam performance resource bank located at Stanford University in California;

(ii) safe operation and maintenance procedures;

(iii) early warning systems;

(iv) coordinated emergency preparedness plans; and

(v) public awareness and involvement programs;

(4)(A) dam safety problems persist nationwide;

(B) while dam safety is principally a State responsibility, the diversity in Federal and State dam safety programs calls for national leadership in a cooperative effort involving the Federal Government, State governments, and the private sector; and

(C) an expertly staffed and adequately financed dam safety hazard reduction program, based on Federal, State, local, and private research, planning, decisionmaking, and contributions, would reduce the risk of the loss, destruction, and disruption resulting from dam failure by an amount far greater than the cost of the program;

(5)(A) there is a fundamental need for a national program for dam safety hazards reduction, and the need will continue; and

(B) to be effective, such a national program will require input from, and review by, Federal and non-Federal experts in—

(i) dam design, construction, operation, and maintenance; and

(ii) the practical application of dam failure hazard reduction measures;

(6) as of the date of enactment of this Act—

(A) there is no national dam safety program; and

(B) the coordinating authority for national leadership concerning dam safety is provided through the dam safety program of the Federal Emergency Management Agency established under Executive Order 12148 (50 U.S.C. App. 2251 note) in coordination with members of the Interagency Committee on Dam Safety and with States; and

(7) while the dam safety program of FEMA is a proper Federal undertaking, should continue, and should provide the foundation for a national dam safety program, statutory authority is needed—

(A) to meet increasing needs and to discharge Federal responsibilities in dam safety;

(B) to strengthen the leadership role of FEMA;

(C) to codify the national dam safety program;

(D) to authorize the Director of FEMA to communicate directly with Congress on authorizations and appropriations; and

(E) to build on the hazard reduction aspects of dam safety.

(b) PURPOSE.—The purpose of this section is to reduce the risks to life and property from dam failure in the United States through the establishment and maintenance of an effective national dam safety program

to bring together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

(c) DAM SAFETY PROGRAM.—Public Law 92–367 (33 U.S.C. 467 et seq.) is amended—

(1) by striking the first section and inserting the following:

"SECTION 1. SHORT TITLE.

''This Act may be cited as the 'National Dam Safety Program Act'.'';

(2) by striking sections 5 and 7 through 14;

(3) by redesignating sections 2, 3, 4, and 6 as sections 3, 4, 5, and 11, respectively;

(4) by inserting after section 1 (as amended by paragraph (1)) the following:

"SEC. 2. DEFINITIONS.

''In this Act:

''(1) BOARD.—The term 'Board' means a National Dam Safety Review Board established under section 8(h).

''(2) DAM.—The term 'dam'—

''(A) means any artificial barrier that has the ability to impound water, wastewater, or any liquid-borne material, for the purpose of storage or control of water, that—

''(i) is 25 feet or more in height from—

''(I) the natural bed of the stream channel or watercourse measured at the downstream toe of the barrier; or

''(II) if the barrier is not across a stream channel or watercourse, from the lowest elevation of the outside limit of the barrier;

to the maximum water storage elevation; or

''(ii) has an impounding capacity for maximum storage elevation of 50 acre-feet or more; but

''(B) does not include—

''(i) a levee; or

''(ii) a barrier described in subparagraph (A) that—

''(I) is 6 feet or less in height regardless of storage capacity; or

''(II) has a storage capacity at the maximum water storage elevation that is 15 acre-feet or less regardless of height;

unless the barrier, because of the location of the barrier or another physical characteristic of the barrier, is likely to pose a significant threat to human life or property if the barrier fails (as determined by the Director).

''(3) DIRECTOR.—The term 'Director' means the Director of FEMA.

''(4) FEDERAL AGENCY.—The term 'Federal agency' means a Federal agency that designs, finances, constructs, owns, operates, maintains, or regulates the construction, operation, or maintenance of a dam.

''(5) FEDERAL GUIDELINES FOR DAM SAFETY.—The term 'Federal Guidelines for Dam Safety' means the FEMA publication, numbered 93 and dated June 1979, that defines management practices for dam safety at all Federal agencies.

''(6) FEMA.—The term 'FEMA' means the Federal Emergency Management Agency.

''(7) HAZARD REDUCTION.—The term 'hazard reduction' means the reduction in the potential consequences to life and property of dam failure.

''(8) ICODS.—The term 'ICODS' means the Interagency Committee on Dam Safety established by section 7.

''(9) PROGRAM.—The term 'Program' means the national dam safety program established under section 8.

''(10) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

''(11) STATE DAM SAFETY AGENCY.—The term 'State dam safety agency' means a State agency that has regulatory authority over the safety of non-Federal dams.

''(12) STATE DAM SAFETY PROGRAM.—The term 'State dam safety program' means a State dam safety program approved and assisted under section 8(f).

''(13) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.'';

(5) in section 3 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 3. As'' and inserting the following:

"SEC. 3. INSPECTION OF DAMS.

''(a) IN GENERAL.—As''; and

(B) by adding at the end the following:

''(b) STATE PARTICIPATION.—On request of a State dam safety agency, with respect to any dam the failure of which would affect the State, the head of a Federal agency shall—

''(1) provide information to the State dam safety agency on the construction, operation, or maintenance of the dam; or

''(2) allow any official of the State dam safety agency to participate in the Federal inspection of the dam.'';

(6) in section 4 (as redesignated by paragraph (3)), by striking ''SEC. 4. As'' and inserting the following:

"SEC. 4. INVESTIGATION REPORTS TO GOVERNORS.

''As'';

(7) in section 5 (as redesignated by paragraph (3)), by striking ''SEC. 5. For'' and inserting the following:

"SEC. 5. DETERMINATION OF DANGER TO HUMAN LIFE AND PROPERTY.

''For'';

(8) by inserting after section 5 (as redesignated by paragraph (3)) the following:

"SEC. 6. NATIONAL DAM INVENTORY.

''The Secretary of the Army, acting through the Chief of Engineers, may maintain and periodically publish updated information on the inventory of dams in the United States.

"SEC. 7. INTERAGENCY COMMITTEE ON DAM SAFETY.

''(a) ESTABLISHMENT.—There is established an Interagency Committee on Dam Safety—

''(1) comprised of a representative of each of the Department of Agriculture, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of Labor, FEMA, the Federal Energy Regulatory Commission, the Nuclear Regulatory Commission, the Tennessee Valley Authority, and the United States Section of the International Boundary Commission; and

''(2) chaired by the Director.

''(b) DUTIES.—ICODS shall encourage the establishment and maintenance of effective Federal and State programs, policies, and guidelines intended to enhance dam safety for the protection of human life and property through—

''(1) coordination and information exchange among Federal agencies and State dam safety agencies; and

''(2) coordination and information exchange among Federal agencies concerning implementation of the Federal Guidelines for Dam Safety.

"SEC. 8. NATIONAL DAM SAFETY PROGRAM.

''(a) IN GENERAL.—The Director, in consultation with ICODS and State dam safety agencies, and the Board shall establish and maintain, in accordance with this section, a coordinated national dam safety program. The Program shall—

''(1) be administered by FEMA to achieve the objectives set forth in subsection (c);

''(2) involve, to the extent appropriate, each Federal agency; and

''(3) include—

''(A) each of the components described in subsection (d);

''(B) the implementation plan described in subsection (e); and

''(C) assistance for State dam safety programs described in subsection (f).

''(b) DUTIES.—The Director shall—

''(1) not later than 270 days after the date of enactment of this paragraph, develop the implementation plan described in subsection (e);

''(2) not later than 300 days after the date of enactment of this paragraph, submit to the appropriate authorizing committees of Congress the implementation plan described in subsection (e); and

''(3) by regulation, not later than 360 days after the date of enactment of this paragraph—

''(A) develop and implement the Program;

''(B) establish goals, priorities, and target dates for implementation of the Program; and

''(C) to the extent feasible, provide a method for cooperation and coordination with, and assistance to, interested governmental entities in all States.

''(c) OBJECTIVES.—The objectives of the Program are to—

''(1) ensure that new and existing dams are safe through the development of technologically and economically feasible programs and procedures for national dam safety hazard reduction;

''(2) encourage acceptable engineering policies and procedures to be used for dam site investigation, design, construction, operation and maintenance, and emergency preparedness;

''(3) encourage the establishment and implementation of effective dam safety programs in each State based on State standards;

''(4) develop and encourage public awareness projects to increase public acceptance and support of State dam safety programs;

''(5) develop technical assistance materials for Federal and non-Federal dam safety programs; and

''(6) develop mechanisms with which to provide Federal technical assistance for dam safety to the non-Federal sector.

''(d) COMPONENTS.—

''(1) IN GENERAL.—The Program shall consist of—

''(A) a Federal element and a non-Federal element; and

''(B) leadership activity, technical assistance activity, and public awareness activity.

''(2) ELEMENTS.—

''(A) FEDERAL.—The Federal element shall incorporate the activities and practices carried out by Federal agencies under section 7 to implement the Federal Guidelines for Dam Safety.

''(B) NON-FEDERAL.—The non-Federal element shall consist of—

''(i) the activities and practices carried out by States, local governments, and the private sector to safely build, regulate, operate, and maintain dams; and

''(ii) Federal activities that foster State efforts to develop and implement effective programs for the safety of dams.

''(3) FUNCTIONAL ACTIVITIES.—

''(A) LEADERSHIP.—The leadership activity shall be the responsibility of FEMA and shall be exercised by chairing ICODS to coordinate Federal efforts in cooperation with State dam safety officials.

''(B) TECHNICAL ASSISTANCE.—The technical assistance activity shall consist of the transfer of knowledge and technical information among the Federal and non-Federal elements described in paragraph (2).

''(C) PUBLIC AWARENESS.—The public awareness activity shall provide for the education of the public, including State and local officials, in the hazards of dam failure, methods of reducing the adverse consequences of dam failure, and related matters.

''(e) IMPLEMENTATION PLAN.—The Director shall—

''(1) develop an implementation plan for the Program that shall set, through fiscal year 2001, year-by-year targets that demonstrate improvements in dam safety; and

''(2) recommend appropriate roles for Federal agencies and for State and local units of government, individuals, and private organizations in carrying out the implementation plan.

''(f) ASSISTANCE FOR STATE DAM SAFETY PROGRAMS.—

''(1) IN GENERAL.—To encourage the establishment and maintenance of effective State programs intended to ensure dam safety, to protect human life and property, and to improve State dam safety programs, the Director shall provide assistance with amounts made available under section 12 to assist States in establishing and maintaining dam safety programs—

''(A) in accordance with the criteria specified in paragraph (2); and

''(B) in accordance with more advanced requirements and standards established by the Board and the Director with the assistance of established criteria such as the Model State Dam Safety Program published by FEMA, numbered 123 and dated April 1987, and amendments to the Model State Dam Safety Program.

''(2) CRITERIA.—For a State to be eligible for primary assistance under this subsection, a State dam safety program must be working toward meeting the following criteria, and for a State to be eligible for advanced assistance under this subsection, a State dam safety program must meet the following criteria and be working toward meeting the advanced requirements and standards established under paragraph (1)(B):

''(A) AUTHORIZATION.—For a State to be eligible for assistance under this subsection, a State dam safety program must be authorized by State legislation to include, at a minimum—

''(i) the authority to review and approve plans and specifications to construct, enlarge, modify, remove, and abandon dams;

''(ii) the authority to perform periodic inspections during dam construction to ensure compliance with approved plans and specifications;

''(iii) a requirement that, on completion of dam construction, State approval must be given before operation of the dam;

''(iv)(I) the authority to require or perform the inspection, at least once every 5 years, of all dams and reservoirs that would pose a significant threat to human life and property in case of failure to determine the continued safety of the dams and reservoirs; and

''(II) a procedure for more detailed and frequent safety inspections;

''(v) a requirement that all inspections be performed under the supervision of a State-registered professional engineer with related experience in dam design and construction;

''(vi) the authority to issue notices, when appropriate, to require owners of dams to perform necessary maintenance or remedial work, revise operating procedures, or take other actions, including breaching dams when necessary;

''(vii) regulations for carrying out the legislation of the State described in this subparagraph;

''(viii) provision for necessary funds—

''(I) to ensure timely repairs or other changes to, or removal of, a dam in order to protect human life and property; and

''(II) if the owner of the dam does not take action described in subclause (I), to take appropriate action as expeditiously as practicable;

''(ix) a system of emergency procedures to be used if a dam fails or if the failure of a dam is imminent; and

''(x) an identification of—

''(I) each dam the failure of which could be reasonably expected to endanger human life;

''(II) the maximum area that could be flooded if the dam failed; and

''(III) necessary public facilities that would be affected by the flooding.

''(B) FUNDING.—For a State to be eligible for assistance under this subsection, State appropriations must be budgeted to carry out the legislation of the State under subparagraph (A).

''(3) WORK PLANS.—The Director shall enter into a contract with each State receiving assistance under paragraph (2) to develop a work plan necessary for the State dam safety program of the State to reach a level of program performance specified in the contract.

''(4) MAINTENANCE OF EFFORT.—Assistance may not be provided to a State under this subsection for a fiscal year unless the State enters into such agreement with the Director as the Director requires to ensure that the State will maintain the aggregate expenditures of the State from all other sources for programs to ensure dam safety for the protection of human life and property at or above a level equal to the average annual level of the expenditures for the 2 fiscal years preceding the fiscal year.

''(5) APPROVAL OF PROGRAMS.—

''(A) SUBMISSION.—For a State to be eligible for assistance under this subsection, a plan for a State dam safety program shall be submitted to the Director.

''(B) APPROVAL.—A State dam safety program shall be deemed to be approved 120 days after the date of receipt by the Director unless the Director determines within the 120-day period that the State dam safety program fails to substantially meet the requirements of paragraphs (1) through (3).

''(C) NOTIFICATION OF DISAPPROVAL.—If the Director determines that a State dam safety program does not meet the requirements for approval, the Director shall immediately notify the State in writing and provide the reasons for the determination and the changes that are necessary for the plan to be approved.

''(6) REVIEW OF STATE DAM SAFETY PROGRAMS.—Using the expertise of the Board, the Director shall periodically review State dam safety programs. If the Board finds that a State dam safety program has proven inadequate to reasonably protect human life and property, and the Director concurs, the Director shall revoke approval of the State dam safety program, and withhold assistance under this subsection, until the State dam safety program again meets the requirements for approval.

''(g) DAM SAFETY TRAINING.—At the request of any State that has or intends to develop a State dam safety program, the Director shall provide training for State dam safety staff and inspectors.

''(h) BOARD.—

''(1) ESTABLISHMENT.—The Director may establish an advisory board to be known as the 'National Dam Safety Review Board' to monitor State implementation of this section.

''(2) AUTHORITY.—The Board may use the expertise of Federal agencies and enter into contracts for necessary studies to carry out this section.

''(3) MEMBERSHIP.—The Board shall consist of 11 members selected by the Director for expertise in dam safety, of whom—

''(A) 1 member shall represent the Department of Agriculture;

''(B) 1 member shall represent the Department of Defense;

''(C) 1 member shall represent the Department of the Interior;

''(D) 1 member shall represent FEMA;

''(E) 1 member shall represent the Federal Energy Regulatory Commission;

''(F) 5 members shall be selected by the Director from among dam safety officials of States; and

''(G) 1 member shall be selected by the Director to represent the United States Committee on Large Dams.

''(4) COMPENSATION OF MEMBERS.—

''(A) FEDERAL EMPLOYEES.—Each member of the Board who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

''(B) OTHER MEMBERS.—Each member of the Board who is not an officer or employee of the United States shall serve without compensation.

''(5) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of services for the Board.

''(6) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

''SEC. 9. RESEARCH.

''(a) IN GENERAL.—The Director, in cooperation with ICODS, shall carry out a program of technical and archival research to develop—

''(1) improved techniques, historical experience, and equipment for rapid and effective dam construction, rehabilitation, and inspection; and

''(2) devices for the continued monitoring of the safety of dams.

''(b) CONSULTATION.—The Director shall provide for State participation in research under subsection (a) and periodically advise all States and Congress of the results of the research.

''SEC. 10. REPORTS.

''(a) REPORT ON DAM INSURANCE.—Not later than 180 days after the date of enactment of this subsection, the Director shall report to Congress on the availability of dam insurance and make recommendations concerning encouraging greater availability.

''(b) BIENNIAL REPORTS.—Not later than 90 days after the end of each odd-numbered fiscal year, the Director shall submit a report to Congress that—

''(1) describes the status of the Program;

''(2) describes the progress achieved by Federal agencies during the 2 preceding fiscal years in implementing the Federal Guidelines for Dam Safety;

''(3) describes the progress achieved in dam safety by States participating in the Program; and

''(4) includes any recommendations for legislative and other action that the Director considers necessary.'';

(9) in section 11 (as redesignated by paragraph (3))—

(A) by striking ''SEC. 11. Nothing'' and inserting the following:

''SEC. 11. STATUTORY CONSTRUCTION.

''Nothing'';

(B) by striking ''shall be construed (1) to create'' and inserting the following: ''shall—

''(1) create'';

(C) by striking ''or (2) to relieve'' and inserting the following:

''(2) relieve''; and

(D) by striking the period at the end and inserting the following: ''; or

''(3) preempt any other Federal or State law.''; and

(10) by adding at the end the following:

''SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

''(a) FUNDING.—

''(1) NATIONAL DAM SAFETY PROGRAM.—

''(A) ANNUAL AMOUNTS.—There are authorized to be appropriated to FEMA to carry out sections 7, 8, and 10 (in addition to any amounts made available for similar purposes included in any other Act and amounts made available under paragraphs (2) through (5)), $1,000,000 for fiscal year 1997, $2,000,000 for fiscal year 1998, $4,000,000 for fiscal year 1999, $4,000,000 for fiscal year 2000, and $4,000,000 for fiscal year 2001.

''(B) ALLOCATION.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), for each fiscal year, amounts made available under this paragraph to carry out section 8 shall be allocated among the States as follows:

''(I) One-third among States that qualify for assistance under section 8(f).

''(II) Two-thirds among States that qualify for assistance under section 8(f), to each such State in proportion to—

''(aa) the number of dams in the State that are listed as State-regulated dams on the inventory of dams maintained under section 6; as compared to

''(bb) the number of dams in all States that are listed as State-regulated dams on the inventory of dams maintained under section 6.

''(ii) MAXIMUM AMOUNT OF ALLOCATION.—The amount of funds allocated to a State under this subparagraph may not exceed 50 percent of the reasonable cost of implementing the State dam safety program.

''(iii) DETERMINATION.—The Director and the Board shall determine the amount allocated to States needing primary assistance and States needing advanced assistance under section 8(f).

''(2) NATIONAL DAM INVENTORY.—There is authorized to be appropriated to carry out section 6 $500,000 for each fiscal year.

''(3) DAM SAFETY TRAINING.—There is authorized to be appropriated to carry out section 8(g) $500,000 for each of fiscal years 1997 through 2001.

''(4) RESEARCH.—There is authorized to be appropriated to carry out section 9 $1,000,000 for each of fiscal years 1997 through 2001.

''(5) STAFF.—There is authorized to be appropriated to FEMA for the employment of such additional staff personnel as are necessary to carry out sections 6 through 9 $400,000 for each of fiscal years 1997 through 2001.

''(b) LIMITATION ON USE OF AMOUNTS.—Amounts made available under this Act may not be used to construct or repair any Federal or non-Federal dam.''.

(d) CONFORMING AMENDMENT.—Section 3(2) of the Indian Dams Safety Act of 1994 (25 U.S.C. 3802(2)) is amended by striking ''the first section of Public Law 92–367 (33 U.S.C. 467)'' and inserting ''section 2 of the National Dam Safety Program Act''.

Beginning on page 137, strike line 13 and all that follows through page 140, line 15, and insert the following:

SEC. 329. WASHINGTON AQUEDUCT.

(a) DEFINITIONS.—In this section:

(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The term ''non-Federal public water supply customer'' means—

(A) the District of Columbia;

(B) Arlington County, Virginia; and

(C) the City of Falls Church, Virginia.

(2) WASHINGTON AQUEDUCT.—The term ''Washington Aqueduct'' means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act, including—

(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

(C) related water distribution facilities.

(b) REGIONAL ENTITY.—

(1) IN GENERAL.—Congress encourages and grants consent to the non-Federal public water supply customers to establish a public or private entity or to enter into an agreement with an existing public or private entity to—

(A) receive title to the Washington Aqueduct; and

(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of non-Federal public water supply customers.

(2) CONSIDERATION.—An entity receiving title to the Washington Aqueduct that is not composed entirely of the non-Federal public water supply customers shall receive consideration for providing equity for the Aqueduct.

(3) PRIORITY ACCESS.—The non-Federal public water supply customers shall have priority access to any water produced by the Aqueduct.

(4) CONSENT OF CONGRESS.—Congress grants consent to the non-Federal public water supply customers to enter into any interstate agreement or compact required to carry out this section.

(5) STATUTORY CONSTRUCTION.—This section shall not preclude the non-Federal public water supply customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives on any progress in achieving a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a public or private entity.

(d) TRANSFER.—

(1) IN GENERAL.—Subject to subsection (b)(2) and any terms or conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary may, with the consent of the non-Federal public water supply customers and without consideration to the Federal Government, transfer all rights, title, and interest of the United States in the Washington Aqueduct, its real property, facilities, and personalty, to a public or private entity established or contracted with pursuant to subsection (b).

(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership to the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

(e) INTERIM BORROWING AUTHORITY.—

(1) BORROWING.—

(A) IN GENERAL.—The Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997 and 1998 as is sufficient to cover any obligations that the United States Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997 and 1998 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title of the Aqueduct has taken place.

(B) LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29 million for fiscal year 1997 and $24 million for fiscal year 1998.

(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the non-Federal public water supply customers.

(D) TERMS OF BORROWING.—

(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required in paragraph (2).

(ii) SPECIFIED TERMS.—The term of any amounts borrowed under subparagraph (A) shall be for a period of not less than 20 years. There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

(2) CONTRACTS WITH PUBLIC WATER SUPPLY CUSTOMERS.—

(A) CONTRACTS TO REPAY CORPS DEBT.—To the extent provided in appropriations Act, and in accordance with paragraph (1), the Chief of Engineers of the Army Corps of Engineers may enter into a series of contracts with each public water supply customer under which the customer commits to repay a pro-rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1). Any customer, or customers, may prepay, at any time, the pro-rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty. Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

(B) OFFSETTING OF RISK OF DEFAULT.—Each contract under subparagraph (A) shall include such additional terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts is estimated to be equal to the obligational authority used by the Army Corps of Engineers for modernizing the Washington Aqueduct at the time that each series of contracts is entered into.

(C) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

(i) provide that the public water supply customer pledges future income only from fees assessed to operate and maintain the Washington Aqueduct;

(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

(iii) include other conditions not inconsistent with this section that the Secretary of the Treasury determines to be appropriate.

(3) EXTENSION OF BORROWING AUTHORITY.—If no later than 24 months from the date of enactment of this Act, a written agreement in principle has been reached between the Secretary, the non-Federal public water supply customers, and (if one exists) the public or private entity proposed to own, operate, maintain, and manage the Washington Aqueduct, then it shall be appropriated to the

Secretary for fiscal year 1999 borrowing authority, and the Secretary shall borrow, under the same terms and conditions noted in this subsection, in an amount sufficient to cover those obligations which the Army Corps of Engineers is required to incur in carrying out capital improvements that year for the Washington Aqueduct to ensure continued operations until the transfer contemplated in subsection (b) has taken place, provided that this borrowing shall not exceed $22 million in fiscal year 1999; provided also that no such borrowings shall occur once such non-Federal public or private owner shall have been established and achieved the capacity to borrow on its own.

(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works in the Senate and the Committee on Transportation and Infrastructure in the House of Representatives a report that assesses the impact of the borrowing authority referred to in this subsection on the near term improvement projects in the Washington Aqueduct Improvement Program, work scheduled during this period and the financial liability to be incurred.

(f) DELAYED REISSUANCE OF NPDES PERMIT.—In recognition of more efficient water-facility configurations that might be achieved through various possible ownership transfers of the Washington Aqueduct, the United States Environmental Protection Agency shall delay the reissuance of the NPDES permit for the Washington Aqueduct until Federal fiscal year 1999.

On page 148, between lines 5 and 6, insert the following:

SEC. 333. SHORE PROTECTION.

(a) IN GENERAL.—Subsection (a) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426e(a)), is amended—

(1) by striking ''damage to the shores'' and inserting ''damage to the shores and beaches''; and

(2) by striking ''the following provisions'' and all that follows through the period at the end and inserting the following: ''this Act, to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach nourishment, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises. In carrying out this policy, preference shall be given to areas in which there has been a Federal investment of funds and areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.''.

(b) DEFINITION OF SHORE PROTECTION PROJECT.—Section 4 of the Act of August 13, 1946 (60 Stat. 1057, chapter 960; 33 U.S.C. 426h), is amended—

(1) by striking ''SEC. 4. As used in this Act, the word 'shores' includes all the shorelines'' and inserting the following:

''SEC. 4. DEFINITIONS.

''In this Act:

''(1) SHORE.—The term 'shore' includes each shoreline of each''; and

(2) by adding at the end the following:

''(2) SHORE PROTECTION PROJECT.—The term 'shore protection project' includes a project for beach nourishment, including the replacement of sand.''.

On page 148, line 6, strike ''**333**'' and insert ''**334**''.

On page 153, after line 24, add the following:

SEC. 335. REVIEW PERIOD FOR STATE AND FEDERAL AGENCIES.

Paragraph (a) of the first section of the Act entitled ''An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes'', approved December 22, 1944 (33 U.S.C. 701–1(a)), is amended—

(1) in the ninth sentence, by striking ''ninety'' and inserting ''30''; and

(2) in the eleventh sentence, by striking ''ninety-day'' and inserting ''30-day''.

SEC. 336. DREDGED MATERIAL DISPOSAL FACILITIES.

(a) IN GENERAL.—Section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211) is amended by adding at the end the following:

''(f) DREDGED MATERIAL DISPOSAL FACILITIES.—

''(1) IN GENERAL.—The construction of all dredged material disposal facilities associated with Federal navigation projects for harbors and inland harbors, including diking and other improvements necessary for the proper disposal of dredged material, shall be considered to be general navigation features of the projects and shall be cost-shared in accordance with subsection (a).

''(2) COST SHARING FOR OPERATION AND MAINTENANCE.—

''(A) IN GENERAL.—The Federal share of the cost of operation and maintenance of each disposal facility to which paragraph (1) applies shall be determined in accordance with subsection (b).

''(B) SOURCE OF FEDERAL SHARE.—The Federal share of the cost of construction of dredged material disposal facilities associated with the operation and maintenance of Federal navigation projects for harbors and inland harbors shall be—

''(i) considered to be eligible operation and maintenance costs for the purpose of section 210(a); and

''(ii) paid with sums appropriated out of the Harbor Maintenance Trust Fund established by section 9505 of the Internal Revenue Code of 1986.

''(3) APPORTIONMENT OF FUNDING.—The Secretary shall ensure, to the extent practicable, that—

''(A) funding requirements for operation and maintenance dredging of commercial navigation harbors are considered fully before Federal funds are obligated for payment of the Federal share of costs associated with the construction of dredged material disposal facilities under paragraph (1); and

''(B) funds expended for such construction are equitably apportioned in accordance with regional needs.

''(4) APPLICABILITY.—

''(A) IN GENERAL.—This subsection shall apply to the construction of any dredged material disposal facility for which a contract for construction has not been awarded on or before the date of enactment of this subsection.

''(B) AMENDMENT OF EXISTING AGREEMENTS.—The Secretary may, with the consent of the non-Federal interest, amend a project cooperation agreement executed before the date of enactment of this subsection to reflect paragraph (1) with respect to any dredged material disposal facility for which a contract for construction has not been awarded as of that date.

''(5) NON-FEDERAL SHARE OF COSTS.—Nothing in this subsection shall impose, increase, or result in the increase of the non-Federal share of the costs of any existing dredged material disposal facility authorized to be provided before the date of enactment of this subsection.''.

(b) DEFINITION OF ELIGIBLE OPERATIONS AND MAINTENANCE.—Section 214(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2241(2)(A)) is amended by inserting before the period at the end the following: '', dredging and disposal of contaminated sediments that are in or that affect the maintenance of a Federal navigation channel, mitigation for storm damage and environmental impacts resulting from a Federal maintenance activity, and operation and maintenance of a dredged material disposal facility''.

SEC. 337. APPLICABILITY OF COST-SHARING PROVISIONS.

Section 103(e)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(e)(1)) is amended by adding at the end the following: ''For the purpose of the preceding sentence, physical construction shall be considered to be initiated on the date of the award of a construction contract.''.

SEC. 338. SECTION 215 REIMBURSEMENT LIMITATION PER PROJECT.

(a) IN GENERAL.—The last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) is amended—

(1) by striking ''$3,000,000'' and inserting ''$5,000,000''; and

(2) by striking the second period at the end.

(b) MODIFICATION OF REIMBURSEMENT LIMITATION FOR SAN ANTONIO RIVER AUTHORITY.—Notwithstanding the last sentence of section 215(a) of the Flood Control Act of 1968 (42 U.S.C. 1962d–5a(a)) and the agreement executed on November 7, 1992, by the Secretary and the San Antonio River Authority, Texas, the Secretary shall reimburse the San Antonio River Authority in an amount not to exceed a total of $5,000,000 for the work carried out by the Authority under the agreement, including any amounts paid to the Authority under the terms of the agreement before the date of enactment of this Act.

SEC. 339. WAIVER OF UNECONOMICAL COST-SHARING REQUIREMENT.

The first sentence of section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended by inserting before the period at the end the following: '', except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest''.

SEC. 340. PLANNING ASSISTANCE TO STATES.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) in subsection (a), by inserting '', watersheds, and ecosystems'' after ''basins'';

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(3) in subsection (c)—

(A) by striking ''$6,000,000'' and inserting ''$10,000,000''; and

(B) by striking ''$300,000'' and inserting ''$500,000''.

SEC. 341. RECOVERY OF COSTS FOR CLEANUP OF HAZARDOUS SUBSTANCES.

Any amount recovered under section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) for any response action taken by the Secretary in support of the civil works program of the Army Corps of Engineers, and any amount recovered by the Secretary from a contractor, insurer, surety, or other person to reimburse the Secretary for any expenditure for environmental response activities in support of the civil works program, shall be credited to the trust fund account to which the cost of the response action has been or will be charged.

SEC. 342. CITY OF NORTH BONNEVILLE, WASHINGTON.

Section 9147 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1940), is amended to read as follows:

"SEC. 9147. CITY OF NORTH BONNEVILLE, WASHINGTON.

''(a) CONVEYANCES.—

''(1) IN GENERAL.—The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (commonly known as the 'Bonneville Project Act of 1937') (50 Stat. 731, chapter 720; 16 U.S.C. 832 et seq.), and modified by section 83 of the Water Resources Development Act of 1974 (Public Law 93–251; 88 Stat. 35), is further modified to authorize the Secretary of the Army to convey to the city of North Bonneville, Washington (referred to in this section as the 'city'), at no further cost to the city, all right, title, and interest of the United States in and to—

''(A) any municipal facilities, utilities, fixtures, and equipment for the relocated city, and any remaining lands designated as open spaces or municipal lots not previously conveyed to the city, specifically Lots M1 through M15, M16 (known as the 'community center lot'), M18, M19, M22, M24, S42 through S45, and S52 through S60, as shown on the plats of Skamania County, Washington;

''(B) the lot known as the 'school lot' and shown as Lot 2, Block 5, on the plats of relocated North Bonneville, recorded in Skamania County, Washington;

''(C) Parcels 2 and C, but only on the completion of any environmental response activities required under applicable law;

''(D) that portion of Parcel B lying south of the city boundary, west of the sewage treatment plant, and north of the drainage ditch that is located adjacent to the northerly limit of the Hamilton Island landfill, if the Secretary of the Army determines, at the time of the proposed conveyance, that the Department of the Army has taken all actions necessary to protect human health and the environment;

''(E) such portions of Parcel H as can be conveyed without a requirement for further investigation, inventory, or other action by the Secretary of the Army under the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

''(F) such easements as the Secretary of the Army considers necessary for—

''(i) sewer and water line crossings of relocated Washington State Highway 14; and

''(ii) reasonable public access to the Columbia River across such portions of Hamilton Island as remain in the ownership of the United States.

''(2) TIMING OF CONVEYANCES.—The conveyances described in subparagraphs (A), (B), (E), and (F)(i) of paragraph (1) shall be completed not later than 180 days after the United States receives the release described in subsection (b)(2). All other conveyances shall be completed expeditiously, subject to any conditions specified in the applicable subparagraph of paragraph (1).

''(b) EFFECT OF CONVEYANCES.—

''(1) CONGRESSIONAL INTENT.—The conveyances authorized by subsection (a) are intended to resolve all outstanding issues between the United States and the city.

''(2) ACTION BY CITY BEFORE CONVEYANCES.—As prerequisites to the conveyances, the city shall—

''(A) execute an acknowledgment of payment of just compensation;

''(B) execute a release of all claims for relief of any kind against the United States arising from the relocation of the city or any Federal statute enacted before the date of enactment of this subparagraph relating to the city; and

''(C) dismiss, with prejudice, any pending litigation involving matters described in subparagraph (B).

''(3) ACTION BY ATTORNEY GENERAL.—On receipt of the city's acknowledgment and release described in paragraph (2), the Attorney General shall—

''(A) dismiss any pending litigation arising from the relocation of the city; and

''(B) execute a release of all rights to damages of any kind (including any interest on the damages) under Town of North Bonneville, Washington v. United States, 11 Cl. Ct. 694, *aff'd in part and rev'd in part*, 833 F.2d 1024 (Fed. Cir. 1987), *cert. denied*, 485 U.S. 1007 (1988).

''(4) ACTION BY CITY AFTER CONVEYANCES.—Not later than 60 days after the conveyances authorized by subparagraphs (A) through (F)(i) of subsection (a)(1) have been completed, the city shall—

''(A) execute an acknowledgment that all entitlements to the city under the subparagraphs have been fulfilled; and

''(B) execute a release of all claims for relief of any kind against the United States arising from this section.

''(c) AUTHORITY OF CITY OVER CERTAIN LANDS.—Beginning on the date of enactment of paragraph (1), the city or any successor in interest to the city—

''(1) shall be precluded from exercising any jurisdiction over any land owned in whole or in part by the United States and administered by the Army Corps of Engineers in connection with the Bonneville project; and

''(2) may change the zoning designations of, sell, or resell Parcels S35 and S56, which are designated as open spaces as of the date of enactment of this paragraph.''.

SEC. 343. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(a) of Public Law 100–581 (102 Stat. 2944) is amended—

(1) by striking ''(a) All Federal'' and all that follows through ''Columbia River Gorge Commission'' and inserting the following:

''(a) EXISTING FEDERAL LANDS.—

''(1) IN GENERAL.—All Federal lands that are included within the 20 recommended treaty fishing access sites set forth in the publication of the Army Corps of Engineers entitled 'Columbia River Treaty Fishing Access Sites Post Authorization Change Report', dated April 1995,''; and

(2) by adding at the end the following:

''(2) BOUNDARY ADJUSTMENTS.—The Secretary of the Army, in consultation with affected tribes, may make such minor boundary adjustments to the lands referred to in paragraph (1) as the Secretary determines are necessary to carry out this title.''.

SEC. 344. TRI-CITIES AREA, WASHINGTON.

(a) GENERAL AUTHORITY.—As soon as practicable after the date of enactment of this Act, the Secretary shall make the conveyances to the local governments referred to in subsection (b) of all right, title, and interest of the United States in and to the property described in subsection (b).

(b) PROPERTY DESCRIPTIONS.—

(1) BENTON COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Benton County, Washington, is the property in the county that is designated ''Area D'' on Exhibit A to Army Lease No. DACW–68–1–81–43.

(2) FRANKLIN COUNTY, WASHINGTON.—The property to be conveyed under subsection (a) to Franklin County, Washington, is—

(A) the 105.01 acres of property leased under Army Lease No. DACW–68–1–77–20 as executed by Franklin County, Washington, on April 7, 1977;

(B) the 35 acres of property leased under Supplemental Agreement No. 1 to Army Lease No. DACW–68–1–77–20;

(C) the 20 acres of property commonly known as ''Richland Bend'' that is designated by the shaded portion of Lot 1, Section 11, and the shaded portion of Lot 1, Section 12, Township 9 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(D) the 7.05 acres of property commonly known as ''Taylor Flat'' that is designated by the shaded portion of Lot 1, Section 13, Township 11 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20;

(E) the 14.69 acres of property commonly known as ''Byers Landing'' that is designated by the shaded portion of Lots 2 and 3, Section 2, Township 10 North, Range 28 East, W.M. on Exhibit D to Supplemental Agreement No. 2 to Army Lease No. DACW–68–1–77–20; and

(F) all levees in Franklin County, Washington, as of the date of enactment of this Act, and the property on which the levees are situated.

(3) CITY OF KENNEWICK, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Kennewick, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(4) CITY OF RICHLAND, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Richland, Washington, is the property in the city that is subject to the Municipal Sublease Agreement entered into on April 6, 1989, between Benton County, Washington, and the cities of Kennewick and Richland, Washington.

(5) CITY OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the city of Pasco, Washington, is—

(A) the property in the city of Pasco, Washington, that is leased under Army Lease No. DACW–68–1–77–10; and

(B) all levees in the city, as of the date of enactment of this Act, and the property on which the levees are situated.

(6) PORT OF PASCO, WASHINGTON.—The property to be conveyed under subsection (a) to the Port of Pasco, Washington, is—

(A) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1 and 2, Section 20, Township 9 North, Range 31 East, W.M.; and

(B) the property owned by the United States that is south of the Burlington Northern Railroad tracks in Lots 1, 2, 3, and 4, in each of Sections 21, 22, and 23, Township 9 North, Range 31 East, W.M.

(7) ADDITIONAL PROPERTIES.—In addition to properties described in paragraphs (1) through (6), the Secretary may convey to a local government referred to in any of paragraphs (1) through (6) such properties under the jurisdiction of the Secretary in the Tri-Cities area as the Secretary and the local government agree are appropriate for conveyance.

(c) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyances under subsection (a) shall be subject to such terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

(2) SPECIAL RULES FOR FRANKLIN COUNTY.—The property described in subsection (b)(2)(F) shall be conveyed only after Franklin County, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United

States shall be provided all easements and rights necessary to carry out the agreement.

(3) SPECIAL RULE FOR CITY OF PASCO.—The property described in subsection (b)(5)(B) shall be conveyed only after the city of Pasco, Washington, enters into a written agreement with the Secretary that provides that the United States shall continue to operate and maintain the flood control drainage areas and pump stations on the property conveyed and that the United States shall be provided all easements and rights necessary to carry out the agreement.

(4) CONSIDERATION.—

(A) ADMINISTRATIVE COSTS.—A local government to which property is conveyed under this section shall pay all administrative costs associated with the conveyance.

(B) PARK AND RECREATION PROPERTIES.—Properties to be conveyed under this section that will be retained in public ownership and used for public park and recreation purposes shall be conveyed without consideration. If any such property is no longer used for public park and recreation purposes, title to the property shall revert to the United States.

(C) OTHER PROPERTIES.—Properties to be conveyed under this section and not described in subparagraph (B) shall be conveyed at fair market value.

(d) LAKE WALLULA LEVEES.—

(1) DETERMINATION OF MINIMUM SAFE HEIGHT.—

(A) CONTRACT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall contract with a private entity agreed to under subparagraph (B) to determine, not later than 180 days after the date of enactment of this Act, the minimum safe height for the levees of the project for flood control, Lake Wallula, Washington. The Secretary shall have final approval of the minimum safe height.

(B) AGREEMENT OF LOCAL OFFICIALS.—A contract shall be entered into under subparagraph (A) only with a private entity agreed to by the Secretary, appropriate representatives of Franklin County, Washington, and appropriate representatives of the city of Pasco, Washington.

(2) AUTHORITY.—A local government may reduce, at its cost, the height of any levee of the project for flood control, Lake Wallula, Washington, within the boundaries of the area under the jurisdiction of the local government to a height not lower than the minimum safe height determined under paragraph (1).

SEC. 345. DESIGNATION OF LOCKS AND DAMS ON TENNESSEE-TOMBIGBEE WATERWAY.

(a) IN GENERAL.—The following locks, and locks and dams, on the Tennessee-Tombigbee Waterway, located in the States of Alabama, Kentucky, Mississippi, and Tennessee, are designated as follows:

(1) Gainesville Lock and Dam at Mile 266 designated as Howell Heflin Lock and Dam.

(2) Columbus Lock and Dam at Mile 335 designated as John C. Stennis Lock and Dam.

(3) The lock and dam at Mile 358 designated as Aberdeen Lock and Dam.

(4) Lock A at Mile 371 designated as Amory Lock.

(5) Lock B at Mile 376 designated as Glover Wilkins Lock.

(6) Lock C at Mile 391 designated as Fulton Lock.

(7) Lock D at Mile 398 designated as John Rankin Lock.

(8) Lock E at Mile 407 designated as G.V. ''Sonny'' Montgomery Lock.

(9) Bay Springs Lock and Dam at Mile 412 designated as Jamie Whitten Lock and Dam.

(b) LEGAL REFERENCES.—A reference in any law, regulation, document, map, record, or other paper of the United States to a lock, or lock and dam, referred to in subsection (a) shall be deemed to be a reference to the designation for the lock, or lock and dam, provided in the subsection.

SEC. 346. DESIGNATION OF J. BENNETT JOHNSTON WATERWAY.

(a) IN GENERAL.—The portion of the Red River, Louisiana, from new river mile 0 to new river mile 235 shall be known and designated as the ''J. Bennett Johnston Waterway''.

(b) REFERENCES.—Any reference in any law, regulation, document, map, record, or other paper of the United States to the portion of the Red River described in subsection (a) shall be deemed to be a reference to the ''J. Bennett Johnston Waterway''.

On page 154, line 1, strike ''**334**'' and insert ''**348**''.

On page 116, line 6, insert the following after ''authorized'': '', to the extent funds are made available in appropriations acts,''.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

SIMON AMENDMENTS NOS. 4446–4447

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4446

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contracts for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purposes of the contact award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—

(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) reports to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302 (3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after the date this is 60 days after the date of the enactment of this Act.

AMENDMENT NO. 4447

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 650), is amended under the heading ''NATIONAL SECURITY EDUCATION TRUST FUND'' by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

''(A) awarding scholarships to undergraduate students who—

''(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

''(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;''; and

(2) in subparagraph (B)—

(A) in clause (i), by inserting ''relating to the national security interests of the United States'' after ''international fields''; and

(B) in clause (ii)—

(i) by striking out ''subsection (b)(2)'' and inserting in lieu thereof ''subsection (b)(2)(B)''; and

(ii) by striking out ''work for an agency or office of the Federal Government or in'' and inserting in lieu thereof ''work for, and make their language skills available to, an agency or office of the Federal Government or work in''.

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out '', or of scholarships'' and all that follows through ''12 months or more,'' and inserting in lieu thereof ''or any scholarship'';

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

''(2) will—

''(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

''(B) upon completion of such recipient's education under the program, and in accordance with such regulations—

''(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient's foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

''(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and''.

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.''.

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting '', including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities'' before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out ''Make recommendations'' and inserting in lieu thereof ''After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations'';

(B) in subparagraph (A), by inserting ''and countries which are of importance to the national security interests of the United States'' after ''are studying''; and

(C) in subparagraph (B), by inserting ''relating to the national security interests of the United States'' after ''of this title'';

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

''(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

''(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.''.

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4448

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 1, line 2 strike out ''17,698,859,000 and insert in lieu thereof ''17,699,359,000''.

FORD AMENDMENT NO. 4449

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 65, strike out line 8 and all that follows through page 66, line 15, and insert in lieu thereof the following:

SEC. 8059. (a) The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b)(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not, during the one-year period beginning on the date of the enactment of this Act, enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado unless the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology that is as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites and can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) In this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g)(1) Of the amount appropriated by title VI under the heading ''CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE'', $60,000,000 shall be available for the pilot program under this section. Such amount may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

THE HAWAII JURISDICTION ACT OF 1996

AKAKA AMENDMENT NO. 4450

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (S. 1906) to include certain territory within the jurisdiction of the State of Hawaii, and for other purposes; as follows:

On page 3, after line 24, add the following:

(9) WAKE ATOLL.—The term ''Wake Atoll'' means all of the islands and appurtenant reefs at the parallel of 19 degrees, 18 minutes, of latitude north of the Equator and at the meridian of 166 degrees, 35 minutes, of longitude east of Greenwich, England, and the territorial waters of the islands and reefs.

On page 4, lines 4 of 5, strike ''and Palmyra Atoll'' and insert ''Palmyra Atoll, and Wake Atoll''.

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

KERRY (AND MCCAIN) AMENDMENT NO. 4451

(Ordered to lie on the table.)

Mr. KERRY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the total amount appropriated under title II, $20,000,000 shall be available subject to authorization, until expended, for payments to Vietnamese commandos captured and incarcerated by North Vietnam after having entered the Democratic Republic of Vietnam pursuant to operations under a Vietnam era operation plan known as ''OPLAN 34A'', or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces while participating in operations in Laos or along the Lao-Vietnamese border pursuant to ''OPLAN 35'', who died in captivity or who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

BOND (AND OTHERS) AMENDMENT NO. 4452

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. FORD, and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated by this Act may be obligated or expended—

(1) to reduce the number of units of special operations forces of the Army National Guard during fiscal year 1997;

(2) to reduce the authorized strength of any such unit below the strength authorized for the unit as of September 30, 1996; or

(3) to apply any administratively imposed limitation on the assigned strength of any such unit at less than the strength authorized for that unit as of September 30, 1996.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold an oversight hearing entitled Implementation of the Small Business Regulatory Enforcement Fairness Act of 1996 on Tuesday, July 23, 1996, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Keith Cole 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the benefit of Members and the public that the hearing previously noticed for the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources on several measures relating to the Bureau of Reclamation for July 30, 1996, at 9:30 a.m. and will now commence at 2:30 p.m. in the committee hearing room.

The measures that had been noticed are:

S. 931. To authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes.

S. 1564. To amend the Small Reclamation Projects Act of 1956 to authorize the Secretary of the Interior to provide loan guarantees for water supply, conservation, quality, and transmission projects, and for other purposes.

S. 1565. To amend the Small Reclamation Projects Act of 1956 and to supplement the Federal Reclamation Laws by providing for Federal cooperation in non-Federal projects and for participation by non-Federal agencies in Federal projects.

S. 1649. To extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1719. To require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes.

In addition, the subcommittee will receive testimony concerning S. 1921—To authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District, and for other purposes.

As I stated, the hearing will now take place on Tuesday, July 30, 1996, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact James Beirne at (202) 224–2564 or Betty Nevitt at (202) 224–0765 of the subcommittee staff or write the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 11, 1996, to conduct a hearing on S. 1800, the Fair ATM Fees for Consumers Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of competitive change in the electric power industry, focusing on the FERC wholesale open access transmission rule, Order No. 888.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 11, 1996, at 10 a.m., to hold a hearing on S. 1740, the Defense of Marriage Act.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate

on Thursday, July 11, at 3 p.m., to hold a hearing.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, July 11, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1738, a bill to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIREMENT OF COL. JOHN R. BOURGEOIS

● Mr. WARNER. Mr. President, I am pleased to recognize the dedication, public service, and patriotism that has personified the career of Col. John R. Bourgeois, U.S. Marine Corps. Colonel Bourgeois will be retiring on July 11, after nearly 40 years in the Marine Corps and after 17 years as director of the U.S. Marine Band. On July 11, which marks the 198th birthday of the Marine Band, he will conduct his final concert as director of ''The President's Own'' at a change of command ceremony at Constitution Hall.

Colonel Bourgeois entered the Marine Corps in 1956 and after his recruit training was stationed in San Francisco as principal French hornist with the Department of the Pacific Marine Band. In 1958, he joined the U.S. Marine Band here in Washington, both as a French hornist and as an arranger.

He became the U.S. Marine Band operations chief in 1968; assistant director in 1974; and director in 1979. John Bourgeois was promoted to the rank of colonel in June 1983.

Col. John Bourgeois's career has spanned nine Presidential administrations, and he has regularly conducted both the Marine Band and the Marine Chamber Orchestra at the Executive Mansion. He has also selected the musical program and directed the band at the U.S. Capitol for four Presidential inaugurations.

As the 25th director of the Marine Band, Colonel Bourgeois has held the traditional post of music director of Washington's prestigious Gridiron Club, and composed the ''Gridiron Centennial'' march to honor the club's centenary in 1985. He is also the producer of the annual satirical productions of the Military Order of the Carabao, a distinguished organization of past and present members of our armed services who served in the Far East.

In recognition of his outstanding contributions to bands and band music, both in the United States and abroad, Colonel Bourgeois has been awarded the Medal of Sudler Order of Merit, and the Star of the Sudler Order of Merit from the John Phillip Sousa Foundation. He has also received the Phi Mu Alpha National Citation for service and dedication to music and country.

Colonel Bourgeois is president of the National Band Association and of the John Phillip Sousa Foundation. He is the past president of the American Bandmasters Association and the American vice president of the International Military Music Society. He is also a member of Washington's celebrated Alfalfa Club.

Under the colonel's leadership the Marine Band presented its first overseas performances in history, visiting the Netherlands, Ireland, Norway, England, and, in 1990, performing an historic 18 day concert tour of the former Soviet Union.

A Louisianan by birth, I am proud to say that John Bourgeois is a Virginian by choice. He resides for much of the year at his home in the beautiful Shenandoah area of Little Washington.

John Bourgeois is a man of great musical achievement and outstanding intellectual qualities. I am honored to call attention to his distinguished career and to wish him well in retirement.●

ARMY BREAST CANCER RESEARCH PROGRAM

● Mr. LEAHY. Mr. President, during the past 4 years, I have stood on the floor of the Senate many times to express my strong committment for Federal support of breast cancer research. I have been joined by colleagues from both sides of the aisle, many whose lives have been personally touched by this deadly disease. Our voices have joined the millions of American families who have known all too well the real consequences of this indiscriminate killer.

In 1992, the Members of this Chamber heeded the message we sent about the inadequacies of Federal dollars provided to researchers to find the causes and cure of breast cancer. It was then that Senator HARKIN and I successfully transfered $210 million from star wars to the Army Breast Cancer Research Program at the Department of Defense. Despite some formidable forces, an additional $250 million has been appropriated for this successful program in the 4 years since that time.

This year, I rise to thank my colleagues for their continued support of the Army Breast Cancer Research Program, particularly Senator STEVENS for his leadership as the chairman of the Appropriations Subcommittee on Defense. When we first began circulating the letter of support for the Army Breast Cancer Program to Members of the Senate, we were encouraged by the number of Senators who supported the program. But when we completed the process, we were extremely excited by the extraordinary support expressed by 54 Senators, the largest number since the birth of this program.

Continued funding for the Department of Defense Breast Cancer Program is more critical now than ever. Over the past 2 years, there have been incredible discoveries at a very rapid rate that offer fascinating insights into the biology of breast cancer, such as the isolation of breast cancer susceptibility genes, and discoveries about the basic mechanism of cancer cells. These discoveries have brought into sharp focus the areas of research that hold promise and will build on the knowledge and investment we have made. The Army Breast Cancer Research Program has provided researchers with the tools to make these tremendous breakthroughs.●

TRIBUTE TO MERLE E. WOOD

● Mrs. FRAHM. Mr. President, I rise today to honor an outstanding Kansan, Merle Wood, who passed away earlier this week. Merle was a resident of Olathe, KS.

Merle spent the first 24 years of his career as a petty officer in the U.S. Navy, serving in both World War II and the Korean Conflict. He retired as the Navy's chief hospital corpsman.

After his first retirement, Merle served as a government relations representative for American Home Products. In 1972 he went to work for Marion Laboratories as director and then vice president of government affairs. In 1985 he was elected to Marion's board of directors. He retired from his second career in 1989 and embarked on his third career as vice president of government and consumer affairs for the Kansas City Royals.

Merle held leadership positions in many national organizations, including the American Quarter Horse Foundation, the Southern Christian Leadership Conference, and the League of the United Latin American Citizens. He received the Legion of Merit and Lifetime Membership Award from the Military Society of Anesthesiology and was a member of the Association of Military Surgeons. He also belonged to the Andrew G. Morrow Society of Cardiovascular Surgeons, which created the Merle E. Wood Scholar Fellowship in his honor.

Mr. President, no one could meet Merle Wood without being charmed by his open personality and impressed by his wide-ranging knowledge. I extend my condolences to his wife, Ellen, and their children. Merle will be greatly missed by the Greater Kansas City community and all who knew him.●

JUNK GUN PROLIFERATION THREATENS POLICE OFFICERS

● Mrs. BOXER. Mr. President, in March, I introduced legislation to prohibit the sale and manufacture of junk guns, or as they are also called, Saturday night specials. The importation of these cheap, easily concealable, and

unsafe weapons has been prohibited since 1968, but their domestic production continues to soar.

In 1995, 8 of the 10 firearms most frequently traced at crime scenes were junk guns.

My bill has received strong support from California's law enforcement leaders. The California Police Chiefs Association has endorsed my bill along with more than two dozen individual police chiefs and sheriffs representing some of California's largest cities and counties.

Law enforcement leaders support my bill because of the terrible threat that junk guns present to police officers. Today, I want to speak about that threat and share with my colleagues a letter I received from Janice Rogers, the wife of a California highway patrolman shot with one of the most common junk gun models.

Janice's husband, Officer Ronald Rogers, was on duty last March, when he stopped to assist a pedestrian walking on a freeway shoulder near Livermore, CA. Before giving him a ride to a phone off the freeway, Ron had to check the pedestrian for weapons. As Ron approached, the man pulled out a junk gun concealed in his pocket and shot Officer Rogers in the face at point blank range. The bullet entered the left side of his face and exited out the right side of his neck. It was a miracle, the doctors later told Ron and Janice, that the bullet missed all vital structures.

The force of the gunshot knocked Officer Rogers down. He tried to draw his weapon but nerve damage caused by the gunshot rendered his right arm useless. The attacker pinned him to the ground and prepared to shoot him in the head a second time, but the gun jammed. He began beating Officer Rogers mercilessly, hitting him in the head repeatedly with the jammed pistol. By the time help arrived, Officer Rogers had not only been shot in the face, but had also been pistol whipped 30 times, fracturing his skull and every bone in his face.

The firearm used in this horrible assault was a Davis Industries P–380. It is the second most frequently traced firearm at crime scenes. This gun is so small that criminals can simply hide it in a pocket, as Ron Rogers' assailant did.

If this firearm were made overseas, it could not be imported legally. It is so small that it would fail the import test on the basis of size alone. However, because of the junk gun double standard—a loophole in the law accidentally created by Congress in 1968—an estimated 100,000 of these guns are produced legally every year. It makes absolutely no sense. If a firearm is such a threat to public safety that its importation should be restricted, its domestic production should also be prohibited. A gun's point of origin is irrelevant.

Ron and Janice Rogers are courageous people. They worked together through months of grueling physical therapy and four reconstructive surgeries. Last month, Officer Ron Rogers resumed full active duty in the California Highway Patrol. The citizens of the bay area are fortunate to have law enforcement officers like Ron Rogers patroling their communities.

Janice Rogers wants to make sure that what happened to her husband never happens to anyone else. That is why she has joined me in calling for a ban on junk guns. I want to read what she wrote to me about my bill:

Opponents of your legislation might claim that banning these types of weapons won't stop criminals who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively place these guns into the hands of criminals.

Janice Rogers is absolutely right. Each year, the companies that dominate the junk gun industry produce more than half a million handguns. Many of those guns find their way into criminals' hands and are used in brutal assaults like the attempted murder of Officer Ron Rogers.

To protect our families, our children, our communities, and our law enforcement officers, we must act now. I urge my colleagues to cosponsor the Junk Gun Violence Protection Act. I ask that the letter I received from Janice Rogers be printed in the RECORD.

The letter follows:

MAY 15, 1996.

Re Banning ''Junk Guns.''

Barbara Boxer, U.S. Senator, 1700 Montgomery Street, Suite 240, San Francisco, California 94111.

From: Ron & Janice Rogers.

DEAR SENATOR BOXER: We read with great interest about your co-sponsoring legislation to prohibit the domestic manufacture, transfer, and possession of Saturday Night Specials. We would like to applaud your efforts to get these weapons off of our streets. This topic holds very special interest to us.

My husband, Ron has been an officer with the California Highway Patrol for thirteen years. On March 11, 1995, while on duty, Ron stopped to assist a pedestrian waling on the shoulder of a freeway in the city of Livermore. The 19-year-old pedestrian asked for a ride and Ron agreed to give him a ride off of the freeway to a phone. Ron told him that he would first have to check him for weapons prior to allowing him to get in the patrol car. At this time, without warning, the 19 year old pulled a Davis P–380 Auto Pistol he had concealed in his pocket and shot Ron point-blank in the face. The bullet entered the left side of Ron's face and exited the right side of his neck. The trauma surgeons described the bullet's path as miraculous in that it narrowly missed all vital structures.

The force of the gunshot knocked Ron down an embankment. His assailant came down after him. Ron was not aware at that time that he had been shot, but he knew that he had been severely injured. Ron attempted to draw him duty weapon as his assailant came down the embankment after him, but due to nerve damage caused by the bullet's path, his right arm and hand would not function. A struggle ensued as they tumbled to the bottom of the embankment. His assailant straddled him and as he pulled the slide back he told Ron he was going to kill him. His assailant fired a second shot but fortunately the barrel of the gun had become plugged with mud from the struggle and the bullet lodged in the barrel. When the Davis P–380 Auto Pistol malfunctioned, his assailant then began striking Ron in the head and face with the handgun while attempting to remove Ron's gun from its holster. As Ron struggled to keep his assailant from gaining access to his gun, he was struck over 30 times with the handgun, inflicting severe lacerations and fracturing Ron's skull and all of his facial bones.

If it were not for the miraculous intervention of three off-duty peace officers who stopped the assault and summoned medical aid Ron would not be here today. The suspect, Larry White is still in custody awaiting trial for attempted murder of a peace officer. He has plead not guilty.

Opponents to your legislation might claim that banning these types of weapons won't stop criminal who choose to use weapons. We believe that it is the mass production of these poor quality weapons which effectively places these guns into the hands of criminals. Criminals find these weapons particularly appealing in that they are cheap and easy to conceal. It is a well known fact that these junk guns need to be used at close range in order to ensure accuracy and that basically ensures severe if not fatal injuries.

We are extremely concerned about the lack of responsibility on the part of the gun's manufacturer for producing and distributing a handgun which is clearly of insufficient quality to be used for any sporting purpose, leaving its only conceivable purpose to be for injuring or killing human being at close range.

We discussed the possibility of a lawsuit with our attorney, but he and his associates were unprepared to undertake such a novel case on a contingent fee basis and believed that financing such litigation would be costly and would likely carry and appeal to the U.S. Supreme Court. We also contacted several of the lobbying organizations—Center to Prevent Handgun Violence and Coalition to Stop Gun Violence. Neither were willing to assist us in legal remedy against Davis Industries after they discovered that the serial numbers had been drilled off of the handgun.

Over a year has passed since Ron's assault. Ron has endured four reconstructive surgeries and months of agonizing physical therapy. Just this week he was released back to full duty. We would like to think that in surviving such an ordeal that we could in some way make a difference. Our opportunity to pursue legal action passed us by, but if there is anything that we can do to further your cause, please don't hesitate to contact us. We would like to assist you in anyway that we can.

Sincerely,

JANICE L. ROGERS.●

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. MCCONNELL. Mr. President, I rise today to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award. The Gold Award is the highest achievement a Girl Scout can earn and symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

The young ladies from Kentucky who will receive this honor are: Jeanette Vonseal Allison, Julia Carter, Michelle Clark, Carla Cornett, Rachel N. Duncan, Staci Hurt, Lisa Jones, Laura Roberts, Julie Slone, Mollie Carol

SMITH, Anna Elizabeth Smoot, and Laura Camille Wilson from the Wilderness Road Girl Scout Council.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

Mr. President, I ask you and my colleagues to join me in paying tribute to these outstanding young ladies. They deserve recognition for their contributions to their community and their country and I wish them continued success in the years ahead.●

FILEGATE WAS BAD ENOUGH—NOW THIS?

● Mr. SIMON. Mr. President, the FBI and the Office of Personnel Management are making a terrible move that is not in the national interest, that may save a few dollars temporarily, but will cost us in the long run. They are privatizing many of our background checks.

Not only is this questionable from a security point of view, it will result in a massive invasion of privacy.

Those of us in public life are on a big ''privatizing'' kick. The reason is rarely to save money. The main reason is so that people who are in executive positions can go out and say ''When I took office, there were so many Federal employees or State employees or city employees, but now there are fewer.'' The decrease makes it appear that a great job is being done.

The reality is while that kind of talk goes on, the budgets tend to go up.

Frequently, those who are adversely affected by privatization are people at the very bottom of the economic ladder.

For example, we have privatized custodial services at some of the Federal buildings in Chicago. The already low wages for these people are being depressed more, and they lose the benefits of retirement pay and other things.

Privatizing background checks for those who either are coming into government or who may be given greater responsibilities is simply foolish.

Prof. Stephen Gillers of the New York University School of Law had an op-ed piece in the New York Times about this that should be creating some concerns among Federal officials, as well as people at the State and local level.

I ask that the New York Times op-ed be printed in the RECORD.

The op-ed follows:

FILEGATE WAS BAD ENOUGH. NOW THIS?

(By Stephen Gillers)

The F.B.I. called again last month. It phones several times a year to ask me about former students who are seeking sensitive Government jobs. I could verify that indeed it was the Federal Bureau of Investigation calling. The voice-mail message had the bureau's telephone exchange, and the agent talked the way agents do, unfailingly polite and right to the point.

I answered all his questions. I trusted the confidentiality of my answers, even though Louis J. Freeh, the F.B.I. director, had recently acknowledged that the White House had managed to ''victimize'' the bureau by getting its secret files on prominent Republicans and others. I figure that two ''Filegates'' in a generation is not something the bureau will permit.

It seems that my next call may come not from the F.B.I., or from the Office of Federal Investigations, which also checks out Government personnel. It may instead come from a private company, which under a Clinton Administration plan will conduct 40 percent of Government security clearances. And I may be questioned not by a G-Person (formerly G-Man), but by a private investigator whose employer submitted a winning bid. The decision to privatize this work, rash in the best of times, needs a close second look after Filegate.

Take quality. Privatizing will dilute it. The company will be free to accept other customers, including private ones. Can I be confident that what I say will not be shared with those customers? I'm not going to be as candid if my answers can find their way into private files.

What about subpoenas? I doubt the courts will protect private records as jealously as they do F.B.I. files. And whom will I be talking to? I have a pretty good idea of what's required to become a Government investigator, the quality of supervision, and the length of time people hold that job. But who will the private investigators be, who will check their work, and where will they be working tomorrow?

The need to earn a profit will also compromise quality. Under the plan, a private company owned by former Government employees will have an exclusive contract for three years. Then the work will be put up for bid. Whether payment is a fixed sum for all investigations, or like piecework, a flat fee per investigation, profitability will encourage companies to do the minimum and not pursue the last elusive detail.

Abuse will also be easier. The F.B.I. has many ways to protect itself. Its director cannot easily be fired, it enjoys broad public support, and it has excellent media contacts. Yet it did not stand up to a White House that, by accident or design, easily obtained files for no lawful reason. Will a private company, dependent on Government officials for renewal of a lucrative contract, be able to challenge an improper request? Don't count on it.

The only defense offered for this misguided plan is that it may save $25 million yearly. But even that is unsure. While the General Accounting Office cautiously concluded that ''privatization would be likely to produce a net savings to the Government in the long term,'' it added that ''any new business faces many uncertainties that affect profitability.''

One hidden cost will be duplication of work. Certain law-enforcement records will be unavailable to private investigators. So Government personnel will have to complete the assignments, inevitably requiring them to retrace some steps. This time must be added in figuring the true cost.

In any event, the savings are not worth it. As one Federal investigator put it, this work is ''inherently governmental.'' Some tasks should not be privatized because the value of having the Government do them is priceless. Enforcing the law and approving new drugs are two examples. Security investigations for public jobs are a third. No business, especially one with other customers, should be authorized to routinely collect sensitive information on American citizens in the name of the United States.●

TRIBUTE TO PAUL BOFINGER

● Mr. SMITH. Mr. President, I rise today to pay tribute to Paul Bofinger from Concord, NH, as he retires as president of the Society for the Protection of New Hampshire Forests. Paul ends a distinguished 35-year career with this organization, serving as its president for the last 23 years. This exceptionally hard-working man has long been recognized as one of the top conservationists in our State.

The last 35 years have seen a steady period of growth and awareness of conservation issues in New Hampshire, and Paul has played a large role in this development. In the last three and a half decades, New Hampshire became the first State to establish statewide control over septic systems, and the first to take steps toward preserving wetlands. Paul is justly proud of his record and the fact that the number of New Hampshire residents who are concerned about protecting the environment is increasing each year.

Paul is described by many as a master of negotiations. During the struggle over the Wilderness Protection Act, he negotiated a balanced agreement which set aside 77,000 acres as national forest land while preserving land for timber as well. He demonstrated understanding for both sides but always urged what was best for the land. Another of Paul's brilliant negotiations involved the construction of the Franconia Notch Parkway, a compromise between the preservation of forest lands and the construction of a four-lane interstate highway. Paul had a rare intuition for politics and policy and his heart was always in the right place when it came to protecting our State.

Paul's many projects, from the Trust for New Hampshire Lands and the Northern Forest Lands Council to the fight against acid rain and his support of current use legislation, have earned him numerous awards. Some of his more prestigious awards include: the John Aston Warner Medal for American Forests, the President's Conservation Achievement Award from the Nature Conservancy, and the Tudor Richards Award from the Audubon Society of New Hampshire.

As Paul leaves the field of nature conservation, he will be sorely missed, but his memory and work will endure. It is he and others like him whom we should credit for preserving our beautiful New Hampshire wilderness for the next generation of Granite-staters. I thank Paul for his 35 years of service

and commend him for an extraordinary job. We will miss his strong voice on behalf of our State's forests and his devotion to protecting our natural environment.●

THE DEFENSE AUTHORIZATION BILL

● Mr. BIDEN. Mr. President, I wish to discuss the Defense authorization bill, which passed the Senate yesterday. The bill contains several provisions that I have strongly advocated and worked hard to advance.

First and foremost, the bill authorizes funds for three military construction projects in my home State of Delaware that will add to our military preparedness. The first of these is a C–5 aerial delivery facility at Dover Air Force Base that will allow the base to fulfill the strategic brigade airdrop mission, enhancing Dover's leading role in meeting our new military requirements in the post-cold war era. Second, $12 million for new visiting officers quarters will ease a severe housing shortage at Dover and also allow for a much-needed transportation upgrade at the base. Third, an operations and training complex for the Air National Guard will improve readiness by replacing several outdated and dilapidated facilities at the Air Guard's headquarters at the New Castle County Airport. I am grateful to my colleagues on the Armed Services Committee for including these projects, which I had requested.

I am also pleased that the bill provides for the transfer of the last parcel of military-controlled land at Cap Henlopen to the Delaware State Park System, completing a long-standing project I began when I first arrived in the Senate.

In addition, the bill restores two important provisions that I fought hard to include in the antiterrorism act, but were removed by the conference committee. First, the Nunn-Lugar-Domenici amendment, of which I am an original cosponsor, gives authority to the Armed Forces to assist local law enforcement, should we ever face an emergency involving a chemical or biological weapon. The Armed Forces alone have the capacity and equipment to respond to such an incident. In addition, this amendment will improve our ability to interdict weapons of mass destruction before they reach American soil. It will help ensure the security of all Americans by expanding programs to safeguard nuclear material in the former Soviet Union.

The second antiterrorism provision is a Feinstein-Biden amendment to prohibit the distribution of bomb-making information on the Internet. The Senate had overwhelmingly approved this amendment to the antiterrorism bill, but it was not included in the final conference report.

I am pleased that these two crucial antiterrorism provisions are included in the Defense authorization bill.

Another important amendment to this bill calls for a study of the benefits and costs of enlarging the North Atlantic Treaty Organization to include the new democracies of Central Europe.

While I believe that the addition of Poland, Hungary, the Czech Republic, and Slovenia may well strengthen our own security, that or our allies, and that of Europe as a whole, we must understand in detail what we are undertaking before asking these countries to shoulder the burdens of NATO membership. The mandated study will answer the relevant questions.

Despite these significant achievements, Mr. President, I cannot support a bill that is fiscally irresponsible. If we are serious about balancing the budget, no area of Government—including defense—should be immune to a critical review of spending.

Between 1981 and 1992, the annual Federal deficit quadrupled—from $74 billion to $290 billion. Since 1992, the deficit has been cut by more than half—the Congressional Budget Office now projects that the Federal deficit will be about $140 billion this year, down from $290 billion at the end of the Bush administration.

This marks the first time in modern budget history—since we demobilized at the end of WWII—that the deficit has gone down 4 years in a row.

The deficit is now less than 2 percent of our Nation's output—we have the best budget record of any of the advanced industrial economies. Today, Federal spending as a share of the economy is the lowest it has been since 1979.

This is a record that owes a lot to the hard choices we made in 1993 and to the discipline it has taken to stick with those decisions. We cannot—we must not—put this record in jeopardy. We certainly should not throw more money at the Pentagon than it says it needs.

For every dollar wasted on exotic weapons systems that the Department of Defense is not asking for, there is less for crime prevention, for the infrastructure that underpins our economy, and for education and research that will be the key to tomorrow's productivity growth.

We have to balance our priorities carefully and to use our scarce resources efficiently. The Defense budget should not become the new way to keep old habits alive.

The overwhelming majority of the money added to the President's Defense authorization request would go toward procurement and development of weapons systems that the Pentagon does not believe are necessary to ensure the security of the United States. In fact, $3.8 billion of the additional money is for programs that are not even in the Pentagon's long-range plan to defend our country.

Mr. President, my distinguished colleagues argued for this unnecessary spending on the grounds that the readiness of our military was at stake. This ignores the fact that American military readiness today is at an all-time high.

We cannot take an additional $11.4 billion our of the pockets of the taxpaying American people to buy airplanes and ships we don't need. We cannot continue to borrow from our grandchildren's future to pay for additional weapons at a time we face no major military threat. In short, we cannot afford this bill.

Mr. President, I could not in good conscience vote to spend $11.4 billion more than the military itself believes is necessary to defend our Nation. It is my hope that the conferees will work to bring down the spending in this bill to an acceptable and responsible level, so that at time, I can support the bill.●

THE PASSING OF ALEX MANOOGIAN

● Mr. ABRAHAM. Mr. President, it is with great personal sadness that I note the passing of Alex Manoogian, a highly respected community leader and businessman from Detroit, MI. Mr. Manoogian was revered as the most influential leader in the Armenian-American community in Detroit and throughout the United States.

Mr. Manoogian came to the United States from his native Armenia in the 1920's, and settled in Detroit shortly thereafter. He soon founded the Masco Corp., a small venture which by 1936 became the first company owned by an Armenian to be listed on the stock exchange. He married the former Marie Tatian, who passed away in 1992, and was the father of a daughter, Louise, and a son, Richard.

Mr. Manoogian was a member of the Armenian General Benevolent Union [AGBU] and the Knights of Vartan. By the 1940's he had been elected the national commander of the Knights and director on the central board and then president of the AGBU. In 1970, the AGBU voted him life president, and then in 1989 honorary life president, for his tremendous contributions.

Under Mr. Manoogian's leadership, the Knights of Vartan Brotherhood established an endowment fund through which it donated services to the church and other charitable, educational, and cultural organizations. Also under his leadership, the AGBU established the Alex and Marie Manoogian Cultural Foundation, which has supported the publication and translation of many scholarly and literary works, funded cultural activities and provided assistance to needy Armenian intellectuals and educators throughout the world.

Mr. Manoogian was a generous man who contributed to various hospitals, museums, libraries, universities, schools, and other charitable and cultural organizations in the United States and around the globe. He leaves us with many institutions throughout the world bearing his family name.

In recognition of his international philanthropy, Mr. Manoogian was

awarded the Ellis Island Award, the Knight of Charity Award, the Presidential Medal from Argentina, the Cross of St. Gregory the Illuminator by His Holiness Vasken I, the Catholicos of all Armenians, the First Order of the Cedars by the President of Lebanon, the Cross of St. James by his Beatitude the Patriarch of Jerusalem, and the 50th Anniversary Medal by the Prime Minister of Armenia. The President of the Republic of Armenia awarded him the honor of National Hero, and the President of Nagorno-Karabagh bestowed upon him the Medal of Honor of Artzakh.

He was a fine man, whom I personally shall miss. I extend my deep condolences to the Manoogian family. My thoughts and prayers are with them.●

BUDDY BEARS FOR ABUSED CHILDREN

● Mr. HATFIELD. Mr. President, it is my great pleasure today to recognize the Buddy Bears for Abused Children Program. This program is a volunteer effort coordinated with Oregon law enforcement agencies that donates teddy bears to abused children. The growth and popularity of this program serves as an example of its success in promoting a very special cause.

The Buddy Bear program provides a simple but immediate gift to children who are often at their most vulnerable. In many cases these children are being taken from the trauma of an abusive or drug addicted home life or have been completely abandoned by their parents. At a confusing and frightening moment in their young lives, this gift, presented to them by an officer, serves as an important signal of caring and trust.

The driving force behind this program for the last 5 years has been Leonard H. Odom of Salem, OR. Mr. Odom is a member of the Marion County Sheriff's Office and has spent hundreds of volunteer hours each year collecting donations from individuals and businesses in the community. As a result of his tireless efforts with the Buddy Bear program, he was awarded a letter of commendation from the Marion County Sheriff's Office at an awards ceremony on May 17, of this year.

As an example of the impact of the Buddy Bear program, I would like to share a letter that Mr. Odom received. It reads:

Dear Mr. Buddy Bear,

An unusual and touching incident arose when I went to buy the Buddy Bears, and I thought you might find it interesting. A young, black girl, 18 or 19 waited on me. When she saw the bears she picked one up and said, ''Hi Mr. Bear,'' and gave him a hug. I said, ''Now don't get too attached to those bears, they are for a very special purpose.''

I then proceeded to tell her that we have a friend who works with the Sheriffs department and he collects bears to give to children who have been in a traumatic situation. The girl stopped what she was doing and she had this very startled look on her face. She said, ''I got one of those bears when I was a little girl. My Step-Dad tried to kill my Mother. He went after her with a machete, he beat her, he hit us, and when the police got there they gave me and my sister a teddy bear to hug. I remember it to this day. I think your friend is doing a wonderful thing.''

So now you know first hand how appreciated your work is to the victims.

Elcena

It is programs like the Buddy Bears for Abused Children, and the energy and commitment of people like Mr. Odom, that make volunteer efforts in Oregon and across the country so successful. I am honored today to recognize this program and individual.●

CELEBRATING TWO RIVERS LANDING VISITOR CENTER

● Mr. SANTORUM. Mr. President, I rise today to call attention to the recently completed Two Rivers Landing Visitor Center located in Easton, PA.

On July 16, 1996 a new state-of-the-art cultural visitor center will open its doors to the public permitting visitors to experience the unique wonders of Easton and its surrounding communities. The visitor center embodies a highly successful public-private partnership between the Federal Government, Commonwealth of Pennsylvania, private industry, community leaders and local lenders. The Two Rivers Landing Visitor Center represents the anchor project in the Easton Economic Development Corporation's strategic plan for revitalizing Easton.

Primarily, the visitor center will celebrate the historic accomplishments of Binney & Smith, Inc., makers of Crayola crayons through a Crayola Factory display. In addition, the visitor center will highlight the natural beauty and assets of the Easton region through a National Canal Museum and National Heritage Corridor and State Heritage Parks Center.

Unquestionably, the highlight of the Two Rivers Landing Visitor Center will be the Crayola factory. The factory will allow visitors the opportunity to experience first-hand how a Crayola crayon is molded, labeled, and packaged. The Crayola factory component will allow visitors the opportunity to creatively interact with Crayola products in a range of different mediums.

Mr. President, for generations Americans of all ages have experienced the joy and magic of Crayola crayons. Crayola crayons have become a part of our lives not only as children, but also as parents and grandparents. It is estimated that 20,000 visitors travel to the Binney & Smith, Inc. Forks Township, PA manufacturing facility each year to witness the creation of these crayons. The number of visitors is even more astounding when one realizes that the current manufacturing plant tour uses no advertising or promotions whatsoever. With these facts in mind, I hope my colleagues will join me in observing a National Day of Color in honor of this opening.

I hope that the visitors center will also act as a local hub to direct tourists to the region's other enriching attractions—children's shows and performances at the nearby State Theater, the canal boat ride and locktender's house located at Huge Moore Park, the fish ladder on the Delaware River, activities occurring at Lafayette College, local restaurants, local retailers, other regional events, and Bushkill Park.

Mr. President, it has been 3 years since proposals were unveiled to create a visitor center that would help revitalize downtown Easton. Those who have had the privilege to tour the facility prior to its grand opening indicate that the facility has successfully captured the spirit and history of the Easton region.

The Two Rivers Landing Visitor Center will expose many new visitors to the rich heritage of Easton, while at the same time, stimulating the economy of the region. I would like to congratulate the parties involved in this undertaking on a job well done.●

ORDERS FOR FRIDAY, JULY 12, 1996, AND TUESDAY, JULY 16, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Friday, July 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, and 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; there then be a period for morning business until the hour of 12:30 with Senator COVERDELL or his designee in control of the time from 9:30 to 11 a.m., and Senator FORD in control of the time from 11 a.m. to 12 p.m., and Senator DASCHLE or his designee to be in control of the time from 12 to 12:30; further, immediately following morning business, the Senate stand in adjournment until the hour of 9 a.m. on Tuesday, July 16, and that immediately 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, unfortunately we have been unable to complete action on the Defense appropriations bill. The Senate will therefore be in session tomorrow for a period of morning business. No votes will occur during tomorrow's session. The Senate will then reconvene again on Tuesday, at 9 a.m. and, in accordance with the

provisions of rule XXII, a live quorum will begin at 10 a.m. and, upon the establishment of a quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect rollcall votes to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate will be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill. As a reminder to all Senators, under the provisions of rule XXII, Senators have until the hour of 1 p.m. tomorrow, or the close of business if earlier, to file first-degree amendments to the Defense appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m, adjourned until Friday, July 12, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 11, 1996:

DEPARTMENT OF STATE

ROD GRAMS, OF MINNESOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CLAIBORNE DEB. PELL, OF RHODE ISLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 51ST SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 26, 1996. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be major general

BRIG. GEN. MICHAEL W. ACKERMAN, 000–00–0000.
BRIG. GEN. FRANK H. AKERS, JR., 000–00–0000.
BRIG. GEN. LEO J. BAXTER, 000–00–0000.
BRIG. GEN. ROY E. BEAUCHAMP, 000–00–0000.
BRIG. GEN. KENNETH R. BOWRA, 000–00–0000.
BRIG. GEN. KEVIN P. BYRNES, 000–00–0000.
BRIG. GEN. MICHAEL, A. CANAVAN, 000–00–0000.
BRIG. GEN. ROBERT T. CLARK, 000–00–0000.
BRIG. GEN. MICHAEL L. DODSON, 000–00–0000.
BRIG. GEN. ROBERT B. FLOWERS, 000–00–0000.
BRIG. GEN. PETER C. FRANKLIN, 000–00–0000.
BRIG. GEN. THOMAS W. GARRETT, 000–00–0000.
BRIG. GEN. EMMITT E. GIBSON, 000–00–0000.
BRIG. GEN. DAVID L. GRANGE, 000–00–0000.
BRIG. GEN. DAVID R. GUST, 000–00–0000.
BRIG. GEN. MARK R. HAMILTON, 000–00–0000.
BRIG. GEN. PATRICIA R.P. HICKERSON, 000–00–0000.
BRIG. GEN. ROBERT R. IVANY, 000–00–0000.
BRIG. GEN. JOSEPH K. KELLOGG, JR., 000–00–0000.
BRIG. GEN. JOHN M. LEMOYNE, 000–00–0000.
BRIG. GEN. JOHN M. MCDUFFIE, 000–00–0000.
BRIG. GEN. FREDDY E. MCFARREN, 000–00–0000.
BRIG. GEN. MARIO F. MONTERO, JR., 000–00–0000.
BRIG. GEN. STEPHEN T. RIPPE, 000–00–0000.
BRIG. GEN. JOHN J. RYNESKA, 000–00–0000.
BRIG. GEN. ROBERT D. SHADLEY, 000–00–0000.
BRIG. GEN. EDWIN P. SMITH, 000–00–0000.
BRIG. GEN. JOHN B. SYLVESTER, 000–00–0000.
BRIG. GEN. RALPH G. WOOTEN, 000–00–0000.

IN THE MARINE CORPS

THE FOLLOWING MAJOR OF THE U.S. MARINE CORPS FOR POSTHUMOUS APPOINTMENT TO THE GRADE OF LIEUTENANT COLONEL UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE U.S. CONSTITUTION:

JOHN JOSEPH CANNEY, 000–00–0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

To be lieutenant colonel

DENTAL CORPS

ANN L. BAGLEY, 000–00–0000
TIMOTHY BANDROWSKY, 000–00–0000
KEITH A. BERRY, 000–00–0000
*FREDERICK C. BISCH, 000–00–0000
BARRY G. BISHOP, 000–00–0000
MICHAEL L. BRACE, 000–00–0000
LAWRENCE G. BREAULT, 000–00–0000
*ROBIN T. BRUNO, 000–00–0000
DAVID M. BURNETTE, 000–00–0000
*RICHARD M. ELLIS, 000–00–0000
NANCY K. ELLISTON, 000–00–0000
*GLEN J. FALLO, 000–00–0000
MICHAEL W. FORD, 000–00–0000
*FREDERICK J. HARMON, 000–00–0000
CHARLES L. HATLEY, 000–00–0000
*DONALD C. HOFHEINS, 000–00–0000
*MARY A. JOHNSON, 000–00–0000
ANTHONY P. JOYCE, 000–00–0000
ANDRE K. KIM, 000–00–0000
ETHEL M. LARUE, 000–00–0000
JAMES J. LIN, 000–00–0000
THOMAS S. MACKENZIE, 000–00–0000
*THOMAS G. MARINO, 000–00–0000
*NASRIN MAZUJI, 000–00–0000
DALE L. PAVEK, 000–00–0000
*DONNA B. PHILLIPS, 000–00–0000
BONITA L. PRUITT, 000–00–0000
*WILFRED P. RAMALHO, 000–00–0000
DAVID R. REEVES, 000–00–0000
*STEVEN ROBERTS, 000–00–0000
*ROBERT D. ROCK, 000–00–0000
*RONALD L. ROHOLT, 000–00–0000
LARRY G. ROTHFUSS, 000–00–0000
STEPHEN J. ROUSE, 000–00–0000
*JASON E. SHOWMAN, 000–00–0000
*KEITH D. WHITE, 000–00–0000
GORDON W. WOOLLARD, 000–00–0000

MEDICAL CORPS

*JOSEPH T. ALEXANDER, 000–00–0000
*CURTIS J. ALITZ, 000–00–0000
*ROBERT C. ALLEN, 000–00–0000
BRIAN D. ALLGOOD, 000–00–0000
PAUL J. AMOROSO, 000–00–0000
*JO ANN ANDRIKO, 000–00–0000
*MICHAEL APPLEWHITE, 000–00–0000
*ANDREW E. AUBER, 000–00–0000
MARK R. BAGG, 000–00–0000
JAMES A. BARKER, 000–00–0000
*KENNETH B. BATTS, 000–00–0000
*ALAN L. BEITLER, 000–00–0000
DAVID E. BERTLER, 000–00–0000
JOSEPH BETTENCOURT, 000–00–0000
*JOHN F. BILELLO, 000–00–0000
*STEPHEN A. BODNEY, 000–00–0000
KENT L. BRADLEY, 000–00–0000
MATRICE W. BROWNE, 000–00–0000
WILLIAM T. BROWNE, 000–00–0000
*PAUL B. BURKE, 000–00–0000
WILLIAM BURKHALTER, 000–00–0000
KAREN M. BURNHAM, 000–00–0000
*HOWARD A. BURRIS II, 000–00–0000
*BRADFORD S. BURTON, 000–00–0000
*NORMAN E. BUSSELL, 000–00–0000
JOHN W. BYRON, 000–00–0000
JOHN G. CARROUGHER, 000–00–0000
*JERRY D. CHAMP, 000–00–0000
DOUGLAS E. CHAPMAN, 000–00–0000
*JOHN D. CHARETTE, 000–00–0000
*DANIEL T. CHING, 000–00–0000
*EDWARD CHU, 000–00–0000
*LANCE D. CLAWSON, 000–00–0000
*THOMAS C. COBURN, 000–00–0000
*STEPHEN J. COZZA, 000–00–0000
*THOMAS R. DAMIANO, 000–00–0000
*STEVEN S. DAVIS, 000–00–0000
MICHAEL A. DEATON, 000–00–0000
*CARL W. DEMIDOVICH, 000–00–0000
*DAVID DESERTSPRING, 000–00–0000
SCOTT R. DUFFIN, 000–00–0000
*MICHAEL R. DUNHAM, 000–00–0000
*CHARLES V. EDMOND, 000–00–0000
RALPH L. ERICKSON, 000–00–0000
JEREL J. ERNE, 000–00–0000
*DENNIS L. FEBINGER, 000–00–0000
SCOTT A. FENGLER, 000–00–0000
*JAMES FLECKENSTEIN, 000–00–0000
*KATHERINE S. FOLEY, 000–00–0000
JAMES M. FRANCIS, 000–00–0000
IAN H. FREEMAN, 000–00–0000
*KENNETH T. FURAKAWA, 000–00–0000
THOMAS H. GARVER, 000–00–0000
*ANTHONY D. GOEI, 000–00–0000
RICHARD R. GOMEZ, 000–00–0000
*LUIS F. GONZALEZ, 000–00–0000
PATRICK D. GORMAN, 000–00–0000
*ROBERT R. GRANVILLE, 000–00–0000
PATRICIA B. GURCZAK, 000–00–0000
*HENRY D. HACKER, 000–00–0000
*MICHAEL A. HARKABUS, 000–00–0000
*ALLAN C. HARRINGTON, 000–00–0000
*SUSAN L. HENDRICKS, 000–00–0000
*JEFFREY W. HERROLD, 000–00–0000
*OLEH W. HNATIUK, 000–00–0000
CURTIS J. HOBBS, 000–00–0000
*ROSS T. HOCKENBURY, 000–00–0000
*JOHN B. HOLCOMB, 000–00–0000
*PHILLIP HOLZKNECHT, 000–00–0000
*DAVID G. HOOKER, 000–00–0000
DAVID W. HOUGH, 000–00–0000
JAMES K. HOWDEN, 000–00–0000
DENNIS A. ICE, 000–00–0000
*MARK R. JACKSON, 000–00–0000
*ANNESLEY W. JAFFIN, 000–00–0000
*ARLON H. JAHNKE, 000–00–0000
ALAN JANUSZIEWICZ, 000–00–0000
*KERRY R. JOHNSON, 000–00–0000
*SHEILA B. JONES, 000–00–0000
*CONNIE R. KALK, 000–00–0000
*THASAN N. KANESA, 000–00–0000
*STEVEN M. KARAN, 000–00–0000
PETERSON D. KARR, 000–00–0000
*STEVEN D. KLAMERUS, 000–00–0000
*DAVID D. KRIEGER, 000–00–0000
*MITCHEL D. KRIEGER, 000–00–0000
*ROBERT A. KUSCHNER, 000–00–0000
*MICHAEL LADOUCEUR, 000–00–0000
*WILLIAM R. LAURENCE, 000–00–0000
CHERYL A. LITTLE, 000–00–0000
*SVEN K. LJAAMO, 000–00–0000
*KENNETH D. LOCKE, 000–00–0000
*JOSEPH A. LOPEZ, 000–00–0000
*MARK A. LOVELL, 000–00–0000
*JAMES M. MADSEN, 000–00–0000
*MARK T. MARINO, 000–00–0000
*KIM R. MARLEY, 000–00–0000
EVAN J. MATHESON, 000–00–0000
BRYAN E. MC DONNELL, 000–00–0000
VICTOR MC GLAUGHLIN, 000–00–0000
RANDOLPH E. MODLIN, 000–00–0000
*HUDA MONTEMARANO, 000–00–0000
*FRANCO MUSIO, 000–00–0000
BARRINGTON N. NASH, 000–00–0000
*ELIZABETH NEUHALFEN, 000–00–0000
*DAVID W. HIEBUHR, 000–00–0000
KOJI D. NISHIMURA, 000–00–0000
*SCOTT A. NORTON, 000–00–0000
*CHRISTIAN OCKENHOUSE, 000–00–0000
*MICHAEL A. OCONNELL, 000–00–0000
*FRANCIS G. OCONNOR, 000–00–0000
JUDITH A. OCONNOR, 000–00–0000
*CRAIG M. ONO, 000–00–0000
*MIGUEL A. OQUENDO, 000–00–0000
*GREGORY H. PARISH, 000–00–0000
JOSEPH M. PARKER, 000–00–0000
CARLOS M. PARRADO, 000–00–0000
*DARRYL W. PETERSON, 000–00–0000
*BRUNO PETRUCCELLI, 000–00–0000
*TIMOTHY P. PFANNER, 000–00–0000
*MARIA E. PLA, 000–00–0000
*JOSEPH F. POHL, 000–00–0000
*MATTHEW W. RAYMOND, 000–00–0000
*WILLIAM R. RAYMOND, 000–00–0000
*MICHAEL A. RIEL, 000–00–0000
JIMMIE W. RIGGINS, 000–00–0000
*FRANK M. ROBERTSON, 000–00–0000
SPENCER S. ROOT, 000–00–0000
*BERNARD J. ROTH, 000–00–0000
*MARK V. RUBERTONE, 000–00–0000
*NORMAN SCARBOROUGH, 000–00–0000
*RICHARD A. SCHAEFER, 000–00–0000
*JOHN H. SCHRANK, 000–00–0000
*BEVERLY R. SCOTT, 000–00–0000
*BRIAN G. SCOTT, 000–00–0000
CHRISTINE T. SCOTT, 000–00–0000
*EDWARD R. SETSER, 000–00–0000
*BARRY J. SHERIDAN, 000–00–0000
*MARK F. SHERIDAN, 000–00–0000
JEFFREY E. SHORT, 000–00–0000
*ERIC A. SIECK, 000–00–0000
*KEITH N. STEINHURST, 000–00–0000
HARRY K. STINGER, 000–00–0000
*JOSE A. STOUTE, 000–00–0000
*MARGARET STRIEPER, 000–00–0000
*LOREE K. SUTTON, 000–00–0000
*SIDNEY J. SWANSON, 000–00–0000
*DEAN C. TAYLOR, 000–00–0000
*DAVID C. TELLER, 000–00–0000
*EDWARD W. TRUDO, 000–00–0000
*LEO D. TRUCKER II, 000–00–0000
GEORGE W. TURIANSKY, 000–00–0000
*DOUG A. VERMILLION, 000–00–0000
DAVID M. WATTS, 000–00–0000
NADJA Y. WEST, 000–00–0000
*JOSEPH A. WHITFIELD, 000–00–0000
*DEAN L. WILEY, 000–00–0000
*MICHAEL R. WILLIAMS, 000–00–0000
*MICHAEL J. WILSON, 000–00–0000
*REGINALD W. WILSON, 000–00–0000
*MICHAEL K. YANCEY, 000–00–0000
*CRISTINA M. YUAN, 000–00–0000
*BURKHARDT H. ZORN, 000–00–0000

IN THE ARMY

The following named officers, on the active duty list, for promotion to the grade indicated in the U.S. Army in accordance with section 624 of title 10, United States Code:

To be major

DENTAL CORPS

JAMES W. BAIK, 000–00–0000
BRYAN C. BOUCHELION, 000–00–0000
STEVEN A. BROWN, 000–00–0000
LIONEL A. BULFORD, 000–00–0000
LILLIAN M. CONNER, 000–00–0000
JENNIFER ELLEFSON, 000–00–0000
MARK R. GLEISNER, 000–00–0000
JONATHAN W. HILL, 000–00–0000
DAVID M. JONES, 000–00–0000
GARY T. JONES, 000–00–0000
CHRISTOPH I. LANGER, 000–00–0000
SUNG Y. LEE, 000–00–0000
TERRY S. LEE, 000–00–0000
ORLANDO R. MARTIN, 000–00–0000
EDWARD A. MOORE, 000–00–0000
PAMELA J. ORTIZ, 000–00–0000
SEAN M. OSULLIVAN, 000–00–0000
STEVEN B. PASCOE, 000–00–0000
CRAIG G. PATTERSON, 000–00–0000
GRANT A. PERRINE, 000–00–0000
MARK J. PIOTROWSKI, 000–00–0000
MICHAEL E. REA, 000–00–0000
DONALD C. RICHARD, 000–00–0000
DAVID C. SMISSON, 000–00–0000
CRAIG S. STEWART, 000–00–0000
CRAIG P. TORRES, 000–00–0000
JOSEPH W. VARGAS, 000–00–0000
JOSE R. VILLANUEVA, 000–00–0000
PAUL J. VIZGIRDA, 000–00–0000
KEVIN D. WILSON, 000–00–0000
KENNETH O. WYNN, 000–00–0000

MEDICAL CORPS

BARRY A. AARONSON, 000–00–0000
MICHAEL J. ABELE, 000–00–0000
NOBLE L. AIKINS, 000–00–0000
BRUCE J. AISTRUP, 000–00–0000
JAY T. ALLEN, 000–00–0000
CHARLES A. ANDERSON, 000–00–0000
JOHN G. ANGELO, 000–00–0000
CHRISTINA APODACA, 000–00–0000
PETER J. ARMSTRONG, 000–00–0000
ANTHONY AVITABILE, 000–00–0000
GREGORY BAHTIARIAN, 000–00–0000
GEORGE K. BAL, 000–00–0000
JON E. BALDWIN, 000–00–0000
PETER K. BAMBERGER, 000–00–0000
ROBERT B. BARGER, 000–00–0000
RANDALL F. BARKER, 000–00–0000
MARCIA A. BARNES, 000–00–0000
SARAH A. BARR, 000–00–0000
TERESA J. BATES, 000–00–0000
RICHARD L. BAUMANN, 000–00–0000
BRIAN D. BAXTER, 000–00–0000
CHRISTINA M. BELNAP, 000–00–0000
DAVID M. BENEDEK, 000–00–0000
PETER J. BENSON, 000–00–0000
TIMOTHY R. BERIGAN, 000–00–0000
DAVID S. BERRY, 000–00–0000
ANTHONY BEVILACQUA, 000–00–0000
CHRISTOPHER BILLINGSLEA, 000–00–0000
NANCY B. BLACK, 000–00–0000
KEVIN P. BLACKMON, 000–00–0000
JEREMY R. BLANCHARD, 000–00–0000
RICHARD T. BLASZAK, 000–00–0000
JAMES G. BLOM, 000–00–0000
JOHANNES V. BLOM, 000–00–0000
HEATHER I. BLOMELEY, 000–00–0000
EDWARD H. BOLAND, 000–00–0000
BRIAN S. BOLINGER, 000–00–0000
STEVEN R. BOYEA, 000–00–0000
RONALD H. BRANNON, 000–00–0000
KENNETH E. BREEDEN, 000–00–0000
UNA M. BREWER, 000–00–0000
STEVEN J. BREWSTER, 000–00–0000
PARIS A. BRINKLEY, 000–00–0000
JENNIFER J. BRITTIG, 000–00–0000
JOHN B. BROWN, 000–00–0000
PAUL A. BRUNDAGE, 000–00–0000
ADRIENNE M. BUGGS, 000–00–0000
PATRICK L. BURBA, 000–00–0000
JAMES H. BURDEN, 000–00–0000
MARK R. BUSH, 000–00–0000
RASHID A. BUTTAR, 000–00–0000
BRENT E. CAIN, 000–00–0000
MARK D. CALKINS, 000–00–0000
JOHN CARAVALHO, 000–00–0000
ANA A. CARDENAS, 000–00–0000
SCOTT K. CARTER, 000–00–0000
EDUARDO O. CAVEDA, 000–00–0000
MELINDA CAVICCHIA, 000–00–0000
PAUL R. CAZIER, 000–00–0000
PAUL T. CHAN, 000–00–0000
TIMOTHY T. CHANG, 000–00–0000
ARTHUR B. CHASEN, 000–00–0000
PING-HSIN CHEN, 000–00–0000
KENNETH H. CHO, 000–00–0000
MARK Y. CHU, 000–00–0000
KENDALL R. CLARK, 000–00–0000
KERRY L. CLEARY, 000–00–0000
JEFFREY L. CLEMONS, 000–00–0000
DAVID B. CLINE, 000–00–0000
MICHAEL L. COHEN, 000–00–0000
RODNEY L. COLDREN, 000–00–0000
JOHN H. COLE III, 000–00–0000
ANDREA J. COLO, 000–00–0000
MARK R. COLOMBO, 000–00–0000
KENT E. COPELAND, 000–00–0000
KARIN A. COX, 000–00–0000
LOUIS C. COYLE, 000–00–0000
JOHN D. CROCKER, 000–00–0000
DALE R. CROCKETT, 000–00–0000
JANIS K. CROLEY, 000–00–0000
DAVID N. CROUCH, 000–00–0000
BRIAN M. CUNEO, 000–00–0000
THOMAS K. CURRY, 000–00–0000
PAUL S. DARBY, 000–00–0000
TERRY E. DAVENPORT, 000–00–0000
BRENDA L. DAWLEY, 000–00–0000
HOYOS J. DE, 000–00–0000
JAMES D. DECKER, 000–00–0000
ROBIN J. DELEON, 000–00–0000
KAREN DELLAGIUSTINA, 000–00–0000
ARTHUR DELORIMIER, 000–00–0000
BETH L. DENNIS, 000–00–0000
ROBERT A. DESANTIS, 000–00–0000
WENDI T. DIAMOND, 000–00–0000
MARC P. DIFAZIO, 000–00–0000
ERIN A. DOE, 000–00–0000
DANIEL J. DONOVAN, 000–00–0000
THEODORE A. DORSAY, 000–00–0000
DAVID A. DORSEY, 000–00–0000
WILLIAM EDENFIELD, 000–00–0000
NATHAN S. ELLIS, 000–00–0000
JOHN B. ELLSWORTH, 000–00–0000
JOSEPH M. ENDRIZZI, 000–00–0000
JOSEPH C. ENGLISH III, 000–00–0000
MICHAEL A. ESLAVA, 000–00–0000
ERIC T. FAJARDO, 000–00–0000A
CARLOS FALCON, JR., 000–00–0000
HERBERT P. FECHTER, 000–00–0000
TERRY M. FLETCHER, 000–00–0000
KENNETH T. FOREMAN, 000–00–0000
JOHN FRONTERA, 000–00–0000
RONALD M. FRYE, 000–00–0000
JAMES L. FURGERSON, 000–00–0000
ERICH M. GAERTNER, 000–00–0000
ROGER A. GALLUP, 000–00–0000
MEREDITH G. GARRETT, 000–00–0000
DANIEL J. GAVIN 000–00–0000
GLEN P. GENEST, 000–00–0000
STEVEN E. GEORGE, 000–00–0000
THOMAS W. GIBSON, 000–00–0000
JEFFREY J. GLOBUS, 000–00–0000
ROD M. GONCLAVES, 000–00–0000
DANIEL S. GORDON, 000–00–0000
JOSH L. GORDON, 000–00–0000
JOHNATHAN R. GORE, 000–00–0000
ALFRED C. GORMAN, 000–00–0000
EUGENE P. GRADY, 000–00–0000
KURT W. GRATHWOHL, 000–00–0000
DARREN F. GRAY, 000–00–0000
RAYMOND D. GREASER, 000–00–0000
DAVID L. GRECO, 000–00–0000
GINA GRECO-TARTAGLIA, 000–00–0000
GENE L. GRIFFITHS, 000–00–0000
EDUARDO R. GUZMAN, 000–00–0000
JAMES B. HAERING, 000–00–0000
JOHN J. HAGAN, 000–00–0000
JAMES A. HALL, 000–00–0000
MICHAEL K. HAMMOND, 000–00–0000
ELIZABETH HANCOCK, 000–00–0000
JACK K. HANDLEY, 000–00–0000
LORI E. HARRINGTON, 000–00–0000
MARK D. HARRIS, 000–00–0000
BENJAMIN HARRISON, 000–00–0000
JOHN E. HARTMANN, 000–00–0000
BENJAMIN D. HARVEY, 000–00–0000
WILLIAM C. HASKINS, 000–00–0000
RANDY P. HAUSTED, 000–00–0000
ALLLAN C. HAYS, 000–00–0000
JOHN C. HEFLIN, 000–00–0000
JAY W. HELGASON, 000–00–0000
ERIC R. HELLING, 000–00–0000
JAVIER HERNANDEZ, 000–00–0000
JAMES E. HIGHT, 000–00–0000
THOMAS K. HIROTA, 000–00–0000
DAVID HOANG, 000–00–0000
TUAN A. HOANGXUAN, 000–00–0000
MICHAEL C. HODGES, 000–00–0000
CHARLES HOLLCRAFT, 000–00–0000
PATRICK J. HORAN, 000–00–0000
DAVID A. HOTCHKISS, 000–00–0000
ERIC R. HOYER, 000–00–0000
RANCE W. HUMPHREYS, 000–00–0000
MICHAEL G. HUNT, 000–00–0000
RONALD L. HURST, 000–00–0000
PEYTON H. HURT, 000–00–0000
TINH K. HUYN, 000–00–0000
ANDREW P. HYATT, 000–00–0000
ROBERT G. IRWIN, 000–00–0000
DANIEL ISENBARGER, 000–00–0000
RICHARD B. ISLINGER, 000–00–0000
LESLIE W. JACKSON, 000–00–0000
ANTHONY F. JERANT, 000–00–0000
HELEN R. JOHNSON, 000–00–0000
JAMES H. JOHNSON, 000–00–0000
JEFFREY J. JOHNSON, 000–00–0000
KENWARD B. JOHNSON, 000–00–0000
MICHAEL W. JOHNSON, 000–00–0000
RINNA C. JOHNSON, 000–00–0000
WAYNE A. JOHNSON, 000–00–0000
BOBBY W. JONES, 000–00–0000
DAPHINE L. JONES, 000–00–0000
ROBERT A. JOY, 000–00–0000
VIRGINIA B. KALISH, 000–00–0000
RAJASEKHAR KANDALA, 000–00–0000
CARL A. KARR, 000–00–0000
ROHIT K. KATIAL, 000–00–0000
MICHAEL L. KEEHN, 000–00–0000
JOHN J. KELEMEN, 000–00–0000
ROBERT V. KELLOW, 000–00–0000
KAREN K. KERLE, 000–00–0000
JOSEPH M. KNAPP, 000–00–0000
DAVID C. KOEHLER, 000–00–0000
NICHOLAS M. KOMAS, 000–00–0000
ANDREW J. KOSMOWSKI, 000–00–0000
BRIAN N. KRAVITZ, 000–00–0000
MICHELLE B. KRAVITZ, 000–00–0000
JOHN K. KULA, 000–00–0000
RICHARD K. KYNION, 000–00–0000
ROBERT C. LADD, 000–00–0000
TIMOTHY P. LAIRD, 000–00–0000
RAYMOND S. LANCE, 000–00–0000
FORREST LANCHBURY, 000–00–0000
JOHN D. LANE, 000–00–0000
MONA L. LANE, 000–00–0000
JOHN D. LARAWAY, 000–00–0000
THOMAS M. LARKIN, 000–00–0000
SARAH L. LAVALLEE, 000–00–0000
LAM H. LE, 000–00–0000
WILLIS T. LEAVITT, 000–00–0000
KENNETH M. LECLERC, 000–00–0000
MICHAEL D. LEWIS, 000–00–0000
KAREN H. LICKTEIG, 000–00–0000
JAMES R. LIFFRIG, 000–00–0000
KENNETH K. LINDELL, 000–00–0000
PHILIP R. LINDSTROM, 000–00–0000
THOMAS R. LOVAS, 000–00–0000
WENDY MA, 000–00–0000
CHRISTIAN MACEDONIA, 000–00–0000
MICHAEL S. MACHEN, 000–00–0000
KEVIN M. MAGUIRE, 000–00–0000
RICHARD J. MAGUIRE, 000–00–0000
MILES E. MAHAN, 000–00–0000
MARTIN MALDONADOALFANDARI, 000–00–0000
MAMMEN P. MAMMEN, 000–00–0000
PAUL L. MANGANELLI, 000–00–0000
DAVID E. MANTHEY, 000–00–0000
STEPHEN N. MARKS, 000–00–0000
WILLIAM H. MARSHALL, 000–00–0000
MARY MATHERMONDREY, 000–00–0000
CAL S. MATSUMOTO, 000–00–0000
WILLIAM D. MATTHEWS, 000–00–0000
GEORGE L. MAXWELL, 000–00–0000
WILLIAM R. MAYS, 000–00–0000
SCOTT J. MC ATTEE, 000–00–0000
CORNELIUS MC CARTHY, 000–00–0000
THOMAS E. MC CROREY, 000–00–0000
PAMELA D. MC GARRAH, 000–00–0000
CHRISTOPHER MC GRAW, 000–00–0000
GARNER P. MC KENZIE, 000–00–0000
MARK A. MEEKS, 000–00–0000
THOMAS S. MEGO, 000–00–0000
JENNIFER MENETREZ, 000–00–0000
ROBERT J. METZ, 000–00–0000
EDWARD C. MICHAUD, 000–00–0000
SAMUEL K. MILLER, 000–00–0000
STEVEN E. MILLER, 000–00–0000
THOMAS J. MINER, 000–00–0000
DAVID B. MITCHELL, 000–00–0000
VICTOR N. MIZRACHI, 000–00–0000
GREGORY P. MICK, 000–00–0000
HENRY E. MOELLER, 000–00–0000
GREG T. MOGEL, 000–00–0000
WILKES G. MONROE, 000–00–0000
ANDREW MONTEMARANO, 000–00–0000
CAROL A. MOORES, 000–00–0000
ERIC D. MORGAN, 000–00–0000
ROBERT E. MORGAN, 000–00–0000
CHET A. MORRISON, 000–00–0000
ROBERT W. MORSE, 000–00–0000
JONATHAN P. MUELLER, 000–00–0000
DANIEL J. MULLINS, 000–00–0000
MICHAEL P. MULREANY, 000–00–0000
FLETCHER M. MUNTER, 000–00–0000
GEORGINA L. MURRAY, 000–00–0000
CHARLES S. NEEDHAM, 000–00–0000
ALAN S. NELSON, 000–00–0000
BRADLEY J. NELSON, 000–00–0000
MICHAEL R. NELSON, 000–00–0000
RACHAEL S. NELSON, 000–00–0000
ANTHONY R. NERI, 000–00–0000
VU NGO, 000–00–0000
DENNIS D. NICHOLS, 000–00–0000
DAREN B. NIGUS, 000–00–0000
JAMES M. NOLD, 000–00–0000
GREER E. NOONBURG, 000–00–0000
DIANE K. NOYES, 000–00–0000
KEN OKADA, 000–00–0000
ERIC W. OLINS, 000–00–0000
PATRICK G. OMALLEY, 000–00–0000
DAVID G. OMDAL, 000–00–0000
DENNIS M. ORDAS, 000–00–0000
JOAQUIN F. ORONOZ, 000–00–0000
NORMAN E. PAHMEIER, 000–00–0000
DANIEL PAK, 000–00–0000
DANIEL E. PARKS, 000–00–0000
ROSANGELA PARSONS, 000–00–0000
PAUL F. PASQUINA, 000–00–0000
LISA A. PEARSE, 000–00–0000
JAMES F. PEHOUSHEK, 000–00–0000
ROGER S. PENCE, 000–00–0000
ANDREA M. PENNARDT, 000–00–0000
MARIA PEREZMONTES, 000–00–0000
JOSEPH L. PERRY, 000–00–0000
MARGUERITE A. PERSI, 000–00–0000
KRIS A. PETERSON, 000–00–0000
RICHARD P. PETRI, 000–00–0000
FREDERIC PFALZGRAF, 000–00–0000
STEVEN D. PICERNE, 000–00–0000
MICHAEL L. PLACE, 000–00–0000
GLEN POFFENBARGER, 000–00–0000
GLENN G. PRESTON, 000–00–0000
JAMES M. PTACEK, 000–00–0000
MARK W. PTASKIEWICZ, 000–00–0000
MIGUEL A. PUPIALES, 000–00–0000
MARTIN G. RADVANY, 000–00–0000
DAVID E. RAMOS, 000–00–0000
EDWARD E. RAMSEY, 000–00–0000
TIMOTHY D. RANKIN, 000–00–0000
VICTORIA A. REES, 000–00–0000
MARK M. REEVES, 000–00–0000
ANDREW M. REIBACH, 000–00–0000
SANDRA L. REINHOLD, 000–00–0000
PATRICK REINSVOLD, 000–00–0000
ROGER J. REMBECKI, 000–00–0000

MICHAEL J. RENSCH, 000–00–0000
SCOTT A. RICE, 000–00–0000
CYNTHIA D. ROBERTS, 000–00–0000
PHILIP R. ROBERTS, 000–00–0000
DONALD W. ROBINSON, 000–00–0000
WILLIAM RODRIGUEZ, 000–00–0000
MARYJO K. ROHRER, 000–00–0000
WILLIAM ROLLEFSON, 000–00–0000
VERONICA J. ROOKS, 000–00–0000
RAFAEL ROSADOCOSME, 000–00–0000
CHARMAINE A. ROSS, 000–00–0000
ALLEN D. RUBIN, 000–00–0000
STEPHEN M. SALERNO, 000–00–0000
DANIEL J. SALZBERG, 000–00–0000
JAMES A. SANTORO, 000–00–0000
RUSSELL E. SCHEFFER, 000–00–0000
DANIEL J. SCHISSEL, 000–00–0000
MICHAEL J. SERWACKI, 000–00–0000
BRENT D. SHELTON, 000–00–0000
JOHN S. SHIN, 000–00–0000
TAE J. SHIN, 000–00–0000
ANNE B. SHROUT, 000–00–0000
KENNETH R. SHUMAN, 000–00–0000
ERIC E. SHUPING, 000–00–0000
REGINALD SINGLETON, 000–00–0000
MARY F. SIPPELL, 000–00–0000
NEIL H. SITENGA, 000–00–0000
CARL M. SMAGULA, 000–00–0000
KELLEY W. SMITH, 000–00–0000
PAUL M. SMITH, 000–00–0000
MICHAEL J. SNYDER, 000–00–0000
DOUGLAS SODERDAHL, 000–00–0000
TEELA SORENSEN, 000–00–0000
GERALD J. SPARKS, 000–00–0000
FRANZ J. STADLER, 000–00–0000
JOHN J. STASINOS, 000–00–0000
CHARLES R. STEPHENS, 000–00–0000
JOE J. STEPHENSON, 000–00–0000
ALEXANDER STOJADINOVIC, 000–00–0000
JEFFREY S. STRONG, 000–00–0000
MICHAEL J. SUNDBORG, 000–00–0000
CHARLES E. SWALLOW, 000–00–0000
ERNIE D. SWANSON, 000–00–0000
DONALD L. TAILLON, 000–00–0000
CHARLES L. TAYLOR, 000–00–0000
ROBERT W. THEAKSTON, 000–00–0000
BENJAMIN THOMPSON, 000–00–0000
LESLIE S. TORGERSON, 000–00–0000
JAVIER I. TORRENS, 000–00–0000
LENHANH P. TRAN, 000–00–0000
ALLAN L. TRUAX, 000–00–0000
KENNETH TRZEPKOWSKI, 000–00–0000
DAVID C. TUMAN, 000–00–0000
DAVID A. TWILLIE, 000–00–0000
PATRICK A. TWOMEY, 000–00–0000
MATTHEW J. UYEMURA, 000–00–0000
MANUEL VALENTIN, 000–00–0000
JAMES T. VANDENBERG, 000–00–0000
DAVID P. VETTER, 000–00–0000
GILBERT L. VIGO, 000–00–0000
MICHAEL L. VILLANO, 000–00–0000
MARK A. VOSS, 000–00–0000
BRADLEY J. VOSSBERG, 000–00–0000
DALE L. WALDNER, 000–00–0000
DANIEL W. WALSH, 000–00–0000
DANIEL WATSON, 000–00–0000
CRAIG R. WEBB, 000–00–0000
JEFFREY W. WEISER, 000–00–0000
LAUREEN F. WELLS, 000–00–0000
PAUL W. WHITECAR, 000–00–0000
ANDREW R. WIESEN, 000–00–0000
TIMOTHY E. WIESS, 000–00–0000
RICHARD K. WINKLE, 000–00–0000
ERIC R. WOOTEN, 000–00–0000
KEITH J. WROBLEWSKI, 000–00–0000
CHRISTOPHER WRUBEL, 000–00–0000
JULIE A. WUEST, 000–00–0000
PETER C. YOUNG, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

ARMY COMPETITIVE

To be major

*ANTHONY J. ABATI, 000–00–0000
*JUSTON W. ABEL, 000–00–0000
*TIMOTHY W. ABEL, 000–00–0000
*BRYAN K. ADAMS, 000–00–0000
*GEORGE S. ADAMS, 000–00–0000
*JOSEPH M. ADAMS, 000–00–0000
*WILLIAM A. ADAMS, 000–00–0000
WILLIAM J. ADAMS, 000–00–0000
*FRANK T. AKINS, 000–00–0000
MICHAEL ALBERTSON, 000–00–0000
DAVID R. ALEXANDER, 000–00–0000
*KIRK T. ALLEN, 000–00–0000
*WILLIE E. ALMOND, 000–00–0000
*JAMES B. ALVILHIERA, 000–00–0000
*BRIAN K. AMBERGER, 000–00–0000
*PAUL J. AMBROSE, 000–00–0000
*CHARLES T. AMES, 000–00–0000
*DAVID A. ANDERSEN, 000–00–0000
CURTIS A. ANDERSON, 000–00–0000
FRANK H. ANDERSON, 000–00–0000
*DARYL W. ANDREWS, 000–00–0000
*ANTHONY W. ANGELO, 000–00–0000
*KIM J. ANGLESEY, 000–00–0000
ANTONIO ARAGON, 000–00–0000
KEVIN A. ARBANAS, 000–00–0000
*FRANCISCO ARCE, 000–00–0000
DAVID A. ARMSTRONG, 000–00–0000
*MICHAEL ARMSTRONG, 000–00–0000
JEFFREY A. ARQUETTE, 000–00–0000
HERMAN ASBERRY III, 000–00–0000
KEVIN J. AUSTIN, 000–00–0000
VICTOR BADAMI, 000–00–0000
ROBERT A. BAER, 000–00–0000
*JACQULINE BAGBY, 000–00–0000
MICHAEL J. BAGLEY, 000–00–0000
JOEL B. BAGNAL, 000–00–0000
*EDWARD B. BAKER, 000–00–0000
*JOHN D. BAKER, 000–00–0000
*TERRANCE J. BAKER, 000–00–0000
*DONALD L. BALCH, 000–00–0000
WILLIAM BALKOVETZ, 000–00–0000
*MICHAEL A. BALSER, 000–00–0000
JOHN F. BALTICH, 000–00–0000
BERNARD B. BANKS, 000–00–0000
ROBERT BANNON, 000–00–0000
JOHN H. BARBER, 000–00–0000
*PETER C. BARCLAY, 000–00–0000
*ROBERT A. BARKER, 000–00–0000
*ROBERT S. BARKER, 000–00–0000
*MARK K. BARKLEY, 000–00–0000
DONALD L. BARNETT, 000–00–0000
GLENN J. BARR, 000–00–0000
BRETT BARRACLOUGH, 000–00–0000
WILLIAM V. BARRETT, 000–00–0000
JOHN S. BARRINGTON, 000–00–0000
*EARL W. BARTHEL, 000–00–0000
MICHAEL W. BARTLETT, 000–00–0000
*ROGER S. BASNETT, 000–00–0000
*DAVID B. BATCHELOR, 000–00–0000
*ANDRE D. BATSON, 000–00–0000
*JOHN L. BAUER, 000–00–0000
*JOHN M. BAXTER, 000–00–0000
*MARK R. BEAN, 000–00–0000
THOMAS C. BEANE, 000–00–0000
ARTHUR B. BEASLEY, 000–00–0000
DONALD BEATTIE, JR., 000–00–0000
*VERNON L. BEATTY, 000–00–0000
*STEPHANIE BEAVERS, 000–00–0000
CLARENCE L. BECKHAN, 000–00–0000
*TIMOTHY D. BECKNER, 000–00–0000
*DEBORAH L. BECKWITH, 000–00–0000
PETER J. BEIM, 000–00–0000
*DELOISE J. BELIN, 000–00–0000
JAMES C. BELL, 000–00–0000
KIRK C. BENSON, 000–00–0000
*GEORGE W. BENTER, 000–00–0000
GUS BENTON II, 000–00–0000
*MICHAEL D. BENTON, 000–00–0000
DAVID J. BERCZEK, 000–00–0000
*MARK E. BERGESON, 000–00–0000
*ALAN R. BERNARD, 000–00–0000
RAYMOND J. BERNIER, 000–00–0000
*JOHN W. BERRIE, 000–00–0000
*JORGE BERRIOSDELEON, 000–00–0000
*MARK A. BERTOLINI, 000–00–0000
*FRANCIS BETANCOURT, 000–00–0000
JOHN K. BEUCKENS, 000–00–0000
LINDA K. BEUCKENS, 000–00–0000
WILLIAM L. BIALOZOR, 000–00–0000
*STEVEN R. BIAS, 000–00–0000
BURT A. BIEBUYCK, 000–00–0000
*MICHAEL L. BIGHAM, 000–00–0000
KENNETH J. BILAND, 000–00–0000
JOHN S. BILLIE, 000–00–0000
*MICHAEL C. BIRD, 000–00–0000
*MICHAEL BIRMINGHAM, 000–00–0000
*WILLIAM T. BISHOP, 000–00–0000
*JAMES R. BLACKBURN, 000–00–0000
*DIRK C. BLACKDEER, 000–00–0000
*BARRY L. BLACKMON, 000–00–0000
*ALAN C. BLACKWELL, 000–00–0000
MARK A. BLAIR, 000–00–0000
KENNETH C. BLAKELY, 000–00–0000
*DARIN C. BLANCETT, 000–00–0000
*GREGG A. BLANCHARD, 000–00–0000
MARK R. BLIESE, 000–00–0000
MARK B. BOAZ, 000–00–0000
KENNETH L. BOEHME, 000–00–0000
GEORGE W. BOND, 000–00–0000
*MADELINE T. BONDY, 000–00–0000
*BRENDA L. BONK, 000–00–0000
VINCENT C. BONS, 000–00–0000
*MICHAEL T. BOONE, 000–00–0000
*DANIEL J. BOONIE, 000–00–0000
*NERO BORDERS, JR., 000–00–0000
*BERNARD H. BOUCHER, 000–00–0000
JOHN R. BOULE, 000–00–0000
JEFFREY A. BOVAIS, 000–00–0000
*DANIEL P. BOWEN, 000–00–0000
*MICHAEL E. BOWIE, 000–00–0000
BRYAN S. BOYCE, 000–00–0000
*MARK A. BOYD, 000–00–0000
THOMAS A. BOZADA, 000–00–0000
*LEO E. BRADLEY, 000–00–0000
*MICHAEL J. BRADLEY, 000–00–0000
*ROBERT T. BRADSHER, 000–00–0000
SUZANNE L. BRAGG, 000–00–0000
FRANCIS A. BRANCH, 000–00–0000
*STEVEN A. BRENNAN, 000–00–0000
*WILLIAM B. BRENTS, 000–00–0000
MICHAEL L. BREWER, 000–00–0000
PATRICK BREWINGTON, 000–00–0000
TONY A. BREWINGTON, 000–00–0000
*TODD A. BRICK, 000–00–0000
*GREGORY T. BRIERLY, 000–00–0000
CLARENCE E. BRIGGS, 000–00–0000
*DARRYL J. BRIGGS, 000–00–0000
DOUGLAS J. BRILES, 000–00–0000
BRIAN P. BRINDLEY, 000–00–0000
JOHN F. BRINEY, 000–00–0000
GALE J. BRITTAIN, 000–00–0000
THOMAS H. BRITTAIN, 000–00–0000
DAVID M. BRITTEN, 000–00–0000
*MICHAEL W. BROBECK, 000–00–0000
*JEFFREY M. BRODEUR, 000–00–0000
*JOHN J. BROOKS, 000–00–0000
*JOHN T. BROOKS, 000–00–0000
*THOMAS BROUILLETTE, 000–00–0000
*MICHAEL A. BROWDER, 000–00–0000
*BRIAN D. BROWN, 000–00–0000
*DONALD R. BROWN, 000–00–0000
*EVAN L. BROWN, 000–00–0000
HARRY S. BROWN, 000–00–0000
KEVIN E. BROWN, 000–00–0000
KEVIN P. BROWN, 000–00–0000
*ROBERT S. BROWN, 000–00–0000
*STEPHEN R. BROWN, 000–00–0000
*THERREL L. BROWN, 000–00–0000
TODD D. BROWN, 000–00–0000
*BYRON L. BROWNING, 000–00–0000
EMORY W. BROWNLEE, 000–00–0000
RICHARD A. BUCHER, 000–00–0000
*KATHRYN V. BUCKLEY, 000–00–0000
*CHARLES H. BUEHRING, 000–00–0000
*DAVID C. BULLARD, 000–00–0000
ROBERT L. BULLARD, 000–00–0000
JON K. BUONERBA, 000–00–0000
*PATRICK W. BURDEN, 000–00–0000
*DAVID J. BURKE, 000–00–0000
SHANE R. BURKHART, 000–00–0000
*FRANCIS B. BURNS, 000–00–0000
*TIMOTHY S. BURNS, 000–00–0000
JEFFREY S. BURRELL, 000–00–0000
CHARLES L. BURROWS, 000–00–0000
GERALD V. BURTON, 000–00–0000
*DANIEL G. BURWELL, 000–00–0000
GREGORY J. BUSCH, 000–00–0000
*STEVEN R. BUSCH, 000–00–0000
*DAVID A. BUSHEY, 000–00–0000
DOUGLAS B. BUSHEY, 000–00–0000
*STEVEN B. BUTLER, 000–00–0000
*FRANCIS M. BUZEK, 000–00–0000
*LORETTO M. BYANSKI, 000–00–0000
*BRADLEY R. BYLER, 000–00–0000
*SUSAN S. CABRAL, 000–00–0000
TEDSON J. CAMPAGNA, 000–00–0000
*DOUGLAS A. CAMPBELL, 000–00–0000
ROBERT I. CAMPBELL, 000–00–0000
ROBERT M. CAMPBELL, 000–00–0000
DENNIS A. CARD, 000–00–0000
CAMERON D. CARLSON, 000–00–0000
JAMES W. CARLSON, 000–00–0000
CHRISTOPHER CARNES, 000–00–0000
FORREST CARPENTER, 000–00–0000
*JOHN M. CARPER, 000–00–0000
*JOHNEE O. CARR, 000–00–0000
*MICHAEL J. CARR, 000–00–0000
SCOTT A. CARR, 000–00–0000
KENNETH G. CARRICK, 000–00–0000
ROGER D. CARSTENS, 000–00–0000
*ALFRED D. CARTER, 000–00–0000
*MIKE A. CARTER, 000–00–0000
THOMAS E. CARTLEDGE, 000–00–0000
JENNIFER A. CARUSO, 000–00–0000
*DANIEL P. CASE, 000–00–0000
JERRY CASHION, 000–00–0000
PERRY N. CASKEY, 000–00–0000
LUIS CASTRO, 000–00–0000
WALLACE B. CELTRICK, 000–00–0000
ROBERT P. CERJAN, 000–00–0000
ROBERT CHAMBERLAIN, 000–00–0000
*ANTHONY K. CHAMBERS, 000–00–0000
*DOUGLAS G. CHAMBERS, 000–00–0000
*ROBERT W. CHAMNESS, 000–00–0000
*TONNEY A. CHANDLER, 000–00–0000
*ANDREW J. CHANDO, 000–00–0000
*DAVID W. CHAPLIN, 000–00–0000
*DANIEL M. CHARTIER, 000–00–0000
*PAMELA R. CHARVAT, 000–00–0000
*WALTER B. CHASE, 000–00–0000
*WELTON CHASE, JR., 000–00–0000
*RANDALL CHEESEBOROUGH, 000–00–0000
*MARCUS C. CHERRY, 000–00–0000
*MICHAEL P. CHEVLIN, 000–00–0000
*MICHAEL R. CHILDERS, 000–00–0000
*WILLIE J. CHILDS, 000–00–0000
*TODHUNTER J. CHILES, 000–00–0000
*MICHAEL J. CHINN, 000–00–0000
*LARY E. CHINOWSKY, 000–00–0000
*MARC J. CHMIELEWSKI, 000–00–0000
*FREDERICK S. CHOI, 000–00–0000
*ANTONIO S. CHOW, 000–00–0000
*JERRY CHRISTENSEN, 000–00–0000
*KURT A. CHRISTENSEN, 000–00–0000
*HOWARD R. CHRISTIE, 000–00–0000
*CONRAD D. CHRISTMAN, 000–00–0000
*DAVID CINTRON, 000–00–0000
*ANTHONY B. CLARK, 000–00–0000
*BRIAN J. CLARK, 000–00–0000
*BRIAN M. CLARK, 000–00–0000
*DAVID E. CLARK, 000–00–0000
*HARLEY W. CLARK, 000–00–0000
*LINWOOD B. CLARK, 000–00–0000
*PERRY C. CLARK, 000–00–0000
*JEANIE S. CLAXTON, 000–00–0000
*DALE D. CLELAND, 000–00–0000
*ROSS M. CLEMONS, 000–00–0000
*ERIC M. CLEVELAND, 000–00–0000
*TIMOTHY CLEVELAND, 000–00–0000
*CHARLES T. CLIMER, 000–00–0000
*WAYNE E. CLINE, 000–00–0000
*JOSEPH S. COALE, 000–00–0000
*NORMAN K. COBB, 000–00–0000
*ALEXANDER COCHRAN, 000–00–0000
*ANDREW V. COCHRAN, 000–00–0000
*GREGORY G. CODAY, 000–00–0000
*JOHN P. CODY, 000–00–0000
*DAVID C. COGDALL, 000–00–0000
*THOMAS E. COGDALL, 000–00–0000

*KYLE A. COLBERT, 000–00–0000
*DANNY B. COLE, 000–00–0000
*DARRYL L. COLE, 000–00–0000
*EDWARD F. COLE, 000–00–0000
*WILLIAM R. COLEMAN, 000–00–0000
*CRAIG A. COLLIER, 000–00–0000
*THOMAS W. COLLINS, 000–00–0000
*DARRYL J. COLVIN, 000–00–0000
*LYDIA D. COMBS, 000–00–0000
*RONALD L. CONDON, 000–00–0000
STEPHEN F. CONLEY, 000–00–0000
*CLARENCE W. CONNER, 000–00–0000
ROBERT E. CONNOLLY, 000–00–0000
GLENN M. CONNOR, 000–00–0000
SCOTT P. CONNORS, 000–00–0000
ERIC R. CONRAD, 000–00–0000
MARK F. CONROE, 000–00–0000
*STEVEN A. CONROY, 000–00–0000
DAVID CONSTANTINE, 000–00–0000
*CHARLES K. COOK, 000–00–0000
STEPHEN B. COOK, 000–00–0000
*CAROLINE COOPER, 000–00–0000
*STEPHEN D. COOPER, 000–00–0000
*ESTHER E. CORTES, 000–00–0000
*SYLVESTER COTTON, 000–00–0000
JOSEPH A. COUCH, 000–00–0000
EMMA K. COULSON, 000–00–0000
DAVID COURTOGLOUS, 000–00–0000
*ALLAN L. COVILLE, 000–00–0000
*MAURICE B. COX, 000–00–0000
NEAL O. COX, 000–00–0000
TRISTAN P. COYLE, 000–00–0000
*KENNETH J. CRAWFORD, 000–00–0000
KYLE D. CRAWFORD, 000–00–0000
*MICHAEL J. CREED, 000–00–0000
THOMAS E. CREVISTON, 000–00–0000
*TELFORD E. CRISCO, 000–00–0000
ROBERT P. CRISLER, 000–00–0000
*LLOYD C. CROSMAN, 000–00–0000
KEVIN J. CROTEAU, 000–00–0000
*WILLIAM E. CROZIER, 000–00–0000
JUAN A. CUADRADO, 000–00–0000
*MATTHEW J. CULLEN, 000–00–0000
*THOMAS J. CULLINANE, 000–00–0000
*ROBERT W. CULVER, 000–00–0000
STEVEN F. CUMMINGS, 000–00–0000
*BRIAN D. CUNDIFF, 000–00–0000
JOHN R. CUNNINGHAM, 000–00–0000
*JOHN R. CUNNINGHAM, 000–00–0000
*ORVILLE S. CUPP, 000–00–0000
MICHAEL L. CURRENT, 000–00–0000
*TERRY F. CUSTER, 000–00–0000
*WILLIAM C. DAHMS, 000–00–0000
*ERIK O. DAIGA, 000–00–0000
STEVEN G. DAILEY, 000–00–0000
JAY T. DAINTY, 000–00–0000
EDWARD M. DALY, 000–00–0000
*MICHAEL DANDRIDGE, 000–00–0000
JAMES P. DANIEL, 000–00–0000
DUANE A. DANNEWITZ, 000–00–0000
*ANTHONY J. DATTILO, 000–00–0000
*JOHN D. DAUGHERTY, 000–00–0000
*DALE E. DAVIDSON, 000–00–0000
CHARLES E. DAVIS, 000–00–0000
*HERMAN D. DAVIS, 000–00–0000
*KEVIN I. DAVIS, 000–00–0000
*REGINALD R. DAVIS, 000–00–0000
*WILLIAM J. DAVISSON, 000–00–0000
DENNIS J. DAY, 000–00–0000
*JAMES V. DAY, 000–00–0000
CAROL R. DEBARTO, 000–00–0000
MICHAEL D. DEBARTO, 000–00–0000
*DAVID F. DECOSTE, 000–00–0000
THOMAS F. DEFILIPPO, 000–00–0000
*JEAN D. DEGAY, 000–00–0000
EDMUND J. DEGEN, 000–00–0000
KEVIN J. DEGNAN, 000–00–0000
*ROBERT W. DEJONG, 000–00–0000
TERRENCE P. DELONG, 000–00–0000
*BRIAN S. DEMEYERE, 000–00–0000
PAMELA J. DENCH, 000–00–0000
*CARL L. DETTENMAYER, 000–00–0000
*TIMOTHY P. DEVITO, 000–00–0000
BARRY A. DIEHL, 000–00–0000
DAVID F. DIMEO, 000–00–0000
*TODD A. DIRMEYER, 000–00–0000
BARRY S. DIRUZZA, 000–00–0000
MICHAEL D. DISHMAN, 000–00–0000
*BRIAN J. DISINGER, 000–00–0000
*MICHAEL DOMINIQUE, 000–00–0000
*CHARLES DONALDSON, 000–00–0000
RANDALL DONALDSON, 000–00–0000
SCOTT E. DONALDSON, 000–00–0000
SUSAN K. DONALDSON, 000–00–0000
GEORGE T. DONOVAN, 000–00–0000
TERENCE M. DORN, 000–00–0000
EDWARD W. DOUGHERTY, 000–00–0000
*KENNETH E. DOWNER, 000–00–0000
*MARK J. DRABIK, 000–00–0000
*BARTEL G. DRAKE, 000–00–0000
*HELMUT F. DRAXLER, 000–00–0000
DAVID L. DRUECKER, 000–00–0000
*DONALD W. DRUMMOND, 000–00–0000
*STEVEN W. DUKE, 000–00–0000
*JAMES B. DUNCAN, 000–00–0000
DEAN C. DUNHAM, 000–00–0000
STEPHEN J. DURHAM, 000–00–0000
JOE DURR III, 000–00–0000
*JOHN C. DVORACEK, 000–00–0000
*DAVID B. DYE, 000–00–0000
DAVID A. DYKES, 000–00–0000
CHESTER F. DYMEK, 000–00–0000
JOHN S. EADDY, 000–00–0000
*BRIAN D. EARL, 000–00–0000
*TYRON W. EASON, 000–00–0000
CHARLES N. EASSA, 000–00–0000
MARK A. EASTMAN, 000–00–0000
BRIAN K. EBERLE, 000–00–0000
*JOHN G. ECKHARDT, 000–00–0000
*TIMOTHY S. ECOFF, 000–00–0000
*MICHAEL A. EDDINGS, 000–00–0000
*MITCHELL B. EDGAR, 000–00–0000
*JAMES D. EDWARDS, 000–00–0000
*ROBERT M. EDWARDS, 000–00–0000
*ANDREW C. EGER, 000–00–0000
*STEVEN M. ELKINS, 000–00–0000
*GEOFFREY ELLERSON, 000–00–0000
*DONALD ELLERTHORPE, 000–00–0000
*MARK R. ELLINGTON, 000–00–0000
*JOSHUA M. ELLIOTT, 000–00–0000
*ROBERT E. ELLIOTT, 000–00–0000
*STEVEN M. ELLIOTT, 000–00–0000
*DENNIS B. ELLISON, 000–00–0000
*HUGH L. ELMORE, JR. 000–00–0000
*RONALD P. ELROD, 000–00–0000
*JOHN R. ELWOOD, 000–00–0000
*PAMELA B. EMBERTON, 000–00–0000
*CARLOS ENCARNACION, 000–00–0000
*MICHAEL T. ENDRES, 000–00–0000
*PAUL A. ENGLISH, 000–00–0000
*SCOTT A. ERDO, 000–00–0000
*NILS J. ERICKSON, 000–00–0000
*JOHN J. ESLINGER, 000–00–0000
*MARK T. ESPER, 000–00–0000
*BRITT W. ESTES, 000–00–0000
*DAVID B. EVANS, 000–00–0000
*KENNETH E. EVANS, 000–00–0000
*MARK A. EVANS, 000–00–0000
*MICHAEL A. EVANS, 000–00–0000
*KATHLEEN EZELL-BAILEY, 000–00–0000
*ROBERT J. FAGAN, 000–00–0000
*DONALD H. FAIL, 000–00–0000
*KEITH A. FALCETTI, 000–00–0000
*CHRISTOPHER FARLEY, 000–00–0000
*STEPHEN E. FARMEN, 000–00–0000
*JEFFREY FARNSWORTH, 000–00–0000
*QUENTON L. FARR, 000–00–0000
*KEVIN W. FARRELL, 000–00–0000
*MICHAEL A. FARUQUI, 000–00–0000
*JOHN R. FASCHING, 000–00–0000
*CAROL L. FASOLD, 000–00–0000
*JAMES FASONE, 000–00–0000
*RICHARD S. FAULKNER, 000–00–0000
*GREGORY A. FAWCETT, 000–00–0000
*KENNETH FEIERSISEN, 000–00–0000
*LARRY S. FELLOWS, 000–00–0000
*BENJAMIN R. FELTS, 000–00–0000
*JOSEPH J. FENTY, 000–00–0000
*ROY J. FERGUSON, 000–00–0000
*DAVID D. FERRELL, 000–00–0000
*MICHAEL S. FERRIER, 000–00–0000
*JOSEPH E. FERRIS, 000–00–0000
*FREDERIC P. FILBERT, 000–00–0000
*ALEXANDER FINDLAY, 000–00–0000
*RUSSELL E. FISHER, 000–00–0000
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*CATHERINE YARBERRY, 000–00–0000
JAMES G. YENTZ, 000–00–0000
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CONFIRMATION

Executive nomination confirmed by the Senate July 11, 1996:

THE JUDICIARY

WALKER D. MILLER, OF COLORADO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

EXTENSIONS OF REMARKS

TRIBUTE TO BILL EMERSON

SPEECH OF

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1996

Mr. BILIRAKIS. Mr. Speaker, I rise today to say goodbye to a friend. Although many Members of this body have risen and recounted what kind of man, legislator, and public servant Bill Emerson was, I believe it certainly cannot be said enough.

I always thought that one of Bill's most outstanding qualities was that he held passionate beliefs about how to improve the lives of our Nation's citizens, while at the same time possessing the innate quality to debate divisive issues in an honest and straightforward manner. Bill was one of the driving forces behind the formation of the Alliance, a group of Republicans who believe that we must return civility and respect to the debates in the House of Representatives.

Unfortunately, we did not serve on the same committees in Congress, in fact, our congressional districts were in very different parts of this country. I was, however, pleased to have the opportunity to serve as a member of the Alliance with Bill, and to see him working at our weekly meetings. I also was able to work with Bill several years ago as cochairs of the House Task Force on Fair Trade and Open Markets.

There is no question that he served the Eighth District of Missouri and the citizens of our country very well. I know he will be missed by all those who were fortunate to come into contact with him over the years.

We were all heartened at the way Bill remained strong during his last days in this institution which he loved so much. Whenever I walked on the floor and saw him following the debate, even though it was obvious that lesser men would have been unable to do so, I realized just what kind of devotion and commitment he had for his service to his constituents and to his country.

Mr. Speaker, we will all miss Bill Emerson. I know, however, that his work in this body will serve as a lasting tribute to a man who devoted his life to public service.

TRIBUTE TO THE LEDFORD HIGH SCHOOL PANTHERS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. COBLE. Mr. Speaker, the Ledford High School Panthers are State champions once again. On June 9 in Raleigh, the Ledford women's softball team captured the North Carolina State 2A softball championship, defeating the Forbush High School Falcons, 4–1.

For the women of Ledford it was their second consecutive championship and their third in the past 6 years. With the title win, the Panthers capped off an outstanding 25–4 season under head coach John Ralls.

Like much of their season, the Panthers' pitching was the key to victory. The championship game's Most Valuable Player, Melissa Petty, was superb on the mound, holding Forbush to just one run off of five hits. But, Mr. Speaker, defense alone does not win championships. The Panther offense was led by Stacey Hinkle, who knocked two home runs as Ledford rolled to victory.

Mr. Speaker, congratulations must also go to team members Kelly Thomas, Ashley Craven, Molli Patterson, Angie Wesson, Quinn Homesley, Amy Disher, Heather Pitts, Courtney Troutman, Laurie Smith, Paige Koonts, Kim Clodfelter, Amy Wells, Ginger Whitt, Amanda Reece, Lauren Craven, Misty Sharp, Leslie Thomas, Janell Curry, assistant coaches Joe Davis, Danny Thomas, David Smith and manager Tara Bowers.

To Principal Max Cole, Athletic Director Gary Hinkle, and to all of the students, faculty, staff, families, and friends of Ledford High School, congratulations on winning the North Carolina State 2A women's softball championship.

Mr. Speaker, as we honor Ledford High School's season, we must also commend two other Sixth District high schools on their fine seasons on the diamond.

The North Davidson High School Black Knights women's softball team, under Coach Mike Lambros, went undefeated this season and made it all the way to the North Carolina State 3A/4A semifinals.

Congratulations must also be extended to the East Davidson High School men's baseball team, which recently finished a terrific 22–8 season, making the North Carolina State 2A semifinals.

Mr. Speaker, the Sixth District is proud of the winning tradition of its high school athletes and wishes them much success next season.

TRIBUTE TO WILLIAM INGRAHAM

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. STUDDS. Mr. Speaker, I rise today to join with the people of Provincetown and Truro, MA as they gather this week to honor and pay tribute to Mr. William Ingraham, who is retiring after more than 50 years of years of outstanding public service.

Bill Ingraham came to Provincetown in 1970, after serving off-Cape as a firefighter for more than 25 years. Since then, he has become a fixture in the town halls of Provincetown and Truro, serving as wiring inspector, building inspector, and volunteer firefighter.

His dedication to public safety and his extensive knowledge of construction is unequalled. Over the years, he served as clerk of works for every major municipal construction project in the town of Provincetown. And his inspection work has significantly reduced the number of fires in the community.

In all his years of public service, Bill was on call every day, literally 24 hours a day. Whether at home or at the office, the radio scanner would always be on in the event of a fire, flood, hurricane, or other emergency.

Former town manager Bill McNulty said in a recent newspaper story ''there is no way they will replace Bill. He was always there, always on call. He knew everyone, and everyone knew and liked him.''

So today, I seek to bring to the attention of my colleagues the fine work of an outstanding public servant. Bill Ingraham grew up just wanting to fight fires, but has become one of Cape Cod's most respected and beloved citizens.

It is my pleasure to join with the people of Provincetown and Truro as they honor Bill Ingraham to extend to him the best wishes from this Congress on a job exceedingly well done.

TRIBUTE TO CANDACE SHEA

HON. WILLIAM H. ZELIFF, JR.

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ZELIFF. Mr. Speaker, I would like to take this opportunity to bring to attention the outstanding accomplishment of Ms. Candace Shea, an eighth grader from Hampstead Middle School, Hampstead, NH. As the author of an inspirational and patriotic essay honoring veterans and her explanation on the importance of the Tomb of the Unknown Soldier, she has made me very proud to be her Representative. I am pleased to submit a copy of her essay to the CONGRESSIONAL RECORD on her behalf.

WHAT EVERYONE SHOULD KNOW ABOUT THE UNKNOWN SOLDIER

(By Candace Shea)

The Unknown Soldier. Those words are like a light, pointing out all those killed in action. All those who fought for our country, and then died for our country.

The Tomb of the Unknown Soldier is a tomb in which the remains of a soldier whose identity is unknown is ceremonially laid to rest.

The first unknown soldier was a tribute to those who had made the supreme sacrifice in World War I. It was placed in Arlington National Cemetery on November 11, 1921. The tomb is a white marble structure that has ''Here rests in honored glory an American soldier know but to God'' carved indelibly on it.

In Memorial Day of 1958, two more unknown soldiers were buried in full tribute—one from the Korean War and one from World War II. On Memorial Day of 1984, a soldier from the Vietnam War was laid to rest at the monument.

● 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.

The Unknown Soldier is silently speaking to us all, saying we must never forget those who had full lives ahead—and those whose lives were quickly shattered, perhaps by a bullet, a grenade, and other such weapons. He is saying, ''Never let it happen again—never.'' He is a voice that shall never be silenced by anyone or anything.

And forget him no one does. The President of the United States and other such people pay their respects the unknown soldier. It is truly a great honor to lay a wreath at the unknown soldier's tomb. You are saying, ''I honor and respect those who served for our country, who served for me. I will never forget those who died for our country, who died for me.''

The unknown soldier—a common soldier whose identity is never known, but his presence and voice is always there.

CONGRATULATIONS DAVID MCNEILL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. BARCIA. Mr. Speaker, one of the greatest inspirations for people is knowing that their friends and neighbors have been able to deal with unfortunate happenings in their lives. Even more inspiring is seeing how people can turn these unfortunate occurrences into new opportunities for greatness. I am pleased to tell our colleagues that one of my constituents, David McNeill, has done exactly that: He has taken what was a terrible moment in his life and turned it into an accomplishment for all to hail.

In 1992, David McNeill was the victim of a car accident that left him confined to a wheel chair and forced him to find new employment because his accident would not allow him to continue to his profession as a tool and diemaker. Instead of becoming overcome with anxiety, David accepted his challenge head-on. He and his wife, Deborah, refinanced their home, sold his motorcycle, and other prized possessions to use money for their expenses. At Deborah's urging, he entered Delta College at the age of 46 where he has excelled academically, maintaining a 3.8 average and being named to the 1996 Community College All-State Academic Second Team.

His tremendous effort earned for him a competitive 6-week internship from Phi Theta Kappa at the U.S. Department of Education, which he is currently serving. I have had the pleasure of meeting with David McNeill, and I must tell you that we would all do much better if we had his spirit and his determination.

Education is a never-ending process, and in our ever-changing world, we all need to keep learning new information and skills. David's efforts to expand his education is an inspiration to everyone. I am sure that it has been an exciting and challenging experience, and at times somewhat daunting. But to carry on in the outstanding fashion that he has at Delta is a clear demonstration of the value of focus and commitment.

His internship at the Department of Education will help develop the cutting edge of future education programs. If our Nation is to remain a world leader, it will be because we took the time to educate our people and to provide opportunities for continuing education.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing David McNeill the very best as he continues to show each use that the only limit to hold us back is ourselves.

PERSONAL EXPLANATION

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. CRAPO. Mr. Speaker on June 5, 1996, I was unavoidably detained due to my daughters graduation. I missed rollcall votes: 210, 211, 212, and 213. Had I been present I would have voted ''yea'' on all.

Additionally, Mr. Speaker on June 10, 1996 I was unavoidably detained due to illness. I missed rollcall votes: 222, 223, and 224. Had I been present I would have voted ''yea'' on all.

CLINTON WON'T LET WELFARE CHANGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Omaha World-Herald on June 24, 1996.

CLINTON WON'T LET WELFARE CHANGE

People keep trying to help President Clinton accomplish his stated goal of ''end(ing) welfare as we know it,'' but he won't let them do it.

Congress presented him a welfare-reform bill in 1995 that seemed destined for presidential approval. But liberal groups criticized the legislation and persuaded Clinton to veto it.

In February this year, the National Governors' Association produced a bipartisan plan to reform welfare and Medicaid, a plan endorsed by Nebraska Gov. Ben Nelson. Clinton, too, spoke favorably of the plan, but officials of his administration have been fighting it in congressional hearings.

Two months ago Gov. Tommy Thompson of Wisconsin signed his state's welfare reform plan. It would end welfare as an entitlement program. People could be denied benefits without recourse to hearings. Welfare assistance would be conditioned on work. Jobs, child care and health care would not be guaranteed.

Three weeks after the Wisconsin plan was completed, the president called it ''a solid, bold welfare reform plan'' in his weekly radio address. Bob Dole was scheduled to give a major speech on welfare reform three days later. It was a preemptive political strike by a president who lately has talked, but not acted, like a Republican.

Now that the president has exploited the opportunity to upstage Dole by patting the Republican Thompson on the back and appearing to be the champion of welfare reform, his administration is challenging the Wisconsin plan.

For proof of its welfare-reform credentials, the Clinton administration cites waivers it has granted to 39 states to implement welfare programs that don't conform to federal requirements. But in this case the Washington penchant for centralized bureaucratic control may prevail. Wisconsin may not get the federal waiver it needs to proceed.

In 1993, first lady Hillary Clinton's proposal to reduce the growth of Medicare spending from 10 percent to 7 percent was touted by the administration as responsible reform. Two years later, when congressional Republicans proposed the same spending growth rate reduction, the president decried a 7 percent growth cap as an attempt to ''cut'' and ''destroy'' Medicare.

Governor Thompson's once ''solid'' and ''bold'' welfare plan may face the same fate that befell Mrs. Clinton's 7 percent growth cap once it was expropriated by Republicans.

40TH ANNIVERSARY OF THE AMERICAN-ITALIAN PROFESSIONAL AND BUSINESS WOMEN'S CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. LEVIN. Mr. Speaker, on Sunday, July 21, the American Italian Professional and Business Women's Club will celebrate its 40th anniversary. AMIT, as it is known, was established in 1956 by Maria Lalli and Maria Giuliano to further cultural, charitable, and social functions, with an emphasis on Italian culture whenever the opportunity arises. The club derives its membership from women who are of Italian descent or are married to a man of Italian descent.

AMIT's list of beneficiaries includes a broad range of organizations around the world. Missions and health care institutions in Burma, India, and Detroit, MI, children and orphans in the United States and Italy, Italian earthquake and flood relief efforts, public television, symphony orchestras, and Orchestra Hall in Detroit, all have been assisted by their interest and generosity. A special focus of their support is those places which celebrate Italian culture: The Italian American Cultural and Community Center, the Italian Heritage Room at Wayne State University, and the Church of San Francisco.

Social functions arranged around artistic and cultural presentations provide the funds for AMIT's charitable work. The club is proud to have presented lectures by the daughters of distinguished Italian scientists Guglielmo Marconi and Enrico Fermi. They have sponsored book and author luncheons featuring Italian-American authors or writers on Italian subjects, and have promoted events at the Detroit Institute of Arts when Italian artists were on special exhibition. Italian musicians, both established artists and prodigies, have been presented in recital.

Now at the close of its fourth decade of activity, AMIT boasts several families with multiple generations of membership and leadership. The Giuliano-Baker family takes great pride in its four successive generations of women who have served the club as president, beginning with the first president and cofounder, Maria Giuliano.

Mr. Speaker, I congratulate the American Italian Professional and Business Women's Club on achieving 40 years of outstanding service to the community, and I wish them many more years of successful endeavor. Our Nation's strength lies, in part, in groups such

as AMIT whose members take their place in American life while fostering appreciation for the future of their homeland.

SAFE DRINKING WATER ACT AMENDMENTS OF 1996

SPEECH OF

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 25, 1996

Mr. REED. Mr. Chairman, I rise in support of H.R. 3604, the Safe Drinking Water Act amendments. This bill includes an important provision: H.R. 3280, the Water Quality Right-To-Know Act of 1996, of which I am a cosponsor. I am pleased that the House will pass this bipartisan piece of legislation, which will continue to protect our Nation's drinking water. While I remain concerned about the last-minute inclusion of projects which threaten to diminish the State revolving fund [SRF], overall I believe this is a good bill. It is my hope that this issue will be resolved in the House-Senate conference.

This bill takes many important steps to improve the Safe Drinking Water Act. It authorizes the SRF, which is essential to our communities in providing safe drinking water; it gives the EPA more flexibility in issuing regulations; it requires that standards be set for arsenic and radon; and it requires the EPA to conduct studies on sulfates.

One of the most important provisions would require water systems to public information annually on the status of drinking water and notify consumers of any contaminants. While the United States has one of the safest drinking water supplies in the world, there have, unfortunately, been incidents of contamination. I have heard from many constituents who expressed support for this provision because Americans have a right to know what is in their drinking water. I agree with them, and that is why I am a cosponsor of this provision.

I commend my colleagues who kept negotiations on this bill open and involved all interested parties to produce a sound piece of legislation that will establish good public policy. It is a relief to support a commonsense, bipartisan bill that will ensure that Americans have clean, safe drinking water. This bill will allow our communities to meet the goals of the act cost effectively and responsibly without sacrificing the quality of our drinking water.

Mr. Speaker, again, I urge my colleagues to work in the House-Senate conference to ensure that funding for the SRF is not cut, and I look forward to passage of this important piece of legislation.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1996

Mr. KENNEDY of Rhode Island. Mr. Speaker, a year ago I heard and heeded the arguments of those who claimed that by maintaining MFN we would have the leverage to force change in China. In light of what has transpired over the last year, I find it difficult to reconcile the benefits of MFN with China, with China's refusal to obey international law regarding the proliferation of weapons of mass destruction and its continued abuses of human rights. My hopes for change as a result of engagement through MFN were dashed.

The record of China over the past year merits a strong and unequivocal message of protest from this body. On every issue that is central to United States-China relations we have witnessed a steady and serious deterioration over the past year. In the critical areas of human rights, weapons proliferation, trade, and military aggression we have seen retreat, not progress.

I fully recognize the benefits of trade with China, and have held out the hope that by maintaining that relationship we could achieve progress in these critical areas. Therefore, I supported renewal of MFN last year. My hopes proved elusive, however, and the price of our forbearance has been an escalation in the threats to the security of the United States, both economic and strategic. I cannot stand by and watch China engage in practices that threaten the security of our Nation. If we are going to create a more secure place for the United States in the future, we must take the right actions today which will ensure that goal tomorrow.

The greatest threat to the United States and world security is the proliferation of weapons of mass destruction. In the hands of rogue nations, in the hands of nations that support terrorism, in the arsenals of nations with simmering disputes that stand the risk of erupting any day, chemical and nuclear weapons are a threat, not just to the United States but to the world.

In recent years, contrary to the promises made by the Chinese, China has increased both the quantity and the quality of its arms transfers. Not only has China transferred missile technology, but now China has transferred nuclear and chemical weapons technology to nonsafeguarded nations. Protests have produced promises, but what we have gotten in return for our indulgence and patience is continued defiance of international law. A record of broken promises is not strong enough to support renewal of MFN.

The human rights abuses of China are almost too numerous to mention. Time and time again, we have been promised that reforms would be enacted. But once again, there was not progress this year.

For these reasons, I cannot in good conscience support MFN renewal this year. I hope that in the future China reforms its practices, and demonstrates through meaningful, positive reforms its desire to join the international community. The door is open for a China that obeys treaties and respects the rule of law. There is no place for a China that behaves with the disrespect for international law which China has exhibited in the past year. There is a need to send a message to China when their behavior so endangers our national security. Therefore I will oppose MFN this year.

COST OF GOVERNMENT DAY

SPEECH OF

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 9, 1996

Mrs. KELLY. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 193, a resolution expressing the sense of Congress that the cost of Government spending and regulatory programs should be reduced so that American families will be able to keep more of what they earn.

July 3, 1996, is Cost of Government Day, the date when the average American has earned enough in gross income to pay off all direct and hidden taxes—total Federal, State, and local government spending, plus the cost of regulation. In other words, July 3 is the day when Americans stop working for Uncle Sam and start working for themselves and their families.

This year, the total bill comes to $3.38 trillion—$13,000 for every man, woman, and child in America.

Mr. Speaker, the people that I represent live in the 12th most taxed congressional district in the Nation, and the 2d most taxed State in the Union. The cost of government has become too expensive, too burdensome, and they need relief. When working Americans are forced to take two jobs, work longer hours away from their families, simply to makes ends meet, something is wrong.

Congress created new programs in the past, often with the best of intentions, but failed to consider how its decisions affect the people who must pay the bills. When you add to the Federal tax burden the taxes paid at the State and local level, and consider the hidden costs—costs associated with compliance with Federal regulations and mandates—it becomes clear that the American people can no longer afford the huge government bureaucracy that has been created over the years.

I am proud to say that this Congress recognizes the fiscal pressures facing working Americans today, and is working to ease the burdensome cost of government. We passed a balanced budget plan to stop the runaway spending that threatens our future and the future of our children and grandchildren; we've passed regulatory relief legislation to restore a degree of common sense to the manner in which Government regulations are drafted and carried out; we've passed legislation to give working Americans a modest degree of tax relief, and we have even attempted to roll back the tax increase that President Clinton pushed through Congress in 1993.

Unfortunately, the President has fought us at every turn. We owe it to working Americans to keep trying, Mr. Speaker, and enact policies that will allow them to keep more of what they earn. The cost of government is simply too high. We can do something about it, and I urge my colleagues to join me today in supporting this important resolution, and join me in working for a leaner—and better—government.

TRIBUTE TO COACH CAMERON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HALL of Texas. Mr. Speaker, as our Nation's teachers and students complete the end of another school year and enjoy a much-deserved vacation, I would like to salute our teachers and pay tribute to one in particular—coach James Cameron—a well-known and well-respected Texas coach who accumulated a record of more than 200 victories prior to his unexpected death last year. Coach Cameron leaves behind a legacy, however, that is far greater than his teams' victories on the playing field. The measure of his legacy can be found in the hearts and minds of those who had the privilege of knowing him and whose lives were influenced by a great coach who was also a great man.

Coach Cameron achieved fame first on the gridiron for Commerce in the mid-1050's and as an offensive center at East Texas State University, where he helped guide his team to consecutive Tangerine Bowl victories. He was drafted by the AFL's Los Angeles Chargers but chose instead to finish his degree. His coaching days began even before his graduation, and his reputation soon spread throughout the high school and small-college ranks of Texas. He amassed victories at high schools in Mansfield, Waco, and McKinney before taking over at Howard Payne University and leading his team to a tie for first place in the first and only Lone Star Conference championship. He then moved to Angelo State University, where he achieved the best record in school history. Along the way he was recruited by Grant Teaff at Baylor University and was considered for the top position at North Texas State University. For varying reasons, he did not find those positions to be part of his destiny. He returned to high school coaching at Rockwall, Kilgore, and finally Sulphur Springs, where he was coaching at the time of his death and where he led the Wildcats to half a dozen district championships.

But what equally distinguished his career was his influence on his players and his community. The Sulphur Springs News-Telegram wrote a feature about Coach Cameron in 1994 that included comments by those who knew him well. Joey Florence, head football coach at Cooper, said:

> He gets more out of his kids because of motivation, but he also motivates the entire community. . . . He told me something one time that I'll never forget. He said he'd rather lose with class than win without it. And that's something I try to impart to our team.

Bill Grantley, superintendent at Kilgore, said, ''It was more than just the winning—it was how he dealt with the townspeople and the students.'' Paul Glover, the superintendent at Sulphur Springs, said:

> I think James saw the situation here and decided he could be a factor, not only in the athletic program but the community as well. He saw a need he could fill and obviously we have not been disappointed at all.

One of his students, Matt Rosamond, wrote an essay for his Sulphur Springs High School English class this year that illustrates Coach Cameron's extraordinary influence. Matt wrote:

> Not only was he a great man, but also he was a great teacher. Not a class room teacher, but a teacher of life . . . Coach lived his life the way most people only wish to live theirs. He was the most understanding and forgiving person I ever knew . . . Coach was by far the most influential person in my life.

Coach Cameron was one of those exemplary teachers who made a difference in the lives of his students, and he was an exemplary American who made a difference in his community. He is truly missed by all those who knew him and loved him. His brothers, Bill and Raymond, who are prominent businessmen, outstanding civic leaders, and my good friends in Rockwall, are particularly proud of James and of what he accomplished in his life.

So it is a privilege, Mr. Speaker, to have the opportunity to pay tribute to this great man whose influence continues to live on in the lives of those who knew him. In his essay Matt Rosamond concluded, ''I realized deep inside that Coach is very much alive. He is alive in every player and every person that knew one of the greatest men who had ever lived.'' Such is the legacy of coach James Cameron.

COMMITMENT TO INTERNATIONAL ANTINARCOTICS COOPERATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. RANGEL. Mr. Speaker, I would like to bring to the attention of my colleagues a report issued following the Third Annual Narcotics Control Conference I and several of my colleagues attended in Taipei, Republic of China this past February. This report outlines the important and successful steps Taiwan has taken in their antinarcotics efforts, as well as their commitment to international antinarcotics cooperation. This conference was part of an on-going effort between the United States Congress and the Government of the Republic of China to improve bilateral and regional cooperation in the antinarcotics effort, and I would also like to thank Congressman ED TOWNS who participated in this conference with our delegation. Finally, Mr. Speaker, I would also like to personally thank Dr. Ying-jeou Ma, Taiwan's Minister of Justice, for his outstanding dedication and personal attention to our joint antidrug efforts, and I wish to commend him for a job well done in his role as Minister of Justice.

THIRD ANNUAL NARCOTICS CONTROL CONFERENCE

SUMMARY

Representatives Charles B. Rangel (D-NY). Edolphus Towns (D-NY), former Rep. Lester L. Wolff and former Rep. Frank Guarini participated in a 3 day conference in Taipei, Republic of China on Taiwan entitled the Third Annual Narcotics Control Conference, from February 14–17, 1996.

Conference included the following host country officials: Ying-jeou Ma, Minister of Justice; Dr. Cheng-Hao Liao, Director General, MJIB; Chuan Cheng, Deputy Director General, MJIB; Wei-Herng Hu, Director, Taipei City Psychiatric Center; Shih-Ku Lin, Chief, Taipei City Psychiatric Center; Szu-Yin Ho, Institute for International Relations; Mr. B. Lynn Pascoe, Director, American Institute in Taiwan; Harvey A. Somers, American Institute in Taiwan; and Eric Wu, Former Member of Legislative Yuan.

Consultative meetings were also held with the following dignitaries: Lee Teng-hui, President; Frederick Chien, Foreign Minister; Stephen S.F. Chen, Vice Foreign Minister; and Chung-ling Chiang, Minister of National Defense.

The primary purpose of this conference was to discuss narcotics control issues facing the Republic of China on Taiwan, U.S.-RoC counter-narcotics efforts, and discuss cooperative solutions to the narcotics threat in Southeast Asia. In response to the shift from narcotics interdiction to ''in-country institution building'' by the current U.S. administration, the conference focused on the Republic of China's efforts in formulating a cohesive anti-drug strategy which focuses on law enforcement, public education, and drug treatment (including rehabilitation).

BACKGROUND

Although according to the U.S. State Department's International Narcotics Control Strategy Report, Taiwan is not a significant cultivator or producer of illegal narcotics, the illegal consumption of both heroin and methamphetamines does present a serious social problem. In recent years, Taiwan has faced a growing problem with heroin trafficking, to which the government of the Republic of China has responded with a major effort to stop the flow of Southeast Asian heroin into Taiwan, the United States and elsewhere. Taiwan continues to implement an aggressive domestic counternarcotics program, which has led to a decline in drug trafficking, demonstrated by lower seizure rates and consumption in Taiwan. Taiwan's cooperation with U.S. anti-narcotics efforts (conducted under the auspices of the American Institute in Taiwan) has substantially expanded over the past year, and the appropriate offices representing the US and the RoC are negotiating a new MOU on even broader counternarcotics cooperation. New legislation is under consideration to augment existing counternarcotics laws and bring Taiwan into conformity with the 1988 UN Convention and recommendations of the Financial and Chemical Action Task Forces relating to money laundering and precursor chemical controls.

NARCOTICS CONTROL CONFERENCE

The Narcotics Control Conference consisted of a series of meetings and fact-finding visits to various ministries within Taipei in order to receive information and exchange views on Taiwan's counternarcotics efforts. These ministries included the Ministry of Justice, Taipei City Psychiatric Center, Investigation Bureau (MoJ), Ministry of National Defense, and the Ministry of Foreign Affairs.

INVESTIGATION BUREAU, MINISTRY OF JUSTICE

On Wednesday, February 14, the delegation was received by Director General Dr. Cheng-Hao Liao, and Deputy Director General Cheng at the Investigation Bureau of the Ministry of Justice. The delegation was given a thorough briefing on RoC narcotics issues, with particular emphasis being placed on efforts for increased international cooperation and coordination with U.S. efforts. Discussions were held concerning the RoC's efforts on halting the illegal trafficking of narcotics to Taiwan, in addition to stopping the illegal transit of narcotics through Taiwan's international ports. A useful exchange of views followed this briefing, covering various areas of mutual concern to both the Republic of China and the United States in their anti-narcotics efforts.

Following these discussions, the delegations was then escorted by Dr. Liou to the Investigation Bureau's extensive laboratory

complex, in order to view the Republic of China's state of the art processing and research facilities. This equipment, purchased from the United States, is used to conduct research, analysis, chemical testing, and identification processing for use in criminal investigations and law enforcement R&D. After an extensive tour of the laboratory and discussions concerning similar approaches by the Republic of China and the United States, the delegation was then escorted to the narcotics depository and storage facilities where confiscated drugs are kept under strict control. This storage facility is held under tight security arrangements, where narcotics are kept for use as evidence in prosecuting drug-related crimes. After their use in trials, the narcotics are then held for public destruction and anti-drug education purposes. The delegation was very impressed with the laboratory and storage facilities at the MJIB, and in the progress made in developing enforcement capabilities.

TAIPEI CITY PSYCHIATRIC CENTER

The delegation was next received by Dr. Wei-Herng Hu, Director of the Taipei City Psychiatric Center (TCPC) to learn more about the RoC's treatment and rehabilitation efforts. TCPC is the major municipal psychiatric hospital in Taipei city, and plays a key role in the treatment of heroin addicts. The hour long discussion with Dr. Hu included issues such as drug abuse prevention, treatment methods, and educational efforts aimed at stopping narcotics before it starts. The delegation also toured the center's patient wards, where medical personnel briefed the delegation on rehabilitation efforts for recovering addicts. TCPC has conducted extensive research in the treatment of heroin addiction, including: the use of tramadol in heroin detoxification, the relationship between substance abuse and criminal activity, pharmaconetics of heroin use in Chinese drug abusers, group psychotherapy, drug abuse screening, naltrexone maintenance trials on parole patients, and out-patient drug free program management.

MINISTRY OF JUSTICE

Following the tour and discussions at the Investigation Bureau and the TCPC, the delegation continued its conference program with extensive discussions with the highest ranking law enforcement official from the Republic of China, Dr. Ying-jeou Ma, Minister of Justice. Dr. Ma, a Harvard educated S.J.D., enjoys wide popularity among the citizens of Taiwan and is widely respected among his colleagues for his efforts in tackling narcotics and corruption issues during his tenure. Dr. Ma outlined various developments within Taiwan concerning the narcotics situation, including an account of the largest narcotics seizure ever to take place in Taiwan's history. ''On May 12, 1993, while conferring medals and awards on meritorious officials taking part in the seizure, Premier Lien Chan formally declared war on drugs. The RoC's anti-drug campaign thus entered a brand new era.''

As Dr. Ma reported, in the later half of the 1980's, a double-digit economic growth, low inflation, and minimal unemployment steadily pushed economic prosperity in Taiwan towards new heights. The process of political democratization further loosened the social discipline. Since 1990, methamphetamine suddenly replaced soft drugs as the most popular drug in Taiwan, and its abuse spread at an astonishing rate. Meanwhile, heroin consumption also started to jump during 1990–93. Since 1994, however, both the volume of drugs seized and the offenders convicted have declined at an increasing speed.

TAIWAN'S ANTI-DRUG STRATEGY

Dr. Ma related, in sum, that narcotic drugs from Southeast Asia and mainland China had invaded Taiwan in an unprecedented fashion. As late as seven years ago, drug abuse was still unknown to the majority of people in Taiwan. It is no wonder that the legal and medical communities were caught off guard initially. But since the RoC Government declared war on drugs in May, 1993, government agencies have beefed up their efforts to tackle the problem. Dr. Ma compared some of the measures being taken in various countries throughout the region, having just returned from a fact-finding tour throughout Southeast Asia and Golden Triangle area. Dr. Ma's extensive knowledge and dedication was considered by the delegation to be a great asset to the Republic of China in their anti-narcotic efforts.

A discussion was also held during this phase of the conference with AIT Director Lynn Pascoe, who confirmed the RoC's efforts in international cooperation.

Dr. Ma, however, expressed strong dissatisfaction with the fact that the Republic of China had been singled out as one of the transit countries in the INCSR report over the last few years, and stated his view that the transit allegation was being applied without concrete evidence. In fact, Dr. Ma stated, since 1990 there had only been one case where it was proven that Taiwan had served as a transit point for narcotics, and that given the huge volume of international shipping that goes through Taiwan, these incidents would be a great deal higher if Taiwan was being used as a transit country. He stated that the Republic of China had given its utmost effort in handling this issue, and stated his hope that the delegation would note his concerns and relay this information to the U.S. government. The delegation noted Dr. Ma's concerns and stated that all views would be presented in their report of this conference.

Dr. Ma went on to outline the RoC's anti-drug strategy. The overall strategy is simple: supply and demand reduction. And implementation takes a three-prong approach: law enforcement, public education and drug treatment (including rehabilitation). In the RoC, law enforcement agencies include the National Police Administration (NPA), the Ministry of Justice Investigation Bureau, the Military Police Command and the Customs Service. International cooperation is also important. In the last three years, the MJIB has called three international conferences to discuss drug enforcement problems with participants coming from more than 24 countries. The Drug Enforcement Administration (DEA) of the U.S. Department of Justice has shown interest in setting up an office in Taiwan to coordinate intelligence cooperation with NPA and MJIB. The NPA and MJIB are also building up ties with Southeast Asian countries near the Golden Triangle. Finally, Dr. Ma pointed out that, while the RoC is not a party to the United Nations Convention against illegal narcotics trafficking due to the PRC's deliberate obstruction, the RoC has taken steps to start regulating the importation and use of precursors, chemicals, and solvents in conformity with the U.N. convention.

CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL AND OTHER ACTIVITIES

On Thursday, February 15, the Congressional delegation visited the China External Trade and Development Council and the Taipei World Trade Center to discuss trade matters between the United States and the Republic of China. The delegation was briefed on the current balance of trade between the two countries, in addition to various other trade related matters.

The delegation was next received by the Hon. Frederick F. Chien, Minister of Foreign Affairs where current issues facing the U.S.-RoC, RoC-PRC, and U.S.-PRC relationship were discussed. The delegation also paid a visit to Vice Foreign Minister Stephen S.F. Chen, who hosted a dinner in honor of the delegation the following evening. Also on Thursday, Representative Rangel and Representative Towns were joined by Representative Bill Brewster (D–OK) and Representative Maurice Hinchey (D–NY) in meeting with President Lee Teng-hui. Bi-lateral issues including trade, narcotics and recent political developments were discussed, and President Lee commented on the importance of keeping the pressure on narcotics traffickers and on the efforts of the RoC government in halting the transit of illegal narcotics through Taiwan.

As reported in the United States International Narcotics Control Strategy Report, recent efforts by the RoC government has led to ''a major effort by the Taiwan authorities to stop the flow of heroin and reduce domestic usage. Taiwan continues to implement an aggressive domestic counternarcotics program which has led to a decline in drug trafficking, demonstrated by lower seizure rates, and consumption in Taiwan.'' The delegation pledged its continued support for Taiwan's counternarcotics program, and a continuation of the close bi-lateral relationship the two countries have enjoyed.

OATH OF UNCERTAINTY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DUNCAN. Mr. Speaker, American soldiers and sailors should not be sent to foreign battlefields except under the command of American generals and admirals. Even then, they should not be sent unless there is a very clear vital U.S. interest or threat to our national security. Neither of these is present in Bosnia, Haiti, or some other recent foreign social work projects undertaken by our military. I would like to place in the RECORD the following article from the American Legion magazine pointing out U.S. military men and women take an oath to defend the U.S. Constitution not the United Nations.

[From the American Legion, July 1996]

OATH OF UNCERTAINTY

(By Cliff Kincaid)

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States Against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice, So help me God.—The oath of enlistment

The future looked bright for 22-year-old Army Specialist Michael G. New. He had been decorated for his service in the Persian Gulf War and seemed to have a promising military career ahead of him. But that was before he was ordered to serve in a United Nations military unit, wearing a U.N. insignia on his shoulder and a U.N. cap on his head.

When New refused—citing his oath as a soldier to the U.S. Constitution—he rekindled a firestorm of controversy about the meaning of the soldier's oath as well as the soldier's right to refuse orders he deems ethically or procedurally objectionable. It is a debate whose overtones take us back a half-century to arguments raised in the aftermath of Nazi atrocities.

New himself was willing to accept a different assignment (under U.S. command in his own Army uniform) or even an honorable discharge. The Army chose to court-martial him. In a complex legal case that will continue to be argued in Congress and the courts, New received a bad-conduct discharge as well as a stigma that will follow him the rest of his life.

From the beginning, the military oath has been considered a soldier's sacred connection to America's Founding Fathers and the Constitution. ''When taking the oath,'' says one Army pamphlet, ''you accept the same demands now that American soldiers and Army civilians have embodied since the Revolutionary war.''

The first Officer's oath was in fact established in 1776 by the Articles of War under the Continental Congress. It required the officer to ''renounce, refuse and abjure any allegiance or obedience'' to King George the Third of Great Britain. The U.S. Constitution carried this patriotic impulse one step further, declaring in Article I, Section 9 that no U.S. official or officer ''shall, without the consent of Congress, accept any present, Emolument, Office, or Title, of any kind whatsoever, from any King, Prince or foreign state.''

In a filing in the new court case, the Army conceded that the U.N. insignia and caps had not been approved by the Army and that a U.N. identification card ''is the only identity document required in the area of operation.''

Nonetheless, the Army's designated spokesperson on the New affair, Lt. Col. Bill Harkey, says this would not have amounted to serving under foreign command. ''The president [of the U.S.] never surrenders command of U.S. troops,'' maintains Harkey. He adds that ''nobody was asking [New] to shift his allegiance. Over his left breast pocket it still says, 'U.S. Army.'''

Unconvinced, New continues to insist that serving the U.N. and wearing its symbols was a blatant violation of his oath. ''As an American soldier,'' he says, ''I was taught and believe that the Constitution is the fundamental law of America, and if there is any ambiguity or conflict with the U.N. or any treaty or international agreement or organization, that the U.S. Constitution would always prevail. My Army enlistment oath is to the Constitution. I cannot find any reference to the United Nations in that oath.''

As for the argument that New's disobeying of orders had the potential to disrupt military order and discipline, his lawyers, led by Marine Colonel Ron Ray (retired), point out that the oath says the orders have to be ''according to regulations and the Uniform Code of Military Justice.'' The orders, in other words, must be lawful. This raises issues about the individual responsibility to choose between right and wrong that hark back to Nuremberg and the infamous ''I was just following orders'' defense.

New's superiors suggested that he study the U.N. Charter, the governing document of the international organization. New did so—and concluded that it was ''incompatible'' with not only the U.S. Constitution but also the Declaration of Independence.

The military judge in New's case elected to sidestep the matter of the Constitution and the deeper meaning of the oath, focusing instead on his the relatively simple issue of his refusal to live up to an agreement he had signed. As Army spokesperson Harkey puts it, ''The oath says, 'I will obey the orders of the officers appointed above me. . . .'

''However, the military panel refused to send New to jail, a possible indication of sympathy for his plight.

In the past, mostly in times of war, U.S. soldiers have temporarily served under foreign commanders or in U.N.-authorized operations; indeed, the Persian Gulf War was backed by the U.N. Security Council. The Congress has passed a U.N. Participation Act, authorizing military involvement with the U.N. under limited circumstances.

The Clinton Administration has gone even further by issuing a secret pro-U.N. Presidential Decision Directive 25 (PDD 25) that has been withheld from Congress. In the public version of this document, entitled ''The Clinton Administration's Policy on Reforming Multilateral Peace Operations,'' the president pledges that he ''will never relinquish command of U.S. forces''—but he also reserves for himself the authority to place troops under ''operational control'' of a foreign or U.N. commander within the approval of Congress.

Harkey emphasizes that operational control is not the same as being under foreign command—and he uses the Bosnia peacekeeping mission as a case in point. He says the U.S. Task Force commander reserves the right to act in the best interest of our troops and may in fact oppose a foreign commander's orders by going up the U.S. chain of command.

In any case, it wasn't until the Clinton administration that U.S. soldiers started receiving orders to wear U.N. symbols on their uniforms. Part of the fallout from the New case has been the introduction of legislation in Congress to prohibit this practice.

Aside from being ordered to wear the U.N. ''uniform''—the insignia on the sleeve and the blue cap—New was told to report to Brig. Gen. Juha Engstrom of the Finnish Army, the Commander of the U.N. Preventive Deployment forces in the former Yugoslavia Republic of Macedonia. Engstrom had said of his position, ''This is a very unique and historic opportunity. Before Macedonia, a non-American or non-NATO officer has never before had command of an American battalion abroad . . . .''

As of Jan. 11, 1996, official Department of Defense figures showed that a total of 69,847 U.S. forces were participating in, or acting in support of, U.N. operation or U.N. Security Council resolutions. This includes 37,000 troops in Korea.

Though much effort is expended in official Washington circles to down-play the implications of such situations, there are times when the reality blares forth in dramatic fashion. When a U.S. helicopter was shot down by Korean communists in December 1994, the body of the American pilot, Chief Warrant Officer David Hilemon, was returned in a coffin draped with a blue U.N. flag, and was handed over to a U.N. honor guard. And in April 1994, after American personnel participating in a U.N. mission were downed over Iraq, Vice President Albert Gore stated that the casualties ''died in the service of the United Nations.''

That ideology has inspired a good deal of discomfort in the ranks. Navy Lt. Cmdr. Ernest G. ''Guy'' Cunningham has undertaken a controversial study of U.S. involvement in U.N. operations titled ''Peacekeeping and U.N. Operational Control: A Study of Their Effect on Unit Cohesion.'' Cunningham asked a group of 300 Marines if they agreed or disagreed with the statement that, ''I feel there is no conflict between my oath of office and serving as a U.N. soldier.'' Fifty-seven percent disagreed.

DOLLAR FOR DOLLAR, CRIME PREVENTION EFFORT PAYS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. VENTO. Mr. Speaker, I rise today to share with my colleagues an important article published in the St. Paul Pioneer Press on June 6, 1996

The article highlights a new crime prevention study released by the Rand Institute and features a prevention program in my district called Teens Networking Together [TNT]. The study found that, dollar for dollar, programs like TNT that encourage high-risk youth to finish school and stay out of trouble prevent five times as many crimes as stiff penalties imposed on repeat offenders. This also, according to the study, holds true for programs that teach better parenting skills to the families of aggressive children.

Nearly 2 years ago, this House debated the prevention programs included in the 1994 crime law. Many of my Republican colleagues at the time maligned these prevention provisions and mislabeled them as Government waste, insisting that they would do nothing to reduce crime. Now, however, these programs, which included the Community Schools Initiative, Youth Employment Skills [Y.E.S.] Program, midnight sports programs and the Vento/Miller at-risk youth recreation grant, are being vindicated by the facts and findings like Rand's. It seem that the old adage an ounce of prevention equals a pound of cure once again holds true.

According to the Justice Department, crimes committed by young people are growing at the fastest rate in this country. It is obvious to me if we are truly going to address our country's crime problem we must focus on prevention; we must give our young people hope and opportunity; we must give them a haven from the street where they can develop positive values such as responsibility, teamwork, leadership, and self-esteem.

I hope my colleagues will take the time to read this article and learn more about these youth crime prevention programs across the country that not only reduce future crime, but also save American tax dollars.

DOLLAR FOR DOLLAR CRIME PREVENTION EFFORT PAYS

(By Lori Montgomery)

It turns out that often-scorned crime prevention efforts aimed at disadvantaged kids may be far more effective than tough prison terms at keeping you safe.

In a new study released Wednesday, researchers with the highly respected RAND institute found that, dollar for dollar, programs that encourage high-risk youth to finish school and stay out of trouble prevent five times as many crimes as stiff penalties imposed on repeat offenders with so-called three-strikes-and-out laws.

And programs that teach better parenting skills to the families of aggressive children prevent almost three times as many serious crimes for every dollar spent.

The study—a two-year effort by researchers at RAND, a nonprofit, nonpartisan research institute in Santa Monica, Calif.—is the first to compare crime prevention programs to incarceration on the basis of cost and effectiveness at preventing future crimes.

''There has always been a 'disconnect' between everybody's agreement that prevention is a good thing and some estimate of that benefit. That's what's new here,'' said Peter Greenwood, RAND's director of criminal justice programs and the study's primary author.

''In one sense, it's surprising how effective some of these things are,'' Greenwood said. ''But on the other hand, it shouldn't be surprising at all.

We all know the two institutions that socialize kids and keep them on the right track are the family and school. And our study shows that incentives for graduation and parent training are the two things that work.''

A program on St. Paul's West Side called Teens Networking Together provides a good example of how kids can be kept on the right track.

The West Side youth program is concentrated on building self esteem of high-risk youth, mostly minorities, through mentoring and anti-gang programs.

''The program showed me that there were two paths for me: One, the life of a gang member, and the other something that involves giving back to my community,'' said Roberto Galaviz Jr.

One year away from getting a degree in management from Concordia College, Galaviz is the program director of Teens Networking Together, a program he joined seven years ago to keep himself out of trouble. He still has gang members as friends, he said, but the program has made his life different from theirs.

Galaviz said critics of youth programs for high-risk kids should visit the Teens Networking Together center to see the progress it has made in the West Side community.

''The people who are doing the criticism don't know the hardships and obstacles of being minority and living in the inner city. This program gives people like me a goal and direction in life.''

The RAND study of crime prevention programs comes at a time when congressional Republicans are proposing yet again to increase penalties for juvenile offenders, and to eliminate the Office of Juvenile Justice in the Justice Department,—the primary source of leadership and funding for crime prevention.

It also comes at a time when juvenile jails are dangerously overcrowded.

The RAND study does not suggest ''that incarceration is the wrong approach'' to this rising tide of juvenile crime, the authors said in a statement. Nor that the three-strikes laws, which affect primarily adults, are not worth their high cost.

However, the current obsession with longer and tougher sentences has produced a ''lopsided allocation of resources,'' they said, that gives short shrift to preventing crime among kids who can still be saved.

HONORING THE 20TH ANNIVERSARY OF THE LONG'S PEAK SCOTTISH HIGHLAND FESTIVAL

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ALLARD. Mr. Speaker, I would like to take this opportunity to recognize the 20th anniversary of the Long's Peak Scottish Highland Festival which will be celebrated September 5–8 in Estes Park, CO. In the past, I have had the honor of participating in this event which highlights the contributions and ethnic cultural roots of the Celtic people of the United States.

I would like to commend the festival committee on its ability to orchestrate one of the largest and most diversified events in North America. Not only does the Long's Peak Scottish Highland Festival celebrate the long-term alliance of the United Sates, Canada, and Great Britain, it exemplifies the attributes of hard work and perseverance.

Mr. Speaker, it is my pleasure to congratulate the Long's Peak Scottish Highland Festival on 20 very fine years, and to honor one of the largest events of its king in North America by recognizing September 5–8, 1996, as ''20 Years of Celtic Tradition Week.''

TRIBUTE TO ESTHER LEAH RITZ

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to my friend, Esther Leah Ritz, who is being honored by the Jewish Community Centers Association of North America with the 1996 Community Builder's Award.

In honoring Esther Leah, the JCCA is paying tribute to an individual who has done so much for the Jewish community. Esther Leah has played a major role in several local and nationwide organizations, including serving as president of the JCCA. In addition, she has provided leadership for Americans for Peace Now, the Council of Jewish Federations, and the World Confederation of Jewish Community Centers.

Throughout her career, Esther Leah has also been a strong advocate for promoting Jewish education, both formal and informal. As president of the JCCA, she implemented the Commission on Maximizing the Effectiveness of Jewish Education. Her leadership on this issue has served as an example for all within the Jewish community to follow.

Over the years, Esther Leah has become a good friend and a trusted adviser. I have called on her for advice throughout my career on various topics, especially for her input on Israeli issues that are debated by this body. She always provides me with an honest, well thought out view of issues important to the Jewish community and to all Americans.

The Jewish Community Centers Association has made an excellent choice in bestowing upon Esther Leah the Community Builder's Award. I share in her family's pride for her receiving this recognition.

Congratulations, Esther Leah, that is an honor that is well deserved.

IN MEMORIAM—BRIAN WILLIAM McVEIGH

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. MICA. Mr. Speaker, Brian William McVeigh, Airman First Class, U.S. Air Force, was born in Sanford, FL and a resident of Debary, FL. Airman McVeigh was killed in a terrorist attack in Dhahran, Saudia Arabia June 25, 1996. The following are remarks by U.S. Congressman JOHN L. MICA at his memorial service at the Trinity Assembly of God Church in Deltona, FL on July 3, 1996:

We come together as loved ones, neighbors and Christians to recall the life of Brian McVeigh. We come together today to honor the service of Brian McVeigh to his country. How honored am I as Brian's Congressman to be asked to help pay tribute to his memory. However, as my first responsibility I must on behalf of the entire Florida congressional delegation and on behalf of all the citizens of our community and State extend my deepest sympathy to Brian's family and loved ones.

To Brian's parents and especially his mother Sandy Wetmore, I cannot think of any greater sacrifice than for a mother to loose a son in service to his country. To Brian's loved ones and his fiancé—we as a community share your grief. To Brian's friends we as a community mourn your loss. To the terrorist who cowardly took Brian and 18 other Americans from us we will not rest until justice is served. Today we gather as a family, friends, and a community to remember Brian's sacrifice and death in service to our country. Tomorrow, ironically we celebrate the anniversary of the birth of our Nation.

Without the service and sacrifice of patriots and heroes like Brian McVeigh there would be no Independence Day. There would be no America as we know it. So today we recall as we have for 220 years that freedom has never been free. Today we honor a modern patriot, Brian McVeigh for his life, his service, and his love.

Brian's life should be a reminder of a comment he was said to have made, that ''He wanted to give something back to this country.'' Brian's service to his country should be remembered by us all, for he placed it before his own life and he sacrificed his life in service to all Americans. Brian's love we celebrate together today, his love for his mother, his love for his fiancé and family and his love for his God and his country. The sad part about today is that we cannot have one brief moment as loved ones to tell Brian how much we cared. The sad part about today is that we cannot have one moment as friends and a community to tell Brian how much his service to our Nation meant to each of us.

The wonderful thing about today is we have Brian's life to remember as an example to all of us. So as we gather this week to celebrate our Nation's birth and everyday and every holiday, let us remember Brian and all the other patriots whose memory we must always cradle in our hearts. Let us remember our hero, Brian McVeigh.

May God bless Brian and God bless America.

ARTISTIC DISCOVERY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. KING. Mr. Speaker, it gives me great pleasure to take this opportunity to honor some very special and talented young people from my district. The students who participated in the ''Artistic Discovery'' Congressional Art Competition are all deserving of praise for their efforts.

These students each demonstrated remarkable enthusiasm, boundless creativity and outstanding artistic talent. I was awed by the remarkable display of artwork at the Third Congressional District's local competition.

As the honorary chairman of this event, I enjoyed meeting with the young artists and viewing the fruits of their artistic expression. I like to congratulate all of the students from my district who took part in this event, beginning with the first prize winner, Christopher Papa of Farmingdale High School. Other award winners were second prize winner, Sarah Han of Manhasset High School; third prize winner Jeremy Pama of Syosset High School, and honorable mention winners, Glenn Steinle of Farmingdale High School, Christine Sampson of Island Trees High School, Sara Becker and Sari Gordon of Oceanside High School, Dan Torok of Seaford High School, and Chris Boniface of Wantagh High School.

The following students also submitted entries to the Congressional Arts Competition: Bellmore J.F.K. High School: Stephanie Barge, Janis Temchin; Hicksville High School: Janine Friedmann, Dawn Sumner, Tania Trikha, Kristen Wigand, Antonio Jimenez, Nicole Terranova, Myra Velez; Island Trees High School: Kathryn Curran, Victoria Gonatas, Joe Manzella, Janine Minai, Justin Orlando, Dawn Giunta, Jesica Linzie, Melissa McMills, Richard Molinelli.

Manhasset High School: Jeremy Arambiro, Matt Despegni, Doug Gilman, Chelsea Karges, Leslie Koch, Serena Dawn Leong, Sylvia Lin, Juan Mialon, Hector Orihuela, Katie Reilly, Meredith Trufelli, Dwayne Wilson, Ella Berroya, Elizabetha Donoghill, Richard Kim, Rebekka Kuhn, Daniel Leung, Matt McCann, Juan Nealon, Sarah Outten, Sarah Richardson, Kareem Wallace, Tom Young.

Oceanside High School: David Burtman, Hadass Dagan, Pamela Gordon, Deborah Graffigino, Alexandra Lasky, Danielle Marchetta, Jessica Milberg, Nicole Nolan, Mike Postle, Aimee Smith, Alexandra Beloshkurenko, Lorraine Cerami, Joe Fotana, Matt Herr, Sara Lieberman, John Marino, Anthony Nicolo, Robert Peppers, Scott Segal, Lauren Williamson.

Seaford High School: Anthony Carozza, Lenore Madonia, Kimberly Seluga, Keith Hunter, Paul Marko, Bonnie Thompson, Christine White; Syosset High School: Jaqueline Dashevsky, Lauren Merril, Bruce Gilbert; Wantagh High School: Denise Becker Shawn, Allison Galvin, Annie Lo, Donna Pearson, Shanna Greenberg, Jacqueline Moon, Lisanne Todaro.

LAFAYETTE DAY CELEBRATION TO HONOR THE NAMESAKE OF FAYETTE COUNTY

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. MASCARA. Mr. Speaker, I rise today to make my colleagues aware of a special event which will occur in my district this weekend. It is the first annual Lafayette Day celebration to be held in Uniontown, PA, on July 14, 1996. As part of this day's events, I will help dedicate a center at the Uniontown Library honoring this French soldier.

Many of you may not know, but the Marquis de Lafayette is the namesake of Fayette County, a portion of which lies in my district. A member of a titled, military family, Lafayette was enamored with Benjamin Franklin's writings about freedom. As a result, spending his own money, he traveled to this country at the age of 17 on his way to join George Washington at Valley Forge to help fight the Revolutionary War. General Washington was so impressed with young Lafayette that he was soon commissioned as a major general in the Continental Army.

After helping to win freedom for our country, Lafayette returned to France and aided the French Revolution. He came back to America in 1825 with his son, appropriately named George Washington Lafayette. The pair traveled for a year throughout our Nation and made a triumphant return to Fayette County. Lafayette was so taken with the area that legend has it that he took a trunk full of the county's soil back home to be placed on his grave.

The leaders of Uniontown, anxious to promote tourism and economic development, have joined with the Fayette County Tourism Advisory Board in planning the Lafayette Day events for this coming Sunday. Next year, they plan to expand the celebration to a week-long event which will feature French dignitaries and Lafayette descendants.

Their long-range hope is that this annual event will lead to the construction of the Hall of Fame of Freedom, a museum which would not only honor Lafayette's deep commitment to freedom, but also George C. Marshall, who was born and raised in Uniontown, and many other historical figures who grace Fayette County's colorful history.

Mr. Speaker, the citizens of Fayette County should be very proud of this event and hope fully they, and any citizens and Members visiting in the area, will stop by and enjoy this wonderful and important celebration.

CELEBRATING WEST VIRGINIA'S HERITAGE: HOMECOMING '96

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. RAHALL. Mr. Speaker, not so long ago, West Virginia was known primarily as a mighty coal producing State fueling much of America's economy. Many Americans simply did not know all West Virginia had to offer. However, thanks to the hard work and dedication of the people of West Virginia, we are opening our doors to show America and the world what all West Virginians know; our State has much to offer.

Since 1989, West Virginia has gone through a metamorphosis that has put the most beautiful butterfly to shame. We have invested $1 billion in computers for our classrooms, and placed them in modern schools that can handle the latest technology. Our roads and bridges are in the best shape in our history, our rural health program is considered a national model, and the public safety program is considered one of the best in the Nation.

And, Mr. Speaker, we are proud of our accomplishments. We want all Americans, especially West Virginians who have left, to come home and take note of the progress we have made, as well as our plan for the future. That is why we are engaged in a statewide effort known as Homecoming '96.

Homecoming '96 is a celebration of West Virginia. It's the largest community effort ever undertaken in our State—a celebration of our heritage and our future. Under the direction of steering committee cochairs Senator ROBERT C. BYRD and country music superstar Kathy Mattea, Homecoming '96 has many exciting statewide events planned.

We are inviting old and new friends to return to West Virginia and experience the unparelled beauty and friendship we have to offer. We invite everyone to travel our highways and take part in our rich heritage.

Mr. Speaker, there are over 300 communities in West Virginia participating in Homecoming '96, 78 of which are in my district. These communities have planned many activities for all people of all ages. For example, in Bluefield, the Historic Railroad Association has planned a train excursion in Mercer County. In Huntington, the celebration of the city's 125 birthday will coincide will Homecoming '96 activities, and in my hometown of Beckley, a Labor Day weekend concert will take place.

1996 is the year the residents of West Virginia recognize each other for the tremendous accomplishments made in the past. We are excited to show the world just how beautiful the Mountain State really is. Whether it's skiing the white peaks or thundering down the great New River, West Virginia is a State with much to offer.

Many past and current residents of the State will be sporting attractive Homecoming '96 pins and bumper stickers to encourage all Americans to join us in the most wondrous of celebrations. Many of these people will be more than happy to lead you where the delicious smell of apple butter is being made or homemade pies being cooled.

I close by inviting my colleagues, present and past residents of West Virginia, as well as all Americans, to come home to West Virginia and join the festivities this summer.

Mr. Speaker, I ask that the names of the communities in the Third Congressional District participating in Homecoming '96 be entered into the record: Alderson, Ansted, Athens, Ballard, Barboursville, Beckley, Big Creek, Bluefield, Boomer, Bramwell, Brenton, Buckeye, Camden on Gauley, Caretta, Ceredo, Chapmanville, Crumpler, Danville, Delbarton, Diana/Jumbo, Durbin, Fayetteville, Fort Gay, Frankford, Gary, Gauley Bridge, Gilbert, Greenbrier, Greenville, Hacker Valley, Hamlin, Hanover, Hinton, Huntington, Itman, Jodie, Jumping Branch/Nimitz, Kenova, Kermit, Kopperston, Lansing, Lerona/Speedway, Lewisburg, Lindside, Logan, Madison, Marlinton, Matewan, Matoaka, Maxwelton, Meadow Bridge, Milton, Montgomery, Mullens, Nemours, Northfork, Oak Hill, Oakvale, Oceana, Pence Springs, Peterstown, Pineville, Pipestem, Princeton, Prosperity, Rainelle, Renick, Ronceverte, Smithers, Sophia, Spanishburg, Summerslee, Summersville, Sylvester, Talcott, Union, War, Webster Springs, Welch, West Logan, West Virginia State Fair, White Sulpher Springs, Whitesville, Williamsburg, Williamson, and Wolf Creek.

THE PRISON WORK AND VICTIM RESTITUTION ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ENSIGN. Mr. Speaker, today, I introduced bipartisan legislation, the Prison Work

and Victim Restitution Act of 1996, with 15 of my colleagues. This measure builds on our efforts to reform the Federal prison system and reduce recidivism among released inmates while promoting justice for victims and society. My bill is a tough measure, but its intent goes far beyond simply punishing inmates.

One of the major barriers to the successful rehabilitation of Federal prison inmates has been the weak work requirements contained in the Omnibus Crime Control Act of 1990. The 1990 Crime Control Act does not require a minimum work requirement for inmates. Although it costs over $21,000 annually to care for each prisoner in the Federal prison system, a statutory minimum workweek for prisoners does not exist. Instead, the United States Code touches on the subject with vague language which simply states that it is the policy of the Federal Government that prisoners should work.

The reality is that the average workday for a prisoner in the United States is only 6.8 hours long. While some States have longer workdays, the average prisoner is working fewer hours than the taxpayer who supports him.

Mandatory work for prisoners should serve the dual purpose of compensating taxpayers and victims while instilling values and responsibility in those who have failed to live within an orderly society. The Prison Work and Victim Restitution Act of 1996 would correct some of the basic failings of our criminal justice system by requiring Federal prisoners to work at least 50 hours per week. The earnings of prisoners will be distributed as follows: one-third to compensate the Bureau of Prisons for the cost of incarceration, one-third to a victim restitution fund, one-tenth to be placed in a savings account for an individual prisoner, and the remainder, 23 percent, will go to States which enact the same work requirements for their own prison systems.

My legislation clarifies that OSHA and the Fair Labor Standards Act—including minimum wage—do not apply to inmates. It also prohibits prisoners from engaging in nonrehabilitative behavior such as smoking, possessing pornography, and listening to vulgar music. Drug testing is mandatory.

This bill addressed the problem of ensuring there is an adequate supply of paying work for prisoners. My legislation permits UNICOR, the prison industries system, to expand and allows nonprofit agencies—many of which receive Federal grants to combat crime and poverty in our communities—to use prison labor.

Justice Fellowship, a national organization committed to restoring justice to victims and society and promoting work for prisoners, has endorsed the Prison Work and Victim Restitution Act.

I urge my colleagues to join me in supporting this important bill.

THE FULBRIGHT PROGRAM—THE VALUE OF EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. LANTOS. Mr. Speaker, one of the profound successes of our Nation's foreign policy and one of the critical programs that has provided critical support for democracy and respect for human rights has been our Nation's farsighted educational and cultural exchange programs, which are administered through the U.S. Information Agency.

Just a few days ago, Mr. Speaker, the Subcommittee on International Operations and Human Rights of the Committee on International Relations held an excellent oversight hearing on these vital programs. My colleagues on that committee from both sides of the political spectrum expressed strong bipartisan support for these essential educational and cultural exchange programs.

Mr. Speaker, the Ambassador of the Czech Republic, His Excellency Michael Zantovsky, recently sent an excellent letter to Dr. Joseph Duffey, the outstanding Director of the U.S. Information Agency, expressing his and his country's enthusiastic support for the Fulbright Program. His letter is typical of the ardent support that has been expressed by many foreign leaders for the Fulbright Program and for other educational and cultural exchange programs administered by the USIA.

Mr. Speaker, I ask that Ambassador Zantovsky's letter be placed in the RECORD and I urge my colleagues here in the Congress to give that letter thoughtful and serious consideration. The small amount of money that we spend on the Fulbright Program and on the other cultural and educational exchange programs under USIA is among the most important and worthwhile investments in our Nation's future. I urge my colleagues to join me in enthusiastic support for these programs.

THE CZECH AMBASSADOR,
Washington, DC, June 25, 1996.

DR. JOSEPH DUFFEY,
Director, U.S. Information Agency, Washington, DC.

DEAR MR. DUFFEY: It is my particular pleasure to inform you about the significance the Czech Republic attributes to the renowned Fulbright Program.

Even before 1989, thanks to this Program, the then Czechoslovak scholars, experts, and students had a unique opportunity during their stay in your country to be exposed to a free democratic society, to the most recent advances in science, and to the creative environment of U.S. universities. After having come back home, they brought fresh, unworn ideas and approaches that transformed society and re-established democracy in our country.

The Velvet Revolution brought enhancement to the Fulbright Program. Each year about twenty to thirty Fulbrighters come to the Czech Republic, and a similar number visit the United States. Many American professors coming to our country develop the fields of American Studies, American Literature, Economics, Political Science—i.e. areas that were rather weak or even missing under the previous regime. Their contribution to reforming university curricula is of critical importance. The American students within the Fulbright Program are extremely interested in our arts, history, and political economy in relation to privatization. On the other hand, Czech Fulbrighters in the U.S. are active in teaching the Czech language, literature, and film for many Slavic departments within your universities. At your prominent research institutions, many technically oriented Czech Fulbrighters benefit from developing their research projects and studies in physical, biological, and engineering sciences.

Needless to say, the exchange of students and researchers is mutually beneficial. One's own professional and personal enrichment is surpassed by the enrichment of the society as a whole. Through an individual's encounter with a different culture, one gains an experiential knowledge of cultural conditions that impact very basic policies and questions—e.g., how to establish future entrepreneurial activities and in what markets. In addition, Fulbrighters become consumers from within that society, gaining a practical level of intellect, the insight that cannot be replicated from reading a textbook or seeing a movie. And, most importantly, there is the multiplier effect because of their enthusiasm to share it with their colleagues and friends.

The Czech Government, being aware of all the merits of the Fulbright Program and its outstanding significance among any other international programs, has decided to increase its funding up to 40% of the U.S. contribution. It is our strong belief that the U.S. Congress, taking into account all the benefits of this wonderful and unique educational and research program, will continue to support it at the current level.

Sincerely,

MICHAEL ZANTOVSKY,
Ambassador.

IMPLEMENTATION OF THE CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT, PUBLIC LAW 104–114

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. HAMILTON. Mr. Speaker, unless the President decides by July 16, 1996, to exercise his authority to suspend its implementation, title III of Public Law 104–114, the Cuban Liberty and Democratic Solidarity Act, will take effect on August 1. Title III of Public Law 104–114 grants U.S. citizens the right to sue foreign companies that may be using or otherwise benefiting from properties seized by the Castro government following the Cuban revolution in 1959. A key objective of this title is to encourage foreign firms to abandon existing investments in Cuba, and to discourage future investment.

I believe implementation of title III of Public Law 104–114 would be contrary to U.S. national interests in two ways. First, by escalating pressure on the Cuban economy, title III will increase, rather than decrease the chances for a peaceful transition to democracy in Cuba. Second, by penalizing foreign companies for commercial conduct toward a third country, title III will provoke trade conflict with many close friends of the United States, countries with which we cooperate on a range of issues. Several foreign governments have already warned that they may take retaliatory steps, and that could cost U.S. jobs.

I commend to the attention of Members two valuable statements on the implementation of Public Law 104–114. The first is a briefing paper written by Jorge I. Dominguez, coordinator of the Task Force on Cuba of the Inter-American Dialogue and Professor of Government at Harvard University. The second is a letter to the President from five major business groups: the U.S. Chamber of Commerce, the National Foreign Trade Council, the Organization for International Investment, the European-American Chamber of Commerce, and the U.S. Council for International Business.

Both statements make a persuasive case for a waiver of title III of Public Law 104–114, and the business letter demonstrates the broad support for a waiver in the U.S. business community.

The implementation of the Helms-Burton legislation raises two key questions for US policy. Does Helms-Burton serve U.S. interests? And will the legislation help promote democratic change in Cuba? The immediate policy issue that President Clinton faces with regard to the Helms-Burton legislation is whether to waive application of its Title III. This title, the most controversial in the legislation, would permit U.S. citizens and firms to sue in U.S. courts to obtain compensation from non-U.S. firms that, through investment or trade, ''traffic'' in the properties or enterprises seized decades ago by the Cuban government.

INTERNATIONAL TRADE

The major trading partners of the United States in Canada, Europe, Latin America, and East Asia have expressed concern and anger over the Helms-Burton legislation. They consider the law a violation of international trade agreements establishing the World Trade Organization and the North American Free Trade Area. Title III of the legislation is viewed by every major country as detrimental to its relations with the United States.

U.S. interests will suffer even if none of the governments retaliate against the United States for violations of international conventions. Other countries might more readily violate the international trade regime because of the U.S. violation. This U.S. policy is eroding that regime that the United States has worked so hard to construct. Moreover, the United States has long opposed ''secondary boycotts'', and U.S. legislation prohibits U.S. firms from participating in such boycotts. Yet the Helms-Burton legislation mandates a secondary boycott on other nations.

THE ECONOMIC EFFECTS IN CUBA

The long-standing U.S. embargo on the Cuban economy has had several economic effects. It has caused a rise in the costs to Cuba and the Cuban government of engaging in any international economic activities and it has raised the profits of those firms that are active in the Cuban market. Foreign investors are well aware of the political risks posed by investments or trade with Cuba, so they demand and receive from the Cuban government ''sweeter deals'' than those offered elsewhere in Latin America or the world. And because Cuba must offer more attractive concessions to international traders and investors, Cuba pays a higher cost to participate in international economic activity than it otherwise would. Moreover, firms that invest in Cuba face no competition from U.S. businesses.

The Helms-Burton legislation magnifies each of these effects, and adds one more. It sorts out firms that trade with Cuba by size. Large international firms—because they are likely to do business with the United States—will be discouraged from trading or investing in Cuba. But smaller firms that do not operate in the U.S. market are not exposed to Helms-Burton retaliation. These will find it extremely attractive to invest in Cuba. These economic effects, however, do not advance democratic change in Cuba.

SIGNIFICANCE FOR U.S. POLICY

From the perspective of U.S. policy, the achievements of Helms-Burton are: (1) increased economic costs have been imposed on Cuba, punishing its government for shooting down the two Cessna planes on February 24, and (2) the legislation communicates clearly to all governments and firms the serious U.S. government disapproval of their economic relations with Cuba. Neither of these accomplishments, however, helps to foster democracy in Cuba.

DEMOCRACY IN CUBA

The political consequences within Cuba of Helms-Burton have been either irrelevant or counterproductive in terms of promoting liberty and democracy. For example:

The Cuban government has persevered in its policy of economic opening as though the legislation did not exist.

The legislation has provided the Castro government—appearing as the defender of the homeland under attack from a powerful neighbor—with an opportunity to rally nationalist support, even from many Cubans who otherwise oppose their government's policies.

The Helms-Burton legislation, in effect, told the Cuban government that it could repress as it pleased because there is no change left of improving its relations with the United States. The Cuban government has reversed none of the repressive acts that preceded the passage of Helms-Burton.

Within ten days of President Clinton signing the Helms-Burton Act, General Raul Castro launched attacks on various Cuban academic institutions and intellectuals, further chilling public expression and curtailing academic freedom.

There are some positive political developments in Cuba, but these are the result of the longer-term economic opening and the continuing engagement with Cuba of the governments of Canada, the European Union, and Latin America. They include, for example, the recent authorization of free trade zones, which may enable some firms to contract their own labor rather than relying on the Cuban government to supply it; the loss of full state control over the economy and the flourishing illegal markets; and the government's authorizing some self-employment and farmers' markets. Castro has, in short, felt compelled to allow an economic policy shift despite his distaste for capitalism. Citizens have begun to take control of their economic lives, and the private economy has begun to finance a re-birth of civil society. Former state farms, newly turned into cooperatives, have begun to display greater autonomy, some even dismissing long-time bosses. Some poor Cubans have gained political independence. These democratizing political effects from economic changes are not surprising. The surprise is that U.S. policy toward Cuba is at odds with a long-standing U.S. belief in open markets as a mechanism to open politics.

COSTS TO THE UNITED STATES

President Clinton needs to recognize the costs associated with the Helms-Burton Act. The legislation has already cause friction for the United States in its diplomatic and trade relations with its principal trading partners; these costs would rise if Title III of the act is fully implemented. Liberty and democracy in Cuba have not been advanced by this legislation, and, in some cases, the Castro government has been strengthened and political repression has become more intense. Were Title III to be enacted, U.S. courts would be flooded with lawsuits.

Waiving Title III would reduce these costs somewhat, and would also give the U.S. government leverage it would otherwise lack—leverage to continue to pressure Cuba in the near future. Uncertainty over the application of title III for another six months would serve as a deterrent to trade with and investment in Cuba. By waiving now the implementation of Title III, the United States would reserve full implementation for a later date, thereby retaining an instrument to pressure the Cuban government on an ongoing basis, an a means to retaliate should the government break international law once again. A waiver would also be consistent with the design of the Helms-Burton Act, which contemplates a calibrated and protracted process of implementation capable of imposing costs on Cuba over a sustained period of time.

Signing the waiver would reduce the damage to general U.S. interests; may reduce the adverse effects that Helms-Burton has had on Cuba's prospects for political change; and will create leverage for future use consistent with the logic of coercion that underlies the legislation.

JULY 1, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As representatives of a broad cross-section of the U.S. business community, we urge you to suspend for six months the effective date of Title III of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act.

As you have frequently explained to the American people, the United States' ability to benefit from the global economy is dependent on strong, stable, and reliable rules. We believe that these benefits are jeopardized by the enormous friction that will result if Title III is allowed to take effect. Some of our closest allies and most important trading partners are contemplating or have legislated countermeasures. U.S. firms will bear the brunt of these countermeasures. We believe that suspending the effective date would permit you to accomplish the purposes of the law without needlessly jeopardizing U.S. interests.

Many of our member companies had property in Cuba that was expropriated by the Castro regime. Yet, many of these companies, constituting some of the largest certified claimants, do not believe that Title III brings them closer to a resolution of these claims. To the contrary, Title III complicates the prospect of recovery and threatens to deluge the federal judiciary with hundreds of thousands of lawsuits. These companies, Title III's intended beneficiaries, support our view that Title III should be suspended at this time.

We would also note that Section 207 of the law requires the Administration to prepare a report giving its estimate of the number and value of such claims. That report is not due until September. A six month suspension from August 1 would give the Administration time to fully assess the impact of Title III and consult further with our allies.

Finally, we believe that if Title III were to become effective, it would drive a wedge between the United States and our democratic allies that would significantly hinder any future multilateral efforts to encourage democracy in Cuba. For this, and the reasons stated above, we urge you to act in the interest of the United States by suspending the effective date of Title III of the LIBERTAD Act.

Sincerely,
The National Foreign Trade Council.
Organization for International Investment.
U.S. Chamber of Commerce.
European-American Chamber of Commerce.
U.S. Council for International Business.

INTRODUCTION OF THE ISTEA INTEGRITY RESTORATION ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. DELAY. Mr. Speaker, today I am introducing a bill that will dramatically improve the current system of allocating Federal highway funds. But first I would like to pay tribute to my colleague and fellow sponsor, GARY CONDIT, for his leadership on the Democrat side on this vital issue. I would also like to recognize the tremendous efforts made by my good friend and colleague, JOHN HOSTETTLER, who as cochair of the I–69 Mid-Continent Highway Caucus has demonstrated an unparalleled commitment to reforming the Highway Fund Program. We would not have built up the support that currently exists for this bill without his help.

Although I shared in the excitement of celebrating the 40-year anniversary of our Interstate System last month, it saddens me to think about how the formulas we use today to distribute Federal highway funds to the States have broken down alongside the road. As our Nation speeds into the 21st century, those formulas force State departments of transportation to steer the development of our Nation's transportation system with both hands firmly grasping the rear view mirror.

To try to remedy this situation, Mr. CONDIT and I, along with 37 of our colleagues on both sides of the aisle, are introducing The ISTEA Integrity Restoration Act. It is our hope that this legislation will serve as a basis for discussion during the reauthorization process. Our bill accomplishes four primary objectives:

Funds the National Highway System as the key Federal responsibility:

Simplifies and makes more flexible the Federal Highway Program;

Updates the antiquated Federal funding distribution formulas; and

Equitably balances the amount of Federal gas tax dollars collected from each State with the amount of funding each State receives back from the Federal highway trust fund.

When enacted, our proposal will at least focus our Nation's surface transportation programs on the 21st century. State DOT's can finally let go to the rear view mirror and get their hands firmly on the steering wheel.

FOCUSING FEDERAL RESPONSIBILITY

By maintaining a strong National Highway System program that includes the interstate, the ISTEA Integrity Restoration Act recognizes that the purposes of the NHS—national defense, interstate and international commerce, and the safety and mobility of our people—are the basic responsibilities of the Federal Government and should shape the Federal role in transportation.

SIMPLICITY AND FLEXIBILITY

As America enters the 21st century, and encounters the many challenges and opportunities that it will offer, our Nation needs a streamlined Federal surface transportation program that will position its citizens and economy to respond well to this dynamic new era.

The ISTEA Integrity Restoration Act consolidates various existing Federal highway programs into two simple and focused programs:

The National Highway System Program [NHS] consolidates the Interstate Maintenance Program and the NHS portion of the Bridge Reconstruction and Rehabilitation Program.

The Streamlined Surface Transportation Program [SSTP] blends the Congestion Mitigation and Air Quality Improvement Program, enhancements, the non-NHS Bridge Program and others into the existing Surface Transportation Program to create a new, broader category.

Our bill continues the eligibility of all current ISTEA activities, but gives State and local transportation officials the responsibility and authority to decide on what, when, where, and how much to spend to meet their diverse transportation needs. Too often State DOT's have a surplus in one category and inadequate funding in another because the Federal Government has decided it knows better than the State what its needs are.

The ISTEA Integrity Restoration Act will ensure that States—working together with their local partners—can respond to their own needs with individual solutions, instead of being limited by the current array of one-size-fits-all Federal requirements.

UPDATING FORMULAS

Since ISTEA went into effect, with the exception of the Interstate Maintenance Program neither a State's population, the size of the system of highways and bridges, nor the number of people or tons of freight moving across a State's highway has made any difference in the share of Federal-aid highway funds it receives.

Instead, each State's share of these funds today is determined by the share of all highway funds that State received between 1987 and 1991. And the share of all highway funds a State received between 1987 and 1991 was determined in part by that State's population in 1980, nearly 20 years ago. Other factors in determining the 1987-to-1991 share include the size of the State's highway system during that period and the traffic that system carried.

Perhaps the most irrelevant factor is the number of rural postal delivery miles in the State—a measure the post office quit using more than 40 years ago. These formulas penalize States that are home to increasing numbers of Americans and dramatically increasing traffic.

The ISTEA Integrity Restoration Act's system of apportionment is simple, free from the obsolete characteristics of the current Federal funding system, and is related the real world. It is based on relevant factors such as the size of the public highway system in each State, the wear and tear on highways caused by the intensity with which a State's highway system is used, and the greater transportation needs of urban areas.

FAIRNESS AND EQUITY

The ISTEA Integrity Restoration Act also creates an objective, simple methods of distributing highway funds among the States that strikes a more equitable balance between the contributions each State's motorists and motor carriers pay in the Federal highway trust fund and the funds returned to the State from that fund. Our bill establishes the following two programs:

An Equity Program which ensures that all States receive at least a 95-percent return—including attributable interest and other assets—on the payments made to the Federal highway trust fund. Ideally, the NHS Program and SSTP would provide more than a 95-percent return for all States. If not, the Equity Program would ensure this 95-percent return level.

An Access Program which ensures an adequate level of resources for highways in large land area, low-population density States, and in States with small land area and low-population density. This would help provide the road systems that are urgently needed for national mobility, economic connectivity, and national defense.

CONCLUSION

The DeLay/Condit ISTEA Integrity Restoration Act is not a radical departure from ISTEA. It builds on traditional partnerships while modernizing Federal aid formulas that are inadequate to meet the mobility and economic development needs of the next century. This act strikes the appropriate balance between the national interests in highways, and the rights and responsibilities of each State. I hope this Congress will look favorably upon it in the months to come.

INTRODUCTION OF THE THRIFT CHARTER MERGER COMMISSION ACT OF 1996

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 10, 1996

Mr. ROTH. Speaker, I have introduced the bill, H.R. 3407, the Thrift Charter Merger Commission Act of 1996. This comprehensive bill would finally close the door on the costly savings-and-loan associations [S&Ls] cleanup. The bill would break a dangerous legislative deadlock over extremely complex banking and thrift issues and merge their charters.

The bill's purpose is to establish a bipartisan commission to examine and reconcile the maze of conflicting, overlapping, and obsolete legal and public policy issues in the merger. The commission would make legislative recommedations for the merger and for reorganizing Federal bank regulatory agencies to conform with the merged charter. This is an unusual approach—patterned on the successful military base-closing commissions. Additionally, the commission concept is combined with fast-tract legislative machinery utilized for trade legislation.

My bill provides a comprehensive mechanism for considering many thorny issues one by one.

While the commission could hold public hearings, its main work would be walled off from incessant partisan bickering. All the commission's proceedings, information, and deliberations would be open—upon request—to the banking committee members of House and Senate.

Here's how it would work. My bill would establish and independent commission of eight qualified persons representing a balance of interests. The commission members would be appointed by the President with the advice and consent of the Senate and after consultation with both majority and minority leaders of both House and Senate. A director and staff would be authorized to support the commission's work.

The commission would be empowered to hold public hearings, obtain official data, and

procure necessary support services from executive branch agencies. Duties of the commission are listed in the bill in some detail, including preparation of an implementing bill to merge the thrift and banking charters.

The commission would be directed to address at least 13 specific, particularly troublesome issues as follows: conversion period; form of bank charter; applicability to State-chartered thrifts; treatment of thrift powers; treatment of thrift holding companies; FICO carrying costs; recapitalization of the Savings Association Insurance Fund [SAIF]; branching; regulations; Federal Home Loan Bank membership; reorganization of Federal banking agencies; treatment of banking agency employees during and after any reorganization; and treatment of Oakar banks in conversion.

Appointments to the commission would have to be made by February 15, 1997.

The commission's final report and a proposed implementing bill would have to be submitted to the President and the Congress by October 1, 1997. After receiving comments from the President and the Congress, the commission would have to submit a revised final implementing bill to the Congress by December 1, 1997, or 30 legislative days after submission of the final report, whichever is later.

Fast-track legislative rules for consideration in House and Senate would then take effect. No amendments would be allowed. Committees of jurisdiction would be given 45 days to report the bill. Failing that, the bill would be automatically discharged for floor action within 15 days after leaving the committees. The bill could be brought up for floor consideration by a highly privileged, nondebatable motion by any Member.

The commission would cease to exist 30 days after submitting the final text of the implementing bill.

I wish to acknowledge the encouragement of both thrift and banking leaders in drafting this legislation.

We cannot afford to continue the hazardous stalemate over who should help pay for the remaining S&L cleanup costs and how to recapitalize the S&L deposit insurance fund. My bill provides a sensible, tested, workable way out of the banking-thrift gridlock.

I urge my colleagues to become cosponsors of the bill, to support its serious consideration, and to vote for its enactment.

I insert a section-by-section analysis of the bill and the text of H.R. 3407 at this point in the RECORD.

H.R. 3407—THRIFT CHARTER MERGER COMMISSION ACT OF 1996

SECTION-BY-SECTION ANALYSIS

Section 1: Purpose of the act is to establish a nonpartisan commission to examine the legal and public policy issues in merging thrift and bank charters, make legislative recommendations for the merger, and to reorganize Federal bank regulatory agencies to conform with the merged charter.

Sections 2, 3, and 4: An eight-member commission of qualified persons representing a balance of interests is to be appointed by the President with the advice and consent of the Senate and after consultation with both majority and minority leaders of both House and Senate. A director and staff are authorized to support the commission's work.

Section 5: Powers of the commission are authorized, including holding public hearings, obtaining official data, and procuring necessary support services from the Executive Branch.

Section 6: Duties of the commission are listed, including addressing 13 specific policy and technical issues and preparing an implementing bill to merge the thrift and banking charters. The 13 issues are: Conversion period, form of bank charter, applicability to state-chartered thrifts, treatment of thrift powers, treatment of thrift holding companies, FICO carrying costs, recapitalization of the SAIF, branching, regulations, Federal Home Loan Bank membership, reorganization of federal banking agencies, treatment of agency employees, and treatment of Oakar banks.

Section 7: A final report and a proposed implementing bill must be submitted to the President and the Congress by October 1, 1997. After receiving comments from the President and Congress, the commission must submit a revised final implementing bill to the Congress by December 1, 1997, or 30 legislative days after submission of the final report, whichever is later.

Section 8: Fast-track legislative rules for consideration in House and Senate are detailed. No amendments would be allowed. Committees of jurisdiction would be given 45 days to report the bill; failing that, the bill would be automatically discharged for floor action within 15 days.

Sections 9, 10, and 11: The commission would be terminated 30 days after the final text of the implementing bill is submitted to Congress and appropriations are authorized for carrying out the act.

H.R. 3407

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

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Thrift Charter Merger Commission Act of 1996''.

(b) PURPOSE.—It is the purpose of this Act to establish a nonpartisan commission to—

(1) examine the complex legal and public policies issues involved in the proposed elimination of savings association charters and the conversion of such institutions into banks, the short- and long-term consequences of such proposed actions on the financial services industry and consumers, and other related issues;

(2) make recommendations to the Congress on the most efficient, fairest, and least disruptive way to achieve the conversion of such institutions into banks and resolve the legal, policy, and other issues relating to the holding companies of such associations; and

(3) review ways to rationalize the regulation of depository institutions and reorganize the Federal banking agencies.

SEC. 2. ESTABLISHMENT.

There is hereby established a commission to be known as the ''Thrift Charter Merger Commission'' (hereafter in this Act referred to as the ''Commission'').

SEC. 3. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed by the President, by and with the advise and consent of the Senate, from among individuals especially qualified to serve on such Commission by reason of their education, training, and experience.

(2) NOMINATION SCHEDULE.—The President shall transmit to the Senate the nominations for appointment to the Commission by no later than February 15, 1997.

(3) CONSULTATION WITH CONGRESS.—In selecting individuals for nomination for appointments to the Commission, the President should consult with—

(A) the Speaker of the House of Representatives concerning the appointment of 2 members;

(B) the majority leader of the Senate concerning the appointment of 2 members;

(C) the minority leader of the House of Representatives concerning the appointment of 1 member; and

(D) the minority leader of the Senate concerning the appointment of 1 member.

(4) PROHIBITION ON APPOINTMENT OF FEDERAL OFFICERS OR EMPLOYEES TO COMMISSION.—No officer or employee of any Federal department or agency, including any member of the Board of Governors of the Federal Reserve System, may be appointed as a member of the Commission.

(5) BALANCE OF INTERESTS.—Recognizing that the individuals with the experience and expertise which qualify them for service on the Commission are likely to have been employed by or represented depository institutions or Federal banking agencies, the President, in the consultations pursuant to paragraph (3) and the selection of individuals for nominations for appointments to the Commission, shall seek to attain a balance in the interests represented, at the time of the nomination or in the past, by members of the Commission.

(b) CHAIRPERSON.—At the time the President nominates individuals for appointment to the Commission, the President shall designate one such individual who shall serve as Chairperson of the Commission.

(c) TERMS.—Each member of the Commission shall serve for the life of the Commission.

(d) PUBLIC MEETINGS.—

(1) IN GENERAL.— Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public.

(2) OPEN TO MEMBERS OF CONGRESS.—All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the following:

(A) The Chairman and the ranking minority party member of the Committee on Banking, Housing, and Urban Affairs of the Senate, or such other members of such committee as may be designated by such Chairman or ranking minority party member.

(B) The Chairman and the ranking minority party member of the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs of the Senate, or such other members of such subcommittee as may be designated by such Chairman or ranking minority party member.

(C) The Chairman and the ranking minority party member of the Committee on Banking and Financial Services of the House of Representatives, or such other members of the committee as may be designated by such Chairman or ranking minority party member.

(D) The Chairman and ranking minority party member of the Subcommittee on Financial Institutions and Consumer Credit of the Committee on Banking and Financial Services of the House of Representatives, or such other members of the subcommittee as may be designated by such Chairman or ranking minority party member.

(e) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment.

(f) PAY AND TRAVEL EXPENSES.—

(1) PAY OF MEMBERS OF COMMISSION.—

(A) IN GENERAL.—Each member of the Commission, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(B) CHAIRPERSON.—The Chairperson of the Commission shall be paid for each day referred to in subparagraph (A) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply with respect to the Commission.

SEC. 4. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Commission.

(2) PAY.—The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—

(1) APPOINTMENT.—The Director, with the approval of the Commission, may appoint and fix the pay of such additional personnel as the Director considers appropriate.

(2) PAY.—An individual appointed pursuant to paragraph (1) may not receive pay in excess of the annual rate of basic pay payable for level V of the Executive Schedule.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(2) LIMIT ON DETAILS FROM BANKING AGENCIES.—Not more than ⅓ of the staff of the Commission at any time may be employees detailed from Federal banking agencies.

SEC. 5. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—

(1) IN GENERAL.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act.

(2) TRANSMITTAL BY AGENCIES.—Upon request of the Chairperson of the Commission, the head of a department or agency of the United States shall furnish information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for the lease of space and the provision of other services, without regard to section 3709 of the Revised Statutes.

SEC. 6. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall carry out the purposes of this Act.

(b) CONSIDERATION OF SPECIFIC ISSUES.—In addition to such other issues as the Commission may find appropriate to review, and make recommendations with respect to, in order to carry out the purposes of this Act, the Commission shall consider and make recommendations with respect to the following issues:

(1) CONVERSION PERIOD.—The appropriate period of time during which a savings association would be required to convert to a bank charter or liquidate.

(2) FORM OF BANK CHARTER.—The form of any bank charter to which savings associations would be required to convert and the bank powers which would be associated with any such charter, including the feasibility of establishing a community bank charter with more limited commercial banking powers than full-service banks.

(3) APPLICABILITY TO STATE-CHARTERED THRIFTS.—The manner in which legislation requiring the conversion of savings associations to banks would be applied to State-chartered savings associations.

(4) TREATMENT OF THRIFT POWERS.—The treatment of powers of savings associations which are not permitted for banks following any conversion of a savings association to a bank.

(5) TREATMENT OF THRIFT HOLDING COMPANIES.—The extent to which the conversion of savings associations to banks should require a change in the existing savings and loan holding company framework, the powers of such companies (including diversified savings and loan holding companies), and the regulation of such companies (including consideration of the most appropriate regulator for such companies) and the appropriate period of time during which any such change should be implemented.

(6) FICO CARRYING COSTS.—All appropriate sources of funds for paying interest on, and other costs incurred in connection with the obligations issued by the Financing Corporation, including the surplus funds of the Federal Reserve System, net earnings of the deposit insurance funds, banks, savings associations, credit unions, Government corporations and other Government sponsored enterprises, unexpended funds appropriated to the Resolution Trust Corporation, and any other feasible source of funds.

(7) RECAPITALIZATION OF THE SAIF.—The manner in which the Savings Association Insurance Fund should be recapitalized.

(8) BRANCHING.—The appropriate treatment, after any conversion of an savings association to a bank, of branches which the savings association was operating before the conversion.

(9) REGULATIONS.—The extent to which the regulations applicable to savings associations differ from regulations applicable to banks, and the extent to which a transition period and special transition rules may be appropriate with regard to those areas where such regulations differ in connection with the conversions of savings associations to banks.

(10) FEDERAL HOME LOAN BANK MEMBERSHIP.—The manner in which membership eligibility and withdrawal requirements with respect to Federal home loan banks shall apply to savings associations following any conversion of the associations to banks and the extent to which banks should have unlimited access to advances from such home loan banks.

(11) REORGANIZATION OF FEDERAL BANKING AGENCIES.—The manner in which Federal banking agencies should be reorganized, consolidated, or abolished.

(12) TREATMENT OF BANKING AGENCY EMPLOYEES DURING AND AFTER ANY REORGANIZATION.—The appropriate treatment of employees of Federal banking agencies who are or would be affected by any reorganization, consolidation, or abolition of any Federal banking agency.

(13) ''OAKAR'' BANKS.—The appropriate treatment of banks which have deposits insured by the Savings Association Insurance Fund pursuant to section 5(d)(3) of the Federal Deposit Insurance Act in connection with the conversion of savings associations to banks.

(c) PREPARATION OF IMPLEMENTING BILL.—After completing consideration of the issues required to be considered by the Commission, the Commission shall prepare a bill consisting only of—

(1) provisions directly related to—

(A) the conversion of savings associations to banks;

(B) issues directly related to such conversions (including the issues specified in subsection (b)); and

(C) other purposes of this Act;

(2) if changes in existing laws or new statutory authority is required to carry out the purposes of this Act, provisions, necessary to carry out such purposes, either repealing or amending existing laws or providing new statutory authority; and

(3) provisions necessary for purposes of complying with section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 in connection with such legislative provisions.

SEC. 7. REPORTS AND IMPLEMENTING BILL.

(a) INTERIM REPORTS.—The Commission may submit to the President and the Congress interim reports as the Commission considers appropriate.

(b) FINAL REPORT.—

(1) REPORT REQUIRED.—The Commission shall submit a final report to the President and the Congress not later than October 1, 1997.

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with a final draft version of the implementing bill prepared pursuant to section 6(c) and such recommendations for administrative actions as the Commission considers appropriate.

(c) FINAL IMPLEMENTING BILL.—

(1) IN GENERAL.—Before the later of December 1, 1997, or 30 legislative days after submitting the final report with the final draft version of the implementing bill to the Congress pursuant to subsection (b)(2), the Commission shall, after taking into account such comments on the final draft version of the implementing bill as have been transferred to the Commission by any committee of the House of Representatives or the Senate (which has jurisdiction over legislation involving subject matters which would be affected by the implementing bill), the Commission shall submit a final implementing bill to the House of Representatives and the Senate.

(2) COMPUTATION OF LEGISLATIVE DAYS.—In computing the number of legislative days

for purposes of paragraph (1), there shall be excluded any day on which either House of the Congress is not in session.

SEC. 8. CONSIDERATION OF BILL IMPLEMENTING PURPOSES OF THIS ACT.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—The provisions of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in section 6(c) and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) IMPLEMENTING BILL DEFINED.—For purposes of this section, the term ''implementing bill'' means only a bill of either House of Congress which is submitted by the Commission pursuant to section 7(c) and introduced as provided in subsection (c) (of this section).

(c) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION ON DAY OF SUBMISSION.—On the day on which an implementing bill is submitted to the House of Representatives and the Senate by the Commission under section 7(c), the implementing bill submitted shall be—

(A) introduced (by request) in the House by the majority leader of the House, for himself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and

(B) introduced (by request) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate.

(2) SUBSEQUENT INTRODUCTION IF A HOUSE IS NOT IN SESSION.—If either House is not in session on the day on which an implementing bill is submitted, the implementing bill shall be introduced in that House, as provided paragraph (1), on the first day after such date of submission on which the House is in session.

(3) COMMITTEE REFERRALS.—An implementing bill introduced in either House pursuant to paragraph (1) or (2) shall be referred by the presiding officer of such House to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(d) AMENDMENTS PROHIBITED.—

(1) IN GENERAL.—No amendment to an implementing bill shall be in order in either the House of Representatives or the Senate.

(2) NO MOTION TO SUSPEND APPLICATION OF SUBSECTION.—No motion to suspend the application of this subsection shall be in order in either House.

(3) NO UNANIMOUS CONSENT REQUESTS.—A request to suspend the application of this subsection by unanimous consent shall not be in order in either House and it shall not be in order for the presiding officer in either House to entertain any such request.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—

(1) COMMITTEE CONSIDERATION.—If any committee of either House to which an implementing bill has been referred has not reported such bill to such House as of the close of the 45th day after the introduction of the bill, the committee shall be automatically discharged from further consideration of the bill and the bill shall be placed on the appropriate calendar.

(2) VOTE ON FINAL PASSAGE.—A vote on final passage of an implementing bill shall be taken in each House on or before the close of the 15th day after the bill is reported by the committee or committees of that House to which the bill was referred, or after such committee or committees have been discharged from further consideration of the bill.

(3) CONSIDERATION BY 1 HOUSE AFTER PASSAGE OF BILL BY OTHER HOUSE.—If, before the passage by 1 House of an implementing bill of such House, the House receives the same implementing bill from the other House, then—

(A) the procedure in that House shall be the same as if no implementing bill had been received from the other House; but

(B) the vote on final passage shall be on the implementing bill of the other House.

(4) COMPUTATION OF LEGISLATIVE DAYS.—For purposes of this subsection, in computing a number of days in either House, there shall be excluded any day on which that House is not in session.

(f) PROCEDURAL RULES FOR FLOOR CONSIDERATION IN THE HOUSE.—

(1) HIGHLY PRIVILEGED MOTION.—

(A) IN GENERAL.—A motion in the House of Representatives to proceed to the consideration of an implementing bill shall be highly privileged and not debatable.

(B) MOTION NOT AMENDABLE.—An amendment to the motion described in subparagraph (A) shall not be in order.

(C) NO MOTION TO RECONSIDER.—No motion to reconsider the vote by which the motion described in subparagraph (A) is agreed to or disagreed to shall be in order in the House of Representatives.

(2) DEBATE.—

(A) TIME LIMIT.—Debate in the House of Representatives on an implementing bill shall be limited to not more than 20 hours, which shall be divided equally between those favoring and those opposing the bill.

(B) NONDEBATABLE MOTION TO FURTHER LIMIT DEBATE.—A motion to further limit debate on an implementing bill shall not be debatable.

(3) NO MOTION TO RECONSIDER OR RECOMMIT.—It shall not be in order in the House of Representatives to move to recommit an implementing bill or to move to reconsider the vote by which an implementing bill is agreed to or disagreed to.

(4) MOTIONS TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS NONDEBATABLE.—Motions to postpone, made in the House of Representatives with respect to the consideration of an implementing bill, and motions to proceed to the consideration of other business, shall be decided without debate.

(5) APPEALS FROM RULINGS OF THE CHAIR NONDEBATABLE.—All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to an implementing bill shall be decided without debate.

(6) RULES OF THE HOUSE OTHERWISE APPLY.—Except to the extent specifically provided in the preceding paragraphs of this subsection, consideration of an implementing bill in the House of Representatives shall be governed by the Rules of the House of Representatives applicable to other bills in similar circumstances.

(g) PROCEDURAL RULES FOR FLOOR CONSIDERATION IN THE SENATE.—

(1) PRIVILEGED MOTION.—

(A) IN GENERAL.—A motion in the Senate to proceed to the consideration of an implementing bill shall be privileged and not debatable.

(B) MOTION NOT AMENDABLE.—An amendment to the motion described in subparagraph (A) shall not be in order.

(C) NO MOTION TO RECONSIDER.—A motion to reconsider the vote by which the motion described in subparagraph (A) is agreed to or disagreed to shall not be in order in the Senate.

(2) DEBATE.—

(A) TIME LIMIT GENERALLY.—Debate in the Senate on an implementing bill, and all debatable motions and appeals in connection with the debate on such bill, shall be limited to not more than 20 hours which shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(B) TIME LIMIT ON DEBATABLE MOTIONS OR APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with an implementing bill shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee.

(C) ALLOTMENT OF TIME DURING CONSIDERATION OF DEBATABLE MOTION OR APPEAL.—The majority leader and the minority leader may, from time under their control on the passage of an implementing bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(D) NONDEBATABLE MOTION TO FURTHER LIMIT DEBATE.—A motion in the Senate to further limit debate is not debatable.

(3) NO MOTION TO RECOMMIT.—It shall not be in order in the Senate to move to recommit an implementing bill.

SEC. 9. TERMINATION.

The Commission shall terminate 30 days after the final text of the implementing bill has been submitted to the Congress pursuant to section 7(c).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the fiscal years 1997 and 1998 such sums as may be necessary to carry out this Act.

SEC. 11. BUDGET ACT COMPLIANCE.

Any spending authority (as defined in subparagraphs (A) and (C) of section 401(c)(2) of the Congressional Budget Act of 1974) authorized by this Act shall be effective only to such extent and in such amounts as are provided in appropriation Acts.

HEALTHY START: LEGISLATION TO GUARANTEE HEALTH CARE INSURANCE FOR ALL AMERICAN CHILDREN

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GIBBONS. Mr. Speaker, today, along with Representatives RANGEL, STARK, GEORGE MILLER, GONZALEZ, LAFALCE, HILLIARD, LANTOS, and NORTON, I am introducing legislation entitled ''Healthy Start'', to provide Medicare-type health insurance for all women during pregnancy and for children from infancy through age 12.

Just as Head Start has helped millions of children prepare for school and reduce the burdens of poverty, Healthy Start will ensure that all American children can obtain adequate

medical care in the first years of life. Health insurance has been shown to be the key to adequate access to health care; and adequate access to health care is a key to a healthier life. That is why the bill we are introducing will concentrate on ensuring that all American children and mothers during pregnancy have adequate health insurance.

Today, there are approximately 7.1 million children under age 13 who are uninsured. Three-fourths of these children have parents who work, most of them full-time, but their employer either does not offer health insurance coverage or the family does not make enough to buy insurance. Because of the decline in employment-provided health insurance, it is estimated that each year, 1 million additional children lose private insurance coverage. If these trends continue, in 4 years—at the end of this decade—more than 2 out of 5 children will lack private health insurance. The failure to provide health care for our children costs our Nation a productive workforce for the future. It costs us at the hospital, in the schoolyard, in our ability to defend our Nation and to produce competitively. No industrialized or civilized society on earth treats its children so callously.

This health disaster would be somewhat mitigated if our Nation had a reliable low-income insurance program that ensured access to quality care for children. But Medicaid provides an uneven and often inadequate protection that varies from State-to-State, and that program is under severe attack by Republican budget cutters here in Congress and in State capitols across the Nation. Rather than the uncertainty of Medicaid, we need a uniform, high-quality health insurance plan for all our children.

We should be improving health insurance for our children—not slashing it. Although we are one of the richest, most advanced countries in the world, the United States ranks 18th among industrialized nations in overall infant mortality. Only Portugal has an infant mortality rate worse than ours. The infant death rate among African-American babies is two and a half times that of caucasian children. Poor children, many of whom come from working families with no health coverage, are 60 percent more likely than children with health insurance to die before their first birthday and four times more likely to suffer from infection or serious illness.

The General Accounting Office has just issued a report to Senator CHRISTOPHER DODD, dated June 17, 1996, entitled ''Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate'' [GAO/HEHS–96–129]. The report states:

> The number of children without health insurance coverage was greater in 1994 than at any time in the last 8 years. In 1994, the percentage of children under 18 years old without any health insurance coverage reached its highest level since 1987—14.2 percent or 10 million children who were uninsured. In addition, the percentage of children with private coverage has decreased every year since 1987, and in 1994 reached its lowest level in the past 8 years—65.6 percent.

The GAO's report also provides an eloquent summary of why the lack of insurance is so important:

> Studies have shown that uninsured children are less likely than insured children to get needed health and preventive care. The lack of such care can adversely affect children's health status throughout their lives. Without health insurance, many families face difficulties getting preventive and basic care for their children. Children without health insurance or with gaps in coverage are less likely to have routine doctor visits or have a regular source of medical care. . . . They are also less likely to get care for injuries, see a physician if chronically ill, or get dental care. They are less likely to be appropriately immunized to prevent childhood illness—which is considered by health experts to be one of the most basic elements of preventive care.

We spend long hours debating whether there should be prayer in school, but no time discussing how much parents pray that their children don't get sick because the parents can't pay the bills. We spend days debating obscenity on the Internet, but little time debating how obscene it is for a society as rich as ours to have so many children and parents unable to seek adequate medical care.

We must commit ourselves to insuring all pregnant women and all children, regardless of the financial ups and downs of the family unit. There is only one way to do this. Let me repeat: there is only one way to guarantee universal coverage. It is through a social insurance program in which we all pitch in to guarantee health insurance for all children at all times. I am here today to propose that we make that guarantee, once and for all.

That is what the bill we are introducing today achieves. It uses the tested Medicare Program to cover all young American children and their mothers during pregnancy with the basic package of Medicare benefits plus additional benefits designed to ensure a healthy start for babies and young children. These additional benefits include full coverage for pregnancy care, immunizations, follow-up visits for new babies with pediatricians, routine checkups to monitor development, and preventive dental care.

Any parent can, of course, purchase additional medigap-type insurance coverage for more benefits and more coverage. Freedom of choice of doctor is preserved.

The bill we are introducing ensures that every child and mother-to-be will have health insurance equivalent to Medicare plus the special prenatal and well-baby care provisions I've described. If a family already has this level of coverage, it is not affected by this bill; the family will see no change. If the family doesn't have such a level of coverage, it will purchase this package, or a similar package, through sliding scale, very affordable, income-related premiums administered through the Tax Code. Families below the poverty level will basically be exempt from the premium tax.

This legislation is similar to the procedure we used in 1994, when the Ways and Means Committee approved a bill which, according to Congressional Budget Office estimates, achieved enough savings in the health care sector and in Medicare to both improve Medicare and expand coverage to all the uninsured. A comprehensive health care reform bill may not be possible in the near future, but we can surely find a way to protect our youngest and most vulnerable citizens. We can look to other spending cuts to find the resources to fund this basic right.

Through the Social Security and Medicare Program, our society has advanced further than most in ensuring that old age is a time of security. We have reduced poverty among seniors to the lowest of any group in our society. In many ways, the health status of a 65-year-old in our society is better than younger groups'. Sadly enough, we have left our children behind. Poverty rates for children are higher than average. The health status of millions of our children is equal to that of a Third World country. What we have achieved for seniors we can surely achieve for their grandchildren.

The bill we are introducing today would at long last give our children the same level of care we provide their grandparents.

Following are facts and figures on how health insurance equals better health, and how we have failed to provide that better health to our Nation's future—our children.

CHILD HEALTH IN U.S. RANKS LOWER THAN MANY NATIONS

In the industrialized world, the United States ranks 18th in overall infant mortality. Only Portugal's infant death rate is worse. The infant mortality rate of African-American babies is 2.5 times that of caucasian children, and is worse, for example, than Sri Lanka's or Jamaica's. In 1993, more than 33,000 American babies died before age 1. More than 16,000 of these babies would have survived if the United States had the same infant mortality rate as the Japanese.

LOW-INCOME CHILDREN NEED HEALTH COVERAGE

Compared to other children, poor children are 60 percent more likely to die before the age of 1, 4 times more likely to be hospitalized with asthma or pneumonia, and 5 times more likely to die from infection or parasitic disease.

HEALTH INSURANCE FOR CHILDREN IS DETERIORATING RAPIDLY

[In percent]

	1988	1994
Children under 18 with employment-based insurance	66	59
Children under 18 on Medicaid	16	26

During their first 3 years of life, over 22 percent of U.S. children were without health insurance for at least 1 month. The number of children in working-poor families, who are least likely to have Medicaid or employment-based insurance, rose to 5.6 million in 1994, up 65 percent from 1974.

MEDICAID CUTBACKS WILL INCREASE NUMBER OF UNINSURED CHILDREN

Forty percent of all pregnant women and infants are now covered by Medicaid. More than half of all Medicaid recipients are children, although less than 25 percent of Medicaid spending is on children. Under current law, additional low-income children are being phased into Medicaid, but proposed changes would end that guarantee. Experts estimate that if the decline in employment-based insurance continues and Medicaid enrollment is frozen, there will be a total of 67 million people of all ages who are uninsured in 2002.

HEALTH INSURANCE HELPS

Since 1965, infant mortality has been reduced by ⅔ds. An increase of 15 percent in Medicaid eligibility for children in the 1980's decreased child mortality by 4.5 percent. In 1987, only 22 percent of Medicaid beneficiaries had no physician visits within a year, compared to 49 percent of the uninsured poor.

COMMEMORATIVE STATEMENT FOR GEORGE F. JONES

HON. JAMES B. LONGLEY, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LONGLEY. Mr. Speaker, this month of June marks the anniversary of the passing of a very special constituent, George F. Jones, who died in June 1995, at the blessed age of 105. I would like to take this opportunity to commemorate his remarkable life.

Born in Gardiner, ME, Mr. Jones was a direct descendant of Samuel Huntington, President of the Continental Congress and a signer of the Declaration of Independence. George was well respected by those who knew him. He was a sincere believer in the American ideals of hard work and honesty. A man who lived by his convictions, George Jones was dedicated to his profession as a furnituremaker and ascertained a worldwide reputation. It is even rumored that furniture was sent to him from Buckingham Palace in the 1930's for repair.

As a talented violinist, George Jones played for the Lincoln County Community Orchestra, and even enjoyed playing a little fiddle at church services and area dances. George also worked to aid the community as a member of the Alna Lodge of Masons and the Saint Andrews Society of Maine.

Mr. Jones is truly missed by the many individuals whose lives he touched, and stands as an example for all Americans who can learn from his dedication to those around him and to life itself.

CABLE'S HIGH SPEED EDUCATION CONNECTION

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FIELDS of Texas. Mr. Speaker, I would like to commend the cable television industry for its recently announced plan to provide America's elementary and secondary schools with high-speed Internet access via cable modems. Under this innovative educational plan—''Cable's High Speed Education Connection''—local cable companies will provide the equipment necessary to connect schools located in their service areas to the Internet free of charge.

There is universal agreement that the Internet is an increasingly important information resource—one that can contribute significantly to the overall educational process. As a result of rapid technological advances, we are witnessing an information explosion—and much of that information is located on, and available from, the Internet.

By undertaking this initiative, the cable television industry is assuming a leading role in making the information on the Internet available to millions of young Americans. I applaud the cable television for devising this plan that will put more and more young Americans online, and that will provide them with access to this important information resource.

We all recognize that our children are our country's future. That is why I hope that this important program will encourage other industries to do what the cable television industry has already done with its ''Cable's High Speed Education Connection'' Program—that is, to contribute their expertise and a portion of their earnings to the goal of improving the quality of education our children receive.

Once again, I want to applaud the cable television industry for its efforts to assist our schools, which will improve the quality of education our children receive, which will—in turn—help ensure the continued economic well-being of our country in the years ahead.

THE LATE REVEREND RALPH DAVID ABERNATHY, JR., HONORED

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. LEWIS of Georgia. Mr. Speaker, during the 1960's, I was honored to be a part of the civil rights movement—a movement that changed the face of our Nation. People from throughout our Nation—old and young, black and white, rich and poor—joined the nonviolent revolution that made our country a better, fairer, more just Nation. I was fortunate to get to know Dr. Martin Luther King, Jr., and his partner in the movement—Dr. Abernathy.

Dr. Abernathy was an inspiring and committed leader from the earliest days of the movement. When Rosa Parks was arrested for refusing to stand in the back of the bus while there were empty seats in the ''white'' section of the bus, she inspired the Montgomery bus boycott. As ministers of the two leading black churches in Montgomery, AL, Dr. King and Dr. Abernathy worked together to organize and sustain that boycott. Thus began the strong bonds of friendship and commitment that would last as long as the two men lived.

Dr. Abernathy had a lifelong commitment to securing and protecting basic civil rights for all Americans. I marched with him many times throughout the South, including Selma and Montgomery. After the assassination of Dr. King in 1968, Dr. Abernathy assumed leadership of the Southern Christian Leadership Conference, and worked to carry on the dream of Dr. Martin Luther King, Jr. After Dr. King's death, Dr. Abernathy continued to organize and lead marches and other events, included the Poor People's Campaign, a massive demonstration to protest rising unemployment, held in Washington, DC.

The Reverend Dr. Abernathy passed away, too young, 6 years ago. Today, I am introducing a resolution authorizing the construction of a memorial to the Reverend Dr. Abernathy and the Poor People's Campaign on the National Mall. I invite my colleagues to join me in supporting this effort. The monument will celebrate the achievements of the past, commemorate those who marched alongside us many years ago, and pay special tribute to the sacrifices and the contributions of Dr. Abernathy and others who participated in the Poor People's Campaign. Thousands of people participated. Some has small roles, others large roles. The Reverend Ralph David Abernathy had many roles, often at the same time. He was a teacher, a leader, an organizer, a soldier, and a friend. Many were inspired by his good humor, and his guidance. Today, I Invite my colleagues to join me in celebrating his legacy and his life.

H.R. 3703, A BILL TO PROVIDE INSURANCE RESERVE EQUITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. RANGEL. Mr. Speaker, on June 24, 1996, I introduced legislation to amend section 832(e) of the Internal Revenue Code to extend the scope of its provisions to financial guaranty insurance generally. Senators D'AMATO and MOYNIHAN recently introduced a companion bill, S. 1106, in the Senate.

Financial guaranty insurance, commonly called bond insurance, is an insurance contract that guarantees timely payment of principal and interest when due on both tax exempt and non-tax exempt bonds. The bond insurance contract generally provides that, in the event of a default by an insured issuer, principal and interest will be paid to the bondholder as originally scheduled.

Internal Revenue Code section 832(e) originally enacted in 1967, applied only to mortgage guaranty insurance. At that time, Congress permitted mortgage guaranty insurance companies to take a deduction for certain extremely high contingency loss reserve requirements imposed by State regulatory authorities, provided that they invested the income tax savings associated with such a deduction in non-interest-bearing tax and loss bonds issued by the Federal Government. Since such bonds are treated as an asset by the State regulatory authorities, this relieves the companies from the substantial cash-flow and impairment of capital problems that they would otherwise face if the deduction was not allowed. At the same time however, since bonds do not bear any interest, the economic position of the Federal Government remains the same had not the deduction been permitted first.

When the State authorities applied the same reserve requirements to lease guaranty and municipal bond insurance, Congress amended Internal Revenue Code 832(e) in 1974 and applied it to such insurance as well.

State authorities now apply such contingency reserve requirements to financial guaranty insurance generally, including non-tax-exempt debt, such as asset-backed securities, which are a growing segment of the bond insurance market. Therefore, consistent with the reasons why it was originally adopted in 1967, and amended in 1974, IRC section 832(e) should be amended again to apply to such insurance.

The superintendent of insurance for the State of New York, Edward J. Muhl, has urged enactment of this legislation. A copy of his letter follows these remarks. I understand that the insurance commissioner of the State of California has written a similar letter to Members of the California delegation. I invite all concerned to join me in cosponsoring this legislation.

STATE OF NEW YORK
INSURANCE DEPARTMENT,
New York, NY, November 9, 1995.

Hon. CHARLES B. RANGEL,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN RANGEL: I write to seek your support of S. 1106, a bill introduced

by Senators D'Amato and Moynihan, to amend section 832(e) of the Internal Revenue Code of 1986 to apply to financial guaranty insurance generally. Under present law, the tax and loss bonds provisions thereof are applicable to mortgage guaranty, lease guaranty, and tax-exempt bond insurance but are not applicable to insurance of other taxable debt instruments, a growing segment of the financial guaranty insurance business.

Article 69 of the New York Insurance Law, which governs financial guaranty insurance corporations, was enacted on May 14, 1989. Article 69 establishes contingency reserve requirements in respect of all financial guaranty insurance corporations where in the past these requirements only applied to insurers of municipal obligations.

In formulating this new legislation and establishing contingency reserve requirements applicable to all financial guaranty insurance corporations, there was no intention to create a disparity between insurers of taxable and tax-exempt obligations in respect of their ability to invest in tax and loss bonds. Section 6903(a)(7) of Article 69 provides that ''any insurer providing financial guaranty insurance may invest the contingency reserve in tax and loss bonds purchased pursuant to Section 832(e) of the Internal Revenue Code (or any successor provision) only to the extent of the tax savings resulting from the deduction for federal income tax purposes of a sum equal to the annual contributions to the contingency reserve.'' This provision of Article 69 expressly contemplates that all financial guaranty insurers would be entitled to benefit from an investment in tax and loss bonds within the limitations provided by the insurance law.

S. 1106 eliminates the disparate treatment of insured mortgages, leases and tax exempt bonds, on the one hand, and of other insured taxable bonds, on the other, which the provisions of IRC section 832(e) now create. Your efforts to secure enactment of the proposal will be most appreciated.

Very truly yours,

EDWARD J. MUHL,
Superintendent of Insurance.

THE ELECTRIC POWER COMPETITION AND CONSUMER CHOICE ACT OF 1996

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. MARKEY. Mr. Speaker, today I am introducing legislation aimed at promoting competition in the electric utility industry. This legislation seeks to create Federal incentives for removal of existing State-level barriers to full competition and consumer choice in electricity generation.

Today, the generation, transmission, and distribution of electricity remains largely a monopoly enterprise. The monopoly nature of this industry has, in turn, necessitated a very strict system of Federal and State utility regulation aimed at protecting captive utility ratepayers from potential overcharges, abuses and conflicts of interest. Today, however, we are now at a crossroads. We now have an historic opportunity to bring full competition to the business of electricity generation. The transition to such a competitive market, however, will require both Federal and State action.

Electricity restructuring legislation at the Federal or State level should be aimed at demonopolizing the electric power industry, not simply deregulating it. There is now no reason why electricity generation should remain a monopoly business, and no reason why consumers should not be free to choose their power supplier, just as they now can choose between rival phone companies. Our objective must be to create a competitive marketplace where many sellers and many buyers can come together. In some cases, this may mean getting rid of old utility regulations that no longer are needed because their purpose can now be achieved through reliance on market forces. In other cases, it may mean preserving existing rules where necessary to respond to those aspects of the industry which remain a monopoly, such as distribution of electricity over local power lines. But restructuring also means Congress will have to enact some new rules that assure the benefits of competition—lower prices and consumer choice—are not effectively undermined by anticompetitive practices by recovering utility monopolists who fall off the competition wagon.

Earlier this year, I introduced H.R. 2929, the Electric Power Competition Act of 1996 to advance the goal of electric utility demonopolization. That bill linked repeal of the mandatory power purchase provisions of PURPA to State action to open up full retail competition. This would be achieved either through utility divestiture of powerplants or by State approval of a so-called retail wheeling plans that would allow consumers to buy power from competing generating companies that would be granted nondiscriminatory access to utility power lines. In order to preserve environmentally sound renewable energy sources, energy conservation programs, and low-income consumer protections, H.R. 2929 also requires the States to certify they have met certain minimum standards in each of these areas in order to qualify for relief from PURPA. Finally, to promote a fully competitive marketplace, certain exemptions which electric utilities currently enjoy from the Federal antitrust laws would be repealed.

At the time I introduced H.R. 2929 and in subsequent hearings before the Energy and Power Subcommittee I noted that in addition to these reforms, electric utility restructuring legislation also must address the risks that electric utility mergers, utility market power, or utility diversification into new lines of business might harm electricity consumers or undermine the emergence of a fully competitive electricity generation market. The legislation I am introducing today addresses each of these critical areas and should be viewed as the companion bill to H.R. 2929. The bill requires each State to initiate a retail competition rulemaking proceeding pursuant to certain Federal standards; repeals PUHCA for those electric utility holding companies whose service territories have been opened up to full retail competition and met minimum standards for renewables, efficiency, and low-income consumer protections; and gives FERC and the States enhanced authority to oversee mergers and acquisitions to protect consumers from transactions that are inconsistent with effective competition in electricity markets or would increase electricity prices.

It also gives FERC and the States authority to regulate utility market power to guard against anticompetitive practices; grants FERC and the States authority over electric utility interaffiliate transactions to guard against cross-subsidization or self-dealing; directs FERC to establish regional transmission markets to assure functionally efficient and nondiscriminatory transmission and prevent pancaking of rates; and, assures FERC and State regulators have full access to electric utility books and records.

It is important to keep in mind that Congress enacted PUHCA 60 years ago in response to the myriad of anticonsumer abuses that occurred during the initial growth of the electric utility industry. These abuses included the creation of complex utility holding companies not readily susceptible to effective State regulation, cross-subsidization, self-dealing, and other abuses, and blatantly anticompetitive practices and activities. While much has changed in the electric power business since PUHCA was enacted in 1935, even in a restructured electricity industry, Congress must be concerned about the potential for a recurrence of such abuses. For example, utilities who control generation, transmission, and distribution assets might still engage in self-dealing transactions among their affiliates, cross-subsidize unregulated business ventures at the expense of the captive consumers in their monopoly transmission or distribution businesses, or exploit their substantial market power to impede the growth of effective competition. Moreover, the accelerating pace of utility mergers threatens to create giant mega-utilities that could dominate regional electricity markets and effectively bar other entrants from vying for customers.

Comprehensive electricity restructuring legislation must address each of these potential threats to the development of a competitive electric generation market. I intend for the reform proposals contained in this legislation to be considered as part of any comprehensive electricity legislation that moves through the Commerce Committee, and I look forward to working with my colleagues on a bipartisan basis to secure their enactment into law.

THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOR

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. JACOBS. Mr. Speaker, I insert a July 29, 1966, letter to the editor of the Indianapolis Star and a July 1, 1996, article from the Indianapolis News.

Among the Ten Commandments of God Almighty is this: ''Thou shalt not bear false witness against thy neighbor.''

Of course the repulsive concept has garnered different terms through the years—slander, libel, perjury, smear, vicious gossip, mudslinging, character assassination, gutter tactics, McCarthyism, the politics of personal attack, uncivilized, and indecent. How about primitive? In the 81st Congress my father said, ''The extremists thought they had President Truman in '48 and ever since they have been going around like a mad dog whose victim escaped.''

And in defining the difference between the two major political parties, President Lyndon Johnson said, ''We don't hate their Presidents.'' Perhaps a paraphrase is in order, to wit: We don't hate their Presidents' wives.

Faults are things which describe our friends and disqualify our adversaries. My mother's favorite quotation is, ''There is so much good in the worst of us and so much bad in the best of us that it hardly becomes any of us to say very much about the rest of us.''

P.S. Just in case the mud slingers run short of wild charges against the President, they should try this one: A few days ago one of our little boys came home and said a chum of his solemnly insisted that there are Nazis in the White House.

[From the Indianapolis Star, June 29, 1996]

THE RIGHT STUFF

(By Ron Byers)

In The Star's June 25 search for an explanation of President Clinton's commanding lead in the polls, you may have overlooked a minor detail: four years of steady economic growth, reduced inflation and declining deficits.

It's not the stuff the Republican right claims he has done wrong. It's the stuff the public knows he has done right.

[From the Indianapolis News, July 1, 1996]

CRITICS ATTACK AGENT'S BOOK ABOUT INSIDE WHITE HOUSE

WASHINGTON.—The former FBI agent who wrote an insider's book on White House security is being attacked from all sides for what critics say is a pack of unbelievable tales and ''wild speculation.''

First lady Hillary Rodham Clinton today blasted the book during a visit to Bucharest, Romania.

''I see it as a politically inspired fabrication and I don't think anybody should take it seriously,'' she said.

She also denied suggestions that she played a role in the hiring of the White House security chief who collected private FBI files on more than 400 people. ''There is no connection,'' she said.

A top White House aide denounced author Gary Aldrich as a person of no credibility whose book is part of conservative Republicans' efforts to ''destroy the president.''

And White House spokesman Mike McCurry today called on Republican candidate Bob Dole to separate himself from a one-time volunteer adviser to Dole's campaign who is promoting Aldrich's book.

''It would be a surprise to us if Senator Dole didn't indicate that the activity of one of his paid advisers with respect to this book is unacceptable,'' McCurry said. ''I assume he'll do that and do it promptly.''

Even leading conservative journalists are denouncing Aldrich, including the apparent source of his book's wildest allegation—that President Clinton sneaks out of the White House without his guards for romantic hotel trysts.

''I never knew I would be used as a source,'' David Brock, a writer for the American Spectator, told *Newsweek* magazine. He said he never thought Aldrich would use the ''wild speculation'' he traded about the alleged presidential outings to a Washington hotel, which the Secret Service says would be impossible.

Conservative columnist George Will, who quizzed Aldrich Sunday on ABC, said Brock told him he was appalled to see the unverified story published.

''Can't someone say that, in fact, your book is a raw file and that you have gone into print with the kind of evidence that no prosecutor would ever go into court with?'' Will asked Aldrich.

''This is not a case presented to a grand jury,'' Aldrich replied, saying he had relied on his observations and untaped interviews for his book.

''I conducted investigations and talked to many sources, trying to knock this particular issue down as to whether the president could in fact travel without a Secret Service complement. I was unable to knock down that possibility,'' Aldrich said.

He acknowledged that much of the material came from second and third-hand source, some of whom have publicly disputed his account.

Still, Aldrich, who retired from the FBI in 1994 after 30 years as an agent, said he would be willing to go before Congress to reveal his sources and back up his insider tales of sloppy White House security and alleged former drug use by some officials, including a senior staffer.

''I'm willing to swear under oath to anything that I have in this book,'' Aldrich said on ABC's This Week With David Brinkley.

Senior Clinton adviser George Stephanopoulos, who had urged ABC to cancel Aldrich's appearance, said, ''His story couldn't get past the fact checker at the National Enquirer.''

Stephanopoulos said Aldrich's book was being promoted by people with Republican connections. He said several ''GOP operatives'' were present for the ABC show's taping, including those with ties to Republican president candidates Bob Dole and Pat Buchanan.

He named Craig Shirley, a paid adviser to Dole in his 1988 presidential campaign. His company, Craig Shirley & Associates Inc., is promoting the book, published by the conservative Regnery Publishing Inc.

''If you look at the people behind him, they're right-wing Republican political operatives who are determined to destroy the president,'' Stephanopoulos said. ''They're trying to tear him down.''

EVALUATING THE EVEN START PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GOODLING. Mr. Speaker, as the Member of Congress who developed the Even Start Program, I was understandably disappointed by the language discussing Even Start in the committee report accompanying the Labor, HHS, and Education appropriations bill for fiscal year 1997.

The Even Start Program was first funded in 1989 and, therefore, the program has only been in existence for a short period of time compared to other major elementary and secondary education programs. Thus, I believe it is unfair to say there is little in the way of evaluations to support the request for funding for this program.

I must admit that I, too, was disappointed with the last program evaluation. However, I never expected that the program would not have to undergo change in order to effectively carry out its goals. There is not a program in the Federal Government which cannot be improved. However, Even Start is new and we are just now learning what does and doesn't produce the positive results we are seeking.

For example, the interim evaluation reports called attention to the fact that adults participants were not benefiting as much as their children. As a result, the Department of Education started to stress with States and program providers the need for a stronger parent component. Additionally, early evaluations indicted that not all Even Start projects were operating all three program components. Again, this was corrected.

One of the findings of the most recent and final report was that the intensity of services was not strong in many programs and parents were receiving a minimal number of hours of adult education. The fiscal year 1996 appropriations bill for the District of Columbia contained language modifying the existing Even Start law to require intensive services be provided to program participants.

It is also easy to misinterpret data contained in evaluation studies. For example, the results on preschool experiences were misinterpreted. Children in Even Start did significantly better than the control group on school readiness tasks during the preschool year. Most children in the control group did not attend a preschool program and they did not learn skills needed for kindergarten by staying home. It was only at the end of the kindergarten year that the control group children learned the skills that the Even Start children had learned a year earlier.

Mr. Speaker, the committee did not cut funding for this program, for which I am grateful. However, I would hope that any future discussion of the effectiveness of Even Start would take into consideration the information I have discussed today and not jump to the conclusion that this program has not proven its worth.

LUCY BOWEN MCCAULEY'S CHOREOGRAPHIC MAGIC

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. HYDE. Mr. Speaker, I wish to take this opportunity to advise my colleagues of a magical event which took place recently. Virginia's own Lucy Bowen McCauley, a renowned dancer and teacher, who has expanded her art into choreography, staged her first dance concert consisting solely of her own choreography.

The concert was a wonderful potpourri of passion and humor, style and grace. Ms. Bowen McCauley demonstrated her choreographic range in splendid fashion. From the classical ''Brahms Trio'' with its depth of lyrical movements, to the marvelously humorous ''What'll Ya'ave, Luv,'' to the deeply moving ''At Last,'' the evening was filled with excitement, emotion, and fun. One critic was especially moved when she noticed that the couple dancing the romantic ''At Last'' are married to each other and truly exuded the love which Ms. Bowen McCauley had choreographed into the piece. Ms. Bowen McCauley gave the audience a special treat by dancing in ''Fracture Zone,'' a wonderfully imaginative and dynamic work.

In her inaugural choreographic triumph, Ms. Bowen McCauley has managed not only to demonstrate her command of the complexities of choreography, but she has been able to imbue her dancers with her own drive and love of dance which clearly comes out in each piece. The combination made for a truly magical evening—one which culminated in a well-deserved standing ovation.

The dance world looks forward to future work from this truly talented choreographer.

TRIBUTE TO ST. JAMES LUTHERAN CHURCH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Ms. KAPTUR. Mr. Speaker, today I rise to honor 150 years of development and growth. Over a century and a half ago the St. James Lutheran Church, the oldest Lutheran congregation in Fulton County, OH, was founded. Strong in heritage and faith, the church has served as a pillar in that community and continues to foster ideals and philosophy consistent with moral prosperity.

Their story began in 1837 when a group of family members known as the Leininger family, including at least four brothers and two sisters, came to the United States from France. Their journey across the Atlantic Ocean via sailboat led them to New Orleans, up the Mississippi, and eventually to German Township, what we know today as Fulton County, OH, settled on the western side of Ohio's Ninth District.

Nine years after settlement, the Leiningers were approached by Pastor John Adam Detzer who headed the effort in the northwest Ohio territory to settle German Lutherans. They received Pastor Detzer with great excitement and asked him to be their pastor. Despite an already full congregation throughout the territory, he agreed and began to preach, listen, and spread the good word.

It was from that humble beginning that St. James evolved. The St. James congregation has survived and grown into a cornerstone of the Fulton County community.

I know my colleagues join me today in recognizing the congregation of St. James Lutheran Church on the occasion of 150 years of dedication, devotion, and commitment to the spiritual and communal needs of the people of northwest Ohio.

A TRIBUTE TO RHONDA McCABE

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. TALENT. Mr. Speaker, I rise today to share with my colleagues a story sent to me by one of my constituents which describes an act of selflessness that should serve as an example to us all.

We are all familiar with the parable of the Good Samaritan, but how many of us, in this day and time, are blessed with meeting one?

On October 18, 1994, Rhonda and Ed McCabe had met at the Three Flags Center in St. Charles, to take care of some personal business then went out to dinner. Upon returning to the parking lot to get their second car, out of the corner of her eye Rhonda noticed something moving. It was dark and rainy, making it difficult to tell if it was a couple of kids fighting, or perhaps a vicious crime happening. She had Ed pull the van around to see what was happening and if help was needed. A rain soaked man was collapsed on the ground over his briefcase and notebook computer, lying face down in a puddle. His legs were thrashing about as he appeared to be having convulsions.

Rhonda and Ed got out of their vehicle to give this man assistance. As they turned him over, Rhonda, being a very capable and well experienced nurse, recognized the severity of the situation and knew exactly what had to be done immediately to save this life. She sent Ed to get help and to call 911 from the only business that still had lights on, the Norwest Financial Company. John Lopes left his office and offered to help in anyway needed. Under Rhonda's calm and concise direction Ed and John assisted her in administering CPR. Accustomed to depending on God's guidance, she also talked to the Lord, as she directed the necessary steps of CPR until after the paramedics arrived. In a medical opinion, had no one helped this man when she did he may have died or suffered severe impairment. Rhonda's unselfish deed of giving help to a stranger in need, was more than using her training and nursing experience, it was an expression of service to God. She felt she was directed to be there to help save a life.

Mr. Speaker, I applaud Mrs. McCabe for her act of courage and bravery. She truly is a fine example of a modern-day good Samaritan.

TRIBUTE TO PETER RATCHUK

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. QUINN. Mr. Speaker, I rise today to offer my congratulations to Mr. Peter Ratchuk.

A former student at Saint Francis High School in Athol Springs, in the 30th Congressional District of New York, Peter Ratchuk has distinguished himself among his peers as an athletic standout.

This past June, in recognition of his outstanding talent as scoring defenseman, Mr. Ratchuk was selected as the 25th pick by the 1995–96 Stanley Cup Champion Colorado Avalanche. In doing so, Peter became only the second western New York hockey player to be selected in the first round of the National Hockey League Draft.

Committed to Education and with an eye to a future in broadcasting, Peter Ratchuk will enter college at Bowling Green State University in Ohio before entering the National Hockey League with the Avalanche.

It is that maturity, commitment to hard work, personal strength, dedication to the sport of hockey, and mature ability to perform which will undoubtedly allow Peter to be successful in college, professional hockey, or whatever the future may hold.

Mr. Speaker, today I join with the Ratchuk family, St. Francis High School, the National Hockey League, and indeed, our entire western New York community to congratulate Peter Ratchuk in recognition of this outstanding accomplishment, and offer Peter my enthusiastic commendation and sincere best wishes.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

SPEECH OF

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 27, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes:

Mr. COYNE. Mr. Speaker, I rise in support of the work of the House Transportation and Related Agencies Appropriations Subcommittee in crafting a fiscal year 1997 Appropriations Committee Report that includes a directive to the National Highway Traffic Safety Administration [NHTSA] to more vigorously promote bicycle safety and training. The subcommittee's report included a specific mention of the important field of human factors research relating to bicycle safety measures. To this end, I wish to draw attention to the ground-breaking research underway at the Children's Hospital of Pittsburgh in Pittsburgh, PA, in collaboration with the Carnegie Mellon University in Pittsburgh.

As I stated in testimony before the House Transportation and Related Agencies Appropriations Subcommittee in February, there are over 580,000 bicycle injuries each year in the United States. Of this amount there are approximately 800 fatalities and between 20,000 and 50,000 bicycle injuries serious enough to require hospitalization or rehabilitation. Children between the ages of 5 and 14 are the most common victims of bicycle injury head trauma since they spend a lot of time riding bicycles and often lack on-road bicycle experience. Greater efforts are necessary to insure that children are trained to be safe bicyclists and that the bicycles they ride are appropriate for their ages and abilities.

Safe operation of a bicycle arguably requires more skill, knowledge, physical ability, coordination, and judgment than the operation of a motor vehicle. Taking into consideration the multiple factors necessary for bicycling—motor skills, strength, coordination, vision, hearing, personality, intelligence, neurologic development, experience, and training—more extensive human factors research directed toward answering several key questions is needed: At what stage of development is a child able to perform the necessary tasks and make the proper judgments to safely operate a bicycle? What are the characteristics that differentiate safe from unsafe bicyclists? Can we train children to be safer bicyclists? Should bicycle designs vary depending on the skill and maturation of the child bicycle rider?

As the subcommittee noted in its fiscal year 1997 report, a recent national bicycling and walking study resulted in a recommendation to reduce the number of bicyclists and pedestrians killed or injured by 10 percent. I am pleased to say that the cooperative efforts of Children's Hospital of Pittsburgh and the Carnegie Mellon University will involve the use of state-of-the-art technology and will result in: First, effective prevention programs to reduce traumatic injuries and deaths; second, the introduction of virtual reality as a new means of

studying trauma; and, third, the development of new approaches and products for trauma prevention, a national issue, that will provide scientific, intellectual and financial benefits to the Nation.

Mr. Speaker, I strongly support the effort of Children's Hospital of Pittsburgh, in collaboration with Carnegie Mellon University, to pursue in the near future a partnership with the National Highway Traffic Safety Administration to address the critically important issue of preventing bicycle accidents—especially those involving children. I am pleased that the committee favorably responded to the efforts of Children's Hospital of Pittsburgh and Carnegie Mellon University in urging the National Highway Traffic Safety Administration to collaborate with institutes that are conducting human factors research relating to bicycle safety. I believe that the pioneering research to be undertaken by Children's Hospital of Pittsburgh and Carnegie Mellon responds to the committee's recommendation and will provide significant benefits to the administration's ongoing work in bicycle safety.

ST. JOSEPH'S CHURCH OF FLORIDA, NY, CELEBRATES 101ST ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GILMAN. Mr. Speaker, it gives me great pleasure to recognize St. Joseph's Roman Catholic Church in Florida, NY, for its 101st anniversary, St. Joseph's was established in 1895, and immediately became a landmark of the small village of Florida, where it has remained a hub of the community throughout the 20th century. St. Joseph's was conceived in the Polish tradition of Catholicism, and has continued in this tradition to the present day. Father William Torowski is currently the administrator of the congregation, and has served as an inspirational leader to his congregation and community throughout his tenure.

St. Joseph's has a long history of dedicated service to its community, including an elementary school, which has consisted of lay as well as nun instructors through the years. The Felician Sisters of Connecticut and the Sisters of Charity of the Bronx, NY, are among the convents who have contributed to the excellence of this educational institution throughout its history.

St. Joseph's has also been active in missionary work since its inception over a century ago. A mission in nearby Pine Island, NY, which has since become a separate entity, and St. Andrew Bobola in nearly Pelletts Island, NY have been a crucial part of St. Joseph's admirable efforts.

Mr. Speaker, I am pleased to take this opportunity to honor St. Joseph's for all that it has done for its community. St. Joseph's has distinguished itself as a provider of education and charity, as well as provider of its holy message. Its presence throughout the 20th century has been an inspiration to the residents of the area and beyond.

Mr. Speaker, we should remember that our houses of worship are vital to the identities of our Nation's communities, and we must not forget our constitutional guarantee of freedom of religion, which allows congregations such as St. Joseph's to exist as the stabilizing force which draws the local communities of Nation together. St. Joseph's of Florida, NY, exemplifies this vital force in an admirable fashion, and I am proud to honor its 101st anniversary.

CHURCH ARSON PREVENTION ACT OF 1996

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 18, 1996

Mr. HYDE. Mr. Speaker, on June 18, 1996, the House of Representatives passed H.R. 3525 by a rollcall vote of 422 to 0. Shortly thereafter, on June 26, 1996, the Senate approved an amended version of H.R. 3525, the provisions of which were arrived at through bipartisan negotiations between the House and Senate sponsors. The House later approved H.R. 3525, as amended by the Senate, and the President signed the bill into law on July 3, 1996.

Due to the celerity with which this legislation was adopted, and the fact that no House-Senate conference was required, there is no legislative history explaining the provisions of H.R. 3525 which were added after consideration of the measure by the House Judiciary Committee. The provisions of the bill as reported by the committee are explained in House Report 104–621. For this reason, I am inserting in the RECORD the following ''Statement of Floor Managers Regarding H.R. 3525,'' which shall serve as additional legislative history for the bill. Senators FAIRCLOTH and KENNEDY will be inserting identical language in the Senate portion of the RECORD.

JOINT STATEMENT OF FLOOR MANAGERS REGARDING H.R. 3525, THE CHURCH ARSON PREVENTION ACT OF 1996

(By Congressmen Hyde and Conyers, and Senators Faircloth and Kennedy)

I. INTRODUCTION

Recently, the entire nation has watched in horror and disbelief as an epidemic of church arsons has gripped the nation. The wave of arsons, many in the South, and a large number directed at African American churches, is simply intolerable, and has provoked a strong outcry from Americans of all races and religious backgrounds.

Congress has responded swiftly and in a bipartisan fashion to this troubling spate of arsons. On May 21, 1996, the House Judiciary Committee held an oversight hearing focusing on the problem of church fires in the Southeast. Two days later, on May 23, Chairman Hyde and Ranking Member Conyers introduced H.R. 3525, the Church Arson Prevention Act of 1996. H.R. 3525 was passed by the House of Representatives on June 18, 1996, by a vote of 422–0. On June 19, 1996, the Senate introduced a companion bill, S. 1890.

In the interests of responding swiftly to this pressing national problem, the Congressman Henry Hyde and Congressman John Conyers, the original authors of the bill in the House of Representatives, and Senator Lauch Faircloth and Senator Edward Kennedy, the original authors of the bill in the Senate, with the cooperation and assistance of the Chairman and Ranking Member of the Senate Judiciary Committee, have crafted a bipartisan bill that combines portions of H.R. 3525, as passed on June 18, 1996 by the House of Representatives, and S. 1890, as introduced in the Senate on June 19, 1996. On June 26, 1996, an amendment in the form of substitute to H.R. 3525 was introduced in the Senate, and passed by a 98–0 vote. This substitute embodies the agreement that was reached between House and the Senate, on a bipartisan basis. The House of Representatives, by unanimous consent, took up and passed H.R. 3525 as amended on June 27, 1996.

This Joint Statement of Floor Managers is in lieu of a Conference report and outlines the legislative history of H.R. 3525.

II. SUMMARY OF THE LEGISLATION

The purpose of the legislation is to address the growing national problem of destruction and desecration of places of religious worship. The legislation contains five different components.

1. Amendment of Criminal Statute Relating to Church Arson

Section three of the bill amends section 247 of Title 18, United States Code, to eliminate unnecessary and onerous jurisdictional obstacles, and conform the penalties and statute of limitation with those under the general federal arson statute, Title 18, United States Code, Section 844(i). Section two contains the Congressional findings that establish Congress' authority to amend section 247.

2. Authorization for Loan Guarantees

Section four gives authority to the Department of Housing and Urban Development to use up to $5,000,000 from an existing fund to extend loan guarantees to financial institutions who make loans to organizations defined in Title 26, Section 501(c)(3), United States Code, that have been damaged as a result of acts of arson or terrorism, as certified by procedures to be established by the Secretary of Housing and Urban Development.

3. Assistance for Victims Who Sustain Injury

Section five amends Section 1403(d)(3) of the Victim of Crime Act to provide that individuals who suffer death or personal injury in connection with a violation described in Title 18, United States Code, Section 247, are eligible to apply for financial assistance under the Victims of Crime Act.

4. Authorization of Funds for the Department of the Treasury and the Department of Justice

Section six authorizes funds to the Department of Justice, including the Community Relations Service, and the Department of the Treasury to hire additional personnel to investigate, prevent and respond to possible violations of title 18, United States Code, Sections 247 and 844(i). This provision is not intended to alter, expand or restrict the respective jurisdictions or authority of the Department of the Treasury and the Federal Bureau of Investigation relating to the investigation of suspicious fires at places of religious worship.

5. Reauthorization of the Hate Crimes Statistics Act

Section seven reauthorizes the Hate Crimes Statistics Act through 2002.

6. Sense of the Congress

Section eight embodies the sense of the Congress commending those individuals and entities that have responded to the church arson crisis with enormous generosity. The Congress encourages the private sector to continue these efforts, so that the rebuilding process will occur with maximum possible participation from the private sector.

III. AMENDMENT TO TITLE 18, UNITED STATES CODE, SECTION 247

Section 3 of H.R. 3525, as passed by the Senate and the House, amends section 247 in a number of ways.

I. Expansion of Federal Jurisdiction to Prosecute Acts of Destruction or Desecration of Places of Religious Worship

The bill replaces subsection (b) with a new interstate commerce requirement, which broadens the scope of the statute by applying criminal penalties if the ''offense is in or affects interstate or foreign commerce.'' H.R. 3525 also adds a new subsection (c), which provides that: ''whoever intentionally defaces, damages or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so,'' is guilty of a crime. Section two of H.R. 3525 contains the Congressional findings which establish Congress' authority to amend section 247.

The new interstate commerce language in subsection (b) is similar to that in the general federal arson statute, Title 18, United States Code, Section 844(i), which affords the Attorney General broad jurisdiction to prosecute conduct which falls within the interstate commerce clause of the Constitution.

Under this new formulation of the interstate commerce requirement, the Committee intends that the interstate commerce requirement is satisfied, for example, where in committing, planning, or preparing to commit the offense, the defendant either travels in interstate or foreign commerce, or uses the mail or any facility or instrumentality of interstate commerce. The interstate commerce requirement would also be satisfied if the real property that is damaged or destroyed is used in activity that is in or affects interstate commerce. Many of the places of worship that have been destroyed serve multiple purposes in addition to their sectarian purpose. For example, a number of places of worship provide day care services, or a variety of other social services.

These are but a few of the many factual circumstances that would come within the scope of H.R. 3525's interstate commerce requirement, and it is the intent of the Congress to exercise the fullest reach of the federal commerce power.

The floor managers are aware of the Supreme Court's ruling in *United States* v. *Lopez*, 115 S.Ct. 1624 (1995), in which the Court struck down as unconstitutional legislation which would have regulated the possession of firearms in a school zone. In Lopez, the Court found that the conduct to be regulated did not have a substantial effect upon interstate commerce, and therefore was not within the federal government's reach under the interstate commerce clause of the Constitution.

Subsection (b), unlike the provision at issue in Lopez, requires the prosecution to prove an interstate commerce nexus in order to establish a criminal violation. Moreover, H.R. 3525 as a whole, unlike the Act at issue in Lopez, does not involve Congressional intrusion upon ''an area of traditional state concern.'' 115 S.Ct. at 1640 (Kennedy, J. concurring). The federal government has a longstanding interest in ensuring that all Americans can worship freely without fear of violent reprisal. This federal interest is particularly compelling in light of the fact that a large percentage of the arsons have been directed at African-American places of worship.

Congress also has the authority to add new subsection (c) to section 247 under the Thirteenth Amendment to the Constitution, an authority that did not exist in the context of the Gun Free School Zones Act. Section 1 of the Thirteenth Amendment prohibits slavery or involuntary servitude. Section 2 of the Amendment states that ''Congress shall have the power to enforce this article by appropriate legislation.'' In interpreting the Amendment, the Supreme Court has held that Congress may reach private conduct, because it has the ''power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States.'' *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 439 (1968). See also *Griffin* v. *Breckinridge*, 403 U.S. 88 (1971). The racially motivated destruction of a house of worship is a ''badge or incident of slavery'' that Congress has the authority to punish in this amendment to section 247.

Section two of H.R. 3525 sets out the Congressional findings that establish Congressional authority under the commerce clause and the Thirteenth Amendment to amend section 247.

In replacing subsection (b) of section 247, H.R. 3525 also eliminates the current requirement of subsection (b)(2) that, in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction be more than $10,000. This will allow for the prosecution of cases involving less affluent congregations where the church building itself is not of great monetary value. It will also enhance federal prosecution of cases of desecration, defacement or partial destruction of a place of religious worship. Incidents such as spray painting swastikas on synagogues, or firing gunshots through church windows, are serious hate crimes that are intended to intimidate a community and interfere with the freedom of religious expression. For this reason, the fact that the monetary damage caused by these heinous acts may be de minimis should not prevent their prosecution as assaults on religious freedom under this section.

H.R. 3525 also amends section 247 by adding a new subsection (c), which criminalizes the intentional destruction or desecration of religious real property ''because of the race, color or ethnic characteristics of any individual associated with that property.'' This provision will extend coverage of the statute to conduct which is motivated by racial or ethnic animus. Thus, for example, in the event that the religious real property of a church is damaged or destroyed by someone because of his or her hatred of its African American congregation, section 247 as amended by H.R. 3525 would permit prosecution of the perpetrator.

H.R. 3525 also amends the definition of ''religious real property'' to include ''fixtures or religious objects contained within a place of religious worship.'' There have been cases involving desecration of torahs inside a synagogue, or desecration of portions of a tabernacle within a place of religious worship. These despicable acts strike at the heart of congregation, and this amendment will ensure that such acts can be prosecuted under section 247.

2. Amendment of Penalty Provisions

H.R. 3525 amends the penalty provisions of section 247 in cases involving the destruction or attempted destruction of a place of worship through the use of fire or an explosive. The purpose of this amendment is to conform the penalty provisions of section 247 with the penalty provisions of the general federal arson statute, Title 18, United States Code, Section 844(i). Under current law, if a person burns down a place of religious worship (with no injury resulting), and is prosecuted under section 247, the maximum possible penalty is ten years. However, if a person burns down an apartment building, and is prosecuted under the federal arson statute, the maximum possible penalty is 20 years. H.R. 3525 amends section 247 to conform the penalty provisions with the penalty provisions of section 844(i). H.R. 3525 also contains a provision expanding the statute of limitations for prosecutions under section 247 from five to seven years. Under current law, the statute of limitations under section 844(i) is seven years, while the statute of limitations under section 247 is five years. This amendment corrects this anomaly.

IV. SEVERABILITY

It is not necessary for Congress to include a specific severability clause in order to express Congressional intent that if any provision of the Act is held invalid, the remaining provisions are unaffected. S. 1890, as introduced on June 16, 1996 contained a severability clause, while the original version of H.R. 3525 which was introduced in the House did not. While the final version of H.R. 3525, as passed by the Senate and the House of Representatives, does not contain a severability clause, it is the intent of Congress that if any provision of the Act is held invalid, the remaining provisions are unaffected.

INTRODUCTION OF LEGISLATION IN SUPPORT OF STATES' RIGHTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. CRANE. Mr. Speaker, over the past several years, my home State of Illinois has been embroiled in litigation, Pennington versus Doherty, regarding the base period used to determine eligibility for unemployment compensation. The plaintiffs in Pennington have argued that the Federal Government, and not the individual States, should have the right to set those base periods. Their position is diametrically opposed to the common practice recognized as lawful and legitimate for decades. I believe that States should retain this right and that Federal action in this area should not preempt State law. Unfortunately, an appellate court did not agree.

While the outcome of this suit will unquestionably have a significant impact on Illinois, it may also lead to changes across the country, since more than 40 States utilize similar methods for determining eligibility for unemployment compensation. The final ruling could lead to greatly increased costs, both for individual States and the Federal Government. In fact, some have estimated that an unfavorable outcome in this case could increase costs by as much as $750 million over the next 8 years in Illinois alone, and the Congressional Budget Office has estimated that costs to the Federal Government could reach the $3 billion range over that same period. There can be little doubt that if the Pennington suit is successful, other plaintiffs in other States will be lining up to file their suits.

But perhaps even more troubling than the financial impact of this decision is the circumvention and misinterpretation of congressional intent through judicial action. Earlier today, the Ways and Means Subcommittee on Human Resources held a hearing regarding the Pennington case. While a variety of witnesses, including representatives of the administration, expressed various opinions regarding this case, there was unanimity on the fact that Congress intended States to control their own base periods. Despite widespread agreement on that issue, the courts may now redefine the law through judicial fiat.

In order to protect congressional intent and avoid these unnecessary expenditures, I am

today introducing legislation which would simply clarify current law by stating in no uncertain terms that States have the right to set their own base periods and no Federal actions should preempt that right. I hope that my colleagues will join with me in supporting States' rights and in supporting this legislation.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. GUTIERREZ. Mr. Speaker, in the afternoon of Wednesday, July 10, 1996, I was unavoidably absent from this Chamber and therefore missed rollcall, vote No. 295, rollcall vote No. 296; rollcall vote No. 297 and rollcall No. 298—on final passage of the legislative branch appropriations for fiscal year 1997. I want the record to show that if I had been able to be present in this Chamber when these votes were cast, I would have voted ''no'' on both rollcall vote No. 295 and rollcall vote No. 296 and ''yea'' on rollcall votes 297 and 298.

CONGRATULATIONS TO VFW POST 7980

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to the Veterans of Foreign Wars Post 7980, located in Millstadt, IL. The Millstadt post is celebrating its 50th anniversary on July 20, 1996, and I ask my colleagues to join me in congratulating the current and former members for their contributions to the entire community.

I assisted the Millstadt post in securing an M–47 Patton tank in 1989 from the U.S. Department of Defense, and it stands as a reminder of those veterans who have sacrificed a great deal to protect the freedoms we love dearly in the United States of America. It was my privilege to be present at the dedication of the tank in September of that year, and since then it has served as both a tribute and educational tool for the whole region.

The Millstadt post has had a long and distinguished record of service to the community, which we will celebrate on July 20. A variety of post commanders have shepherded the post through several improvements and community projects, including services for local veterans, the purchase of American flag for area events, and a college scholarship program.

I want to congratulate the members of VFW Post 7980 for their continued hard work and dedication to their fellow veterans and their community. Their example stands out as an inspiration to other organizations looking to help their fellow man in our region.

A SALUTE TO BABCOCK AND WILCOX FOR WINNING OHIO'S EXPORTER OF THE YEAR AWARD

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. SAWYER. Mr. Speaker, I rise today to honor a company in my district, Babcock and Wilcox [B&W], for recently receiving the State of Ohio's Exporter of the Year Award. This award is given each year to the Ohio company which best exemplifies the State's commitment to international trade. It is especially prestigious since Ohio is a leading export State, based on the number of manufacturers who export goods and services. It is particularly gratifying to see B&W win this award, since it has a proud tradition in Ohio since 1906.

B&W is internationally renowned and respected for its power and steam generation systems and for its environmental control equipment. This company's worldwide reputation as an engineering and advanced technologies leader helped its power generation group to earn a record $558 million in overseas contract awards last year, equaling 63 percent of the group's total sales. A highlight was the sale of 10 of the first sulfur dioxide removal systems ever purchased by South Korea as part of its power expansion program. This was also the largest environmental equipment contract ever awarded by an electric utility. Beyond South Korea, B&W has increased its international presence over the last decade by establishing joint venture operations in China, India, Indonesia, Turkey, Mexico, and Egypt. This international expansion has helped the company stabilize its activities in Ohio and has contributed to its growth in my State.

Mr. Speaker, I recognize B&W's superior work in Ohio, and commend this company for winning the State's Exporter of the Year Award.

CONCERNS ABOUT WETLAND REGULATIONS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following letter to Agriculture Secretary Dan Glickman concerning the increased amount of proposed wetland regulations.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 9, 1996.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR DAN: While visiting with my constituents, I have been advised of several concerns about wetland regulations, particularly a concern that actions by Federal Agencies with wetland responsibilities and jurisdiction are proposing actions that amount to ''regulatory creep'' by proposing to expand the amount of lands defined as Federally protected wetlands.

I am told that three changes are being considered by the four Federal agencies with wetland responsibilities (USDA, Corps of Engineers, EPA and U.S. Fish and Wildlife Service) that would expand the criteria used in the Federal delineation process by making changes to the 1987 delineation manual and by adopting a functional assessment process known as the hydrogemorphic (HGM) approach.

One of the specific concerns has been that NRCS, without public notice and comment, is expanding its list of field indicators of hydric soils, which in turn would result in an expansion of areas and sites that would meet the hydric soil criteria. Mr. Secretary I want to ask whether it is the view of NRCS that all hydric soils are wetland soils? (I understood that wetland soils are a function of wetland hydrology, and that wetland delineation requires the independent verification of all three wetland criteria—soils, water, and plants.)

Secondly, I am told that the Fish and Wildlife Service is about to enter into an agreement to expand the hydrophytic plant list, also without the benefit of public notice and comment. Is the interagency wetland team recommending that Federal agencies be allowed to delineate wetlands based only upon two criteria (soils and plants) instead of the three essential wetland criteria? Such an action would seem to allow regulators to 'assume' hydrology based on the presence of an expanded list of hydric soil indicators and an expanded list of hydrophytic plants. It is already very difficult for many of my constituents to accept wetlands defined under present rules without wetlands being defined without the apparent presence of water for a significant period of time during the year.

Finally, I am curious about the interagency wetland team's implementation of a new methodology for the functional assessment of wetlands using the hydrogemorphic (HGM) approach. There is a concern that this method would arbitrarily assign functions to various types of wetlands located within a watershed or ecological region by combining the subjective nature of wetlands science with the ambiguity of professional judgment.

Mr. Secretary, I am particularly alarmed by the appearance that no one in the Administration nor the Congress is currently in charge of wetland delineation. With no one designated for a leadership role on this subject I fear that the bureaucracy is once again free to initiate regulatory creep. That would leave the most important regulatory decisions to be accomplished behind the political scene by interagency fiat without public input.

Dan, I would appreciate it very much, and feel more comfortable, if you would take a personal role in overseeing the activities of the interagency wetland group to insure that the general public, including those which would be subject to these regulations, have adequate opportunity for involvement in any changes in wetland regulations.

Thank you very much for your consideration and assistance on this matter.

Best wishes,

DOUG BEREUTER,
Member of Congress.

BIOMEDICAL RESEARCH BENEFITS ALL AMERICANS

HON. RANDY ''DUKE'' CUNNINGHAM,

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the increased funding levels contained in the fiscal year 1997 Labor, Health and Human Services, and Education Appropriations Act for the National Institutes of

Health [NIH]. This funding is critical for biomedical research and benefits all Americans, as it improves quality of life. In addition to researching treatments and cures for such disease as breast cancer, heart disease, and Alzheimer's disease. NIH funding is also used to advance medical devices that will save and enhance lives.

San Diego County is a leader in the field of biomedical research. This region of southern California is known for its advancements in medicine, and increased funding levels are vital to move forward with research that will find cures for diseases. Jonas Salk, the pioneering health researcher, did much of his greatest work at the University of California, San Diego. His development of the first polio vaccine saved countless lives, and spared countless families the crippling disabilities, and even death associated with this disease.

I commend Chairman PORTER in his commitment to NIH research. I am pleased that he joins me in recognizing the important NIH's support to thousands of scientists and research institutions throughout the country.

A TRIBUTE TO SHELTER ISLAND POLICE CHIEF L. GEORGE FERRER

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the late L. George Ferrer, a selfless, dedicated law enforcement officer who for nearly 20 years served the town of Shelter Island, Long Island as its chief of police.

A 26-year veteran of the Shelter Island Police Department, George suffered a fatal heart attack while hard at work at his desk early on the morning of Thursday, June 27. Despite the quick reactions of Police Officer Jack Thilberg, who administered cardiopulmonary resuscitation, and Sergeant Jeffrey Brewer that enabled ambulance crews to transport the chief safely to the hospital, George Ferrer passed away at Winthrop University Hospital at 3:09 a.m. on Tuesday, July 2.

With George Ferrer's passing, not only has the community of Shelter Island lost a faithful protector, but Long Island's entire law enforcement community has lost one of its finest members. With an unyielding devotion to the badge he wore, and all that it represents, Chief George Ferrer set an example of professionalism and commitment for the officers of his department, for law enforcement officers everywhere and for the public he served so well.

The example George Ferrer provided will live on because it will be carried forward by men like Shelter Island Police Sergeant Jeffrey Brewer, who served under the chief for nearly 20 years. Delivering the eulogy at his chief's funeral service, Sergeant Brewer talked about the steadfast devotion to professionalism that George Ferrer brought to the job every day and how it shaped him and the other officers.

Though, as chief of police, George was the administrative head of the department, he was not afraid to do the routine police work, whether it was directing traffic or gathering evidence. ''George led us past our feelings and emotions and into the trenches. For he was spit and polished to most—to us he was never afraid to roll up his sleeves and get dirty, to get the job done,'' Brewer eulogized.

The greatest tribute that could be paid George Ferrer's legacy as chief of the Shelter Island Police Department are the police officers who mentored under his command and took to heart his dedication and who will continue to protect and serve the community. The Shelter Island police officers you see in front of you today are a product of George's legacy. They have all been with me in body and George in spirit since last Thursday morning. They have been away from their families for days on end. When the news came of George's passing, they knew what they had to do. I never told them—I didn't have to. They just knew they had to be spit and polished,'' Brewer told those who gathered to mourn George's passing and to comfort his family.

It was not just the law enforcement community that appreciated George Ferrer's dedication and commitment. Shelter Island Town Supervisor Huson ''Hoot'' Sherman described the chief as ''very professional, very dedicated to Shelter Island and to the police work on Shelter Island. Whenever we had any kind of emergency or an accident, whenever there was somebody in distress in any way, George was always there on the scene, taking charge of the situation.'' Part of George Ferrer's duties was to act as Shelter Island's Emergency Management Coordinator during any sort of hurricane or winter blizzard.

Supervisor Sherman praised his ability as a law enforcement officer, but also an administrator, saying that ''George ran a very tight department. He did a terrific job, his whole life was wrapped up being the Shelter Island Police Chief.'' As Supervisor Sherman also recalled, George was a very industrious man who was always working to supplement his police salary, doing carpentry work or selling real estate around the Island.

All who knew George Ferrer praised his dedication to the Shelter Island Police Department, his tireless devotion to the island's residents and to the police officers under his command. As impressive as his commitment to the police force, none of it surpassed George's love for his family. They were always his first consideration. Chief Ferrer leaves behind his wife Shirley, son Christopher and daughters Lori and Danielle, as well as his granddaughter Rebecca. He is also survived by his mother Cecelia Glas and stepfather, Adolph Glas, his brother Robert and sisters Celia and Elisa.

And as the Shelter Island Reporter, Chief Ferrer's hometown newspaper, put it, ''We'll miss his professional energy and his enthusiasm, his personal honesty and his fairness with us. We'll miss him as a person. We'd be honored if he misses us when Tuesday mornings roll around.''

For his many years of selfless, dedicated service to the community, we all owe Shelter Island Police Chief L. George Ferrer a great debt of gratitude and thanks. May his spirit of public service and professionalism live on in all our hearts. He was a class act and will be sorely missed by all who came to know him personally and professionally across eastern Long Island.

Sergeant Jeff Brewer's entire eulogy speech on Chief Ferrer follows:

To those of you who don't know me, I am sergeant Jeff Brewer of the Shelter Island Police Department. For the past 19 years and 3 months, I have had the privilege to serve under Chief George Ferrer, first when he was sergeant then as a chief. We have been through a lot together. When I was a ''rookie'' we laughed as I fumbled over my own two feet. Then as time moved on, much like a teenager feeling his oats, I challenged some of his ways not knowing why. He always got the last word in by saying, ''This is my sandbox.'' Through the years I learned to understand the meaning of that and from that grew a strong respect. The Chief was more like an older brother to be than a boss. We shared the private pain of losing longtime fellow officers and friends to retirement and injuries. Still we remained, Chief Ferrer, Detective Springer, and me. Over the years, oddly as it seems, George and I arrived at an ironic balance; similar to the odd couple, George with his unyielding serious side and me with my more witty approach. This combination seemed to get us through the daily occurrences from the trivial and mundane to the serious and the grotesque. George led us past our feelings and emotions and into the trenches. For he was spit and polished to most, to us he was never afraid to roll up his sleeves and get dirty to get the job done.

The Shelter Island Police Officers you see in front of you today are a product of George's legacy. They have all been with me in body and George in spirit since last Thursday morning. They have been away from their families for days on end. When the news came of George's passing, they knew what to do. I never told them what to do; I didn't have to. They just knew they had to be spit and polish. They spent hours and hours of their own time putting this together. They spent hours practicing every step for today. It had to be right.

I have heard through the grapevine that this is just a big show! They cannot understand! These fine officers and the rest of you in blue know this is no show! This how our family shows our respect to a fellow officer and his family. And it shows how law enforcement is not just a job but rather a way of life and Chief George Ferrer demonstrated it every day.

As in life as we know it, there are beginnings, endings, and new beginnings so let me finish by going back to the beginning. To Shirley and the Ferrer family, I am personally honored and privileged to have served under such a fine leader like Chief L. George Ferrer. We will do our best to keep his legacy of pride and professionalism alive in this department that he so proudly served. God bless the Chief in his new tour of duty.

ROBERT C. NELDBERG

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. STUPAK. Mr. Speaker and Members of the U.S. House of Representatives, it is an honor for me to bring to the attention of this body and the entire Nation the retirement of Robert C. Neldberg. A native of the Upper Peninsula of Michigan, Mr. Neldberg has been chief executive officer and administrator of the Marquette General Hospital in Marquette, MI, since October 1973.

After studies at Northern Michigan University and in the St. Louis' University Hospital Executive Development Program, Mr. Neldberg began his administrative career in August 1968 when he was hired as the director of personnel and public relations at St.

Luke's Hospital, Marquette, MI. After 3½ years he was promoted to assistant administrator for administrative affairs. After guiding Marquette and the medical community through the successful merger of St. Luke's and St. Mary's Hospitals, Mr. Neldberg was promoted to his current position of chief executive officer/administrator at the newly created Marquette General Hospital. Mr. Neldberg's drive and dedication nurtured Marquette General from a $6 million revenue operation to a regional medical center with a yearly revenue of $205 million with 2,350 employees and 250 physicians on staff.

Mr. Neldberg is leaving a distinguished medical and civil career. He is responsible for sheparding the 14 Upper Peninsula hospitals together to form a medical networking partnership led by Marquette General. In 1983, he received the prestigious Homminga Award, presented by the Michigan Hospital Association, signifying the most outstanding hospital administrator in Michigan. In 1991, Mr. Neldberg was named Northern Michigan University's Citizen of the Year. Included in his community service are his positions as a former board member of the Michigan Hospital Association, and former chairman of the United Funds Drive of Iron Mountain/Kingsford and Marquette.

Despite his retirement, Mr. Neldberg will remain active in Michigan's medical arena. Governor John Engler named him to the Board of Medicine for the term that began on March 1, 1996 and continues through 1999. Robert Neldberg is currently president of the Upper Peninsula Health Care Network and the Upper Peninsula Health Education Corporation.

Mr. Neldberg and his wife, Monica Ann Gunville-Neldberg, have four children and eight grandchildren and belong to St. Peter's Cathedral in Marquette. He is also a member of Marquette's Rotary Club and a past president of the Jaycees Organization. Mr. Neldberg has been politically active as chairman of the Marquette County Republican Party and vice chairman of the District Republican Party.

Although his career with Marquette General Hospital is coming to a close, I know Mr. Neldberg will continue to be a great asset both to his own community and Michigan's medical community. Through his dedication to his profession and through his volunteer efforts, Mr. Neldberg represents the very best of our free society. He has made his life his work, and his community is better for the effort. Mr. Speaker, on behalf of the Upper Peninsula and the entire State of Michigan, I would like to congratulate Mr. Robert Neldberg on his retirement.

HONORING THOMAS J. BALSHI, DDS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, for almost a quarter of a century, Thomas J. Balshi, A Fellow of The American College of Prosthodontists, has impacted the health of thousands of individuals worldwide by contributions to research, education, and the clinical practice of prosthetic dentistry.

He trained others from Bosnia-Herzegovina to bring healing and restoration to that war-torn population. He has championed the benefits of prosthetic care throughout the country of India, in Uruguay and Colombia, and has spoken before The Royal Society of Medicine in London.

Dr. Balshi is a pioneer in the field of implant prosthetics. His work has renewed the health and self-confidence of his patients. Dr. Balshi commits himself clinically and personally to the careful renewal of every patient's smile, whether the patient be indigent or celebrity. Through his years of professional practice, he has earned the reputation of being a dental court of last resort. By engineering innovative solutions, he has specialized in saving diagnosed hopeless dental cases.

Dr. Balshi is a recent recipient of the prestigious George Washington Medal of Honor from the National Freedoms Foundation at Valley Forge, PA. He was honored for his contributions to dental science through education. The Freedoms Foundation honors Americans whose lives reinforce and exhibit the patriotic values of our country's Founding Fathers.

A former captain in the United States Army (1972–1974), Dr. Balshi was Chief, Department of Fixed Prosthetics, Mills Army Dental Clinic, Fort Dix, NJ. He received the Army Commendation Medal for Extraordinary Service.

He became a Fellow of The American College of Prosthodontists in 1976, following graduation from Temple University School of Dentistry in 1972. He is a 1968 graduate of Villanova University.

He served as editor of the International College of Prosthodontists Newsletter for its inaugural 10 years. In this role, he actively participated in establishing worldwide communication among practitioners of his specialty.

Dr. Thomas J. Balshi is commended for his masterful way of blending heart, art, and science to serve those in need.

TRIBUTE TO ILLINOIS STATE REPRESENTATIVE ROGER P. McAULIFFE

HON. MICHAEL PATRICK FLANAGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. FLANAGAN. Mr. Speaker, it is with great sadness and regret that I note the passing on July 5, 1996, of my constituent, Illinois State Representative Roger P. McAuliffe. Roger represented the 14th state house district on Chicago's northwest side as well as several suburbs including Park Ridge, Rosemont, Norridge and Schiller Park. He was also the 38th ward Republican committeeman.

Roger was the dean of the Illinois State House Republicans, having served in the Illinois General Assembly from 1973 until the day of his tragic death. Roger was also an assistant majority leader of the Illinois House. Roger was particularly know for his constituent services and his efforts on behalf of senior citizens, fighting crime and for tax caps. Known as an innovator, Roger started having senior citizens driving seminars as far back as 1981, which have been attended by as many as 1,000 people at a time. As those who lived in his district knew, Roger always took care of those he represented and he always represented them well.

As a 1965 graduate of the Chicago Police Academy, and a Chicago police officer ever since, Roger had a keen interest in preventing crime and protecting the public safety. In 1981 Roger was a cosponsor of legislation to toughen Illinois' drunk-driving laws. The legislation, which became State law, ended the practice of allowing drunk driving suspects a 90-minute waiting period before deciding whether to take a breathalyzer test.

Roger was a 1956 graduate of my own alma mater, Lane Technical High School. He began his public service career path when he served in the U.S. Army from 1961 to 1963. Affectionately known as the Monsignor, Roger was well respected and well liked by Republicans and Democrats alike. I knew Roger both professionally and personally and I am proud to have had him as a friend. He was always there to help whenever he could be of assistance. Roger was something of an informal advisor and often guided me, and other Members as well, on legislation that had an impact on the Chicago area.

I extend my deepest sympathy to Roger's family. Roger was a truly great public servant and a truly great person. His loss has cast has a long, sad shadow over the city of Chicago and the State of Illinois. Roger McAuliffe, you are deeply missed.

NEW ZEALAND ECONOMIC REFORMS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. KLUG. Mr. Speaker, I led a congressional delegation which visited New Zealand to study their economic reforms. We met with many people ranging from the privatization policymakers to sheep farmers and walked away with an insightful approach to rescuing an enormous Federal debt in a relatively short amount of time. Eliminating the deficit is crucial for the United States fiscal survival and the New Zealand model provides us with some options to explore. For the benefit of my colleagues, I would like to have printed in the RECORD the preface and executive summary of the United States-New Zealand Council report on the delegation's trip to New Zealand. For those who desire the complete report, please contact my office.

REPORT ON CONGRESSIONAL STUDY TOUR TO NEW ZEALAND

PREFACE

A bipartisan Congressional study group visited New Zealand from April 8 to 13, 1996 to examine the causes and effects of New Zealand's remarkable economic reform that has brought New Zealand from the bottom to the top of various OECD lists in terms of economic performance. The group was comprised of Congressmen Scott Klug (R-Wisconsin), William Orton, (D-Utah), and Dana Rohrabacher (R-California), plus four senior House staffers: Scott Palmer, Deputy Chief of Staff, Office of the Majority Whip; John Feehery, Communications Director, Office of the Majority Whip; Paul Behrends, Legislative Assistant for Congressman Rohrabacher; and Joyce Yamat, Legislative Assistant for Congressman Klug. The group was accompanied by Ambassador (ret.) Paul Cleveland, President of the United States-New Zealand Council, the organization which funded and arranged the trip.

In the course of a crowded and intense five day schedule, the group met with close to two hundred individuals, business leaders, non government organizations, as well as government officials, and took field trips with Telecom New Zealand, Tranz Rail, and the New Zealand Dairy Board to gain a comprehensive view of the reform process and what it has meant to a diverse group of New Zealanders and their institutions.

The Council deeply appreciates the help and sponsorship of a number of individuals and government and private institutions without whom the trip would not have been possible: the New Zealand Embassy in Washington, the United States Embassy in Wellington and the U.S. Consulate General in Auckland, the Department of State and the New Zealand Ministry of Foreign Affairs and Trade, Bell Atlantic, Ameritech, Wisconsin Central, Mobil Oil Corporation, the New Zealand Dairy Board, Air New Zealand, and all of the individuals and organizations included in the trip schedule.

The report prepared by the Council reviews the highlights and the principal points that emerged. Its accuracy and representation of views and conclusions are the responsibility of the Council and do not necessarily represent the thoughts of the members of the delegation.

EXECUTIVE SUMMARY

New Zealand has undergone one of the most radical economic transformation in recent years in the Western world and increasingly has become a subject for study by others, who want to know why it has been so successful.

Small, with a population of 3.5 million, and highly homogeneous compared to the United States New Zealand had prior to 1984 become the most socialized country extant outside the communist world, and as New Zealand Ambassador to the United States John Wood is wont to say, ''was performing about as well as the communists.'' Deeply in debt in 1984 with its back to the wall, ironically a new *Labour* government, probably the most intellectual New Zealand has ever had, introduced a comprehensive set of reforms that relentlessly tackled monetary, fiscal, labor, privatization, administration and a myriad of other problems. When Labour ran into political and economic problems that eventually divided it, a National party government was elected and finished the job of reform.

The results in only ten years proved electric. Shocked into reality, the revived economic system is currently among the best performers in the OECD. Even better indicators than the figures are the improvements in productivity, competitiveness and attitude. New Zealand is rated by responsible judges highest or close to highest in the world in all three.

Not all have benefited equally. Some Kiwis, particularly those in certain minority ethnic groups, have been left behind and disagreements over what should be done and the ability of government to deliver social and other services is as intense as in the United States and elsewhere in the world. The Congressional group heard from the dissenters as well as from the advocates.

Despite the differences in pre and post-reform positions, as well as the size and complexity of the two economies, New Zealand offers the following lessons worth further study for their possible application in the United States . . . some obvious, some less so: Speed and equal distribution of the pain of reform were politically necessary in New Zealand to reap the universal gain of reform. Effective managers and sustained attention to following through on changes are essential. Tax revenues grew surprisingly higher than expected because of the integrity introduced into the system by value added taxation. New Zealand might have done better, sooner had it introduced labor and social service reform earlier, thereby reducing these major costs early in the game. The free market absorbs naturally a sizable part of the redundancy created by reform and its worrisome cousin, ''downsizing.'' Training is an essential ingredient however, whether provided by the government or the private sector. Not only should businesses be removed from government to the private sector, where they can be managed effectively in the general interest, government itself should be made more businesslike. We can usefully study such New Zealand innovations as contracts under which senior civil servants can be hired and fired as in the private sector, cost accrual accounting and the requirement for government departments to figure in capital costs of such things as buildings and other hard assets. This practice forces government, like business, to shed unnecessary assets and costs.

HONORING EDWARD H. JENISON

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. EWING. Mr. Speaker, I am saddened to take this opportunity to inform my colleagues that former member Edward H. Jenison, who represented part of my congressional district for three terms from 1946 to 1954, passed away at 2 p.m. Monday, June 24, 1996 at Paris, IL. Community Hospital. He was 88 years old. I am proud to have represented Ed Jenison for the past 5 years and would like to offer my most sincere condolences to his family and friends.

Mr. Jenison was editor and publisher of the Paris Bean-News for more than 65 years and a cornerstone of the Paris community. He will be missed tremendously. The following is a news article from the Beacon-News concerning Mr. Jenison's life and his many accomplishments.

Ed Jenison was a lifelong newspaperman. He started as editor of his high school newspaper while growing up in Fond du Lac, Wis., where his father was editor of the Fond du Lac Commonwealth. His final days in the Beacon-News offices came just a short week before his death.

The newspaper was his primary focus but certainly not his only interest—family, community service and public service also shared his lifelong attention.

Ed Jenison's public service career started with election to three terms as Representative in the U.S. Congress, representing a large district covering much of southeast Illinois from 1946 and 1954. It was in this first term that Ed Jenison met the late Richard M. Nixon, as the families lived in the same apartment and they were first term congressmen together. It was the beginning of a friendship which continued over the years and when President Nixon died, Ed Jenison was called upon by area media to recall his friend. His service in the Congress followed his discharge from the U.S. Navy service during World War II with the rank of Lieutenant Commander, assigned to naval intelligence duties both in Washington and aboard aircraft carriers in the Pacific. He participated in several of the island campaigns including the invasion of the Philippines.

After his service in Congress, Ed Jenison served on the Illinois State Board of Vocational Education from 1953 to 1960; was elected to the 74th Illinois General Assembly as a state representative in 1964, appointed to complete a term in the Legislature in 1973, and was elected a delegate to the Illinois Constitutional Convention in 1970.

He also completed a term as Director of the Illinois Department of Finance by appointment from Gov. William Stratton in 1960.

Ed Jenison was equally involved in community service. He actively supported formation of the Edgar County Mental Health Association, now the Human Resources Center; the Paris Community YMCA, and was one of the first members and officers of the board of the Hospital and Medical Foundation of Paris, Inc., which constructed the present hospital.

He was a speaker at the dedication of the ''new'' hospital in 1970, and participated in the dedication and ribbon-cutting for the new medical office building and hospital addition earlier this month.

He was a past president of the Paris Chamber of Commerce and a director of the Illinois State Chamber of Commerce.

His community service was recognized as the Paris Rotary Club presented him the Allen D. Albert ''Man of the Year'' award. In 1993 the Paris Chamber of Commerce honored Ed and his sister, Ernestine Jenison, with the annual Parisian Award.

In 1990, when Gov. Jim Thompson came to Paris to announce the location of a new Department of Corrections Work Camp here, fondly recalled it was on a trip downstate when he was seeking his first term as governor that he met Ed Jenison. He suggested the new work camp be named the Ed Jenison Work Camp in recognition of Jenison's long public service to the area, and Gov. Jim Edgar concurred at the Work Camp's dedication. Although by nature preferring to remain out of the limelight whenever possible, Ed Jenison graciously acknowledged the compliment paid by Governors Thompson and Edgar, remarking during the dedication ceremony ''I guess it's alright since it has the word 'work' in the name.''

In his chosen profession he also was honored and recognized by his peers.

The United Press-International Illinois Editors Association presented its 1982 Service Award to Ed Jenison, and the Southern Illinois Editorial Association awarded him the title of ''Master Editor'' in 1986. He also was an active member and officer of the former Illinois Daily Newspaper Markets Association, and member of the Inland Daily Press Association and Illinois Press Association, as well as Sigma Delta Chi, professional journalism society.

His Paris newspaper career began in 1926 when his father, E. M. Jenison, sold his interest in the Fond du Lac Commonwealth and purchased the Paris Daily Beacon. Ed Jenison left his college journalism studies to help staff and develop the newspaper which became the Beacon-News in 1927 with the acquisition of the Paris Daily News. He was a long-time enthusiast of area high school sports, starting with his duties as sports editor for the Beacon and then the Beacon-News.

Through his efforts the Beacon-News voiced early and active support for the construction of the ''new'' gymnasium at Paris High School just ahead of World War II, now the ''Eveland Gym.'' When in Paris, he rarely missed a varsity basketball game including the girls' games in recent years, and was a regular sidelines supporter at the football field. He twice found himself in the midst of a sidelines play, coming up none the worse. After the first tackle, while his grandsons were members of the Tigers varsity, the team presented him a football helmet with

the words ''if you're going to play you had better be dressed for it.''

He was equally supportive of the interests of his wife, Barbara, and son and grandchildren. While Ed Jenison was serving on carriers in the Pacific, Barbara Jenison decided she would explore the world of aviation, and obtained her pilot's license. She continued her flying interests by participating in a number of international and cross country ''Powder Puff'' derby competitions, and served many years with the Civil Air Patrol concluding with regional responsibility for women cadets and the rank of lieutenant colonel. She served on the Illinois Division of Aeronautics Advisory Committee. As a pilot she also flew her husband on many of his campaign tours throughout the extensive congressional district.

Edward Halsey Jenison was born July 27, 1907, in Fond du Lac, Wis., the son of E. M. and Mary L. Jenison.

Ed Jenison and Barbara Weinburgh met as students at the University of Wisconsin, and were married Sept. 14, 1929, making their home on Shaw Avenue from that time.

He is survived by his wife, a son Edward H. ''Ned'' Jenison of Paris, three grandsons including Edward Kevin Jenison of Paris, also associated with the management and editorial operations of the Beacon-News; Dr. Jim Jenison of Evansville, Ind., and Stephen Jenison of Carmel, Ind.; and seven great-grandchildren. He was preceded in death by his parents, his stepmother Mrs. Mary Jenison, who served as an officer of the publishing company until her death at the age of 100; by two sisters and a brother, and an infant daughter.

He was a member of the Paris American Legion Post 211, the Edgar County Shrine Club, Ansar Temple and Danville Consistory, Paris Elks Lodge 812, and the Washington Press Club.

CONGRATULATIONS TO DR. T. JOEL BYARS

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 11, 1996

Mr. COLLINS of Georgia. Mr. Speaker, last month the American Optometric Association convened its 99th annual Congress in Portland, OR. I am pleased to report that during the Congress, Dr. T. Joel Byars of McDonough, GA, was sworn in as the association's 75th president. I would like to take a few moments to congratulate Dr. Byars on this achievement and to offer my best wishes to him for a successful term.

Dr. Byars is a native of Griffin, GA, and is a graduate of the Southern College of Optometry in Memphis, TN. During his career, Dr. Byars has built a record of achievement in his profession at the local, State, and national levels, He is past president of the Georgia Optometric Association, the Georgia State Board of Examiners in Optometry, and is former trustee of the Southern Council of Optometrists. He was elected to the board of trustees of the American Optometric Association in 1989 and has served as an officer for the past 4 years.

The American Optometric Association is the professional society for our Nation's 31,000 optometrists. In his role as president, Dr. Byars will guide the association as it deals with the challenges and opportunities of providing eye and vision care to millions of Americans.

In addition to his professional achievements, Dr. Byars has been active in civic affairs. He has been a board member of the Dekalb Council on Aging and the North Central Georgia Health Systems Agency. Dr. Byars has also been involved in the Stone Mountain Rotary Club, and he has chaired the optometric division in the Dekalb Cancer Crusade and Heart Fund.

Dr. Byars also served his Nation in the U.S. Army Medical Service Corps.

Dr. T. Joel Byars has distinguished himself as an outstanding leader in his profession and in his community, and I am confident that he will have a successful term as president of the AOA. I join his many friends and colleagues in offering congratulations and best wishes.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7679–S7796

Measures Introduced: Seven bills were introduced, as follows: S. 1943–1949. **Page S7762**

Measures Reported: Reports were made as follows:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997". (S. Rept. No. 104–316)

H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, with amendments. (S. Rept. No. 104–317)

H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, with amendments. (S. Rept. No. 104–318) **Page S7762**

Measures Passed:

Water Resources Development Act: Senate passed S. 640, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Pages S7703–42

Stevens (for Chafee) Amendment No. 4445, to further improve the conservation and development of water and related resources. **Page S7722**

Taxpayer Bill of Rights 2: Senate passed H.R. 2337, to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections, clearing the measure for the President. **Pages S7753–56**

DOD Appropriations: Senate began consideration of S. 1894, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, taking action on the following amendments proposed thereto: **Pages S7688–91, S7743–44**

Pending:

Stevens Amendment No. 4439, to realign funds from Army and Defense Wide Operation and Maintenance accounts to the Overseas Contingency Operations Transfer Fund. **Page S7689**

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, July 16, 1996. **Page S7743**

Coast Guard Authorization: Senate disagreed to the amendment of the House to S. 1004, to authorize appropriations for the United States Coast, agreed to the House request for a conference, and the Chair was authorized to appoint the following conferees: From the Committee on Commerce, Science, and Transportation—Senators Pressler, Stevens, Gorton, Lott, Hutchison, Snowe, Ashcroft, Abraham, Hollings, Inouye, Ford, Kerry, Breaux, Dorgan, and Wyden; and from the Committee on Environment and Public Works for all Oil Pollution Act issues under their jurisdiction—Senators Chafee, Warner, Smith, Faircloth, Inhofe, Baucus, Lautenberg, Lieberman, and Boxer. **Pages S7691–S7703**

Nuclear Waste Policy—Cloture Motion Filed: A motion was entered to close further debate on the motion to proceed to S. 1936, to amend the Nuclear Waste Policy Act of 1982 and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Tuesday, July 16, 1996. **Page S7743**

Motion To Request Attendance: During today's proceedings, by 93 yeas to 2 nays (Vote No. 192), Senate agreed to a motion to instruct the Sergeant at Arms to request the attendance of absent Senators. **Page S7745**

Nominations Confirmed: Senate confirmed the following nominations:

Walker D. Miller, of Colorado, to be United States District Judge for the District of Colorado.

Pages S7756, S7796

Nominations Received: Senate received the following nominations:

Rod Grams, of Minnesota, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Claiborne deB. Pell, of Rhode Island, to be a Representative of the United States of America to the 51st Session of the General Assembly of the United Nations.

Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 26, 1996.

29 Army nominations in the rank of general.

Routine lists in the Army and Marine Corps.

Pages S7790–96

Messages From the House: **Page S7760**

Measures Referred: **Pages S7760–61**

Communications: **Pages S7761–62**

Executive Reports of Committees: **Page S7762**

Statements on Introduced Bills: **Pages S7762–69**

Additional Cosponsors: **Page S7769**

Amendments Submitted: **Pages S7769–84**

Notices of Hearings: **Page S7784**

Authority for Committees: **Pages S7784–85**

Additional Statements: **Pages S7785–89**

Notice of Proposed Rulemaking **Pages S7685–88**

Quorum Calls: One quorum call was taken today. (Total–2) **Page S7745**

Record Votes: One record vote was taken today. (Total–192) **Page S7745**

Adjournment: Senate convened at 9 a.m., and adjourned at 6:59 p.m., until 9:30 a.m., on Friday, July 12, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7789–90.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—AGRICULTURE/VA/HUD

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 3603, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1997, with amendments; and

H.R. 3666, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, with amendments.

ABSTINENCE EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held hearings on proposed funding levels for the Department of Health and Human Service's Adolescent Family Life Program and other abstinence education programs, receiving testimony from William Devlin, Philadelphia Family Policy Council, Philadelphia, Pennsylvania; Allan Carlson, Rockford, Illinois; Kathleen Sullivan, Project Reality, Glenview, Illinois; David Hager, Women's Care Center, Lexington, Kentucky; and Gracie Hsu, Family Research Council, Washington, D.C.

Subcommittee will meet again on Tuesday, July 16.

APPROPRIATIONS—SECRETARY OF SENATE/SERGEANT AT ARMS

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 1997, after receiving testimony in behalf of funds for their respective activities from Kelly D. Johnston, Secretary of the Senate; and Howard O. Greene, Sergeant At Arms.

APPROPRIATIONS—ENERGY AND WATER

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full committee consideration an original bill making appropriations for energy and water development for the fiscal year ending September 30, 1997.

ATM FEES

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 1800, to limit fees charged by financial institutions for the use of automatic teller machines, after receiving testimony from Janice C. Shields, on behalf of the Consumer Finance Project, and Edmund Mierzwinski, both of the U.S. Public Interest Research Group, and Robert R. Davis, America's Community Bankers, all of Washington, D.C.; Paul Green, Massachusetts Cooperative Bank of Dorchester, on behalf of the Community Bank League of New England; Patrick G. Calhoun, State Employees Federal Credit Union, Albany, New York, on behalf of the New York State Credit Union League; Phillip Hudson, First Security Service Corporation, Salt Lake City, Utah, on behalf of the American Bankers Association; Thomas J. Sheehan, Grafton State Bank, Grafton, Wisconsin, on behalf of the Independent Bankers Association of America; David W. Black, Affiliated Computer Services, Inc., Dallas, Texas; and Neil Marcous, EDS, Morris Plains, New Jersey.

PUBLIC UTILITIES REGULATION

Committee on Energy and Natural Resources: Committee concluded oversight hearings to review the Federal Energy Regulatory Commission's recently issued electric utility restructuring rules to require open access transmission by all public utilities and to provide for recovery of stranded costs to foster wholesale competition, after receiving testimony from Elizabeth A. Moler, Chair, and Vicky A. Bailey, James J. Hoecker, William L. Massey, and Donald F. Santa, Jr., each a Commissioner, all of the Federal Energy Regulatory Commission; Cheryl L. Parrino, Wisconsin Public Service Commission, Madison, on behalf of the National Association of Regulatory Utility Commissioners; Craig A. Glazer, Public Utilities Commission of Ohio, Columbus; Susan F. Clark, Florida Public Service Commission, Tallahassee; Wayne Shirley, New Mexico Public Utility Commission, Santa Fe; Charles A. Falcone, American Electric Power Company, on behalf of the Edison Electric Institute, David W. Penn, American Public Power Association, and John A. Anderson, Electricity Consumers Resources Council, all of Washington, D.C.; and Steven D. Burton, Sithe/Energies Group, New York, New York, on behalf of the National Independent Energy Producers.

BOUNDARY WATERS CANOE AREA ACCESS

Committee on Energy and Natural Resources: Subcommittee on Forest and Public Land Management concluded hearings on S. 1738, to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness along the Minnesota and Ontario border, after receiving testimony from Senators Feingold and Harkin; Representatives Vento and Oberstar; Gray Reynolds, Deputy Chief, National Forest System, Forest Service, Department of Agriculture; John Calhoun Wells, Director, and Maureen Labenski, Regional Director, both of the Federal Mediation and Conciliation Service; Minnesota State Senator Douglas J. Johnson, Cook; Sharon Hahn, Lake County Board of Commissioners, Two Harbors, Minnesota; Mayor Ed Steklasa, and Gary Gotchnik, both of Ely, Minnesota; Minnesota State Representative Dee Long, Kevin Proescholdt, Friends of the Boundary Waters Wilderness, and Becky Rom, Wilderness Society, all of Minneapolis, Minnesota; Wisconsin State Representative Spencer Black, Madison; Iowa State Representative William Witt, Cedar Falls; Bruce Kerfoot, Grand Marais, Minnesota, on behalf of the Gunflint Trail Resort Association, Gunflint Trail Outfitters Association, and the Professional Paddlesports Association of America; and William Hansen, Sawbill Canoe Outfitters, Inc., Tofte, Minnesota.

WOMEN IN AFRICA

Committee on Foreign Relations: Subcommittee on African Affairs concluded hearings to examine the emerging role of women in Africa, focusing on barriers to their full participation in their rapidly changing societies, after receiving testimony from Prudence Bushnell, Deputy Assistant Secretary for African Affairs, and Judith Ann Mayotte, Special Advisor on Refugee Policy, Bureau of Population, Refugees and Migration, both of the Department of State; Carol Peasley, Senior Deputy Assistant Administrator/Bureau for Africa, Agency for International Development; Michaela Walsh, Women's Asset Management, New York, New York; and Lisa VeneKlasen, Center for Population and Development Activities, and Jane Wanjiro Muigai, International Human Rights Law Group, both of Washington, D.C.

DEFENSE OF MARRIAGE ACT

Committee on the Judiciary: Committee held hearings on S. 1740, to defend and protect the institution of marriage, receiving testimony from Senator Nickles; Lynn Wardle, Brigham Young University, Provo, Utah; Cass R. Sunstein, University of Chicago Law School, Chicago, Illinois; Mitzi Henderson, Parents, Family and Friends of Lesbians and Gays (PFLAG), Menlo Park, California; Gary Bauer, Family Research Council, Washington, D.C.; and David Zwiebel, Agudath Israel of America, New York, New York.

Hearings were recessed subject to the call.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 3782–3798; and 3 resolutions, H.J. Res. 183, H. Con. Res. 198, and H. Res. 476 were introduced. **Pages H7473–74**

Reports Filed: Reports were filed as follows:

H.R. 1975, to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, amended (H. Rept. 104–667);

H.R. 3198, to reauthorize and amend the National Geologic Mapping Act of 1992 (H. Rept. 105–668);

H.R. 1627, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, amended (H. Rept. 104–669 Part I);

H.R. 2391, to amend the Fair Labor Standards Act of 1938 to provide compensatory time for all employees, amended (H. Rept. 104–670); and

H. Res. 475, providing for consideration of H.R. 3756, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1997 (H. Rept. 104–671). **Page H7473**

Committees to Sit: The following Committees and their subcommittees received permission to sit today during proceedings of the House under the five-minute rule: Committees on Agriculture, Banking and Financial Services, Commerce, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, and Transportation and Infrastructure. **Page H7270**

Labor, HHS, and Education Appropriations: By a yea-and-nay vote of 216 yeas to 209 nays, Roll No. 313, the House passed H.R. 3755, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997. **Pages H7280–H7374**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations. **Page H7373**

Agreed To:

The Ney amendment that increases Health Resources and Services Administration funding by $2 million for the Black Lung Clinics Program and decreases HHS congressional, public affairs, and intergovernmental affairs activities accordingly; **Pages H7287–88**

The Pelosi amendment that eliminates the provision prohibiting funding for the Occupational Safety and Health Administration to develop or issue standards or guidelines regarding ergonomic protection (agreed to by a recorded vote of 216 ayes to 205 noes, Roll No. 301); **Page H7301**

The Mica amendment that increases Education for the Disadvantaged funding by $20 million and decreases Department of Education program administration funding accordingly; **Pages H7302–04**

The Deal of Georgia amendment that increases Education for the Disadvantaged funding by $1 million and decreases Department of Education program administration funding accordingly; **Page H7304**

The Porter technical amendment dealing with impact aid formulation; **Page H7306**

The Fox amendment that increases Domestic Volunteer Service Programs by $1.923 million for the Foster Grandparent Program and decreases Department of Education Program Administration funding accordingly; **Page H7324**

The Lowey amendment that increases School Improvement Programs funding by $2 million for the Women Educational Equity program and decreases Education Research Statistics and Improvement Programs accordingly (agreed to by a recorded vote of 294 ayes to 129 noes, Roll No. 304); **Pages H7318–21, H7330–31**

The Traficant amendment that prohibits contracts or subcontracts to any person who intentionally affixes ''Made in America'' labels or other similar inscriptions to products not made in the United States; **Page H7331**

The Solomon amendment, as modified, that prohibits the use of funds to any activity that promotes the legalization of controlled substances except those drugs with medical evidence of a therapeutic advantage; **Pages H7333–34**

The Solomon amendment that prohibits any contract or grant to institutions of higher learning (other than those with a long standing tradition of pacifism based on historical religious affiliation) that prevents ROTC access to its campus or students, prevents military recruiting on its campus, and further prohibits expenditures to any contractor subject to the requirement in section 4212(d) of title 38, United States Code, that has not submitted an annual report to the Secretary of Labor concerning the employment of veterans; **Pages H7334–35**

The Campbell amendment, as modified, that allows public health assistance for communicable diseases to individuals not lawfully in the United States and prohibits the Mine Safety and Health Administration from closing or relocating any safety and

health technology center until submitting a cost analysis to the Committee on Appropriations;

Pages H7337–38

The Bunning amendment that prohibits the use of Social Security and Medicare Trust funds for union activity at the Social Security Administration (agreed to by a recorded vote of 421 ayes to 3 noes, Roll No. 309); **Pages H7344–48, H7365–66**

The Istook amendment as amended by the Obey substitute amendment that prohibits Title X family planning grants to organizations that do not certify to the Secretary of Health and Human Services that it encourages family participation in the decision of the minor to seek family planning services (agreed to the Obey substitute amendment by a recorded vote of 232 ayes to 193 noes, Roll No. 310 and agreed to the Istook amendment, as amended, by a recorded vote of 421 ayes with 2 voting ''present'', Roll No. 311; **Pages H7348–55, H7366–67**

The McIntosh amendment that prohibits any funding by the Department of Labor to enforce regulations that require workers to wear long pants when this requirement would cause workers to experience discomfort due to high air temperatures; and

Pages H7355–56

The Campbell amendment that prohibits any funding to direct employers to pay backpay to employees who were not lawfully entitled to be present and employed in the United States. **Pages H7356–59**

Rejected:

The Goodling amendment that sought to increase Special Education funding by $291 million and decrease National Institutes of Health funding accordingly; **Pages H7290–93**

The Lowey amendment that sought to increase funding for the National Center for Injury Prevention and Control by $2.6 million and decrease Area Health Education Centers funding accordingly (rejected by a recorded vote of 158 ayes to 263 noes, Roll No. 302); **Pages H7280–87, H7301–02**

The Obey amendment that sought to increase education and training program funding by $1.246 billion with offsets derived from funding levels made available through September 1998 (rejected by a recorded vote of 198 ayes to 227 noes, Roll No. 303); **Pages H7306–18, H7330**

The Hefley amendment that sought to reduce Corporation for Public Broadcasting funding by $1 million (rejected by a recorded vote of 205 ayes to 219 noes, Roll No. 305); **Pages H7331–32, H7362–63**

The Sanders amendment that sought to require reasonable price agreements for the sale of drugs developed by NIH (rejected by a recorded vote of 180 ayes to 242 noes, Roll No. 306);

Pages H7335–37, H7363–64

The Lowey amendment that sought to remove restrictions on Federal funding for embryo research (rejected by a recorded vote of 167 ayes to 256 noes, Roll No. 307); **Pages H7339–44, H7364**

The Hoyer substitute amendment to the Bunning amendment that sought to prohibit the use of Social Security and Medicare trust funds to pay for union activity and clarify employee representation at the Social Security Administration (rejected by a recorded vote of 210 ayes to 220 noes, Roll No. 308); and **Pages H7344–48, H7364–65**

The Gutknecht amendment that sought to apply a 1.9 percent reduction to all discretionary appropriations (rejected by a recorded vote of 111 ayes to 313 noes, Roll No. 312). **Pages H7360–61, H7367**

Withdrawn:

The Condit amendment was offered, but subsequently withdrawn, that sought to increase Administration for Children and Families funding by $487 million for Refugee and Entrant Assistance and reduce all discretionary spending by 0.9 percent accordingly; **Pages H7288–90**

The Kennedy of Massachusetts amendment was offered, but subsequently withdrawn, that sought to remove restrictions on the award of grants under the Small Business Innovation Research Program;

Pages H7295–96

The Jackson-Lee amendment was offered, but subsequently withdrawn, that sought to increase Bilingual and Immigrant Education by $10 million and decrease Impact aid accordingly; **Pages H7321–24**

The Roemer amendment was offered, but subsequently withdrawn, that sought to increase Pell Grant educational assistance by $340 million and reduce salaries and expenses for Departments of Labor, Educational, HHS, and other agencies by 15 percent.

Pages H7332–33

The Sanders amendment was offered, but subsequently withdrawn, that sought to prohibit payment to any health plan that prevents or limits health care provider communications to patients; and

Pages H7338–39

The Mica amendment was offered, but subsequently withdrawn, that sought to establish a Head Start Demonstration Program to determine the effects of providing assistance to low income parents to select preschool programs for their children.

Pages H7359–60

Rejected the Smith of New Jersey motion that the Committee rise and strike the enacting clause.

Pages H7361–62

The Clerk was authorized in the engrossment of the bill to make technical and conforming changes to reflect the actions of the House. **Page H7374**

Order of Business: It is made in order that on Friday, July 12, the Speaker be authorized to entertain

a motion, offered by Representative Goodling or his designee, to suspend the rules and pass H.R. 2429, as amended, to encourage the donation of food and grocery products. **Page H7441**

Defense of Marriage Act: The House completed all general debate on H.R. 3396, to define and protect the institution of marriage. Consideration of amendments will begin on Friday July 12. **Pages H7441–49**

Earlier, the House agreed to H.R. Res. 474, the rule under which the bill is being considered by a yea-and-nay vote of 290 yeas to 133 nays, Roll No. 300. **Pages H7270–80**

Amendments: Amendments ordered printed pursuant to the rule appear on page H7475.

Senate Messages: Message received from the Senate appears on page H7265.

Quorum Calls—Votes: Two yea-and-nay votes and twelve recorded votes developed during the proceedings of the House today and appear on pages H7279–80, H7301, H7301–02, H7330, H7331, H7362–63, H7363–64, H7364, H7364–65, H7365–66, H7366, H7366–67, H7367, and H7373. There were no quorum calls.

Adjournment: Met at 10:00 a.m. and adjourned at 1:55 a.m. on Friday, July 12.

Committee Meetings

DAIRY AND LIVESTOCK PRODUCER PROTECTION ACT OF 1996

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry held a hearing to review the Dairy and Livestock Producer Protection Act of 1996. Testimony was heard from Senator Pressler; the following officials of the USDA: James Baker, Administrator, Grain Inspector and Packers and Stockyards Administration; and Lon Hatamiya, Administrator, Agricultural Marketing Service, and public witnesses.

COMMERCE, JUSTICE, AND STATE, AND JUDICIARY APPROPRIATIONS; BUDGET ALLOCATIONS

Committee on Appropriations; Ordered reported the Commerce, Justice, State, and Judiciary appropriations for fiscal year 1997.

The Committee also approved 602 (b) Budget allocation for fiscal year 1997.

ONLINE BANKING

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises concluded hearings on Online Banking and Technology in Banking. Testimony was heard from public witnesses.

EVOLUTION OF THE BUDGET PROCESS

Committee on the Budget: Held a hearing on ''How Did We Get Here From There?'' A discussion of the Evolution of the Budget Process from 1974 to the Present. Testimony was heard from James Blum, Deputy Director, CBO; and Susan Irving, Associate Director, Budget Issues, GAO.

Hearings continue July 17.

MISCELLANEOUS MEASURES

Committee on Commerce: Subcommittee on Commerce, Trade, and Hazardous Materials held a hearing on the following bills: H.R. 3553, Federal Trade Commission Reauthorization Act of 1996; and H.R. 447, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made. Testimony was heard from Representative Traficant; and the following officials of the FTC: Robert Pitofsky, Chairman; Mary L. Azcuenaga, Roscoe B. Starek III, Janet T. Steiger and Christine A. Varney, all Commissioners.

FOOD QUALITY PROTECTION ACT

Committee on Commerce: Subcommittee on Health and Environment began markup of H.R. 1627, Food Quality Protection Act of 1995.

OVERSIGHT—LABOR UNION RACKETEERING

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held an oversight hearing on the Department of Labor's Efforts Against Labor Union Racketeering. Testimony was heard from the following officials of the Department of Labor: Charles C. Masten, Inspector General; Stephen Cossu, Deputy Assistant Inspector General, Labor Racketeering; J. Davitt McAteer, Acting Solicitor of Labor; John Kotch, Director, Office of the Labor-Management Standards; and Alan Lebowitz, Deputy Assistant Secretary, Program Operations, Pension and Welfare Benefits Administration; and John Keeney, Acting Assistant Attorney General, Criminal Division, Department of Justice.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT IMPLEMENTATION

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on the Implementation of the Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 Testimony was heard from Representatives Diaz-Balart and Deutsch; and Michael Ranneberger, Coordinator for Cuban Affairs, Department of State.

VICTIMS RIGHTS

Committee on the Judiciary: Held a hearing on proposals for a constitutional amendment to provide rights to victims of crime (H.J. Res. 173 and H.J. Res. 174). Testimony was heard from Senators Kyl and Feinstein; Representative Royce; John Schmidt, Associate Attorney General, Department of Justice; and public witnesses.

INTELLIGENCE COMMUNITY ACT

Committee on National Security: Held a hearing on H.R. 3237, Intelligence Community Act. Testimony was heard from the following officials of the Department of Defense: John White, Deputy Secretary; Lt. Gen. Paul Van Riper, USMC, Commanding General, Combat Development Command, Quantico, U.S. Marine Corps; Maj. Gen. Ed Anderson, USA, Assistant Deputy Chief of Staff, Operations and Plans, U.S. Army; Maj. Gen. Boddy O. Floyd, USAF, Director, Forces, Office of the Deputy Chief of Staff, Plans and Operations, U.S. Air Force; and RAdm. John M. Luecke, USN, Assistant Deputy Chief of Naval Operations (Plans, Policy and Operations), U.S. Navy.

ENVIRONMENTAL IMPROVEMENT TIMBER CONTRACT EXTENSION ACT

Committee on Resources: and the Subcommittee on Resource Conservation, Research, and Forestry of the Committee on Agriculture held a joint hearing on H.R. 3659, Environmental Improvement Timber Contract Extension Act of 1996. Testimony was heard from James R. Lyons, Under Secretary, Natural Resources and the Environment, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on H.R. 3579, to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming; followed by an oversight hearing on non-indigenous species. Testimony was heard from Representative Cubin; Gary Edwards, Assistant Director, Fisheries, U.S. Fish and Wildlife Service, Department of the Interior; Sally Yozell, Deputy Assistant Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; Hachiro Shimanuki, Research Leader, Plant Sciences Institute, Bee Research Laboratory, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action the following measures: H.R. 2392, amended, to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin; S. 1467, amended, Fort Peck Rural County Water System Act of 1995; H.R. 3258, amended, to direct the Secretary of the Interior to convey certain real property located within the Carlsbad Project in New Mexico to Carlsbad Irrigation District; and a measure to direct the Secretary of the Interior to sell the Sly Park Dam and Reservoir.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 3756, making appropriations for the Treasury Department, the United States Postal Service; the Executive Office of the President and certain Independent Agencies, for the fiscal year ending September 30, 1997. The rule waives sections 302(f) (prohibiting consideration of legislation providing new entitlement authority in excess of a committee's allocation) and 308(a) (requiring a CBO cost estimate in the committee report on legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported), of the Congressional Budget Act of 1974 against consideration of the bill.

The rule provides for the adoption in the House and in the Committee of the Whole of the amendment printed in part 1 of the Rules Committee report relating to certain expedited procedures under the rules Committee's jurisdiction. The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations and legislation on general appropriations) and clause 6 of rule XXI (prohibiting reappropriations) against provisions of the bill, except as otherwise noted in the rule.

The rule provides for consideration, before any other amendment, of those amendments printed in part 2 of the Rules Committee report, which shall be considered in the order printed, shall be offered by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The rule provides for priority in recognition for those amendments that are pre-printed in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. The rule provides that a motion to rise and report the bill to the House with such amendments as may have been

adopted shall have precedence over a motion to amend, if offered by the Majority Leader or a designee after the reading of the final lines of the bill. Finally, the rule provides for one motion to recommit, with or without instructions. Testimony was heard from Representatives Lightfoot, Gutknecht, Metcalf, Tiahrt, Deal of Georgia, Hoyer and Luther.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

ISTEA REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Surface Transportation continued hearings on ISTEA Reauthorization Maintaining Adequate Infrastructure: Federal Funding Distribution Formulas Testimony was heard from Representatives DeLay, Condit, Sanford, Brewster, Largent, Hutchinson, Mica, Fowler, Brown of Florida, Buyer, Hamilton, Hostettler, Ramstad, Inglis of South Carolina and Lewis of Kentucky; John Daly, Commissioner, Department of Transportation, State of New York; Robert Martinez, Secretary of Transportation, State of Virginia; Dean Dunphy, Secretary, Department of Business, Transportation and Housing, State of California; Wayne Shackelford, Commissioner, Department of Transportation, State of Georgia; and a public witness.

Hearings continue July 18.

UNEMPLOYMENT INSURANCE ISSUES

Committee on Ways and Means: Subcommittee on Human Resources held a hearing on unemployment insurance issues. Testimony was herd from Representatives English of Pennsylvania, Upton and Farr; Raymond Uhalde, Deputy Assistant Secretary, Employment and Training Administration, Department of Labor; Loleta A. Didrickson, Comptroller, State of Illinois; David Poythress, Commissioner of Labor, State of Georgia; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 12, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Interior, business meeting, to mark up H.R. 3662, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, 9 a.m., SD–116.

Committee on the Budget, business meeting, to mark up proposed legislation to provide for reconciliation pursuant to H. Con. Res. 178, establishing the congressional budget for the United States Government for fiscal year 1997 and setting forth appropriate budgetary levels for fiscal years 1998, 1999, 2000, 2001, and 2002, 10:30 a.m., SD–608.

House

Committee on Appropriations, Subcommittee on the District of Columbia, to mark up appropriations for fiscal year 1997, 10:30 a.m., H–140 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Public Buildings and Economic Development, hearing on Overview of GSA Leasing Program, 9 a.m., 2253 Rayburn.

Committee on Ways and Means, Subcommittee on Health, hearing on the Administration's Medicare Choices and Competitive Pricing Demonstration Projects, 11 a.m., 1100 Longworth.

Next Meeting of the SENATE

9:30 a.m., Friday, July 12

Senate Chamber

Program for Friday: Senate will conduct routine morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, July 12

House Chamber

Program for Friday: Consideration of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act; and

Complete consideration of H.R. 3396, Defense of Marriage Act (modified closed rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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