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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. COLLINS of Georgia].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 1996.

I hereby designate the Honorable MAC COLLINS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member except the majority and minority leader limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

OUT OF SIGHT, OUT OF MIND

Mr. GOSS. Mr. Speaker, when it comes to United States foreign policy, the deteriorating situation in Haiti is one of those news items that has been crowded off the front pages by bigger problems elsewhere, problems like the breakdown of the peace process in Ireland, the mending of fences with Mr. Netanyahu, and the Mujahidin's new foothold in the Balkans. But even so, just because it suits the White House for Haiti to be out of sight, it does not mean that it is out of mind for those of us who are interested in accounting for $3 billion in United States taxpayers' dollars the White House has spent there and those of us who are concerned about the safety of Americans and American interests in Haiti.

Because of the very special relationship between my south Florida district and Haiti, my office follows the reports and stays in touch with our contacts on the ground in Haiti. How are things going? The short answer is that there is slippage, steep slippage; a strong sense, based on events, that things in Haiti have degenerated again very rapidly. We are finding a seemingly endless litany that suggests a serious breakdown in law and order. We find institutional inadequacy, particularly in the judicial area, and serious retreat from any economic progress at all. We find no relief from the grinding poverty that is everywhere in Haiti.

Taken together this seems to prove what informed observers have said all along; that is, that throwing $3 billion and 20,000 American troops haphazardly at Haiti is not the way to bridge the deep divisions of Haitian society or to promote lasting gains on the slow path to democracy there. Divisions are deepening. Destabilization campaigns appear to be coming from all sectors across the social spectrum. The time for settling old scores and even new ones appears to have arrived and get even acts of violence and intimidation are the daily menu. The victims include former members of the military, the police, and innocent civilians. In fact, it is sad but true that the Haitian national police have participated in more than their share of altercations. Recall that this was supposed to be a hope of future law and order, that new Haitian national police, but the most damning assessments of police behavior have been coming from the Washington office on Latin America and the OAS mission in Haiti. The latest OAS report notes summary executions and allegations of ill treatment including beatings and routine use of electric shock treatment on prisoners in a Port-au-Prince police station. No place to get a parking ticket.

While these incidents are protested, the OAS also reports that the Inspector General has failed to take action against the police, giving some sectors of the Haitian population the view that the police agents enjoy the same impunity as the members of the old armed forces and former regime enjoyed. This wins the police no friends, and in some areas the police have literally been run out of town by local populations. In fact, there have been some 10 assassinations of investigators of the police, most of them off duty.

There are some other tough issues that we are not hearing much about but that clearly deserve some attention. One should ask the White House how the American citizens in Haiti who have borne the brunt of some of the violent acts are faring. Murders and kidnaping have apparently gone unanswered or uninvestigated.

Taken together, all of this adds up to instability, growing instability. It might also go a long way toward explaining why the Clinton administration went through such machinations to badger our allies to extend the U.N. mission through the month of November, the same month as the election month in our country.

Dismal as it is, law and order is only part of the stability equation. The other part of this equation is prosperity. We are long overdue for an update from the White House on the privatization process of Haiti. We understand from the media that the Parliament is having difficulty gaining a quorum to hold a vote on reform measures. Why? There are good reasons. Lack of will is one, but fear is another, brought on by threats from some of the left-leaning segments of the Haitian society and the drumbeat of opposition raised by former President Aristide.

Remember former President Aristide? We spent a lot of money and time getting him back there. Now he is opposing the economic development of his country. Any way you look at it, all of this suggests that somebody in the White House owes the American people and this Congress an explanation. After all this money, time, and effort, what have we gotten? What is going on in Haiti and why? Will American taxpayers, and incidentally American voters, agree that this was $3 billion well spent? Or is this whole episode another success story that was more successful for its spin than its substance in the White House? We shall see.

DOMESTIC VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WOOLSEY] is recognized during morning business for 2 minutes.

Ms. WOOLSEY. Mr. Speaker, each year over 150,000 incidents of domestic violence involve a gun.

In April, a woman in the district I represent was shot to death by her husband, even though she had a restraining order against him.

Last week, a Ventura County sheriff's deputy, responding to a domestic violence call, was killed by a man with a long criminal record.

Mr. Speaker, it is time to put an end to this insanity.

That is why I am applauding President Clinton for announcing his support today for legislation, sponsored by Congressman BOB TORRICELLI, which will prohibit people convicted of a domestic violence offense from purchasing a gun.

I urge my colleagues to support this commonsense way to prevent tragedy.

It is simple: Wife-beaters, child abusers, and other domestic violence offenders should not have access to a gun. Period.

UPDATE ON THE 11TH CONGRESSIONAL DISTRICT IN ILLINOIS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. WELLER] is recognized during morning business for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing the most diverse district in the State of Illinois. I represent part of the city of Chicago, the south suburbs, in Cook and Will Counties, and farm communities as well as cornfields. That means that I have a district not only that is very diverse, but time and time again I am looking for ways and issues and concerns that are very, very common throughout this very diverse district that I have the privilege of representing.

I have found over the last 17 months now that I have had the privilege of representing my district two of the most common priorities that the people of the district that I represent have. Of course, they want to see a change in how Washington works but they also want to see a Congress in Washington looking out for local concerns.

I am proud that in the last 17 months we have been working to keep our commitments, to honor those principles and to change how Washington works while looking out for local concerns. As I look back over the last 16, 17 months, I am particularly proud that some of those most basic principles that we have worked for in changing how Washington works are being honored. One of the most basic, of course, is forcing Washington to live within its means.

Of course, the deficit today is at its lowest level in 15 years, having dropped $60 to $70 billion because we have lived and worked hard to bring down that deficit, doing something that every family does, working to live within our means. We have twice sent now to the President real welfare reform that emphasizes work and family, responsibility. Unfortunately, he vetoed it. And also we sent to the President a plan which would lower taxes for working families. In my district for a family with children, that would mean almost an extra $1,000 in take-home pay had the President signed that bill rather than vetoing it. We also, because of our concern for seniors, people like my mom and dad that are on Medicare, we are working of course to prevent Medicare from going bankrupt. Everyone knows Washington does nothing and Medicare goes bankrupt in 2001.

We sent to the President this past year a plan to save Medicare, to keep it solvent for the next generation. In fact we increased funding for Medicare by 62 percent, $724 billion, as part of that plan and would have kept Medicare solvent until the next generation. Unfortunately, partisan Presidential politics got in the way and the President vetoed that plan.

But also not only are we working to keep our commitment to change how Washington works by working to balance the budget, to save Medicare, to reform welfare and, of course, lower taxes for working families, but we are also honoring the commitment to look out for local concerns.

I am particularly pleased that in the last few months alone, this House has passed and sent to the Senate as well as sent to the President legislation that looks out for local concerns important to the State that I represent, the land of Lincoln, the State of Illinois. I was particularly pleased that back in February the President signed our legislation to redevelop the Joliet Arsenal, 24,000-acre military facility to redevelop it for conservation, a veterans' cemetery and job creation. It was a bipartisan project, a bipartisan priority. Because of bipartisanship we were successful in getting it signed into law. Of course now it is time to put the money where our mouth is and to move forward and, of course, fund that priority.

I am particularly pleased that the House honored our request to provide $18.4 million which will complete development of the veterans' cemetery at the Joliet Arsenal. In fact the VA says that if that legislation is signed into law that that funding would allow the cemetery to be opened by 1999.

In the Interior appropriations bill, thanks to the help of a lot of people including the gentleman from Illinois, SID YATES, and the Illinois delegation, we have $3.35 million for continued development of the National Tall Grass Prairie. Redevelopment of the Joliet Arsenal is clearly our top conservation and veterans' priority for Illinois for many of us and I am pleased that we are making progress.

When it comes to crime which is so important to the south suburbs and the parts of the city of Chicago that I represent, we are also making some real progress. Last year the President signed our legislation which allowed Federal prison grant funds for the first time ever to be used for juvenile detention center construction and operation. In the appropriation bill that we are going to be debating today we provide $680 million for prison grants, $50 million more than the President asked for, and for the first time ever counties such as Will and Kankakee and La Salle, struggling to deal with gang problems, will now be able to apply for and use those funds for construction and operation of juvenile detention centers. That is an important issue.

We are looking out for local concerns. But one issue today I want to close with is something very important. Last Friday a number of my colleagues and I from Illinois went home to a flood-devastated Chicago region. In fact I have a photo of a news clipping here. Thousands and thousands of homes were flooded in the Chicago region. Many of those homes saw severe damage.

REVIEW OF 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I think for a moment here I would like to reflect on what the 104th Congress has not done. This 104th Congress, led by the Republicans for the first time in 4 decades, has not done several things. We can applaud the fact that they have not done a few things. For example, the Gingrich-Dole-Lott plan to cut $270 billion out of Medicare to provide tax breaks for wealthy people, thank goodness President Clinton was there to veto that effort. Because for a lot of senior citizens it would have meant higher premiums and for families it would have meant a greater economic burden. A lot of those families are middle-income families struggling to get

by. The people on the Republican side of the aisle argued that these tax breaks for wealthy people would somehow fuel the economy. If you just give the rich more money, they sense that somehow this economy will move forward. Well, President Clinton disagreed with that, I disagreed with it, and many Democratic leaders did as well. What we have to show for that decision to veto the Gingrich plan is an economy that truly is moving forward. We have seen 10 million new jobs created since President Clinton was elected as President. One might say, ''Well, I'm sure every President does something like that, don't they?'' Take a look back at the years of President George Bush. Over a 4-year period of time, we created 2 million new jobs in America, the slowest job creation in 50 years, and the slowest economic growth in half a century. Fortunately President Clinton's plan to reduce the deficit and get the economy moving forward again worked very well in creating jobs and bringing down interest rates.

For a lot of families across America, my own family included, we were able to refinance our home mortgage which meant a lower monthly payment. In fact we now find that we have the highest home ownership rate in 15 years in the United States. If we are talking about realizing the American dream and moving the economy forward, certainly job creation and home ownership are two things that are part of it.

Let me add one other element, reducing the deficit. The Republicans like to talk about being fiscally responsible, reducing the deficit. They tend to overlook the fact that under Presidents Reagan and Bush we had the most dramatic increases in the national deficit in the history of the United States of America. President Clinton came in and said, ''I'm going to push a plan that's going to bring the deficit down and yet not strangle the economy.'' And it worked. We are now about to see the fourth straight year of deficit reduction in Washington, with no thanks to the Republican side of the aisle which did not give the President one single vote in the House or the Senate for his deficit reduction plan. Because of the deficit plan by the President, we have seen the deficit come down 4 straight years. The last time that occurred was the 1840's, over 150 years ago.

Mr. Speaker, things are moving forward. But there are things that this Republican Congress has failed to do which should be done in the closing weeks. There will be a lot of speeches, a lot of efforts by Members on the other side to somehow paint a pretty picture about the days of NEWT GINGRICH and Bob Dole and TRENT LOTT. They want to erase the image out of people's minds of this gridlocked Congress with the two longest Government shutdowns in our history. They want to try to get this image out of their minds of petulance and arrogance and say that perhaps we have accomplished great things.

Let us hope that beyond the speeches, they will do a couple of tangible things: First, pass the increase in the minimum wage. How in the world can we say to 500,000 people in my home State of Illinois who got up this morning, went to work, got the kids off to day care or to some summer program, went to a tough job, making $4.25, $4.50 an hour, that that is as good as it gets in America? Over the years we have increased that minimum wage so that young people starting out, so that families working to try to keep things together have a fighting chance. But the Republicans tried to stop us here in the House, they have tried to stop us in the Senate, and that bill even though it has passed both Chambers now, because a few Republicans defected and joined the Democrats, is still stalled. Why in the world have we not passed this minimum wage increase? We owe it to these working families.

Health care. If you talk to families across this country, one of their biggest single concerns is health insurance. The Kennedy-Kassebaum bill, a bipartisan bill by Senator KENNEDY and Senator KASSEBAUM, passed the Senate by a margin of 100 to 0. What it says is you cannot discriminate against people because of preexisting medical conditions when you sell insurance and you ought to be able to move your insurance from job to job and not be afraid to lose it. Simple, honest principles. We should see something positive come out of this Congress for working families across America.

FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. BEREUTER] is recognized during morning business for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the editorialists of the Omaha World Herald have prepared, I think, a thorough and telling critique of the Clinton administration foreign policy. I would like to share with my colleagues that editorial.

The document referred to is as follows:

[From the Omaha World Herald]

NATION HAS BEEN LUCKY TO AVOID SERIOUS TEST OF U.S. FOREIGN POLICY

Americans have been lucky. The president they elected in 1992 displayed little expertise or interest in foreign policy. Still, he has held office during a time of relative stability. His administration has had to deal with few international crises.

However, the relative stability that came with the end of the Cold War may not continue. President Clinton's foreign policy is an important basis for judging his qualifications for re-election in November.

Events of the past few days have demonstrated why concerns about the president's judgment continue.

In Saudi Arabia, the monarchy has withheld evidence from U.S. investigators about a terrorist bombing in which 19 American servicemen died. The Saudis have also dismissed the suggestion that U.S. forces in that country ought to be moved into safer quarters. Saudi Arabia has been called America's closest ally in the Arab world. This is not the way a resolute United States government would allow itself to be treated by its friends.

In Israel, the voters repudiated Clinton's preferred candidate, Shimon Peres. They elected as their prime minister Benjamin Netanyahu, who promised to pursue a more confrontational policy toward the Palestinians and neighboring Arab nations.

In the former Yugoslavia, the administration has quietly distanced itself further from its promise to remove U.S. troops by the end of the year. A pullout anytime soon would cause the region to erupt once again in civil war.

The administration's bumbling efforts to eliminate the influence of Bosnian Serb leader Radovan Karadzic have been painful to watch. Moreover, it has been disclosed, the White House looked the other way as Iran's Revolutionary Guards established a strong presence, with guerrilla troops and a supply pipeline, in Bosnia. The administration informed Congress two weeks ago that the Iranians were gone, but indications are that some of them remained behind.

Riots in Northern Ireland call attention to the seemingly irreconcilable divisions that exist there. By swinging U.S. prestige to the side of the Irish Republican Army, Clinton injected the United States into a dispute in which America had no vital interests. In the process, he offended the British government. Then he made the administration look inept when the IRA broke its own cease-fire.

A contributing editor at Reason magazine, Michael McMenamin, has written that the IRA's strategy, which Clinton has aided by pressuring the British government to grant concessions, is to force the British to unilaterally withdraw from Northern Ireland, leading to sectarian war in the north.

''Any American government that doesn't understand this doesn't know Ireland, doesn't know the IRA, doesn't know the Ulster Protestants, and is helping to bring an Irish Bosnia closer,'' he wrote.

Clinton has presided over an unprecedented reduction in America's ability to use force as a foreign policy tool. More shrinkage lies ahead. George Melloan wrote in The Wall Street Journal that projected military spending in the next five years will be $50 billion to $100 billion short of what will be needed to achieve even the reduced force and procurement levels that Clinton military strategy envisions. Melloan noted that Bob Dole would arrest the slide in preparedness, as well as pushing promptly for a missile defense and expanding NATO.

China now has the ability to hit the U.S. mainland with intercontinental ballistic missiles. Yet Secretary of State Warren Christopher has been to Damascus 17 times and Beijing only once, Georgetown University diplomatic scholar Casimir Yost pointed out.

Concerns exist about how careful and competent this administration would be in a dangerous situation such as Presidents John Kennedy and George Bush had to face in the Cuban missile crisis and Gulf War, respectively. It's difficult to observe the Clinton approach without becoming seriously concerned about how effectively this administration would handle a major and sudden threat to vital U.S. interests.

MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, I want to devote my 5 minutes to the issue of Medicare, but I could not help but just briefly comment on the previous speaker whom I greatly admire. When I was home in my district in New Jersey this weekend, I was at a church service on Sunday. As I was coming out, a couple of people commented to me, one on Medicare which I will go into soon, but the other said something about the President. He said, ''You know, one thing I admire about the President is the fact that we are at peace. We are at peace throughout the world.'' I think that kind of says it all. I frankly think that President Clinton's foreign policy has been a major success. In fact, he has kept us out of many wars around the world and has brought peace to many parts of the world that were not at peace before. I think that says a lot about his foreign policy and its success.

I just wanted to also comment on one of my previous colleague's statements, the gentleman from Illinois [Mr. WELLER], when he berated the fact that President Clinton had vetoed the Republican Medicare legislation. All I can say is thank God that President Clinton was there and did veto that legislation. The Democrats basically in this Congress have prevented the Republican leadership from devastating Medicare. The Republican leadership has proposed major cuts in Medicare that would primarily pay for tax cuts for wealthy individuals and they have tried to change a program substantively so that essentially what would happen is that Medicare would disappear as we know it. Democrats prevented the Republican leadership last year from doubling Medicare Part B premiums and from any attempts to eliminate doctor choice which is very important to the average senior citizen. They prevented cutting Medicare premium assistance for low-income seniors, something that I actually tried to accomplish in the Committee on Commerce. A lot of people forget that the Republican leadership wanted to eliminate the current program where for low-income seniors Medicaid pays for Medicare part B premiums. We also stopped the Republicans from repealing Federal nursing home quality standards. Medicaid is a very important part of the overall program to provide quality health care for senior citizens as well. The Republican leadership tried to eliminate and gut Medicaid as well. They wanted to repeal Federal nursing home quality standards, they wanted to put homes and family farms of elderly couples at risk for nursing home care, and they wanted to force adult children to be financially responsible for their parents nursing home bills because two-thirds of Medicaid goes to pay for senior citizens who are in nursing homes. If that aid is eliminated or cut back significantly, we were going to see elderly relatives or also children having to pay for their parents or their grandparents in nursing homes.

All of this I am mentioning today because now we see the Republicans trying to basically rewrite history and say that they were not trying to devastate and eliminate Medicare. Most significantly we have gotten some criticism on our side of the aisle because we constantly quote a statement by Speaker GINGRICH. I just want to read that statement again. Speaker GINGRICH said, and this was last year on October 26:

> We don't get rid of it in round one because we don't think that that's politically smart and we don't think that's the right way to go through a transition period. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

As many of my colleagues know, the AFL–CIO, the labor international organization, has been putting on ads where they have actual pictures, video, if you will, of Speaker GINGRICH making this quote about Medicare. Now the Republicans are trying to take it off the air because they are afraid of the truth.

Let me tell my colleagues, what could be more appropriate, what is more significant than the kind of cuts and the kind of changes in Medicare that the Republicans were trying to achieve? If those had been accomplished, if President Clinton and the Democrats had not stopped those major changes in Medicare, then indeed Medicare would have withered on the vine which is exactly what Speaker GINGRICH says that he wants to do.

For those who think that the Republicans have changed, they have not changed. In this session of Congress, I should say in this year, they have already proposed another budget that makes significant cuts and changes in Medicare. Their current plan, a little different maybe than last year, but still tries to do the same thing: It would eliminate doctor and hospital choice by forcing seniors into Medicare managed care plans, it would allow doctors to charge extra out-of-pocket costs to seniors who remain in Medicare fee-for-service, it would severely cut Medicare and Medicaid hospital funding, forcing many hospitals to close their doors on seniors, it would eliminate coverage guarantee for over 4 million elderly Americans who need nursing home care, that is the Medicaid aspect again, and would further erode Medicare solvency by creating wealthy healthy plans leaving many seniors with higher costs and less care.

What the Republicans are doing once again is cutting the amount of money that is available for Medicare which ultimately will translate into less quality care and less services for senior citizens.

TWA FLIGHT 800

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I would like to say parenthetically that the gentleman from New Jersey [Mr. PALLONE] knows that that quote is out of context. In fact most of the television stations across this country are not longer running their (Democrats) ads because they know it is not the truth. The Speaker was talking about the Health Care Financing Administration, not Medicare. He was talking about trying to downsize it. Who else, Mr. Speaker, said we should scrap the Health Care Financing Administration? President Clinton and Vice President Gore in their Putting People First book. They outline exactly the same thing that they are accusing the Speaker when he talked about getting rid of the bureaucracy here in Washington with the Health Care Financing Administration. I think we need to establish the truth.

Mr. Speaker, I want to share my thoughts today about the crash of TWA Flight 800. But before I do so, I wish to say to the family and friends and loved ones of the passengers and the crew who were aboard that ill-fated flight that our prayers here in the House, in the Senate and Congress are with all of you at this very difficult time.

The tragic ending of over 230 passengers on this flight is a grim reminder of another flight, Mr. Speaker, Pan Am 103, which went down over Lockerbie, Scotland. It has yet to be established whether sabotage played a role in the crash of this flight.

Unfortunately, an overwhelmingly difficult and grim task has been made even more difficult by the inclement weather. However, when additional fuselage has been retrieved from the ocean, the antiterrorist experts that have been called in to investigate will be in a better position to render a judgment.

□ 0930

Chemical residue has been detected by the EGIS machine which was developed in the mid-1980's, which is specifically designed to detect plastic explosives. In time, we will know the cause of this disaster and if it is, as suspected, an act of terrorism, I pray to the Almighty God above that the perpetrators are caught and dealt with and the punishment will fit the crime.

Even if we find it was not an act of sabotage, the time has come for this country to treat acts of terrorism for what they are: An assault on Pan Am Flight 103 was a direct attack on this country. Mr. Speaker, Government must treat American aviation security as a national defense issue and not as a regulatory issue.

That is why I am here and I am talking about drafting a bill, a piece of legislation to do just that. One cannot help but hearken back to the tragedy at Lockerbie.

After officials, in channeling of the investigation of the Pan Am flight, determined that the plane was carrying plastic explosives which blew the plane

out of the sky, Congress held hearings and passed legislation, the Aviation Security Act of 1990.

Section 108 of the public law was entitled ''Deployment of Explosive Detection Equipment.'' Certain guidelines were put in place for the deployment of high-technology equipment which could detect plastic explosives such as used in Pan Am 103.

Mr. Speaker, on July 20, 1996, The Washington Post ran a story with the following headline: ''U.S. Airports Lack High-Tech Scan Devices To Detect Explosives.'' This article details how the Federal Aviation Administration developed several high-technology pieces of equipment to detect plastic explosives.

Currently, the Europeans have about 90 such machines in use. Germany has approximately 50 machines like this in use, the rest being in the United Kingdom and France. That is all well and good. I think they are right to want to protect their citizens.

Do my colleagues know how many of these machines are used in the United States? None. We are now testing about four of these machines in San Francisco and Atlanta because of the large volume of visitors passing through these airports, but we have only four of these type machines in use in a testing mode in the United States.

Something is definitely wrong with this situation. We developed this high-technology equipment at taxpayers' expense here in the United States. Then we sell it overseas and we do not even use it here at home. I believe legislation to rectify this problem is long overdue because, as much as I wish I were wrong, I believe such barbarous and cowardly acts of violence will continue to be committed against the United States as well as other countries.

Machines such as the EGIS and the updated CTX–5000 that works like a CAT scan, slicing up objects visually, ensure that we will find all such bombs and plastic devices on board. We are now using 20-year-old x-ray machines that can only detect 10 percent of this. I hope all my colleagues will join me in sponsoring my legislation to protect all Americans.

MEDICARE SHOULD NOT WITHER ON THE VINE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 5 minutes.

Mr. DOGGETT. Mr. Speaker, while I share the concerns of the last speaker about terrorism, I am amazed by his comments defending Speaker GINGRICH and his comments about Medicare and his challenge to my good friend, our colleague, the gentleman from New Jersey, Mr. PALLONE.

I wonder if the gentleman has ever listened to Speaker GRINGRIGH's exact words, because they could not be clearer in what he said, nor in how he interpreted these words himself and his press secretary interpreted these words. Furthermore, the Speaker's determination to let Medicare wither on the vine is consistent with everything he and his Republican colleagues were doing throughout this period of time.

Let me refer to his precise words. They were said on October 24, 1995. We have got a chart here with those words on it. He said, the key words, ''But we believe it's going to wither on the vine because we think people are voluntarily going to leave it.''

So the big debate and the attempt at intimidation of people all over in this country who would have the audacity to hold the Speaker to these words is, well, it referred to some government bureaucracy. Well, he was not talking about downsizing a Federal agency. People were not going to leave a Federal agency. They were going to leave Medicare.

But one need not take my interpretation of it today, because only 2 days later, after Speaker GINGRICH demonstrated what his gardening ability would be for the seniors of America and for generations who would rely on Medicare, he commented on it himself. The Atlanta Constitution and Journal reported on October 29 of last year that, quote, ''Gingrich said he was referring to the fee-for-service portion of Medicare, which he believes seniors would leave.'' Fee-for-service Medicare, the Medicare system that President Johnson signed into law in 1965.

As if that verification from the Speaker himself as to what he meant when he said let Medicare wither on the vine were not enough, his press secretary, Mr. Tony Blankley and some of the only words Mr. Blankley has ever said that I found reason to agree with, told the Los Angeles Times, quote, that ''it,'' the statement that he referred to, referred to fee-for-service Medicare. Blankley said that GINGRICH's comments were consistent with Republicans' anticipated belief that most seniors will voluntarily choose to leave this traditional form of Medicare.

Indeed, Mr. Blankley is right. The Speaker's position, which he is so desperate to run away from, as are all of his followers who here in this Republican Congress thought merely following the Speaker 90 percent of the time to cut Medicare was a sign of disloyalty, you ought to be there with him every time you get an opportunity to cut Medicare, those folks want to reinterpret his remarks this year. They want to tell television stations they will be intimidated by a crew of the biggest thick carpet lawyers that they can find to sue them if they run the Speaker's own words with him saying let Medicare wither on the vine.

This crowd of people were the same ones who cheered last year when the No. 2 Republican, DICK ARMEY of my own State of Texas, was saying that he though Medicare was an imposition on his freedom, to use his words. He said he would have never voted for Medicare in the first place and would like to see its demise. He also was demonstrating his gardening ability and the desire that Medicare wither on the vine.

But it was the very same day that Speaker GINGRICH gave this speech, October 24, 1995, that Bob Dole, the other half of the Dole-Gingrich ticket that we have this year, Bob Dole was telling a group on that same day at another part of our country that he was proud, to use his words, proud to have been 1 of 12 people who stood up and voted against Medicare because he did not think it would work in 1965.

Yes; some three decades ago and a year, Bob Dole was here in the Congress voting against Medicare because he did not think it would work. I would have to say to his credit, at least he is not trying to run away from his comments the way these Republicans are determined to run away from the comment that they want Medicare to wither on the vine, as the gentleman from New Jersey [Mr. PALLONE] commented a few minutes ago.

The are scared to death that the American people are going to understand their determination to destroy the Medicare system as soon as they can pick up a few more votes in this election cycle. Meanwhile, let us distract the American people and everything else, but come 1997, let it wither on the vine.

INTRODUCING THE WHITE HOUSE INSPECTOR GENERAL ACT OF 1996

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Hampshire [Mr. BASS] is recognized during morning business for 5 minutes.

Mr. BASS. Mr. Speaker, I am here to talk about a bill I am going to introduce establishing an inspector general for the White House, but I cannot help beginning by making a comment concerning the remarks of my friend from Texas a second ago.

As they say in poker, the cards speak, and the fact is that those television stations would not have removed those ads from the air if they had said what the real record shows. What NEWT GINGRICH said at that point was, and I quote,

> Okay, what do you think the Health Care Financing Administration is? That's HCFA. It is a centralized government bureaucracy, it is everything we are telling Boris Yeltsin to get rid of. No, we do not get rid of it in round one because we do not think that is politically smart, but we do it through a transition. We believe it is going to wither on the vine.

Now what does that mean? That means that the choice here is whether we protect, improve, and preserve Medicare or whether we protect a Federal bureaucracy. That is the issue before us today, and we plan to move forward.

Mr. Speaker, today I am introducing the White House Inspector General Act of 1996, to establish an Office of Inspector General in the Executive Office of

the President. The White House IG, like other IG's in the executive branch, would serve as the principal watchdog of White House financial management procedures and fiscal resources. This legislation would provide the President with an essential tool for rooting out waste, fraud, and abuse in the White House.

As many of my colleagues know, the Inspector General Act of 1978 established offices of inspector general within certain Federal departments and agencies to protect the integrity of Federal programs and resources. Inspectors general are appointed without regard to political affiliation and solely on the basis of a strong background in accounting, auditing, or financial management. They are provided the authority and independence to perform audits and investigations in order to combat waste, fraud, and abuse.

More specifically, the three principal responsibilities of inspector general are, first, to conduct audits and investigations relating to Federal programs and operations; second, to issue recommendations that promote economy, efficiency, and effectiveness of Federal programs and operations; and, third, to keep agency heads and Congress fully informed of problems and deficiencies in Federal program administration and operations.

Today 61 Federal entities have an inspector general, including all 14 Cabinet departments. Of these 61 IG's, 29 are appointed by the President subject to Senate confirmation and the remaining 32, primarily in smaller agencies, are selected by their agency heads. The Presidentially appointed IG's have a total of 10,000 staff and an aggregate budget of approximately $900 million.

According to information gathered by the Committee on Government Reform and Oversight, funding for IG's is indeed a sound investment. In 1994, IG investigations and audits led to over 14,000 successful criminal and civil prosecutions. Furthermore, IG's returned $1.9 billion in investigative recoveries to the U.S. Treasury and made efficiency recommendations that could save a total of $24 billion.

As I mentioned previously, IG's have significant authority and independence to conduct their audits and investigations. They have direct access to all records and information of the agency, and possess the power to issue subpoenas and administer oaths for taking testimony.

With regard to their independence, IG's have full control over hiring and managing their own staff and resources. Moreover, they can be removed only by the President or the agency head who appointed them, and the President or agency head must communicate his reason to Congress when exercising this authority.

As I already mentioned, my legislation will establish an Office of Inspector General for the Executive Office of the President. The White House IG would be appointed by the President and could be removed without cause by the President. All the provisions of the Inspector General Act of 1978 would apply to the White House IG, but the bill also includes special provisions relating to sensitive information in matters that would protect the constitutional prerogatives and operational effectiveness of the Presidency.

The first exemption assures that the White House IG will not interfere in areas relating to policy, intelligence or national security interests, similar to the IG's in the defense area, in defense-related departments. The second broad exemption assures that the White House IG does not hinder the President in carrying out his constitutional responsibilities.

Under the IG Act of 1978, agency heads are strictly prohibited from obstructing an IG audit or investigation. However, under my bill the President would have the authority to prohibit the White House IG from conducting an audit or investigation.

I do hope my colleagues will join me in cosponsoring this important piece of legislation.

SORTING THROUGH THE REPUBLICANS' VOTING RECORD

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, as we go into any election, one of the hardest things is to figure out where the candidates really stand on issues. And when we go into any third-grade class in America and we ask the 8-year-olds, ''Okay, what is the best predictor of what someone is going to do if they get elected, how they have been voting and what they have been saying or what they say in the last 6 weeks before the election?'' every third-grader in America will tell us that the best predictor is what they have been doing, not what they were promising as the heat turns up in the last few weeks. So the difficulty is to find out and to sort through that voting record.

No one has ever elected a President or a Member of Congress or a Member of the Senate who was for big debts, loved war, hated kids, wanted to tromp all over the elderly, could not stand trees. No, no one has ever done that. So when we see the promises and then we see the performance, it is very different.

I must say, after saying that, I am very troubled about the debate we have been having here on the floor today, because no matter who the candidate Bob Dole selects for his Vice President, his real Vice President is going to be the Speaker of the House. People know this is a team and whatever comes out of here is going to be signed by President Dole, if he becomes President Dole. So that is why all this great concern about what the Speaker said about Medicare.

The Speaker said about Medicare, and all sorts of the written press reported it, The Washington Post and all sorts of other newspapers, he said, ''we don't get rid of it in round 1 because we don't think that is politically smart.'' Get it? Members do not want to let them know exactly what they think about it.

Then he goes on to say we are going to go through this transition period and ''we think it's going to wither on the vine,'' because they are going to offer these little goodies that we have seen that will lure out the wealthiest and the healthiest, so that the thing will suddenly be left with the sickest and the poorest and suddenly folks will say we cannot afford it, let them go.

Now, we know what that is. The gentleman from Texas just went through and pointed out that when his press secretary was asked about it, he indeed said yes, yes, that is what we meant, we were talking about Social Security. When he was home talking in Atlanta, the Atlanta Constitution got the same confirmation, yes, that is what he means, not Social Security but he was talking about Medicare, so he clarified it over and over again. It was on TV. We have got tapes of it.

Now there are people trying to run ads so the American people will know what President-elect or Presidential candidate Dole's real Vice President, Speaker GINGRICH, really thinks about this issue.

If they continue to try and take these ads off TV, we are going to be in the same position Red Riding Hood was, because what they are trying to do is let Speaker GINGRICH dress up in grandma's clothing. That is exactly what they are trying to do. They are trying to now take their words back and get the wolf in bed looking like sweet little old grandma until this election is over, and then they can go back to round 2 and take on Medicare the way they hope to.

So I really hope that America's news media does their research, looks at this and continues to let people know what third graders want to know when they vote, and that is what do they really think and how did they really vote and what did they really do, rather than what are they now trying to cast themselves as we go to cast our vote.

WELFARE REFORM CONCERNS OF MY CONSTITUENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized during morning business for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the important thing about representation is to ensure that Members go home and relate to those who have elected them. As I go home every weekend, I try to solicit from my constituents their concerns or reflections on the past week's legislative activity,

and it has been eye-opening and certainly they have been extremely responsive.

Last week was, in fact, the week that was, first of all with the tragedy of TWA flight 800 and the condolences that all of us extended to their families along with our prayers. Certainly my constituents wanted to solicit from me the response that whatever was the occurrence, that if it was found to be something that was criminal in nature, that justice would be had, and I committed that to them.

But also they reflected on the welfare reform and to a one, coming from a diverse district, as I do, with African-Americans and Hispanics and Anglos and Asians in Texas, indicated that we can have welfare reform without being harsh and terminating individuals' ability to survive. So they were inclined to say that we needed job training and child care and that we needed an opportunity for those individuals to have health care and, yes, we needed a job; quite contrary to the welfare reform of our Republican friends who simply believe that the harshness of saying no, no to teenage parents, no to the seniors in senior citizens' homes who need Medicaid, no to those who need job training and child care, is the way to go.

I rise today to say there has to be a better way, so I have supported President Clinton's method of enforcement of child support payments and giving to the Nation the list of deadbeat parents, because we all must show responsibility and that is a real part of welfare reform. So I would argue to my Republican colleagues that one does not always have to hit someone upside the head, but one can soften the blow by saying we will give them an extended hand of assistance.

Then as I have listened to the debate this morning about Medicare, I think it is important to respond to those who might say that the Speaker's comments were taken out of context. I would only offer to say that when we are in places of responsibility, we have to mean what we say and say what we mean.

The Medicare proposals by the Republicans last year were in fact to eliminate $245 billion for a tax cut for those making over $100,000, $187 billion taken out of Medicaid. Might I remind Members that 60 percent of Medicaid is indigent senior citizens in nursing homes, your parents and my parents.

Mr. Speaker, it is important when we begin this debate to tell the American people the real facts so that we can get the job done.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 10 a.m.

Accordingly (at 9 o'clock and 51 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

Rev. Dr. Daniel R. Leslie, Lutheran Church of the Redeemer, Vineland, NJ, offered the following prayer:

Creator God, You call us to manage the world You have made. You bless us with the abundant gifts of life, liberty, and love for which we are most grateful. You grant us a nation comprised of people from many nations. Guide those who lead our Nation, especially those who now gather in this body to deliberate and make decisions for the common good. Instill in our leaders wisdom, courage, and compassion so that the actions they take will lead to justice and peace on Earth. Empower us so that the seeds we sow never be seeds of discouragement that lead to discontent, but rather seeds of hope that lead to Your shalom. All this we pray in Your name. Amen.

THE JOURNAL

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

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

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

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

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

Mr. HEFLEY. 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. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. CHABOT 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 PRESIDENT

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

WELCOME TO REV. DR. DANIEL R. LESLIE

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

Mr. LOBIONDO. Mr. Speaker, I have the privilege of welcoming to the Chamber this morning Rev. Dr. Daniel R. Leslie. I want to take this time to thank him for initiating today's proceedings as guest Chaplain.

I first met Dr. Leslie when he and his family moved to Vineland, NJ, nearly 7 years ago. Dr. Leslie was called to serve as pastor of the Lutheran Church of the Redeemer in my hometown of Vineland, NJ. Redeemer has been involved in ministry to the greater Vineland area for more than 72 years and I was pleased to participate in its 70th anniversary festivities just 2 years ago.

In addition to Redeemer's ongoing spiritual ministry among members and family, the congregation is active in its involvement with three community outreach ministries. Dr. Leslie serves on the boards of all three.

Luther Acres is a 100-unit, low-income housing facility for senior citizens. Little Acres Learning Center provides education and day care for 200 children each day. Together with three other Vineland congregations, Redeemer sponsors the Vineland Regional Counseling Service which provides family and individual therapy to those in the community with emotional and mental distress.

Dr. Leslie also tirelessly contributes his time to important community organizations and services. He is vice president of the Vineland Ministerial Fellowship which is made up of local churches and a synagogue. The ministerium sponsors numerous programs to feed the hungry, house the homeless, advocate justice for the needy, and provide special times during the year for the people of Vineland to gather and worship God. As a matter of fact, I worship with Dr. Leslie at the communitywide Thanksgiving service each year in Vineland.

Dr. Leslie is also on the Board of Directors at the Vineland YMCA and a fellow Rotarian. Dr. Leslie is joined today by his wife, Bonnie, a math teacher at Vineland High School, and their daughters, Jennifer and Laura, who will be a freshman at Bucknell University this fall. Their son, Dan, attends medical school.

Thank you, Mr. Speaker, for giving me the opportunity to welcome Dr. Leslie to the House this morning.

GAGGING THE TRUTH ON MEDICARE

(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, I wanted to express outrage over Republican efforts to take off the air a commercial that has been running by many of the labor organizations that is critical of the Republican record on Medicare.

As we know, many times Democrats have gotten up here in the House to point out that the cuts proposed by the Republican leadership in Medicare are going to hurt America's seniors and ultimately destroy and eliminate the Medicare Program as we know it. This is nothing more than another effort by the Republican leadership to gag the efforts of working Americans. Essentially, labor unions represent working Americans, who want to tell the truth about Medicare and what the Republicans are proposing to do to a program that is important for seniors, to working people, to those who have to go into nursing homes.

This is not the first time we have seen a Republican effort to gag those who want to speak the truth on the Medicare issue. When the Medicare debate began in my committee, the Committee on Commerce, there was only one hearing on the issue and the senior citizens who showed up to want to speak were arrested. Once again the Republicans are trying to gag the truth on Medicare.

THE PASSING OF HON. HAMILTON FISH, JR., A FORMER MEMBER OF CONGRESS FROM NEW YORK

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

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform this body of the passing of our former colleague who was one of the outstanding Members of this body in this century.

Hamilton Fish, Jr., served in this Chamber for over a quarter of a century, from his first election in 1968 until his retirement in 1994. Throughout his career in this House, Ham Fish earned respect on both sides of the aisle and throughout the Nation for his commitments to civil rights and justice, and to commonsense principles of government.

As a member of the House Judiciary Committee, the spotlight of the Nation shown on his wisdom during the hearings on the impeachment of President Nixon. In later years, Ham Fish served as ranking Republican on that committee, where he was known for championing the revision of immigration law and of continuing the battle against prejudice, discrimination, and hate.

Ham Fish brought to this Chamber a sense of dignity and a sense of decency. As the scion of a family whose record of public service goes back to the days of the American Revolution, he compiled a record of which we can all be proud.

Mr. Speaker, I am honored to have served with Ham Fish, and I was privileged that Ham was my friend.

To his widow, Mary Ann, to his four children, and to his grandchildren, we extend our deepest condolences. Ham Fish was a true gentleman, and he will be missed.

CAMPAIGN FINANCE REFORM

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

Mrs. MALONEY. Mr. Speaker, the so-called Republican reform bill on campaign finance attempts to solve the problem of too much money in politics by putting much more money in politics.

The Republican bill raises the amount that wealthy contributors can give to Federal candidates to $72,500 a year. The average American family of four makes $48,000 a year. Clearly, the Republicans are out of touch with the average working American families.

In sharp contrast, the Democratic bill limits the amount of money in politics by voluntarily limiting contributions, expenditures, and soft money. We need a vote on this bill. This fall, when the American people go to vote, they need to know whether their candidate supports putting more money into politics or limiting the amount of money in politics.

REFORM WELFARE

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

Mr. CHABOT. Mr. Speaker, last week this House once again passed historic welfare reform legislation. Twice before we have passed welfare reform, but twice the President has blocked that reform with his veto pen, even though candidate Clinton said he wanted to end welfare as we know it. Remember that? Mr. President, please tear down this wall to full participation in our society.

Seldom has a government devised a program which has devastated so many lives in this country and only very, very rarely has the law of unintended consequences been so brutally applied. Families have been ripped apart. Attempts to work and save have been penalized, and generation after generation of children have grown up without seeing an adult go to work. This miserable welfare system must not continue. Let us replace welfare with work. Let us replace rigid bureaucracy with community and compassion, and let us replace vetoes with a signing ceremony.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYWORTH). The Chair would remind all Members it is appropriate to address remarks to the Chair and not to other persons.

UNITED STATES FINANCES CHINA'S SELLING OF NUCLEAR WEAPONS

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

Mr. TRAFICANT. Mr. Speaker, in 1995 China was found guilty of selling nuclear weapons to Pakistan. China was then found guilty of building poison gas factories in Iran. Now the CIA tells us that China is selling missiles to Syria. What gets me is we are financing this with $40 billion a year pumped through most-favored-nation trade status.

What is next here, Congress: Tax breaks for Chinese heroin? How about a good old-fashioned Chinese Communist Party fundraiser on the East Lawn?

I say while we keep turning the other cheek, China is starting to point missiles right at our assets. With friends like this, who needs enemies?

Mr. Speaker, I yield back the balance of any money we have left in the Pentagon budget.

GROWTH RATE OF WELFARE SPENDING ASTRONOMICALLY OUTPACED GROWTH IN POPULATION

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

Mr. HEFLEY. Mr. Speaker, since 1950 the population of the United States has increased from 151 million to roughly 260 million. This works out to a 72-percent increase.

Also, since 1950, social welfare spending at all levels of Government has increased from $18.8 billion a year to $324 billion a year. This is an increase of 1,623 percent.

In other words, the growth rate of welfare spending has astronomically outpaced the growth in population. Many liberals would argue that this probably is a good thing. But my question is this: What have we purchased with this huge investment in social welfare?

Broken families; a destroyed work ethic; rampant illegitimacy; and continued poverty. Not only is the modern welfare state economically unsound, it is spiritually and morally unsound.

We are doing our part to enact serious reform of welfare. It is time for Bill Clinton to show leadership, to keep his promises to end welfare as we know it.

□ 1015

AMERICA NEEDS A NEW GARDENER

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

Mr. DOGGETT. Mr. Speaker, what a contrast in Speaker GINGRICH's gardening abilities. When it comes to Medicare, he says, let it wither on the vine.

But when it comes to the special interest money trees here in Washington, he says, water them, fertilize them. Give them lots of fertilizer. Give them tender loving care.

He is all green thumbs for special interest campaign money, for, despite his handshake with President Clinton last year and a very pleasant smile in New Hampshire, he did nothing for months on the issue of campaign finance reform so that nothing would occur in this 1996 election. Then when he finally spoke, his view was that the independent organizations who demanded real reform of our election system, they had it all wrong. What America needs is not less campaign spending but more, lots more campaign spending.

Mr. Speaker, when we look at the issue of reforming this Congress, he said, we will have a week next year and we will call it reform week. That was last week and now it has been canceled. America needs a new gardener.

TRAGEDY HIGHLIGHTS AMERICA'S STRENGTH

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

Mr. LAZIO of New York. Mr. Speaker, as I was leaving the memorial service for the families of the victims of TWA flight 800 yesterday, my heart was touched to see crowds of Long Islanders who could not attend the ceremony lining the roads with signs expressing love and support for those who lost loved ones in this terrible disaster.

The signs read: ''We Are Praying for You.'' ''Our Hearts Are With You.''

If there is any solace in this calamity, it is that Americans from all walks of life have come together to share in this loss, to offer support, and to care for each other.

Coming together in times of need with a true sense of community is one of the great strengths of our Nation. I cannot help but think of the hundreds of people who went out on the dark ocean the night of the disaster to look for survivors and the thousands of people who have literally worked around the clock without much fanfare.

All these people, rescuers, Red Cross workers, FBI agents, NTSB officials, airline employees, local police, Coast Guard members, medical examiners, grief counselors, and citizens from all over the country who volunteer their time and energy have worked selflessly. Even though they have been burdened by very heavy hearts because of the grim work they are doing, they keep at the job.

I urge all Americans, Mr. Speaker, to acknowledge these continuing efforts on Long Island and to express pride in the spirit that makes our country so great.

REPUBLICANS AND MEDICARE

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

Mr. BONIOR. Mr. Speaker, last year NEWT GINGRICH said he wanted Medicare to wither on the vine. At the time, both Mr. GINGRICH and his spokesperson, Tony Blankley, said he was referring to Medicare fee-for-service. But now the Republicans are trying to rewrite history. Thirteen separate times the Gingrich Republicans voted to cut Medicare for tax breaks for the wealthiest individuals and corporations in America. Now they are trying to run away from their record. I suppose next they will tell us that Bob Dole did vote for Medicare back in 1965.

This is one more attempt, I might add, Mr. Speaker, by the Republicans to shut down voices. When seniors tried to speak out against Medicare cuts, they were arrested. Now that the labor movement, which has been the champion of working people, has had the courage to tell the truth about the Gingrich agenda and speak out for working families most affected by these cuts, Republicans are trying to silence them.

Republicans can try to shut down voices all they want to, because they are never going to be able to shut down the truth.

INTRODUCTION OF LEGISLATION TO USE CECIL FIELD AS A SITE FOR A VA NATIONAL CEMETERY AND DEVELOPMENT OF A LONG TERM CARE FACILITY

(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 honorable minority whip knows that the Speaker was not talking about Medicare. He was talking about the Health Care Financing Administration. And in the book ''Putting People First,'' by Mr. GORE and President Clinton, they talked about scrapping the Health Care Financing Administration just as the Speaker did. Now they are accusing the Speaker of talking about Medicare when he was not.

Mr. Speaker, in 1993, Cecil Field Naval Air Station was approved for closure by the President and this Congress. The base has long served the military community of Jacksonville, FL, and its surrounding area.

In order to continue to serve our veterans, I am proposing a bill that would designate 1,500 acres of Cecil Field for a veterans cemetery as well as convert the current barracks into a veterans nursing home. Florida's total veterans population is the second largest in the country and it needs these facilities. So I hope my colleagues will help me to sponsor this new bill to help Cecil Field develop a cemetery for veterans.

Mr. Speaker, in 1993, Cecil Field Naval Air Station was approved for closure by the President and this Congress. The base has long served the military community of Jacksonville, FL, and its surrounding areas. In order to continue to serve our military veterans, I am proposing a bill that will designate 1,500 acres of Cecil Field for a veterans cemetery, as well as convert the current barracks into a veterans nursing home. Florida's total veterans population is the second largest in the country, with over 274,000 veterans within a 100 mile radius of Cecil Field. The barracks are currently in use, housing naval officers and enlisted personnel, and could easily be converted to a nursing home facility for veterans. It is a tragedy that many veterans who fought to secure our freedom, have had to suffer and sometimes die at home because there was not enough room in the current VA facilities. Likewise, the cemetery would require very little money to start up, and would provide those who valiantly fought for this country with a proper burial. Please join me and support this bill to use our current resources for the good of our veterans.

CUTS IN MEDICARE

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

Ms. MCCARTHY. Mr. Speaker, Congress must act to ensure that the Medicare Program remains solvent for current beneficiaries as well as future generations. Cuts in the House leadership Medicare proposal would result in reductions to our seniors by decreasing services and increasing costs.

The House leadership proposal includes provisions that would allow doctors to charge seniors more out-of-pocket costs and medical savings accounts which would further exacerbate the program's solvency. We must remain committed to ensuring that seniors have access to high quality, affordable health services. It is time for Congress to get serious about protecting Medicare. We should establish an independent bipartisan commission to analyze these issues and provide recommendations to Congress that would protect the long-term solvency of this program.

Let us solve the Medicare problem by working in a bipartisan method to get the job done, not have it wither on the vine as the Speaker would have it.

THE TRUTH ABOUT MEDICARE

(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, there is an old saying that when you cannot dazzle people with your brilliance, you baffle them with your bull. Certainly that seems to be the theme of the Democrat Party today, . . . one after the other, saying that the Speaker said Medicare should wither on the vine.

They know, as do their AFL–CIO comrades, that the statement was that HCFA, the Health Care Financing Administration, would wither on the vine. This thing is so important that even television stations have taken this AFL–CIO–Democrat ad off the air because it is a lie.

It is amazing, when they speak with such forked tongue, that they come up here and ask for bipartisanship . . . .

The other thing that they are saying is that the Republican plan cuts Medicare. The Republican plan goes from $190 to $304 billion. I wish that my Democrat friends would join me in increasing Medicare from $5,000 to $7,000 per person. It would be great if they would like to join us in increasing and protecting and preserving Medicare. I ask them to . . . join us in true reform.

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

□ 1030

PARLIAMENTARY INQUIRY

Mr. GENE GREEN of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore [Mr. HAYWORTH]. The gentleman will state his parliamentary inquiry.

Mr. GENE GREEN of Texas. Is the gentleman from Georgia [Mr. KINGSTON] required to be seated during this time?

The SPEAKER pro tempore. The gentleman is correct. The gentleman from Georgia will be seated.

Mr. KINGSTON. Mr. Speaker, I ask unanimous consent to withdraw any reference from my speech to lying.

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

There was no objection.

The demand was withdrawn.

SAY ''NO'' TO PAYOFFS FOR LAYOFFS

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

Mr. SANDERS. Mr. Speaker, in a time when this Congress is proposing huge cuts in Medicare, and Medicaid, and education, environmental protection, veterans programs, it is absolutely insane that we continue to provide $125 billion a year in corporate welfare, tax breaks and subsidies which go to some of the largest, the most profitable corporations in America, and that is why I am delighted that last month legislation which I offered with the gentleman from New Jersey [Mr. SMITH] passed this body and would take a major bite out of one of the most outrageous examples of corporate welfare, and that is the billions of dollars in Pentagon subsidies which taxpayers are providing to huge defense contractors, subsidies which, if my colleagues can believe it, are providing incentives to merge their companies and in the process lay off tens of thousands of American workers.

Yes, that is what we are doing: Taxpayer subsidies are going for payoffs for layoffs, to lay off tens of thousands of American workers.

Mr. Speaker, while this important legislation passed the House unfortunately it did not pass the Senate, and it will be going to conference committee. My hope is that this body will urge our conferees to say no to payoffs, for layoffs.

REPUBLICANS WANT COMMONSENSE REFORM OF THE WELFARE SYSTEM

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

Mrs. SEASTRAND. Mr. Speaker, most people probably think that welfare is temporary, that people are on it for a few months and then move on to a job. This is not the case. The average stay on welfare is 13 years.

Mr. Speaker, that is plainly unacceptable. When we place people on welfare for year after year after year, you are not helping them you are hurting them. If a person is healthy and is able to work, they should work, period. It is reprehensible that our Government has devised a welfare system that pays people not to work.

Republicans have made it very clear that we want serious, commonsense reform of the welfare system. We want to emphasize work, we want to restore power to the States, and we want to encourage personal responsibility. President Bill Clinton says he wants the very same things.

I hope the President joins us in reforming welfare so that it does not become a way of life and people are not trapped on it for 13 years.

WHICH STATEMENT OF THE SPEAKER'S ARE WE TO BELIEVE?

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

Mr. KLINK. Mr. Speaker, let me just refer again, since we have had some dispute as to who is being truthful and who is misrepresenting the truth, the exact quote from Speaker GINGRICH, who said:

> We don't get rid of it in round one because we don't think that's politically smart and we don't think that's the right way to go through a transition period, but we believe it's going to wither on the vine because we think people are voluntarily going to leave it.

My colleagues on the Republican side would now say that he was referring to the Health Care Finance Administration. Who is going to voluntarily leave the Health Care Finance Administration except maybe a handful of disgruntled bureaucratic employees who do not want to work there any more?

When they talk about leaving it, the it is Medicare. We are talking about fee-for-service Medicare, indeed.

The Speaker himself, quoted in the Atlanta Journal and Constitution 3 days after this quote was in the Washington Post, said that he was in fact referring to fee-for-service Medicare which he believed seniors would leave if they will have managed care.

We have to wonder which statement of the Speaker's we are to believe.

CONGRESS IS NOT GOING TO CUT MEDICARE NO MATTER WHAT ANYBODY SAYS

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

Mr. CALLAHAN. Mr. Speaker, to those thousands of American senior citizens around the country that might be watching this today, I want to tell them that we are having a lot of fun seemingly at their expense. We have some people who are more interested in the Presidential race or in their own congressional races. We have some people that are using these props and some people even making up things. But to alleviate any fears that may he had in the future about this Congress cutting Medicare, I am a member of the Committee on Appropriations, and I have spoken to Democrats and Republicans on the committee, and I will guarantee everyone that we are not going to cut Medicare under any circumstance.

So listen to the debate, listen to what they have to say, keep in mind what they are saying. But if Americans want to go visit their grandchildren today, then they should go visit their grandchildren because SONNY CALLAHAN can say unequivocally that this Congress, the next Congress, or the following Congress is not going to cut Medicare no matter what anybody says.

SUPPORT INCREASED FUNDING FOR THE LEGAL SERVICES CORPORATION

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

Mrs. LOWEY. Mr. Speaker, I rise today to voice my strong support for the Legal Services Corp. The funding cuts contained in the Commerce-Justice-State appropriations bill that we are considering today will force the Legal Services Corp. to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

in 1995, legal services programs handled over 59,000 cases in which clients sought legal protection from abusive spouses and over 9,300 cases involving neglected, abused, and dependent juveniles. In fact, family law—which includes domestic violence cases—makes up one-third of the 1.7 million cases handled by legal services programs each year.

Let me tell my colleagues the story of one women who received help from a legal services program. To escape an abusive husband, this woman took her three children and fled to Texas. The husband followed her, beat her up, and held a gun to her head and threatened to kill her.

Let us support the increase for legal services. Let us not cut it for women like this one.

MOURNING THE PASSING OF THE HONORABLE HAMILTON FISH OF NEW YORK

(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, I rise this morning to mourn the passing of my friend and distinguished Member of this institution, the Honorable Hamilton Fish of New York. Ham epitomized the concept of public service. He represented the 19th Congressional District of New York for 26 years. I had the pleasure of working with him for many years and came to know him for his dedication to truth and the dignity of public service. He was a true gentleman and my friend for 26 years. He left me large shoes to fill in the 19th Congressional District.

Mr. Speaker, this institution is often judged by its problems as a whole or by the misdeeds of a few, but seldom by the virtues of its individual Members. Hamilton Fish carried out his work with dignity and respect and represented the very best of this institution. Our thoughts and prayers go to his wife MaryAnn and his family. We will miss you, Ham.

BOB DOLE NEEDS MORE THAN BRAN MUFFINS TO KEEP HIS CAMPAIGN MOVING

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

Mr. SCHUMER. Mr. Speaker, today's Washington Post reported that Bob Dole is the picture of physical health for a man 73 years of age, but his electoral health is another matter. No matter how physically fit Bob Dole may be at age 73, the American voter will not support tobacco for kids, choice for no one, and assault weapons for everyone, and so to restore his political health Candidate Dole has now had to flip-flop. Bob Dole said cigarettes were not addictive and now admits they are. Bob Dole's 35-year antichoice record is replaced by the protolerance candidate today.

Repealing the assault weapons ban was a top priority when Dole was in the Senate. Now he says he might veto the same bill. The flip-flops have gotten so bad his political health has reached critical.

His handlers have reportedly forbidden Bob Dole from speaking to reporters without a script. And next week, in the ultimate desperation move, Candidate Dole will unveil a pie-in-the-sky tax cut and abandon his pledge to balance the budget.

That is right, another flip-flop.

Bob Dole's physical health may be OK, but he will need a lot more than bran muffins to get his campaign moving.

GENUINE WELFARE REFORM

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

Mr. TORKILDSEN. Mr. Speaker, the time has come for President Clinton to show some leadership on welfare reform. If he really wants genuine welfare reform, if he really wants to end welfare as we know it, he will sign the bipartisan welfare plan when it reaches his desk.

Genuine welfare reform focuses on work, not welfare. It requires delinquent parents to make child care payments to support their children and also to relieve the taxpayers of that burden. Genuine welfare reform means no more welfare for illegal aliens and felons. Genuine welfare reform restores power and flexibility to the States, and genuine welfare reform encourages personal responsibility.

Mr. Speaker, the House has passed welfare reform, and the Senate is expected to do so today. Congress has shown the necessary leadership to pass this bill. President Clinton should do the same and sign the genuine welfare reform bill.

REPUBLICAN MAJORITY TRYING TO REWRITE HISTORY

(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, the Republican majority last night and today; we have all heard it, is trying to rewrite history. In fact we heard it again this morning where they are trying, the Republican colleague, my Republican colleague is trying to rewrite it. Their method of operation is to threaten possible libel suits against television stations that run commercials that accurately reflect what the Speaker's views on Medicare are. The logic is: ''If you can't beat them, then prevent them from broadcasting.''

The question is whether the Speaker of the House said Republicans planned for Medicare to ''wither on the vine.'' After he made that famous speech last year, it was not quite clear, and yet reporters asked the Speaker's press secretary for clarification. He confirmed to a reporter that the Speaker meant the fee-for-service medicine.

Fee-for-service medicine, that is Medicare. That is not some change in interpretation a year later.

Later, in a town hall meeting in his district the Speaker said he was referring to the ''fee-for-service portion of Medicare.'' That sounds to me like Medicare that most of the country is familiar with.

Mr. Speaker, the Republican majority says the Democrats and the media are lying to the American people. But the record shows that the Speaker's words are what is getting Republicans in trouble.

WE MUST REFORM WELFARE

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

Mr. WELLER. Mr. Speaker, let me tell my colleagues, we all came to Washington to change how Washington works, and one of the most basic, fundamental changes we need to bring, of course, is reforming our welfare system.

Between 1965 and 1994, America's taxpayers have spent $5.4 trillion on welfare, and what have we gotten? A failed welfare system.

Who suffers the most under welfare today? The children of our Nation.

In fact, as a result of our failed welfare programs are high rates of juvenile crime, more children living in poverty than ever before and higher rates of teenage illegitimacy.

Our current welfare system has failed.

Just last week this House passed real welfare reform, welfare reform that emphasizes work and family and responsibility. Twice now we have passed and sent to the President real welfare reform that emphasizes work and family and responsibility, and President Clinton vetoed it twice.

Well, let us send it again. Let us send real welfare reform that emphasizes work and family responsibility. Let us hope that the third time is the charm. Let us hope the President signs the bill this time. We need welfare reform.

THE REPUBLICAN ECONOMIC AGENDA

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

Mrs. CLAYTON. Mr. Speaker, since President Clinton took office, the deficit has been on a steady decline, now estimated by both CBO and OMB as somewhere between $117 billion. Congress has had a real opportunity to ease the economic burdens faced by so many American citizens.

Today the Republicans are gathering for an economic forum. That is indeed encouraging. However, the gentleman from Georgia [Mr. GINGRICH] has been quoted as stating that their idea is ''to boost the growth and restore the American dream through capital gains relief.'' That is discouraging.

The Nation has clearly rejected policies that simply help only the rich and forget the rest.

I urge my Republican colleagues as they assemble today to consider all America, not just those who make over $100,000 a year, but all Americans. We can help working Americans by providing tax breaks for educating our college students, by raising the minimum

wage, by passing a bipartisan health insurance reform, and now enacting tax relief for both low-income and middle-income families.

REPUBLICAN MAJORITY DOING THE PEOPLE'S WILL, ESPECIALLY THE SENIORS

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

Mr. FOX of Pennsylvania. Mr. Speaker, I want to take a moment just to review some of the progress that has been made by the Republican majority in this Congress to do what is the people's will and especially with regard to our senior citizens, Mr. Speaker.

In this House, the Representatives have passed legislation to roll back the 1993 tax on Social Security. We have also had legislation that we passed here in the House to raise the income eligibility levels from $11,280 a year to $30,000 over the next 5 years without deductions from Social Security, and it is the same Republican majority trying to save Medicare, and we will accomplish that by making sure we remove the fraud, waste, and abuse.

Thirty billion dollars a year is what the figure is on fraud, waste, and abuse. By passing legislation which will, in fact, make it a crime to double bill or overbill the Government for that $30 billion in fraud, waste, and abuse, we will have the funds ready and available for this generation of seniors and the next generation of seniors so that health care for seniors will be preserved.

REPUBLICANS SAVING MEDICARE?

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

Mr. WISE. Mr. Speaker, let us jump into this Medicare debate because I am fascinated to hear about my colleagues on the other side of the aisle saying how they are saving Medicare. I say, ''Oh, don't toss me that life preserver if you're going to be the lifeguard, because let's talk about what they do.''

They say they are raising the amount over 7 years from $5,000 to $7,000 per beneficiary. What they do not tell us is that roughly it would be $8,400 under the present program, which means beneficiaries will be paying several hundred dollars more out of pocket. My colleagues may not call that a cut. I think they are going to call that a cut.

They relax some of the restrictions on balanced billing. That means that doctors can overcharge, charge more than what Medicare will permit them to charge. They will be relaxed in certain instances. I do not think that is a big help. This is the same group that, if my colleagues remember, earlier wanted to relax Federal nursing home standards. We cannot have the Federal Government involved in that, protecting seniors, can we?

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So these are all issues. Incidentally, do we want this Medicare reform to really save Medicare? If that were the case, we need far less in Medicare reductions than what they are proposing. No; it is to pay for a tax cut for the wealthiest individuals in this country. That is not saving Medicare.

NO MORE MEDICARE UNDER THE REPUBLICANS

(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, as we have heard here and as reports have been made, the Republicans are trying to rewrite history as far as what Speaker GINGRICH said with regard to Medicare. There is no question, it is in the RECORD, what he did say:

> We do not get rid of it in round one because we don't think that that is politically smart. We don't think that is the right way to go through a transition period. But we believe it is going to wither on the vine, because we think people are voluntarily going to leave it.

That is what the Speaker said. Now what does it mean? That means he is getting rid of Medicare. That is the way they voted. If we look at all the bills they have passed through here in regard to Medicare, in 7 years, folks, there is not going to be any more Medicare.

Senior citizens out there are waking up to it. They realize it. The Republicans are trying to rewrite what the Speaker said. They are trying to say that that applies to HCFA. Mr. Speaker, that does not apply to HCFA. There is not anybody leaving HCFA. There are not any members of HCFA.

WHEN IT COMES TO MEDICARE, THE DEMOCRATS ARE SCARED TO DEATH TO GIVE CITIZENS THE RIGHT TO CHOOSE

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

Mr. THOMAS. Mr. Speaker, the gentleman from Missouri failed to inform the American people about one specific word. In the Speaker's quote he says, ''We don't plan on getting rid of it.'' The question is, What is it? The gentleman from Missouri tells us unequivocally it is the Medicare system. He knows he is wrong.

Brooks Jackson on CNN exposed what the Democrats are doing. If we read the whole quote, what the Speaker was saying was that when seniors have an option, when Medicare is changed to allow seniors to choose the system they want, the old-fashioned, socialist, 1960's top-heavy bureaucratic system, will not be the one that seniors choose. It will, in fact, wither away. The only way to make sure that this comes about is for seniors to have choice. We had choice in the bill that passed the House and the Senate and that the President vetoed.

The Democrats are scared to death to give the seniors the right to choose. If they can choose, they would not choose a bureaucratic system. That is what the Speaker meant.

SOME ARE STILL PAYING FOR THE 1993 TAX INCREASE

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

Mr. BALLENGER. Mr. Speaker, I do not know how many other people are in the same situation I am, but when taxes went up in 1993, and of course nobody talks about the tax increase, but a lot of us are with the people that gave you the choice: You can pay up immediately or you can spread it out over 3 years.

I just got a notice from the Internal Revenue Service that my third payment on the increase in taxes that were passed in 1993 was due. How many people in this country today are now paying, finally, the ultimate increase in taxes that was passed in 1993?

If the American people were to stop and think about the notice that they got in the mail saying ''Pay up, 1993 is now due,'' I think we would have a whole bunch of people recognize that that increase in taxes in 1993 ran over a long period of time and some of us are still paying.

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

Mrs. MORELLA. 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: the Committee on Banking and Financial Services; the Committee on Government Reform and Oversight; the Committee on International Relations; the Committee on the Judiciary; the Committee on National Security; the Committee on Resources; the Committee on Science; and the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore (Mr. HAYWORTH). Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

SAVINGS IN CONSTRUCTION ACT OF 1996

The Clerk called the bill (H.R. 2779) to provide for soft-metric conversion, and for other purposes.

The Clerk read the bill, as follows:

H.R. 2779

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Savings in Construction Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurement in its procurements, grants and other business related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) Currently, many Federal construction contracting officers are requiring as a condition of obtaining Federal contracts that all bidders must agree to use products measured in round metric units, materials which are known as ''hard-metric'' products. This requires retooling, substantial capitalization costs, and other expensive production changes for most construction firms and suppliers to physically change the size of the product.

(3) This ''hard-metric'' conversion requirement is often being imposed only for the purpose of achieving rounded numbers, and without regard to whether that method is impractical or likely to cause significant costs or a loss of markets to United States firms.

(4) United States businesses that manufacture basic construction products suffer great upheaval by being forced to either convert to hard-metric production, or be foreclosed from effectively bidding on Federal or federally assisted projects.

(5) This ''hard-metric'' conversion requirement places domestic producers at a competitive disadvantage with respect to foreign producers; reduces the number of companies that may compete for contracts with the Federal Government; and forces manufacturers to maintain double inventories of similar but incompatible products.

(6) This ''hard-metric'' conversion requirement raises the cost to taxpayers of Federal construction projects, since the Federal Government is often required to pay additional costs, known as a ''metric premium,'' to procure hard-metric products.

(7) ''Soft-metric'' conversion would be a less costly and less intrusive way of meeting the goals of Section 3 of the Metric Conversion Act of 1975. The product itself would remain the same size; its dimensions simply would be expressed in metric units.

(8) As the application of the soft-metric conversion mandates no change in the size of the product, the goals of the Metric Conversion Act of 1975 will be achieved without excessive economic upheaval.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (6), and (8), respectively;

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

''(2) 'domestic manufacturer' means a manufacturer at least 51 percent of whose production occurs in the United States;'';

(3) by inserting after paragraph (3), as so redesignated by paragraph (1) of this section, the following new paragraphs:

''(4) 'hard-metric product' means a material or product that is—

''(A) produced as a result of a hard-metric conversion; or

''(B) identical to a material or product described in subparagraph (A), although originally produced in metric-based dimensions;

''(5) 'hard-metric conversion' means a conversion that requires, in addition to the expression of the dimensions of a product under the metric system of measurement, a physical change in the size of that product relative to the size of that product established under existing production practices of the appropriate industry;'';

(4) by striking ''and'' at the end of paragraph (6), as so redesignated by paragraph (1) of this section;

(5) by inserting after paragraph (6), as so redesignated by paragraph (1) of this section, the following new paragraph:

''(7) 'industry' has the meaning provided that term by the Board by regulation;'';

(6) by striking the period at the end of paragraph (8), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof a semicolon; and

(7) by adding at the end the following new paragraphs:

''(9) 'soft-metric product' means a material or product that is produced as a result of a soft-metric conversion;

''(10) 'soft-metric conversion' means a conversion that requires the expression of the dimensions of a product under the metric system of measurement without changing the physical size of the product relative to the size of that product established under existing production practices of the appropriate industry; and

''(11) 'small business' means a business that would be a small business under the Standard Industrial Classification codes and size standards in section 121.601 of title 13 of the Code of Federal Regulations as in effect on the date of the enactment of this paragraph.''.

SEC. 4. METRIC CONVERSION.

Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is amended by striking subsection (b) and inserting in lieu thereof the following new subsections:

''(b) No agency of the Federal Government may develop, implement, or continue the use of construction design or procurement guidelines that require the use of a hard-metric product if a majority of the contracts that would be proposed pursuant to such guidelines would be likely to result in a certification described in subsection (c)(3)(A).

''(c) No agency of the Federal Government may establish or apply a bidding requirement or preference with respect to any federally assisted construction contract that specifies the use of a hard-metric product if—

''(1) the use of soft-metric product is technologically feasible; and

''(2) an appropriate representative (as selected pursuant to subsection (d) of the industry that manufactures the product) notifies the agency, within 30 days after enactment of this Act, that the representative makes certification or intends to make certification under paragraph (3)(A); and either—

''(3) the certification establishes or will establish that—

''(A) such industry-specific or product-specific factors exist that—

''(i)(I) the product is not readily available as a hard-metric product from 50 percent or more of the domestic manufacturers in the United States; or

''(II) a hard-metric product does not constitute 50 percent or more of the total production of that product by that industry;

''(ii) a hard-metric conversion would require domestic manufacturers that are small businesses that produce the product to incur capital outlays in an average amount greater than $25,000 per manufacturer to invest in new equipment to produce a hard-metric product; and

''(iii)(I) based on the economic situation and customs of the industry, any potential offsetting benefits that could be achieved by that industry by carrying out a hard metric conversion to produce that product would be negligible or

''(II) hard metric conversion would substantially reduce competition for Federal contracts and increase by 1 percent or more the per unit cost of that product; or

''(III) hard metric conversion would create a special hardship with respect to domestic manufacturers that are small businesses by placing those manufacturers at a competitive disadvantage with respect to foreign competitors; or

''(4) less that 180 days have elapsed after the appropriate representative has been notified of a proposed contract specifying hard-metric product.

''(d) The head of each agency of the Federal Government shall establish a list of appropriate representatives of each industry that may make a certification under subsection (c)(3)(A). The agency head shall update that list on an annual basis. The list shall include appropriate professional or trade associations that are recognized as representing the industries.

''(e) When an appropriate representative submits a certification under subsection (c)(3)(A), the representative shall also submit a list of domestic manufacturers that have the capability to manufacture the product that is the subject of the certification as a soft-metric product.''.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Savings in Construction Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Metric Conversion Act of 1975 was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act requires that each Federal agency use the metric system of measurement in its procurements, grants and other business related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

(2) Currently, many Federal agencies are requiring as a condition of obtaining Federal construction contracts that all bidders must agree to use products measured in round metric units, materials which are known as ''hard-metric'' products. This can require retooling, substantial capitalization costs, and other expensive production changes for some suppliers to physically change the size of the product.

(3) This ''hard-metric'' conversion requirement has sometimes been imposed without

appropriate regard to whether that method is impractical or likely to cause significant costs or a loss of markets to United States firms.

(4) Some United States businesses that manufacture basic construction products suffer harm by being forced to convert to hard-metric production, or by being foreclosed from effectively bidding on Federal or federally assisted projects.

(5) This ''hard-metric'' conversion requirement may place domestic producers at a competitive disadvantage with respect to foreign producers; may reduce the number of companies that may compete for contracts with the Federal Government; and may force manufacturers to maintain double inventories of similar but incompatible products.

(6) This ''hard-metric'' conversion requirement has unnecessarily raised the cost to the Government of some lighting and concrete masonry products and there is consensus that relief is in order.

(7) While the Metric Conversion Act of 1975 currently provides an exception to metric usage when impractical or when it will cause economic inefficiencies, there is need for ombudsmen and procedures to ensure the effective implementation of the exceptions.

(8) The changes made by this Act will advance the goals of the Metric Conversion Act of 1975 while eliminating significant problems in its implementation.

SEC. 3. DEFINITIONS.

Section 4 of the Metric Conversion Act of 1975 (15 U.S.C. 205c) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (6), and (7), respectively;

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

''(2) 'converted product' means a material or product that is produced as a result of a hard-metric conversion;'';

(3) by inserting after paragraph (3) the following new paragraphs:

''(4) 'hard-metric' means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

''(5) 'hard-metric conversion' means a conversion that requires, in addition to the expression of the linear dimensions of a product under the metric system of measurement, a physical change in the size of that product relative to the size of that product established under the system of English measurements in production practices of the appropriate industry;'';

(4) by striking ''and'' at the end of paragraph (6), as so redesignated by paragraph (1) of this section;

(5) by striking the period at the end of paragraph (7), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof ''; and''; and

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

''(8) 'small business' has the meaning given the term 'small business concern' in section 3 of the Small Business Act (15 U.S.C. 632).''.

SEC. 4. IMPLEMENTATION EXCEPTIONS.

The Metric Conversion Act of 1975 (15 U.S.C. 205a et seq.) is amended by inserting after section 11 the following new section:

''SEC. 12. (a) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for structures or systems of concrete masonry be expressed under the metric system of measurement, but may not require that concrete masonry units be converted products.

''(b) In carrying out the policy set forth in section 3 (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may not require that lighting fixtures be converted products unless the predominant voluntary industry consensus standards are hard-metric.''.

SEC. 5. OMBUDSMAN.

Section 12 of the Metric Conversion Act of 1975, as added by section 4 of this Act, is further amended by adding at the end the following new subsection:

''(c)(1) The head of each executive agency that awards construction contracts shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

''(A) guidance or regulations issued by the agency on the use of the metric system of measurement in construction contracts; and

''(B) the use of the metric system of measurement for products or materials required for incorporation in individual construction projects.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

''(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 3(2), or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy.

''(3) The ombudsman shall respond to each complaint in writing within 30 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

''(A) the availability of converted products and hard metric production capacity of United States firms, or lack thereof;

''(B) retooling costs and capital investment impacts;

''(C) the impact on small business;

''(D) the impact on trade;

''(E) the impact on competition for Federal contracts;

''(F) the impact on jobs;

''(G) the impact on the competitiveness of United States firms; and

''(H) the cost to the Federal Government.

''(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.''.

Amend the title so as to read: ''A bill to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.''.

Mrs. MORELLA (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from Missouri [Ms. MCCARTHY] will each be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

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

Mr. Speaker, the Committee on Science has reported H.R. 2779, the Savings in Construction Act of 1996, introduced by the gentleman from California [Mr. COX] to the House for its consideration under the Corrections Day Calendar.

H.R. 2779 provides for the appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects. The Metric Conversion Act, as amended, requires that all Federal agencies use the metric system in procurements, grants, and other business-related activities, except when such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms.

In the implementation of the act, however, certain American construction industries have suffered an adverse economic impact and the government has had to incur additional costs for using metric in certain Federal construction projects. Therefore, there is a need to correct the Metric Conversion Act by providing for flexibility in its implementation.

With H.R. 2779 we can achieve the goals of the act in Federal construction projects without closing project bids to American companies, especially small manufacturers who do not export and who cannot afford to retool their production facilities at great cost to produce products which are identical except for a slight change in size.

The Committee on Science has heard testimony from these affected companies that, under the current implementation of the act, domestic producers are at a competitive disadvantage with respect to foreign metric producers. The number of companies that compete for contracts with the Federal Government are reduced and manufacturers are forced to maintain double inventories of similar but incompatible products.

Mr. Speaker, as chairman of the Subcommittee on Technology which has jurisdiction over our Nation's technology and competitiveness policy, I am a strong supporter of encouraging the use of the metric system in the interests of our Nation's industrial competitiveness in world markets. Despite our current laws to promote metric, the United States still remains the only major industrialized country in the world which does not predominantly use metric as the standard measurement system.

Converting to the metric system is a goal that Congress has wisely decided

and should be fully supported. We must continue to promote, sensibly and as vigorously as possible, the metric system to advance our Nation's long-term international competitiveness.

H.R. 2779 is a bill worthy of our support because it balances the need for the Federal Government to maintain our current efforts to promote metric while providing for appropriate implementation of the Metric Conversion Act in Federal construction projects.

Specifically, H.R. 2779 provides specific recourse for the concrete, masonry, and lighting industries in the implementation of the act. The record of the Committee on Science hearing on this bill is clear, that these two industries are suffering a demonstrated adverse economic impact under the Metric Conversion Act which necessitates immediate relief.

Second, the bill provides a mechanism through the appointment of an ombudsman in each executive branch agency for other afflicted industries to gain such relief in the future if in fact needed. The ombudsman would be obligated to balance harm to the industry and objectively apply the flexibility of the existing law to alleviate hardship.

I want to commend the sponsor of this bill, the gentleman from California [Mr. COX], for his corrective legislation providing for this less costly and less intrusive method of meeting the goals of the Metric Conversion Act.

I also want to recognize the chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER], the committee's ranking member, the gentleman from California [Mr. BROWN], and the ranking member of the Subcommittee on Technology, the gentleman from Tennessee [Mr. TANNER] for their bipartisan efforts in reporting this legislation to the House, and also the gentlewoman from Missouri [Ms. MCCARTHY], who is a member of the Subcommittee on Technology, who is handling this bill across the aisle.

Mr. Speaker, I urge all of my colleagues to support H.R. 2779, and I reserve the balance of my time.

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

Mr. Speaker, I commend our subcommittee chairwoman, the gentlewoman from Maryland [Mrs. MORELLA], for her efforts on behalf of H.R. 2779; in addition, our ranking member, the gentleman from Tennessee [Mr. TANNER], who worked diligently to make this truly a substantial bipartisan effort that shows the results of a great deal of hard work on the part of members on both sides of the aisle of the Committee on Science and on the subcommittee, as well as the staffs of the Office of Federal Procurement Policy, the Department of Commerce, and the General Services Administration.

While there are areas where we hope the Senate will clarify our actions, the problems with the original text that led the administration initially to oppose the legislation, these areas have been resolved, Mr. Speaker. We appreciate the flexibility of the gentleman from California [Mr. COX], who has shown that the can be flexible in these matters. He did not object to the current version as the administration sought, and we heartily support it.

Mr. Speaker, I will include as a general leave statement for the RECORD the more detailed views of the Committee on Science's ranking Democratic member, the gentleman from California [Mr. BROWN], who has been a leader on metric issues for over two decades.

Mr. Speaker, the current version of H.R. 2779, the Savings in Construction Act, deserves the bipartisan support of this body, and while the gentleman from California [Mr. BROWN], in his support, believes that the Committee on science's actions have improved H.R. 2779 substantially, he, too, wishes that we use this legislation as an opportunity to develop a more imaginative approach to measurements and policy questions.

Mr. Speaker, I reserve the balance of my time

Mrs. MORELLA. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX], the sponsor of this bill.

Mr. COX of California. Mr. Speaker, I thank the gentlewoman for yielding time to me. Also, I thank the members of the minority for their kind comments and, more importantly, their hard work in support of a very worthwhile venture.

I think it is also important to underscore that almost to a person on the Committee on Science, and I think throughout our House of Representatives and the other body, we are supporters of the eventual conversion of the United States to the metric system. This is a decision taken by Congress in 1975. It is a course to which we are committed. It is an irrevocable course.

But it has been 8 years since Congress evaluated our progress in converting to the metric system: how well it is going, where are the shortcomings, and what is our long suit. We have found some successes, but also some problems. This bill, I think, will help the conversion to the metric system and deal with a significant problem.

Mr. Speaker, while many of us in Congress, and I think, as I said, almost all of us in Congress do support this conversion to the metric system, I should also point out that there are opponents. There are people who for reasons of history, heritage, or perhaps even romance are more attached to the system of pounds and ounces and inches and feet that we all have become so accustomed to here in America.

It is, in fact, very personal. I define myself as a person who weighs 170 pounds. I am 5 feet 10 inches tall. I took a run for 4 miles. These are parts of our daily experience. It is a very personal matter. The truth is, almost the entire world outside of the United States would not define me that way. They are using a more efficient system, frankly, of meters and grams. This is a good thing.

We can learn from history. Back when the Moors in Spain were introducing what we now call Arabic numerals to Europe, there was great resistance to that, because Roman numerals were in use everywhere. The trouble was, you could not add up Roman numbers. You could not put them in columns the way you can with Arabic numerals.

Despite the great convenience of the new system of Arabic numerals, there was great suspicion. The change was resisted, indeed for centuries, by European society. Some quarters thought Arabic numerals were, in fact, the work of the devil. But it was the shopkeepers, the traders, and the merchants who had to add up the numbers every day who eventually caused society to convert. That is the lesson of history that we need to be mindful of here today.

It will be our market system, our global trading environment, that will succeed in converting American industry and American consumers, eventually, to the metric system. It will not be sheer government edict.

Today with this legislation, the Savings in Construction Act, we are not at all backing away from the metric system. We are saying that we still want people who bid on Federal construction jobs to offer their bids in metric, but we are taking advantage of one of the features of the metric system that makes it so superior to our old system of feet and inches and so on that work on different bases than base 10.

□ 1100

If we have a base 10 system like the metric system, you can work marvelously well in fractions. The government, up until today, was telling some bidders on Federal contracts not only do they have to use the metric system but everything had to be in a round number. So every block, every board, every shingle, every tile, every fixture, every window would have to be in a round metric unit.

What business is it of government whether the American people in their commerce use round numbers or not for every measurement? It is good enough that they are using metric measurements as well as the old system of pounds and ounces and feet and yards, and so on. Rather than require whole plants to retool, to remanufacture these blocks and tiles and lighting fixtures, and so on, we are letting the government say, as purchaser, if it will save the taxpayers a lot of money not to have a wholesale retooling, then we are going to save the money.

We had an experience with a Federal courthouse where out of roughly $100 million, 20 percent was going to be added cost from having building supplies furnished in round metric units.

So today we are saying occasionally you can use fractions. As over time our industries are more and more competitive in the global environment, when they discover that their customers in France or in Germany or Japan will not buy things unless they are manufactured in metric, then of course that conversion will be brought about through the market. The government here is being very wise for a change. We are correcting significant government errors and mistakes that have occurred and cost jobs in many, many industries.

I would just like to draw to my colleagues' attention one example of a firm in Wilmington, MA, a small company called Lightolier of Wilmington that has manufactured light fixtures for 70 years. They employ about 200 people. The general manager of the plant told a local newspaper that their equipment could not produce fixtures in round metric units unless they retooled it at a cost of about $4.5 million. But they did not have $4.5 million in a plant of 200 workers. So their alternative was not to bid at all on these jobs. Because they would lose the work, they also would lose the jobs.

Of course, our foreign competitors do not have this problem over in Germany or Japan. So what government was doing was giving foreign competitors an advantage over our United States firms. This was a mistake. It is a mistake that we will fix with our legislation today. We will save a great deal of money in the process.

Mr. Speaker, I want to commend once again our chairman, our ranking member, and all of the people who worked so hard on this, but most of all the gentlewoman from Maryland [Mrs. MORELLA], for making this corrections day bill such a success. I expect that it will pass with flying colors.

Mrs. MORELLA. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. I thank the gentlewoman for yielding me this time, and I applaud her leadership and the leadership of the gentleman from California in getting this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 2779, the Soft Metric Conversion Act of 1996. This bill clarifies the 1975 Metric Act that required Federal construction projects to use a hard metric system. This bill enables companies that use soft metric conversion over hard metric conversion where applicable, and this will save many jobs in our country.

The 1975 act mandated the use of government-specific hard metric, custom sized products. Often these mandated products would have no market use at all except for the Federal Government. It would require retooling and the purchase of new expensive machinery by firms wishing to enter into a contract with the Federal Government. Many U.S. firms are unable to meet these increased costs of retooling, which are 15 to 20 percent higher than the standard method used now. These firms are missing out on the opportunity to do business with the Federal Government.

As the gentleman from California mentioned, one such company is in my district, the Lightolier Co., a company that makes light fixtures and is located in Wilmington, MA and employs 200 people. Recently I toured Lightolier and met with many of the employees there. Lightolier cannot afford the multi-million dollar cost of retooling to these arbitrary requirements.

In the past Lightolier had a steady flow of Federal Government contracts. Currently the company has had to turn down opportunities to bid on these contracts that require this hard metric conversion. Recently the company had to lay off 35 people.

If the Federal Government had not required these hard metric conversion standards, Lightolier may have been able to keep these jobs through secured Federal contracts. This bill when it passes will allow companies like Lightolier to be competitive again and bid on contracts with the Federal Government.

In addition to that, another interesting point that was mentioned in Lightolier had asked their competitors over the border in Canada what standard would you adopt, because Canada has obviously been in the metric system for some time. They said that the Canadian competition would still be manufacturing to the same size that Lightolier had been prohibited from submitting as a bid to the Federal Government.

The International Brotherhood of Electrical Workers estimates that H.R. 2779 will have an impact on 25,000 American jobs that would be threatened otherwise.

Mr. Speaker, I urge my colleagues to correct this problem and pass this bill today.

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

Mrs. MORELLA. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER].

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

Mr. WICKER. Mr. Speaker, I thank the chairman of the subcommittee for her leadership and for yielding me this time.

Mr. Speaker, I am pleased to rise in support of the Savings in Construction Act, which I am pleased to have cosponsored along with my friend from California. This bill is consistent with bringing back common sense to regulations regarding metric design and labeling of products used in new Federal construction.

The fundamental issue here involves whether to require soft metric conversion where inches are converted to millimeters or centimeters on existing products or to require hard metric conversion where products must be redesigned to arrive at rounded metric dimensions.

Under current GSA regulations, manufacturers of a few products, such as concrete blocks and lighting fixtures, must produce their products in hard metric dimensions for Federal construction. To illustrate, a typical fluorescent lighting fixture is 4 feet by 2 feet. Tens of millions of these fixtures are used throughout the United States in these dimensions. Soft metric conversion would mean relabeling these lighting fixtures as 609.6 millimeters by 304.8 millimeters, a simple and inexpensive approach.

Instead, this industry is being required—as a condition of doing business with the Government—to completely retool their operations to produce fixtures in hard metric, measuring 600 by 300 millimeters, and only for products used in Federal construction projects. The products are not any better, but they just sound better to the Federal regulators.

Mr. Speaker, Congress has already seen fit to provide exceptions in the amended Metric Conversion Act to this hard metric requirement when production costs for hard metric conversion were too high. This bill simply puts teeth into these exceptions by providing a mechanism by which soft metric standards can be substituted.

Without this legislation, bids on all Federal projects for these products will be left to only a very few of the largest manufacturers, leaving a very in competitive marketplace. In other words, this corrections day bill is good for competition and will save money for the taxpayers.

Mr. Speaker, this is a good bill, it is commonsense legislation, and I urge my colleagues to vote for the bill.

Mrs. MORELLA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], who actually chaired the task force on corrections day.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentlewoman from Maryland for yielding me this time.

Mr. Speaker, I am pleased to rise today in support of H.R. 2779, the 17th bill brought to the floor this session under the corrections day process.

The Corrections Day Calendar has just passed its first year anniversary. Since the commencement of corrections day, eight bills have been signed into law by the President, and eight bills have passed the House and are waiting further action in the Senate. I believe we are compiling a record of success, and that the Corrections Calendar will continue to be relied upon by the House.

The American people are demanding a more responsive Government, and corrections day is a key part in meeting their demands. H.R. 2779, the Soft Metric Conversion Act, would prohibit agencies from requiring contractors to convert masonry and lighting fixtures into hard metric sizes. This legislation would provide specific relief to the concrete masonry and lighting industries that have suffered an adverse economic

impact under the Metric Conversion Act of 1975. I believe that the bill we are considering today is a good example of how the corrections day process works to correct outdated regulations that place financial burdens on many industries in the United States.

I would like to thank the members of the Corrections Day Advisory Group. I also want to recognize Chairman WALKER, Mr. COX, and the Science Committee for the expedient and hard work they did to get this bill to the floor. I am hopeful that the Senate will recognize the need for quick action and send this bill to the President without delay.

Mrs. MORELLA. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CALVERT], who is the vice chair of the Subcommittee on Technology of the Committee on Science.

Mr. CALVERT. Mr. Speaker, I would like to thank my good friend, CHRIS COX, for his foresight and hard work on this important piece of legislation. In addition, I would also thank subcommittee Chair MORELLA for shepherding this bill through the Science Committee.

In many cases hard metric conversion requires plants to retool their facilities to produce a product that is in no way improved. It is merely a slightly different dimension.

In the construction industry, virtually no domestic U.S. manufacturers produce hard metric products.

Only Canadian and other foreign firms have the production capacity to produce sufficient hard metric products.

H.R. 2779 would put teeth into the Metric Conversion Act's impractical, inefficient, loss of markets limitation by providing a mechanism by which a soft metric standard could be substituted when problems arise.

It does not seek to prevent a metric conversion for Federal projects. This bill clarifies the law to more closely pursue its intent, providing for the most efficient and least costly conversion possible.

H.R. 2779 has broad bipartisan support. Vice President GORE's National Performance Review recommended that Federal agencies avoid Government-unique products and requirements due to excessive expense and delays.

H.R. 2779 will do just that. It will eliminate the burdensome hard metric requirement in Federal construction. This alone will reduce Federal construction costs by 15 to 20 percent.

I urge my colleagues to support this important bipartisan proposal.

Mrs. MORELLA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Speaker, I appreciate the recognition by the gentlewoman from Maryland and I particularly appreciate the gentleman from California who introduced this bill. I was very proud to cosponsor it.

Mr. Speaker, this is another of the commonsense reforms that this Congress is trying to make with laws that we have on the books right now. This is simply a way to look at a law that really is not just an inconvenience on those folks who are trying to bid on Federal projects, but it is an inconvenience and a mandate on those folks that really causes an increase in cost to the ultimate consumer, which is the taxpayer.

Mr. Speaker, I rise in support of this bill, and I ask its passage.

□ 1115

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

Mr. Speaker, I would like to commend the gentleman from California [Mr. COX] for this support of the metric system, and again all who worked on the Committee on Science and various agencies, for coming together in this bipartisan effort.

As the gentleman from Michigan [Mr. EHLERS], a member of our Committee on Science, so eloquently pointed out during our committee deliberations on this bill, our Nation's failure to adopt the metric system of measurement in a timely manner has cost United States companies millions of dollars in lost trade opportunities. This situation is ongoing and it has the potential to get worse.

We need to work together for effective metric conversion to close the trade imbalance that now exists. We can increasingly expect our trading partners to require American exports to their countries to be designed and manufactured using the internationally accepted metric system of measurement.

H.R. 2779 exempts small companies from metric usage, and this approach is just one possible solution to the one that represents a can't-do rather than a can-do attitude. With more time, we could look for ways to solve problems while advancing the cause of metrication. We need to continue to work together to help small businesses to participate in international trade.

Mr. Speaker, perhaps the Senate will have the time to make a conscious effort to improve our work on this bill. Then we will be able to feel comfortable that the entire Congress did its best to meet the long-term needs of the companies we are trying to help. I urge support of this measure.

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

Mrs. MORELLA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply want to commend the gentleman from California [Mr. COX] for authoring this bill, and the Subcommittee on Technology for working in such a bipartisan manner, the full Committee on Science, the corrections committee, and urge my colleagues to support a good bipartisan bill that is certainly going to assist a number of the companies in our great country.

Mr. HASTERT. Mr. Speaker, I rise today in strong support of H.R. 2779, the Savings in Construction Act. I'd like to thank our distinguished chairs, Mrs. MORELLA and Mr. WALKER, as well as Ranking Member BROWN for moving this bill quickly through the Science Committee.

Most of all, I'd like to thank my good friend, the chairman of the Republican Policy Committee, Mr. COX, for all his hard work on this legislation. When the gentleman from California learned about the thousands of American jobs that could be lost, and the millions of tax dollars that would be wasted pursuing a hard metric standard, he responded by crafting this commonsense, bipartisan piece of legislation.

Mr. Speaker, as part of the Metric Conversion Act of 1975, the Congress required each Federal agency to ''use the metric system of measurement in its procurements, grants, and other business related activities'' but with the important exception of not mandating its use when ''such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms.'' Thus, under this law, it seems clear that Federal agencies should seek to use a soft metric standard—for example, requiring that building materials be measured in metric units. This is certainly a reasonable policy.

However, a number of Federal agencies have exceeded the intent of the Metric Conversion Act and are now seeking to apply a universal hard metric standard to purchases of certain construction materials by the Federal Government. A hard metric standard stipulates that not only must materials be measured in the metric system, but that they must also be manufactured in round metric dimensions. In many cases, this would require plants manufacturing construction materials to completely retool their production facilities, and rework their product line to produce a product with slightly different dimensions.

This expensive process would satisfy only the needs and desires of a few Government bureaucrats, not the demands of the free market. Since Federal contracts account for only about 5 percent of the construction industry, only the biggest firms will go to the expense of retooling. This would effectively eliminate hundreds of American small businesses from competition for Federal contracts. The exclusion of these small businesses from the market will result in less competition, fewer bids on contracts, and greater costs to the American taxpayer. What's worse, in seeking to apply a hard metric standard, some Federal agencies are ignoring the direct warning of the Metric Act not to do so in cases where it would be impractical, inefficient, or result in a potential loss of markets.

Mr. Speaker, through the corrections process, H.R. 2779 addresses this problem by taking the existing metric law and giving it teeth. It requires the Government to use common sense in its purchasing decisions, and allows the free market to play a bigger role. It will prevent Federal bureaucrats from arbitrarily imposing a hard metric requirement for Federal contracts on key industries providing construction materials for Federal construction projects. It also creates the position of metric ombudsman, who will make decisions regarding future metric implementation using some basis commonsense standards: the availability of hard metric products, the impact on American jobs, the competitiveness of American firms, and the cost to the United States taxpayer.

Mr. Speaker, I strongly urge my colleagues on both sides of the aisle to support this commonsense legislation. By passing H.R. 2779, Congress can act to enhance the competitiveness of American industry, protect small businesses, save thousands of union jobs from foreign competition, and save the American taxpayer money. I urge my colleagues to support this bipartisan bill. I yield back the balance of my time.

Mr. BROWN of California. Mr. Speaker, I rise with mixed emotions on the bill H.R. 2779, the Savings in Construction Act. While I believe that the Science Committee's actions have improved H.R. 2779 substantially, I regret that we did not use this legislation to develop a more imaginative approach to measurement policy questions.

At the outset, I also want to make sure our colleague from Tennessee, Mr. TANNER receives credit for the pivotal role he played in the improvements in H.R. 2779. His March 5 letter to Under Secretary of Commerce Mary Good, which was co-signed by most of the other committee Democrats, began the chain of events which has permitted this bill to move forward. The end results of his efforts are a more favorable atmosphere within the administration for the concrete block and recessed lighting industries and the improved legislative language now before us. This bill is no longer harmful to the Federal procurement process, and its potential damage to our national policy of metric conversion has been limited.

H.R. 2779, as reported, does a credible job in solving $10,000 problems of a number of small businesses, but it lets a billion dollar national problem fester. As Congressman EHLERS so eloquently pointed out during Science Committee deliberations on this bill, our Nation's failure to adopt the metric system of measurement in a timely manner has cost U.S. companies billions of dollars in lost trade opportunities. This situation is ongoing and has the potential to get worse. The United States is the only industrialized nation to hold onto the English system of measurement. We can increasingly expect our trading partners to require American exports to their countries to be designed and manufactured using the internationally accepted metric system of measurement. If, as in this bill, we restate English measurements in metric terms rather than actually design and measure in metric, we will not fool anyone. American companies that are unwilling or unable to manufacture in rational metric units will lose out to foreign companies that will.

The case was made in our hearings on H.R. 2779 that some block manufacturers have difficulty bidding on construction projects which require their products to be dimensioned in rational metric. However, exempting these companies from metric usage is just one possible solution and one that represents a ''can't do'' rather than a ''can do'' attitude. With more time, we could have looked for ways to solve the block manufacturers problems while advancing the cause of metrication. We could have made sure that metric block molds are an allowable expense under Federal construction contracts. We could have funded research in the design of adjustable molds which could be used for making both metric and English-dimensioned block. As a minimum, we could have limited the duration of the metric block exemption and committed to finding a better solution to this problem during that time. I hope the Senate will take a closer look than we were able to do at alternative ways to help block manufacturers and at setting appropriate limits on the duration of this exemption.

Our solution for lighting industry metrication problems may turn out to be more appropriate. Our lighting industry is positioned to begin manufacturing metric lighting products; a number of the affected companies already have issued metric lighting catalogs. H.R. 2779, through its lighting standards trigger, will allow the exemption to be ignored when the reason for it no longer exists.

The ombudsman concept is a dramatic improvement over the procurement bureaucracy contained in section 4 of the introduced version of H.R. 2779, but the jury is still out on whether it is really necessary. The Government has built a dozen major buildings using metric measurement and only two industries have not been willing to go along. One would think if metric were a problem for other building subcontractors that the problem would have arisen by now.

The busiest time for the metric ombudsmen will probably be at the time of enactment when agencies must figure out what to do with the hundreds of metric-dimensioned construction projects which are in various stages of design and construction. H.R. 2779's silence on this point is likely to lead to problems of interpretation. I urge the Senate to come up with a set of principles to cover ongoing projects and urge the ombudsmen to use common sense in these cases.

In summary, my desire to see the concrete masonry industry get relief leads me not to oppose this bill, but I regret that we did not have more time to perfect our work product. Perhaps the Senate will have the time to make a conscious effort to improve the bill. Then we will be able to feel comfortable that the entire Congress did its best to meet the long-term needs of the companies we are all trying to help.

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

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to the rule, the previous question is ordered on the committee amendment in the nature of a substitute and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2779.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3564) 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, as amended.

The Clerk read as follows:

H.R. 3564

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NATO Enlargement Facilitation Act of 1996''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central and Eastern Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945. Their admission to NATO will not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(5) NATO has enlarged its membership on 3 different occasions since 1949.

(6) Congress has sought to facilitate the further enlargement of NATO at an early date by enacting the NATO Participation

Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and the NATO Participation Act Amendments of 1995 (section 585 of Public Law 104–107).

(7) The Partnership for Peace, created in 1994 under American leadership, has fostered cooperation between NATO and the countries of Central and Eastern Europe, and offers a path to future membership in the Alliance and a permanent security relationship between participants in the Partnership for Peace and members of NATO.

(8) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe will be shared more widely. The concurrent assumption of greater responsibility and development of greater capabilities by the European members of NATO in pursuit of a European security and defense identity will further reinforce burdensharing. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(9) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(10) In order to assist emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO to be prepared to assume the responsibilities of NATO membership, the United States should encourage and support efforts by such countries to develop force structures and force modernization priorities that will enable such countries to contribute to the full range of NATO missions, including, most importantly, territorial defense of the Alliance.

(11) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, can assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(12) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(13) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(14) The process of enlarging NATO to include emerging democracies in Central and Eastern Europe should be a continuing process and progress toward the admission of additional emerging democracies in Central and Eastern Europe will depend on the degree to which these countries meet the criteria set forth in section 203(d)(3) of the NATO Participation Act of 1994.

(15) Protection and promotion of fundamental freedoms and human rights is an integral aspect of genuine security, and in evaluating requests for membership in NATO, the human rights records of the emerging democracies in Central and Eastern Europe should be evaluated in light of the obligations and commitments of these countries under the Charter of the United Nations, the Universal Declaration of Human Rights, and the Helsinki Final Act.

(16) A number of Central and Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment; including their participation in Partnership for Peace activities.

(17) Democratic civilian control of defense forces is an essential element in the process of preparation for those states interested in possible NATO membership.

(18) The security and economic stability of the Caucasus region is important to the United States, and the countries of the Caucasus region should not be precluded from future membership in NATO. The United States should continue to promote policies that encourage economic and fiscal reforms, private sector growth, and political reforms in the Caucasus region.

(19) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member may vary.

(20) The process of NATO enlargement entails the consensus agreement of the governments of all 16 NATO members and ratification in accordance with their constitutional procedures.

(21) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(22) Lasting security and stability in Europe requires not only the military integration of emerging democracies of Central and Eastern Europe into existing European structures, but also the eventual economic and political integration of these countries into existing European structures.

(23) The Congress of the United States finds that Poland, Hungary, and the Czech Republic have made the most progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(24) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

SEC. 3. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to adapt the role of the NATO Alliance to the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership;

(3) to ensure that all countries in Central and Eastern Europe are fully aware of the costs and responsibilities of NATO membership, including the obligation set forth in Article X of the North Atlantic Treaty that new members be able to contribute to the security of the North Atlantic area, and further to ensure that all countries admitted to NATO are capable of assuming those costs and responsibilities; and

(4) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 4. SENSE OF THE CONGRESS REGARDING FURTHER ENLARGEMENT OF NATO.

It is the sense of the Congress that in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania, Albania, Moldova, and Ukraine—

(1) the United States should continue to support the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should continue to use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership; and

(3) the United States Government and the North Atlantic Treaty Organization should continue to support military exercises and peacekeeping initiatives between and among these nations and members of the North Atlantic Treaty Organization.

SEC. 5. SENSE OF THE CONGRESS REGARDING ESTONIA, LATVIA, AND LITHUANIA.

In view of the forcible incorporation of Estonia, Latvia, and Lithuania into the Soviet Union in 1940 under the Molotov-Ribbentrop Pact and the refusal of the United States and other countries to recognize that incorporation for over 50 years, it is the sense of the Congress that—

(1) Estonia, Latvia, and Lithuania have valid historical security concerns that must be taken into account by the United States; and

(2) Estonia, Latvia, and Lithuania should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union.

SEC. 6. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d) of such Act: Poland, Hungary, and the Czech Republic.

(b) AUTHORITY TO DESIGNATE OTHER COUNTRIES NOT PRECLUDED.—The process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not stop with the admission of Poland, Hungary, and the Czech Republic as full members of the NATO Alliance. Accordingly, the designation of countries pursuant to subsection (a) shall not be deemed to preclude the designation by the President of other Central and Eastern European countries pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) not less than $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the ''Foreign Military Financing Program'');

(2) not less than $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 (relating to the ''Foreign Military Financing Program''); and

(3) not more than $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

SEC. 8. REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.

(a) IN GENERAL.—Funds described in subsection (b) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(1) the procurement of items in support of these programs; and

(2) the transfer of such items to countries participating in these programs, which may include Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, Albania, Ukraine, and Bulgaria.

(b) FUNDS DESCRIBED.—Funds described in this subsection are funds that are available—

(1) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(2) during fiscal year 1997 under any Act to carry out the Warsaw Initiative.

SEC. 9. EXCESS DEFENSE ARTICLES.

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the delivery of excess defense articles under the authority of section 203(c) (1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

SEC. 10. MODERNIZATION OF DEFENSE CAPABILITY.

The Congress endorses efforts by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designed by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease to such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

SEC. 11. TERMINATION OF ELIGIBILITY.

(a) TERMINATION OF ELIGIBILITY.—The eligibility of a country designated pursuant to section 6(a) or pursuant to section 203(d) of the NATO Participation Act of 1994 may be terminated upon determination by the President that such country no longer meets the criteria set forth in section 203(d)(3) of the NATO Participation Act of 1994.

(b) NOTIFICATION.—At least 15 days before terminating the eligibility of any country pursuant to subsection (a), the President shall notify the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for 20 minutes.

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

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

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

Mr. Speaker, I am pleased to bring before the House H.R. 3564, the NATO Enlargement Facilitation Act.

Almost 7 years have passed since the revolutions of 1989 swept communism from most of Central and Eastern Europe. Since that date, the emerging democracies of that region have waited patiently to be invited into Western political, economic and security structures.

This bill stands for the proposition that neither we nor the emerging democracies of Central and Eastern Europe can afford to wait any longer. Only by taking this step now can we ensure that the democratic gains of the last 7 year are not going to be reversed.

After today's vote, it is hoped that we will never hear again that the Congress does not support NATO enlargement. We will support it. Indeed, for more than 2 years now, we have been criticizing the administration for moving too slowly to enlarge NATO.

On February 20 of this year, I wrote to the President urging him to implement the NATO Participation Act which we enacted into law almost 2 years ago, and I recommended in particular the designation of Poland, Hungary, and the Czech Republic as the first countries eligible to receive assistance under that act. Earlier this year, the President rejected our recommendations.

Mr. Speaker, I include for the RECORD my exchange of correspondence with the President:

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, February 20, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On February 12th, you signed into law Public Law 104–107, the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 1996. Section 585 of this law amends the NATO Participation Act of 1994 (title II of Public Law 103–447) to facilitate use by you of the authorities provided by the NATO Participation Act to assist the transition to full NATO membership of certain Central and Easter European countries emerging from communist domination.

In addition, section 585 expresses the sense of the Congress that, within 60 days of enactment, you should designate the first Central and Eastern European countries eligible to receive transition assistance under the NATO Participation Act.

As the principal author of the NATO Participation Act, I have been disappointed by the fact that, over fifteen months after the enactment of that Act, the Administration has yet to utilize the authority provided by the Act to expedite expansion of the NATO alliance. In light of the revisions to that Act made by section 585 of Public Law 104–107, as well as section 585's call on you to designate the first countries eligible to receive assistance under the Act, I urge you to move quickly to designate Central and Eastern European countries to receive assistance under the Act. In particular, I urge that Poland, Hungary, and the Czech Republic be so designated.

Prompt designation by you of, at a minimum, Poland, Hungary, and the Czech Republic as eligible countries will send a powerful signal to these countries of the determination of both the Congress and your Administration to expand NATO at an early date. It also will permit you to begin providing additional forms of assistance to facilitate the transition of these countries to full NATO membership.

I am convinced that the United States can no longer afford to delay deciding which Central and Eastern European countries will be the first admitted to NATO. We are already to the point where some are beginning to ask not whether it is too early to expand NATO, but rather whether it is too late. Further delay can only heighten the risk that the countries of Central and Eastern Europe will feel abandoned by the West and will consider departing from the path of reform on which they embarked in 1989.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

THE WHITE HOUSE,
Washington, DC, May 9, 1996.

Hon. BENJAMIN A. GILMAN,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter on the admission of new members to NATO. I am aware of your considerable efforts in support of NATO enlargement, including co-authorship of the NATO Participation Act, and I value your views on how to achieve our mutual goal. I have made this one of my top foreign policy priorities and will ensure that it remains at the top of NATO's agenda. As a result of U.S. leadership, NATO's enlargement is in progress and will happen.

At my initiative, NATO began a process in January 1994 that will result in the admission of new members to the Alliance. By taking in new members from among Europe's new democracies, NATO can help lock in the very substantial progress that has been made there in instituting democratic and market economic reforms. Enlargement will serve to erase the illegitimate lines of the Cold War and provide the security underpinning for a growing, undivided transatlantic community.

We have already made solid, steady progress, at a pace that reflects the many substantial security commitments and practical preparations necessary to admit new members to the Alliance. Last fall, NATO completed its study on the mechanisms and rationale of enlargement and presented the results to our partners in Central Europe and the New Independent States. In December, NATO agreed to move into a second phase of the process consisting of intensified preparations by both NATO and aspiring members. Practically, this means detailed, individual consultations between NATO and self-identified candidates and an enhanced program of preparatory activities, conducted nationally and through the Partnership for Peace. Eleven partners, (Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) have thus far asked to participate in this phase.

Allies have agreed that NATO enlargement's second phase will run through 1996 and that our Foreign Ministers will address next steps at the North Atlantic Council in December. I agree that we must maintain the momentum of the NATO enlargement process. It is my objective that, as Secretary Christopher recently told his Central European counterparts, NATO will move to greater specificity on the question of enlargement's ''who and when'' at the December meeting and its immediate follow-on.

As NATO moves ahead, my Administration is pursuing a comprehensive strategy to ensure that enlargement succeeds. The first element for success lies in building and maintaining a durable Allied consensus in support of enlargement. Admission of any new member to NATO, precisely because of the seriousness of the security commitments involved, must have the full support of all of its current members. We must be careful that actions we undertake in support of the enlargement process do not have the inadvertent effect of undermining Allied consensus and thereby slowing progress.

A second element needed for success is to place NATO enlargement in the context of a broad, balanced and integrated approach to increasing stability and security throughout the transatlantic area by building a cooperative security structure in Europe. This includes a revitalized NATO, support for enlargement of the European Union, strengthening the OSCE and enhanced cooperation with other states not immediately aspiring to NATO membership or who may not be in the initial group of states invited to begin accession talks with the Alliance. It also includes a strong and productive relationship between the Alliance and Russia, given the key role Russia can play in shaping a stable and secure Europe.

A third element critical for success is encouraging prospective members to prepare seriously for the full range of military and political responsibilities they will need to assume if and when they become members. Aspiring Allies need adequate time to prepare for these obligations. NATO, too, faces a major task in preparing itself for enlargement. We have already begun a comprehensive review of the internal adjustments NATO must make to admit new Allies.

To their credit, partners have not waited to be ''designated'' as eligible for membership before undertaking the basic reforms and preparations we have made clear they must pursue. The prospect of NATO membership has proven to be a most powerful incentive for both domestic reform and the resolution of ethnic and territorial conflict. Your legislation specifically urges me to designate Poland, the Czech Republic and Hungary as eligible for assistance under the NATO Participation Act. These countries are indeed making substantial progress and I agree they will be strong candidates for early NATO membership when the Alliance decides to move forward. At this stage, however, writing into law a narrow list of countries eligible for special assistance could reduce our ability to work with other emerging democracies that are also making significant progress but may not be immediately eligible for assistance under the NATO Participation Act.

I firmly believe that my comprehensive strategy is the best means for carrying NATO's enlargement process through to a successful conclusion. Proof that it is working can be seen in the significant improvement in the ability of some partner forces to undertake joint missions with NATO, including in IFOR. Our clear sense is that the eleven partners participating in the second phase of the enlargement process understand and support our policy of steady, deliberate progress toward enlargement and in no way feel ''abandoned by the West'' or are considering ''departing from the path of reform,'' as you suggest. On the contrary, they are actively and enthusiastically engaged in the second phase of the enlargement process, which, as I noted earlier, will culminate in decisions by NATO Foreign Ministers in December on important next steps in the process.

My Administration is committed to continued close cooperation with you. I welcome your efforts to build bipartisan Congressional support both for the continuing engagement of the United States in Europe and for this Administration's commitment to bringing new members into the Alliance. Secretary Christopher echoed my own sentiments when he said in Prague that we are determined to keep faith with the nations of this region and to open the door that Stalin shut when he said no to the Marshall Plan. No European nation should ever again be forced to occupy a buffer zone between great powers or be abandoned to the sphere of influence of another.

We look forward to working you on this historic task.

Sincerely,

BILL CLINTON.

It was only after I received this letter from the President that I introduced the measure that is before us today. This measure finally implements the NATO Participation Act, and I am gratified that the administration has, upon careful reflection, decided not to oppose this legislation. I continue to believe, however, that enactment of this legislation is essential if we wish to keep the pressure on the administration for prompt NATO enlargement.

Accordingly, I urge my colleagues to vote for H.R. 3564.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 3564.

Mr. Speaker, I commend Chairman GILMAN for his leadership in bringing this bill to the House floor.

This bill helps us to begin the debate on what will become one of the most important foreign policy issues facing the United States—the question of NATO enlargement. Are we prepared to commit American lives and treasure to defend new NATO countries? I am impressed with how casually we are considering this issue. I am afraid that this bill is driven by domestic politics more than it should be.

But, I appreciate Chairman GILMAN's efforts to put this important issue before us.

At the outset I want to make clear what this bill does and does not do.

This bill takes two basic steps: It finds that three countries—Poland, Hungary, and the Czech Republic—have made the most progress toward achieving the criteria of NATO membership; and makes these three countries eligible for up to $60 million in military assistance—grants, loans, and training—to help them in the enlargement process.

Just as significant is what this bill does not do: It does not prejudice U.S. or NATO policy by stating that any specific country should be admitted to NATO; it establishes no date certain for the entry of new members into NATO.

This bill is a distinct improvement over H.R. 7, considered by the House in early 1995, as well as other efforts to dictate the nature and the timetable of NATO enlargement.

There is some common ground between the administration and the sponsors of this bill.

The administration agrees that Poland, Hungary, and the Czech Republic have made more progress than others toward NATO membership.

The administration supports the authorization of military assistance to help these countries prepare for NATO membership.

The only differences are technical. The administration opposes earmarking assistance for these countries through the NATO Participation Act, which undercuts flexibility in the use of assistance funds intended for a wider range of Partnership for Peace countries.

I intend to vote for this bill for three reasons.

First, this bill supports current U.S. policy: enlarging NATO will help integrate the democratic nations of Central and Eastern Europe into the Western family of nations.

Second, this bill highlights that NATO enlargement is a gradual and deliberate process. That process will evolve over several months and years: A NATO meeting in December 1996, will prepare the way for a NATO summit in 1997, at which certain countries will be named and accession talks begin; accession talks will likely take a year or two; and NATO governments must then approve, by consensus, the accession agreements; all 16 NATO governments must then ratify those agreements, which will require parliamentary approval.

So, as a practical matter, the actual enlargement of NATO is several years down the road. That is the prudent course.

Third, this bill contains several important findings on NATO enlargement: It states that NATO membership is not a free ride; that prospective members must be able to contribute to the security of the North Atlantic area and assume the costs and responsibilities of NATO membership; it sets out that enlargements will require agreement of all 16 NATO states; it notes the important role of Partnership for Peace in the enlargement process and in fostering cooperation between NATO and the states of Central Europe; and it states that lasting security and stability in Europe requires not just military steps but economic and political integration, especially the integration of Central and East Europe into the European Union.

I intend to vote for this bill, but I have many questions about NATO enlargement, and I want to state them briefly:

I have no doubt that NATO enlargement will advance the interests of Poland, Hungary, and the Czech Republic, but how will it advance United States interests?

Why is NATO enlargement necessary, when the threat to peace and security in Central and Eastern Europe has never been less?

Will NATO enlargement increase stability and security if NATO admits some countries—but not others countries—in Central and Eastern Europe? Or does it risk new lines of confrontation in Europe, especially if Russia believes that NATO enlargement is a new policy of containment?

Are the American people prepared to undertake the financial and security obligations that NATO enlargement will entail?

This bill may authorize a modest amount of funds, but we should not set a precedent where we pay countries to meet the conditions of NATO membership.

Should we undertake these obligations? A Congressional Budget Office study estimates that NATO enlargement could cost $60 to $125 billion over a 15-year period, with the United States paying $5 to $19 billion.

Are we ready to provide a United States nuclear guarantee, and commit American soldiers to the security of Slovakia or Slovenia?

It is clear what NATO can do for new members—but what will they contribute to NATO? So far, we don't have good answers to many of these questions.

I also share the administration's concerns about earmarking assistance, and undercutting flexibility to provide assistance to all Partnership for Peace countries.

I would hope that some compromise on this issue is possible as the legislative process moves forward.

Now, in the course of this debate, we will hear criticism that the administration is dragging its feet on NATO enlargement. That criticism is way off the mark. Whether you support or oppose NATO enlargement, let's be clear here: The administration is driving the train. The question of enlargement is a NATO's agenda only because the United States has made it such a high priority. Yet, any decision on enlargement must be by NATO consensus. The United States cannot dictate the outcome. Leadership is not the same as arm-twisting. A successful outcome on NATO enlargement will require the support of all NATO members.

In conclusion, I see common ground between this bill and administration policy, other than on details of a funding mechanism. Both agree that three countries in Central and Eastern Europe have made the most progress toward NATO membership. Both agree that a modest amount of military assistance should be provided to them to help in this process. This bill is the first step in what I hope will be a full debate on the merits of NATO enlargement.

I support the bill.

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

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Indiana [Mr. HAMILTON], the ranking minority member, for his supporting arguments on behalf of the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of the Subcommittee on Asia and the Pacific of our Committee on International Relations.

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

Mr. BEREUTER. Mr. Speaker, as original cosponsor of this legislation, and as a leader of this body's delegation to the North Atlantic Assembly, this Member rises in strong support of the NATO Enlargement Facilitation Act.

This Member would commend the distinguished gentleman from New York [Mr. GILMAN], the chairman of the Committee on International Relations, for his leadership in promoting this important national security legislation. In addition, this Member would pay tribute to the former majority leader of the other body, the distinguished former Senator from Kansas, Mr. Dole. It is clear that, were it not for the leadership of Senator Dole, we would not be considering this visionary legislation today.

Mr. Speaker, there has been a great deal of confusion, both in this body as well as among the countries and interested parties in Eastern and Central Europe, about what this legislation really does. In order to produce or eliminate any confusion, this Member would like to take a moment and attempt to succinctly explain what this legislation will do and what it will not do.

First, contrary to what has frequently been said, this legislation would not admit new countries into NATO; that is something that can be done only with the parliamentary concurrence of all 16 Members of NATO. The legislation does, however, take appropriate note of the three Central European countries Poland, the Czech Republic, and Hungary, which have made the greatest strides toward qualifying for NATO membership. For these nations, the legislation sets forth a modest training and assistance package to help them acquire some of the infrastructure items that are essential for NATO membership, for example, air defense radars, and telecommunications infrastructure.

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The legislation also recognizes that there are other Central European nations which have taken positive steps for Partnership for Peace. That is true of Eastern European nations as well. These countries may at some future date also be qualified for NATO membership.

Second, this legislation does not establish new ideological or strategic lines or boundaries across Europe. The nations of Eastern and Central Europe, particularly those which are not cited in the first tier of eligibility, are understandably worried that they would have the option of NATO membership permanently closed to them. Some nations fear that they will be caught on the wrong side of a new Iron Curtain, forever excluded from the closer cooperation with the West.

H.R. 3564 does not set those rigid boundaries. The lessons of Yalta must not be forgotten. We fully recognize that NATO is likely to continue to enlarge in the future, but only when aspiring members are able to fulfill the conditions of membership and capable of contributing to the common defense.

Third, H.R. 3564 is not an open-ended promise of eventual NATO membership to interested Eastern and to Central European nations. The North Atlantic Treaty Organization is not a social club or paper organization; rather it is the most successful collective defensive organization in the history of mankind. It is perhaps inevitable that some nations, which have expressed an interest in NATO, may fail to meet the basic criteria for membership, but this is in part also somewhat of a self-qualification process.

The nations which have adopted free markets and adopted a full range of truly democratic institutions and practices will be more likely to be considered for membership. Those countries which fail to liberalize their economies or fail to become real democracies or repress their citizens are unlikely to enter NATO.

In addition, of course, NATO membership will only be offered to those nations which are willing to assume the shared cost and defense responsibilities of the alliance.

Last, this legislation should not be seen to threaten Russia or any other nation. The NATO alliance remains a defensive alliance. The Russian leadership must understand that NATO will not launch unprovoked attacks against a peaceful neighbor. The far more serious threat to Russian interest is internal instability and instability along her borders.

It is desperately important for the Russian people that its government complete fundamental economic and political reforms, but these reforms will be impossible if it is constantly threatened with civil war and political instability along its borders. Thus, the stability that NATO can project into Central and Eastern Europe should be helpful to Russian economic modernization and to its political stability.

Mr. Speaker, it most assuredly is true that the nature of some of the security challenges which face the NATO alliance have fundamentally changed since the days of the cold war. At that earlier time, defending Europe from Soviet or Warsaw Pact attack was

NATO's paramount mission. Now projecting stability and democracy eastward is perhaps the most important function that the alliance can serve.

Where once the Warsaw Pact enforced an involuntary order, now in too many places there is merely a power vacuum. No one wants to return to a time when border conflicts, aggressive nationalism, ethnic divisions, and political intrigue was the norm in Eastern and Central Europe.

But it is clear that could well reemerge unless stability is projected into the region. It should be obvious that NATO is the best instrument to fill that power vacuum, and it can do so in a nonthreatening manner.

Mr. Speaker, as the body completes consideration of the NATO Enlargement Act, this Member would remind his colleagues that we are considering very serious future treaty commitments. As this Member already has noted, the North Atlantic Treaty Organization is the most successful defensive alliance in the history of the world. Its success is anchored in the article 5 commitment North Atlantic Treaty, which states that an attack against one is an attack against all. Members must acknowledge that the admission of a new nation to NATO means that this nation will go to war to defend that country. Thus, this Congress should voice its support for NATO expansion in the months and years ahead only after careful consideration, and only if specific expansions are in the U.S. national interest. By passage of this act, we are moving forward to facing these future decisions on countries which can better prepare themselves to take on the full responsibilities of NATO membership.

This Member believes it is indeed in the national interest to expand NATO for those nations which meet all the criteria for membership. A carefully crafted policy of NATO enlargement can project stability into a volatile region of the world without drawing new boundaries, and it can do so in a way that should not undermine stability in Russia. By providing basic assistance through H.R. 3564 to those nations which have thus far made the greatest progress toward fulfilling the criteria for membership in a defensive alliance among the democratic nations of North America and Europe.

Mr. Speaker, it is not a question of whether NATO will expand, but when it will expand. Clearly, the enactment of H.R. 3564 will speed the day when NATO expands in a responsible, stabilizing manner. This Member urges adoption of H.R. 3564.

I urge my colleagues to support this legislation.

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

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished Member from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I want to commend both the gentleman from Indiana [Mr. HAMILTON], the ranking member, and the gentleman from New York, Chairman GILMAN, for the action today.

My father was in the Polish army in the late 1930's, 1939, as the war broke out. Poland, like Czechoslovakia first, saw both the Germans and the Russians coming in and divide them. Then the Russians were pushed back. The Germans took all of Poland. My father's entire family was exterminated. The the Russians came in and took over, and the dark days in Poland continued.

Czechoslovakia, of course, was Hitler's first grab with the Sudeten. Then again, as the Germans were pushed back, the Russians took it and imposed their terror on the Czech people for many years.

I think this legislation comes at the right time. There could have been a debate prior to the election in the Soviet Union. We could have argued at that point that, while the election was going on, we should be a little cautions in doing anything that would impact the outcome. The Soviet election, the Russian election is over. These countries, Poland, Hungary, and the Czech Republic, are moving in the right direction. If we needed to learn anything from history, it is that, when we have the opportunity to put peace in place, we ought to take that opportunity.

We have seen sufficient turmoil in the post-Soviet era to understand that, just because the Soviet Union has come to an end, does not mean that we are guaranteed peace on the European continent. The worst horrors we have seen in Europe in the last 50 years occurred after the fall of the Soviet Union in the former country of Yugoslavia as it disintegrated.

I think this action will ensure stability. We need to work with the Russians and others in the region to make sure that they understand this is not a move to threaten anybody's sovereignty or security. This is a move that hopefully will use the power and the strength of the West to ensure stability in Eastern Europe and help build not just a secure Eastern Europe but a more prosperous former Soviet bloc and that goes as well for the Russians.

These people in particular, the Poles, the Hungarians, and the Czechs, have suffered significantly throughout this century. This will give them some of the security that they rightly demand.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished gentleman from California [Mr. COX], the chairman of the Republican Policy Committee.

Mr. COX of California. Mr. Speaker, I thank the chairman for yielding.

The collapse of the Soviet empire is the most significant geopolitical event of the second half of the 20th century. It marks an enormous victory in the global struggle for freedom. Its direct beneficiaries are the liberated peoples of Europe and Asia that comprise the former captive nations so long dominated by the Warsaw Pact.

Unlike NATO, which was organized to protect and defend its members from Soviet expansionism, the Warsaw Pact subjugated its own member states, as we saw when Warsaw Pact troops invaded Hungary and Czechoslovakia to depose their governments and snuff out the people's freedom.

The captive nations, whose people fought and struggled against communism for so many dark years, deserve membership in NATO more than any other people on earth. NATO membership will accelerate the growth of their democracies and the pace of their economic reforms, and it will make our own world more secure. History demonstrates that democracies and free people do not threaten their neighbors.

This legislation is necessary now because action by the Clinton administration is long overdue, because the window of opportunity will not remain open forever. It has been 5 long years since the collapse of the Soviet empire. Let us begin this process now, in Poland, Hungary, and the Czech Republic, and let us work with the Baltic nations and the other former captive nations of central and economic Europe to expand the family of democracies and the respecters and promoters of free enterprise on our planet so that our world will indeed soon be a safer place.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I know that I am chasing windmills when it comes to this particular bill because it has a degree of unanimity in this body, the State Department and the President. But, probably for cathartic reasons, I must oppose the bill.

For the past 36 months, I have heard a chorus from this body, both Democrats and Republicans, that we must cut foreign aid and foreign assistance, notwithstanding the fact that the United States is the lowest per capita contributor of foreign aid of all of the industrialized countries in the world. I have also heard from this podium that no American troops should be sent to Somalia, Rwanda, Haiti, or Bosnia.

How many times have you heard that the United States cannot be the policeman of the world?

Well, how many of you have read this bill? How many of you have read the NATO Charter? How many of you have any idea what the expansion of our military obligation will be when we expand NATO? Do you have any idea of the cost of equipping these armies to bring them up to NATO standards? You're talking about billions of dollars. The Marshall plan will look like petty cash compared to this expansion.

Let me read from Congressional Research Service:

> A Rand study concluded that a conservative estimate of NATO expansion to include the Visegrad States, (that's Hungary, Poland, and the Czech Republic) will require ten to fifty billion dollars over 10 years, or as much as one hundred billion dollars or more should more vigorous measures be necessary to develop a strong defense posture.

In March 1996 CBO issued a report assessing cost of NATO enlargement under five possible options ranging from assisting a new member engaged in a border skirmish, or a conflict with a regional power to the permanent stationing of forces and equipment of current member states on the territory of

new members to prepare for a border conflict. The study assumed that Poland, Hungary, the Czech Republic, and Slovakia would be the initial new members and would bear the brunt of the cost of military modernization; that the cost would be spread over 1996–2010 and that current allies would pay a percentage of modernization cost equal to their proportionate share in NATO's Security Investment Program.

In such circumstances, cost at the low end for option 1 would be $60 billion with the United States share being $4.8 billion, and at the high end, $125 billion with the United States share being $18.9 billion.

Once you start the expansion—Poland, Hungary, and the Czech Repubic—politically, you cannot stop. In this bill you encourage admission to NATO of the Baltic countries—Estonia, Latvia, and Lithuania—to one previous Yugoslavian country, Slovenia, and the most insulting and offensive to the Russians, two former Soviet Union countries, Muldova and Ukraine.

Are you willing now to commit American soldiers to a border dispute between Lithuania and Russia over the enclave of Kaliningrad? Are you willing to send troops to Latvia because they have a fight with Belarus? Are you willing to send troops to Ukraine because of a conflict with Russia over the Black Sea fleet and Crimea? Think about it.

Let me make it perfectly clear. I am not an isolationist. Serving on the Foreign Affairs Committee for 8 years has given me a global view. I wanted to send troops into Rwanda long before the slaughter there. Serving on the Committee on International Relations has given me a global view. But how can you give a blank check to the white Eastern European nations and totally abandon black Africa?

This is a major step and one that should not be taken lightly.

I leave Congress in 5 months but I plan to come back and haunt you on a yearly basis.

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

No one is contemplating early NATO membership for Ukraine or Belarus, perhaps not ever. And, indeed, we are willing to use American military force when it is in the vital interest of the United States. Clearly, instability in Central and Eastern Europe would be contrary to the vital interests of the United States of America.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], a member of the committee.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER], my good friend, for yielding me this time.

Mr. Speaker, I commend Chairman GILMAN for his leadership in ensuring the timely consideration of H.R. 3564, the NATO Enlargement Facilitation Act of 1996. As an original cosponsor of this legislation, a strong advocate of NATO enlargement, and Chairman of the Helsinki Commission, I have consistently emphasized the importance of human rights in the expansion process. In addition, I am keenly interested in encouraging states interested in NATO membership to take concrete steps to strengthen civilian democratic control of the military.

During the International Relations Committee's consideration of this important initiative, language which proposed on each of these aspects of enlargement was approved with the Chairman GILMAN's support, for which I am grateful.

As a result, Mr. Speaker, the bill before us today includes an unqualified statement that the protection and promotion of fundamental freedoms and human rights are integral aspects of genuine security. The legislation also makes clear that the human rights records of emerging democracies in Central and Eastern Europe interested in joining NATO should be evaluated in light of the obligations and commitments of these countries under the U.N. Charter, the Universal Declaration of Human Rights, and the Helsinki Final Act. I would note that all 27 states of the Partnership for Peace [PfP] are participating States of the Organization for Security and Cooperation in Europe [OSCE]. That membership has committed each to act in accordance with all OSCE documents, including the Helsinki Final Act.

Mr. Speaker, the enlargement process provides an excellent opportunity for countries desiring membership to demonstrate their commitment to the shared values of NATO—including respect for human rights—as well as their ability to fulfill the military and political obligations expected of all member states. Prospective members should meet the criteria set forth in the NATO Participation Act of 1994 and other relevant legislation before they are admitted as full members of NATO.

It is also important to recognize that the present process of enlargement is taking place under significantly different circumstances that existed when a limited number of states were added in the past. Given the growing number of countries actively seeking full membership in the alliance, it is essential to establish clear criteria which all new members must meet.

Mr. Speaker, in recent days there has been some discussion about including Croatia among the prospective recipients of assistance under this legislation. To set the record straight, nothing in the pending legislation precludes Croatia from receiving assistance provided that country—or any other prospective recipient—meets a series of criteria, including respect for human rights. I welcome the recent decision of the OSCE to deploy a mission to Croatia and look forward to the findings and recommendations of that group which could contribute to establishing the conditions necessary for Zegreb to pursue eventual membership in NATO. In the meantime, Croatia should press for inclusion in the PfP, widely viewed as the first step toward possible NATO membership.

Mr. Speaker, I wish to turn briefly to the issue of civilian democratic control of the military. At the outset, let me say that the countries of Central and Eastern Europe have made tremendous strides in overcoming the legacy of communism. Perhaps one of the most delicate aspects of this transition has been establishing civilian control of the military an important prerequisite for those wishing to join NATO. Significant progress has been made in the emerging democracies leading to increased transparency with respect to military activities and budgets. Another key component, in my view, is the naming of a civilian to serve as minister of defense. Beyond mere symbolism, this action underscores the willingness of the military to subordinate itself to the democratic civilian leadership—a fundamental aspect of democratic society. I applaud those countries which have already undertaken this important step and encourage others to pursue that course.

In closing, Mr. Speaker, I urge my colleagues to support this legislation as a demonstration of our determination to move NATO expansion forward and our commitment to the people of East Central Europe, including those from the Baltic States and Ukraine, as they strive to overcome the legacy of communism and pursue democracy firmly rooted in respect for the rights and freedoms of the individual.

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Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. GILMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota [Mr. OBERSTAR].

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from Minnesota [Mr. OBERSTAR] is recognized for 2 minutes and 30 seconds.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlemen for yielding me the time.

Mr. Speaker, this is important legislation for the reasons already explained. Because it is important, I regret that it does not go a step further and include, along with Poland, Hungary and the Czech Republic, Slovenia.

Let me explain why. With only 8 percent of the population of former Yugoslavia, Slovenia accounted for 19 percent of the country's gross domestic product, one-third of its exports, one half of its dairy production, 40 percent of all of its taxes.

The Slovenes, post election, have been a model of parliamentary democracy. Local government has been expanded; 158 new municipalities have been created, local elections held. They have received the highest human rights respect status awarded by Amnesty International.

Inflation in the postwar, and it was only a 9-day war imposed by the Serb Army, only 68 people died, the Slovenes let the Serb Army return to its land without killing anyone, inflation was at 1,200 percent. It is now down to under 9 percent. They have a $3 billion positive international balance of payments. They have the 20th largest per capita exporting country record.

Ninety percent of the former socialist economy has been privatized. The banks have been privatized. They have balanced their budget. Unemployment rate is down to around 7 percent. Slovenia, in short, is Europe's best kept democratic secret.

When our Secretary of Defense, Mr. Perry, was in Slovenia recently, he said, Slovenia has done very well in all standards for NATO membership and is a strong candidate. Slovenia, he continued, can be a model to other Eastern Bloc and Central European countries because of its successful implementation of a democratic government, market economy, and resolving disagreements with its neighbors.

I have discussed this matter with the gentleman from New York [Mr. GILMAN] and with our ranking member, the gentleman from Indiana [Mr. HAMILTON]. I appreciate their willingness to give consideration to Slovenia at an appropriate time.

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

Mr. OBERSTAR. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to assure the gentleman that we have reviewed Slovenia's progress and recognize it has made a significant amount of progress. I want to assure the gentleman that in the forthcoming session, providing we are all here, we will work toward trying to allow Slovenia to become a member of NATO.

Mr. OBERSTAR. Mr. Speaker, I very much appreciate the chairman's interest, understanding and support for this initiative.

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

Mr. OBERSTAR. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, Slovenia has made remarkable progress. We recognize that. Their emergence has been so recent it did not receive full consideration.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOX] a member of the Committee on International Relations.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3564, the NATO Enlargement Facilitation Act of 1996, authored by Chairman GILMAN and Senator Dole.

One of America's most solemn obligations is to foster the growth of democracy and freedom both at home and abroad. These goals have been constants in American foreign policy since our Nation's birth—there are no two goals more clearly in our national interest and consistent with our national ideals. As Americans, we were all elated when the Communist chokehold on Eastern Europe was lifted and the cold war was won. Now we must do everything possible to encourage and protect the fragile young democracies which are emerging in Eastern Europe.

This legislation ensures that the emerging democracies will remain vital forces for freedom in Eastern Europe. This bill welcomes these nations as allies by facilitating the entrance of Poland, Hungary, and the Czech Republic into NATO and also by providing assistance toward NATO membership for Slovakia, Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania, Albania, Moldova, and Ukraine.

Mr. Speaker, I thank Chairman GILMAN for his outstanding leadership and urge my colleagues to support this visionary legislation.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the NATO Enlargement Facilitation Act.

Mr. Speaker, it is difficult to imagine that less than a decade ago, the world was a very different place.

We were in the icy grip of the cold war.

The Soviet Union was the menacing patron of repression across the globe.

The winds of democracy and freedom had not yet begun to sweep over Eastern and Central Europe.

All that has now changed.

And with this change, we should change NATO.

The bill before us recognizes that three Eastern European countries—Poland, Hungary, and the Czech Republic—have made the most progress with the criteria necessary for NATO inclusion.

As the Representative of Greenpoint, Brooklyn, one of the largest and most dynamic communities of Polish-Americans in the Nation, I am particularly pleased that this bill acknowledges Poland's extraordinary transition to democracy.

The bill also authorizes up to $60 million to these countries to facilitate the NATO expansion process.

It is critical that we recognize Poland's strategic value to the West.

The admission of Poland into NATO will enhance United States interests in Europe by bringing more stability and security to the region.

I urge the adoption of the bill, and I urge the administration to work with our allies to bring about the swift admission of Poland into Europe's most important political and military institution—NATO.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

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

Mr. Speaker, I rise in strong support of the NATO Enlargement Act of 1996. NATO, for the past 45 years, has been the cornerstone of stability in Europe and a critical element of our Nation's defense, it is the bulwark of Western democracy and free-market economics. The success of the alliance is without question.

But while I support expansion of NATO to include nations of Central and Eastern Europe, it is my unshakable conviction that NATO membership must only be granted to nations that make a fundamental commitment to democracy, the rule of law, and free market economics.

NATO membership must not be granted willy-nilly to nations that fail to make these commitments. Membership cannot be granted simply because certain nations fear their neighbors or believe that membership will enhance their prospects for democratic or economic progress or reform.

A major reason for the alliance's success has been its intolerance of authoritarian or undemocratic regimes within its ranks. Although democratic governments were overthrown by military juntas in Greece and Turkey, both countries joined NATO as democracies and both countries have reverted to democratic governments. Spain was not permitted to join NATO until it demonstrated its commitment to parliamentary democracy.

It also must be recognized that NATO is not anti-Russian. It is not even anti-Communist per se. In fact, it is not intrinsically anti anything. Rather, it is prodemocracy. NATO is and it always has been a defensive alliance under which the protection of democracies and free market economies could flourish.

Some formerly Communist nations of Central and Eastern Europe, such as the Baltic States, Poland, Hungary, and the Czech Republic, have clearly made the transition to free market democracies and should soon easily qualify to join NATO, as this bill calls for.

In addition, the early inclusion of those nations will also be a very powerful example and an incentive to encourage other Eastern European nations, such as Romania, Ukraine, Slovenia, and the Republic of Slovakia to hasten their unchangeable commitment to democratic institutions.

NATO membership by these newly democratic nations will help secure their place among the Central and Western European states. The stability and fate of those nations are of vital importance to the peace and security of Europe.

Mr. Speaker, I urge my colleagues to support this important piece of legislation.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I want to express some reservations. I commend the leadership on both sides for what they are trying to do. Eventually these

countries ought to be part of NATO, no matter what Russia thinks.

However, I have some reservations. First, Poland. In Poland I wish Lech Walesa was still the head. In Poland a former leading member of the Polish Communist government is not the new prime minister. In Hungary, foreign investors are concerned that socialism is coming back, and many people who were Communists when we knew they were Communists are now back in the government.

In Bulgaria, there are many Communists that have come back in government and, hopefully, the democratic leaning party will win in the upcoming election. In Romania, many of the same people that were in the Ceausescu government are still part of the government. So I am concerned about this.

Also I think if this does pass that we should lay the word down that we expect all of these countries to respect human rights: freedom of religion, freedom of worship, no antisemitism, freedom of movement, and freedom of expression. I am concerned that perhaps we should wait and hold out a little longer on NATO expansion to make sure these countries really do join democracy, whereby they become eligible for NATO.

So I commend the gentlemen on both sides but I want to raise some concerns. If communism comes back, these countries ought not be part of NATO.

Mr. Speaker, I rise to express concern about H.R. 3564, the NATO Enlargement Facilitation Act of 1996. I have some serious reservations about expanding this critical alliance at this time. Things are still too uncertain in the newly democratic countries in Eastern and Central Europe.

I support the concept of NATO expansion, but I think it's too early to be changing the formula that has worked to preserve peace in Western Europe for so long. More time need to pass to give these new governments a chance to show that they are truly committed to democracy, human rights, and being the kind of government necessary to be a trustworthy partner in NATO.

I am encouraged by the progress I have seen since 1989. Some countries are doing better than others, but for the most part we do not see today the kinds of human rights abuses we saw in the pre-1989 ear. Elections have taken place. Good constitutions have been put in place. Rule-of-law is advancing. Individual freedoms—such as freedom of expression, freedom of religion and freedom of association—are being preserved. But, I agree with the words of University of Illinois professor Ed Kolodziej, as reported on June 18 in an article in the Christian Science Monitor, ''I don't think [these countries] are ripe by a long shot.''

I am deeply concerned that in many countries in Eastern and Central Europe, former communists are in some capacity in government. In Poland, Hungary, Romania, and Bulgaria former members of the Communist party are in charge. In other countries, they are still politically active. Some of them are reformed Communists; some of them are not. It is crucial that we let enough time pass to be able to determine who is who. Actions speak louder than words. We must be able to differentiate clearly between those who are truly committed to democracy and those who are only talking the talk before we commit to protect them.

Things are better, but they are not perfect. I have heard reports that Hungarian Government representatives, at a conference in Budapest during the first week of July, adopted a provocative declaration on the status of Hungarians abroad causing concern for its neighbors. While I remain concerned over the state of Hungarian minority communities in Europe, this declaration illustrated a regrettable insensitivity toward Hungary's neighbors. There are still reports that high-profile individuals, journalists and foreigners are subject to surveillance by security agents in Romania.

When new countries join NATO, they are full-fledged partners. They are entitled to all of our military secrets and the full protection of the United States. I just do not think that the American people are ready for new commitments overseas when we can barely get support for current ones. We currently have 22,000 American troops doing a great job bringing peace to Bosnia, but I know this is not a popular idea with the American people. Would there be the support to send troops to Poland or Hungary or Romania to help governments with former Communists in power?

I don't think so. Not right now. Not before democracy has been tested and tried in Central and Eastern Europe and Communists no longer have influence.

So, Mr. Speaker, I support the concept of NATO expansion, but I don't think we should do it now. It's too early.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN], chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

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

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

I think many of my colleagues know my philosophy about Members of Congress involving themselves in foreign affairs to the extent that we try to dictate policy. But it is my understanding of this bill that we are not dictating policy. We are strongly suggesting to NATO and to the administration that they encourage the acceptance of three countries and that they expand NATO.

I might say that there is an avenue now through the Partnership for Peace where NATO can be expanded. But I think it is high time, like some of you, that we do expand NATO, that we do expedite the process, because a lot of countries have been waiting a lot of time in order to be included in there.

It is my personal philosophy that we ought to include all nations over there, because if you are going to have a successful NATO, it simply says that one of these nations will not attack another. If it does take place, then those nations that are a part of NATO will defend it. So if all of them were included, it would seem to me that we would have the best of all worlds. But we must begin with the process.

The NATO people must recognize that this process should start. It should have started a lot sooner than that. So we are not dictating to the administration. We are not dictating to NATO. We are simply saying that it is time to move on, that these three nations, specifically mentioned in here as suggestions, have been waiting a long time, that their acceptance would be an enhancement. I would encourage my colleagues to vote in favor of this measure.

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

Mr. CALLAHAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, the gentleman's comments gives us an opportunity to recognize that we are not barring membership for any country through this resolution, but we are providing an infrastructure and training assistance program, a modest one, by authorizing it as a part of this proposed act.

I thank the gentleman for giving me a chance to remind our colleagues that we are not dictating NATO membership for any country, only facilitating assistance to these three countries that seem to have done an outstanding job in preparing for NATO membership. I thank the gentleman for yielding to me.

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Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman from New York is recognized for 2 minutes.

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

Mr. GILMAN. Mr. Speaker, in concluding our debate today I would like to note that support for this measure has grown rapidly since we first introduced it several months ago. We now have 37 co-sponsors, almost evenly divided between Members of the majority and the minority. The bill has been warmly endorsed by the coalitions representing the 23 million Americans of Central and Eastern European descent. They wrote to me stating that from their point of view this is the most important legislation we will consider this year.

And finally just this morning we received word that the administration has decided to show its support behind the bill. The administration states, and I quote: ''The administration welcomes congressional support for the enlargement of NATO as reflected in H.R. 3564.''

Accordingly, I appreciate the support of my colleagues and look forward to early approval of the measure.

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

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

Mr. BEREUTER. Mr. Speaker, I thank the distinguised chairman, the

gentleman from New York [Mr. GILMAN], for yielding to me. Earlier Croatia was mentioned as a possible addition to the names of the countries that might eventually qualify for the assistance program we are authorizing by this resolutions when they moved to a greater degree of democracy and respect for human rights. That certainly is possible. Slovenia was also mentioned as a country that ought to be considered, and I fully agree that it ought to be considered for the assistance program.

Something that has not been mentioned is the recent improvements in democracy, economic reform, and human rights that has taken place in that nation which was formerly part of Yugoslavia, now called the Former Yugoslavia Republic of Macedonia [FYROM]. Its progress and potential for advancement into the front ranks for consideration for NATO membership are also to be recognized.

I thank the gentleman for recognizing me for this purpose.

Mr. DURBIN. Mr. Speaker, I rise in strong support of the NATO Enlargement Facilitation Act of 1996, H.R. 3564.

This legislation reflects strong bipartisan support in the U.S. Congress for welcoming the new democracies of Eastern and Central Europe into NATO when they are prepared to meet the responsibilities of membership. And it authorizes necessary assistance to help these new democracies prepare for NATO membership.

As cochairman of the Baltic freedom caucus in Congress, I particularly commend to my colleagues the provisions of H.R. 3564 relating to Lithuania, Latvia, and Estonia. H.R. 3564 states that it is the sense of Congress that Lithuania, Latvia, and Estonia have valid historical security concerns that must be taken into account by the United States, and the Lithuania, Latvia, and Estonia should not be disadvantaged in seeking to join NATO by virtue of their forcible incorporation into the Soviet Union. H.R. 3564 also names Lithuania, Lativa, and Estonia as countries which should participate in the Regional Airspace Initiative and the Partnership for Peace Information Management System.

The fledgling Baltic democracies, still struggling to overcome the effects of 50 years of communist domination, have made great efforts to prepare themselves for NATO membership. They are reforming their armies and instituting civilian controls and Democratic values. They have proven their ability to cooperate in multilateral efforts through the Baltic battalion. They have participated in Partnership For Peace training exercises. And they have contributed troops to the NATO-led operation in Bosnia, where they have earned the respect of their NATO allies and suffered in loss of their young soldiers.

U.S. policy in Eastern and Central Europe should be based on two goals: First, to support the security of the new democracies in the Baltics, Eastern and Central Europe; and second, to create a climate of trust in our relations with Russia, so it understands that the West has no hostile intentions toward Russia's territory or its people.

Expanding NATO membership at the appropriate time will enhance U.S. security, and strengthen democracy and free market reforms throughout Central and Eastern Europe. An expanded NATO, carefully crafted, can secure the peace for generations to come.

As a cosponsor of H.R. 3564, I urge my colleagues to support and pass the NATO Facilitation Act of 1996.

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

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

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 3564, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on the subject of the measure just considered.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, is it still appropriate for a request for the yeas and nays to be ordered?

The SPEAKER pro tempore. Is there objection to a demand for the yeas and nays?

There was no objection.

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

The yeas and nays were ordered.

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

IRAN AND LIBYA SANCTIONS ACT OF 1996

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill, (H.R. 3107) to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran and Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 7, strike out all after line 7, over to and including line 20 on page 8 and insert:

(b) Mandatory Sanctions With Respect to Libya.—

(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

(A) contributed to Libya's ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya's military or paramilitary capabilities;

(B) contributed to Libya's ability to develop its petroleum resources; or

(C) contributed to Libya's ability to maintain its aviation capabilities.

(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, made an investment of $40,000,000 or more (or any combination of investments of at least $10,000,000 each, which in the aggregate equals or exceeds $40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent the Senate amendment be considered as read and printed in the RECORD.

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

Mr. HAMILTON. Reserving the right to object, Mr. Speaker, I do not intend to object, but I will yield to the gentleman from New York [Mr. GILMAN] to explain the bill. I would then reclaim my time to pose some questions and make a few comments about the measure.

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

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I am very pleased to bring before the House H.R. 3107, the Iran and Libya Sanctions Act of 1996, as amended, which mandates sanctions on persons making investments that would enhance the ability of Iran to explore for, extract, refine, or transport by pipeline petroleum resources.

The text of this bill is identical to that adopted by the Senate on July 16 on an amendment offered by Senators KENNEDY and D'AMATO which modified

the sanctions regime in regard to investments in Libya making it fully consistent with the regime in place on Iran.

Passage of the bill in its present form clears this legislation for transmittal to the President. In light of the growing possibility that a terrorist act led to the destruction of TWA Flight 800 and the growing likelihood that state-sponsored terrorism poses an increasing threat to Americans inside and outside the United States, we should have in place the strongest possible deterrent to any future acts of terrorism supported by such rogue regimes as Iran and Libya.

Enactment of this bill today will accomplish this objective.

Its other provisions would also establish a mandatory sanctions regime on foreign persons who violate U.N. Security Council Resolutions 748 and 883 by selling weapons, aviation equipment and oil equipment to Libya, a country responsible for the cowardly and unforgivable attack on Pan Am Flight 103 in December 1988.

I urge my colleagues to pass this urgently needed legislation.

Mr. HAMILTON. Reclaiming my time, Mr. Speaker, if the gentleman from New York will permit, I would like to ask him a couple of questions. My understanding is that the Senate made two major changes in the bill before sending it to the House.

First, the Senate added mandatory sanctions for certain foreign investments in Libya's energy sector. The House bill would have imposed mandatory sanctions only on certain foreign exports to Libya and on certain investments in Iran.

Second, the Senate increased from 1 to 2 the number of sanctions the President would be required to impose on firms that engaged in prohibited investment or trade with Libya. The House bill would require the President to impose only one sanction on Iran.

My impression is that as a result of the Senate amendments the sanctions in the bill before us today are tougher on Libya than they are on Iran. Is that the understanding of the gentleman from New York?

Mr. GILMAN. Mr. Speaker, if the gentleman will further yield, the Senate amendment made sanctions against investments that contribute to the development of Libya's petroleum resources mandatory rather than discretionary. It makes the investment regime toward Libya fully consistent with that adopted by this body in regard to Iran.

Mr. HAMILTON. Is it the gentleman's understanding, however, that the sanctions in this bill today are tougher on Libya than they are on Iran?

Mr. GILMAN. The gentleman is correct.

Mr. HAMILTON. I am supporting the bill, of course, but it does seem to me the rationale is less clear. Iran poses a far more serious threat to the United States national interests in my judgment than does Libya, and if the gentleman agrees with me on that point, perhaps the gentleman could explain why we should sanction foreign companies that do business with Libya more harshly than we sanction companies that do business with Iran.

Before the gentleman responds, may I simply add that the bill that passed the House last month would have imposed mandatory sanctions only on certain exports to Libya, and my understanding is that the administration and the Committee on Ways and Means opposed mandatory sanctions on investment in Libya for two reasons:

First, since there is already substantial foreign investment in Libya, they argued that hitting investment with mandatory sanctions would only have a marginal impact on Libya's energy sector but would anger many of our biggest trade partners; and, second, the administration and the Committee on Ways and Means were concerned that unilateral United States measures could jeopardize existing international cooperation in Libya.

In light of these arguments, is the gentleman from New York concerned that enactment of the bill in its current form would weaken the existing international sanctions regime against Libya?

Mr. GILMAN. If the gentleman will further yield, in response to the gentleman's query, Libya has already established a clear track record of noncompliance with the U.N. Security Council Resolutions 731, 748 and 883. The failure of the Libyan Government to hand over for trial the two suspects in the Pan Am bombing is in itself a matter of grave concern, threatening peace and security in that entire region.

The world community would appear to have very few remaining alternatives in that regard. They include additional sanctions and the imposition of penalties for noncompliance and some kind of collective security action directed against the Libyan regime.

I am certain that most of us would agree that we should try to put in place any and all measures designed to bring Libya into compliance before we undertake any effort for a collective security operation to establish a blockade or initiate some kind of military action against Libya.

I would also note that the U.N. already has in place oil field equipment sanctions against Libya. Additional sanctions in this bill on investment in Libya's oil sector simply complements and further strengthens those existing sanctions.

Furthermore, we should not lose sight of the fact that there are reports of increased violations of the existing U.N. sanctions on Libya. Adoption of these amendments today will help us to address those problems.

Mr. HAMILTON. I thank the gentleman for his answers.

Mr. Speaker, further reserving the right to object, may I say a couple of things about the bill that is before us at this moment?

I support the bill because, as the gentleman from New York has indicated, the conduct of Iran and Libya remains far outside international norms, and our allies have simply not done enough to help us change that conduct. Rhetoric alone is not sufficient, steps to increase the economic isolation of Iran and Libya are warranted, and this bill takes U.S. policy in the right direction.

The objective of economic sanctions must always be to maximize economic pressure on the target countries while minimizing economic and other costs for ourselves. If the measures in this bill are not deployed carefully, they will run the risk of causing us more harm than they cause either Iran or Libya. That is because many of our closest allies and biggest trading partners have told us they view this bill as an effort to force them to change their policies toward Iran and Libya. They consider such pressure a threat to their sovereignty; they have promised to respond.

What will they do? Nobody knows for sure, but I see two potential problems to United States national interests: One, international cooperation on Iran and Libya could be reduced rather than increased. United States policies, not the policies of Iran and Libya, could become the focus of international attention. Iran and Libya surely would take comfort in seeing our allies gang up on us rather than against them. Second, retaliatory steps by our trading partners could prove costly to American workers and firms.

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The national interest waiver in this bill will help the President steer us clear of these potential costs to U.S. interests. It is my hope that the President will be able to use waivers and the possibility of sanctions to open a window of opportunity for negotiations on multilateral steps that would be more effective than unilateral sanctions in influencing the conduct of Iran and Libya. But waivers and sanctions are blunt policy instruments. We are handing the President a difficult task and a heavy responsibility without giving him all the policy tools he may need. He will have to exercise the limited discretion this bill gives him with great skill.

This bill deserves our support, and so will our President as he seeks to carry it out.

Mr. ROTH. Mr. Speaker, first let me again commend the gentleman from New York [Mr. GILMAN] for his work on this issue. No one can question his commitment to fighting terrorism and proliferation.

Moreover, there is no doubt that Iran and Libya are rouge states. The leaders of these regimes continue to violate every standard of acceptable behavior. I share the goals of turning Iran and Libya away from terrorism, away from making weapons of mass destruction and

away from brutality against their own people. And I agree that current U.S. Policy is failing badly, not achieving any of these goals. But I fear this legislation is a step backward, not forward. In my judgment, this bill will likely not work, for four reasons.

First, economic sanctions simply do not work in today's world when the United States acts alone. The Soviet grain embargo is the greatest example of a unilateral sanction with terrific goals and utterly ineffective results that cost billions in dollars of U.S. exports. But the same can be said for any number of U.S. unilateral sanctions.

Iran has 65 million people and a $300 billion economy. Libya has 5 million people and a $33 billion economy. Neither country can be isolated, geographically or economically. In both countries, exports are growing. From 1988 to 1994, Iran's exports grew nearly 50 percent, to $19 billion. Libya's exports grew nearly 10 percent, to $8 billion.

The reality is none of Iran's or Libya's major trading partners will go along with our sanctions. Not Germany. Not France. Not Italy. Not Spain. And not Japan. Without their cooperation, how will our sanctions ever work?

This brings me to the second flaw in this bill. This legislation would impose a secondary boycott on our closest allies. The sponsors argue that the bill will force Europe to choose between trading with us and trading with Iran and Libya. This will never work.

The primary effect of this bill has been to unify the European Union—all 15 members—against our policy toward Iran and Libya. Just like the extraterritorial reach of the 1982 Soviet pipeline embargo unified Europe. If this becomes law, we should expect blocking statutes to prevent European companies from complying, as well as retaliatory actions. Libya is a major source of petroleum for Western Europe. How can we expect those countries to forego Libya's oil? It simply will not happen.

Aside from Europe's interests in Libya, the Moslem countries of the Middle East, South Asia, and the Caucasus will not comply. Look what is happening with Iran. Pakistan now has an economic alliance with Iran. The Ukraine, Kazakhstan, Armenia, Turkmenistan, and Azerbaijan all are pursuing trade and investment with Iran. With these countries, Iran is likely to be a major partner in developing oil and gas resources in central Asia.

We have invested a lot in cultivating good relations with these former Soviet Republics. Are we now going to impose sanctions and throw away all our work over the past 5 years? If we do sanction these countries, how will they respond?

This legislation will not isolate Iran and Libya. It will isolate us. No one should be surprised. After all, the Arab League boycott of Israel has been a total failure. We and the Europeans all prevented our companies from complying. The same thing could happen with this legislation.

Third, this bill could prove a mistake because it provides the leaders of Iran and Libya with a convenient excuse for their own failures. Both regimes have inflicted great suffering on their people. The elites siphon off more and more money to prop up their own positions. But as the discontent rises among the Libyan and Iranian people, Qadhafi and the Ayatollahs will just point to the United States and say: ''See what the Americans are doing to you.''

Fourth, I am concerned that this is the easy way out for the administration. Enactment of this bill will replace the more necessary need. The administration, I'm convinced, will continue to fail to do the harder work of leading a coherent, multilateral response to the appalling policies of Iran. The test of our policy must be its impact on Iran's current regime. It is not enough that our goals are laudable. Our actions must be focused on stopping Iran's dangerous behavior, and this takes the hard work of multilateral action.

Mr. Speaker, in sum, Iran and Libya threaten international peace and security. Our goal must be to change their behavior. Whatever we do, it must be effective. We need our allies with us, not against us. There was a time when the United States could sound the alarm and Europe would rally to our side. That day is over. Economic sanctions and secondary boycotts have not—and will not—work when they are unilateral.

With enactment of this bill, I'm concerned we will have jeopardized our relations with the very countries whose support we need to eventually reach the goal of turning Iran and Libya away from their current terrorist behavior.

Mr. DEUTSCH. Mr. Speaker, I rise today in strong support of the Iran-Libya Oil Sanctions Act. This bill is important to the United States because it seeks to limit Iran's and Libya's ability to destabilize the Middle East. These sanctions will limit both countries' ability to export terrorism and upset the peace process in the Middle East.

I am a strong advocate of this bill because it will hit these parish nations where it hurts—oil production. By limiting foreign investment into the petroleum sector, this legislation will prevent both nations from funding the expansionist military policies. It will make it more difficult for Iran to purchase additional diesel submarines whose sole purpose is to close off oil exports from the gulf. It will hinder Libyan efforts to increase their stockpile of chemical weapons. And most importantly it will constrict Iran's ability to obtain a nuclear weapon.

This bill sends a clear message to both Iran and Libya that America will not sit idly and watch them build up their military capabilities for the sole purpose of regional intimidation. I urge my colleagues to support final passage of this bill.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

FOOD QUALITY PROTECTION ACT OF 1996

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1627) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1627

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Food Quality Protection Act of 1996''.

TITLE I—SUSPENSION-APPLICATORS

SEC. 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

Subtitle A—Suspension

SEC. 102. SUSPENSION.

(a) SECTION 6(c)(1).—The second sentence of section 6(c)(1) (7 U.S.C. 136d(c)(1)) is amended to read: ''Except as provided in paragraph (3), no order of suspension may be issued under this subsection unless the Administrator has issued, or at the same time issues, a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b).''.

(b) SECTION 6(c)(3).—Section 6(c)(3) (7 U.S.C. 136d(c)(3)) is amended—

(1) by inserting after the first sentence the following new sentence: ''The Administrator may issue an emergency order under this paragraph before issuing a notice of intention to cancel the registration or change the classification of the pesticide under subsection (b) and the Administrator shall proceed to issue the notice under subsection (b) within 90 days of issuing an emergency order. If the Administrator does not issue a notice under subsection (b) within 90 days of issuing an emergency order, the emergency order shall expire.''; and

(2) by striking ''In that case'' and inserting ''In the case of an emergency order''.

SEC. 103. TOLERANCE REEVALUATION AS PART OF REREGISTRATION.

Section 4(g)(2) (7 U.S.C. 136a–1(g)(2)) is amended by adding at the end the following:

''(E) As soon as the Administrator has sufficient information with respect to the dietary risk of a particular active ingredient, but in any event no later than the time the Administrator makes a determination under subparagraph (C) or (D) with respect to pesticides containing a particular active ingredient, the Administrator shall—

''(i) reassess each associated tolerance and exemption from the requirement for a tolerance issued under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a);

''(ii) determine whether such tolerance or exemption meets the requirements of that Act;

''(iii) determine whether additional tolerances or exemptions should be issued;

''(iv) publish in the Federal Register a notice setting forth the determinations made under this subparagraph; and

''(v) commence promptly such proceedings under this Act and section 408 of the Federal Food, Drug, and Cosmetic Act as are warranted by such determinations.''.

SEC. 104. SCIENTIFIC ADVISORY PANEL.

Section 25(d) (7 U.S.C. 136w(d)) is amended—

(1) in the first sentence, by striking ''The Administrator shall'' and inserting:

''(1) IN GENERAL.—The Administrator shall''; and

(2) by adding at the end the following:

''(2) SCIENCE REVIEW BOARD.—There is established a Science Review Board to consist of 60 scientists who shall be available to the Scientific Advisory Panel to assist in reviews conducted by the Panel. Members of the Board shall be selected in the same manner as members of temporary subpanels created under paragraph (1). Members of the Board shall be compensated in the same manner as members of the Panel.''.

SEC. 105. NITROGEN STABILIZER.

(a) SECTION 2.—Section 2 (7 U.S.C. 136) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''or'' after ''defoliant,'' and inserting '', or nitrogen stabilizer'' after ''desiccant'';

(B) at the end of paragraph (3) by striking ''and'';

(C) at the end of paragraph (4) by striking the period and inserting ''; and''; and

(D) at the end by adding the following:

''(5) in the case of a nitrogen stabilizer, an ingredient which will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria.'';

(2) in subsection (u), by striking ''and'' before ''(2)'' and by inserting ''and (3) any nitrogen stabilizer,'' after ''desiccant,''; and

(3) at the end by adding the following:

''(hh) NITROGEN STABILIZER.—The term 'nitrogen stabilizer' means any substance or mixture of substances intended for preventing or hindering the process of nitrification, denitrification, ammonia volatilization, or urease production through action upon soil bacteria. Such term shall not include—

''(1) dicyandiamide;

''(2) ammonium thiosulfate; or

''(3) any substance or mixture of substances.—

''(A) that was not registered pursuant to section 3 prior to January 1, 1992; and

''(B) that was in commercial agronomic use prior to January 1, 1992, with respect to which after January 1, 1992, the distributor or seller of the substance or mixture has made no specific claim of prevention or hindering of the process of nitrification, denitrification, ammonia volatilization urease production regardless of the actual use or purpose for, or future use or purpose for, the substance or mixture.

Statements made in materials required to be submitted to any State legislative or regulatory authority, or required by such authority to be included in the labeling or other literature accompanying any such substance or mixture shall not be deemed a specific claim within the meaning of this subsection.''.

(b) SECTION 3(f).—Section 3(f) (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(4) MIXTURES OF NITROGEN STABILIZERS AND FERTILIZER PRODUCTS.—Any mixture or other combination of—

''(A) 1 or more nitrogen stabilizers registered under this Act; and

''(B) 1 or more fertilizer products,

shall not be subject to the provisions of this section or sections 4, 5, 7, 15, and 17(a)(2) if the mixture or other combination is accompanied by the labeling required under this Act for the nitrogen stabilizer contained in the mixture or other combination, the mixture or combination is mixed or combined in accordance with such labeling, and the mixture or combination does not contain any active ingredient other than the nitrogen stabilizer.''.

SEC. 106. PERIODIC REGISTRATION REVIEW.

(a) SECTION 6.—Section 6 (7 U.S.C. 136d) is amended—

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

''(a) EXISTING STOCKS AND INFORMATION.—''; and

(2) by amending paragraph (1) of subsection (a) to read as follows:

''(1) EXISTING STOCKS.—The Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 3 or 4, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this Act.''.

(b) SECTION 3.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

''(g) REGISTRATION REVIEW.—

''(1)(A) GENERAL RULE.—The registrations of pesticides are to be periodically reviewed. The Administrator shall by regulation establish a procedure for accomplishing the periodic review of registrations. The goal of these regulations shall be a review of a pesticide's registration every 15 years. No registration shall be canceled as a result of the registration review process unless the Administrator follows the procedures and substantive requirements of section 6.

''(B) LIMITATION.—Nothing in this subsection shall prohibit the Administrator from undertaking any other review of a pesticide pursuant to this Act.

''(2)(A) DATA.—The Administrator shall use the authority in subsection (c)(2)(B) to require the submission of data when such data are necessary for a registration review.

''(B) DATA SUBMISSION, COMPENSATION, AND EXEMPTION.—For purposes of this subsection, the provisions of subsections (c)(1), (c)(2)(B), and (c)(2)(D) shall be utilized for and be applicable to any data required for registration review.''.

Subtitle B—Training for Maintenance Applicators and Service Technicians

SEC. 120. MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS DEFINITIONS.

Section 2 (7 U.S.C. 136), as amended by section 106, is amended by adding at the end the following:

''(jj) MAINTENANCE APPLICATOR.—The term 'maintenance applicator' means any individual who, in the principal course of such individual's employment, uses, or supervises the use of, a pesticide not classified for restricted use (other than a ready to use consumer products pesticides); for the purpose of providing structural pest control or lawn pest control including janitors, general maintenance personnel, sanitation personnel, and grounds maintenance personnel. The term 'maintenance applicator' does not include private applicators as defined in section 2(e)(2); individuals who use antimicrobial pesticides, sanitizers or disinfectants; individuals employed by Federal, State, and local governments or any political subdivisions thereof, or individuals who use pesticides not classified for restricted use in or around their homes, boats, sod farms, nurseries, greenhouses, or other noncommercial property.

''(kk) SERVICE TECHNICIAN.—The term 'service technician' means any individual who uses or supervises the use of pesticides (other than a ready to use consumer products pesticide) for the purpose of providing structural pest control or lawn pest control on the property of another for a fee. The term 'service technician' does not include individuals who use antimicrobial pesticides, sanitizers or disinfectants; or who otherwise apply ready to use consumer products pesticides.''.

SEC. 121. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.

The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) is amended—

(1) by redesignating sections 30 and 31 as sections 33 and 34, respectively; and

(2) by adding after section 29 the following:

''SEC. 30. MINIMUM REQUIREMENTS FOR TRAINING OF MAINTENANCE APPLICATORS AND SERVICE TECHNICIANS.

''Each State may establish minimum requirements for training of maintenance applicators and service technicians. Such training may include instruction in the safe and effective handling and use of pesticides in accordance with the Environmental Protection Agency approved labeling, and instruction in integrated pest management techniques. The authority of the Administrator with respect to minimum requirements for training of maintenance applicators and service technicians shall be limited to ensuring that each State understands the provisions of this section.''.

TITLE II—MINOR USE CROP PROTECTION, ANTIMICROBIAL PESTICIDE REGISTRATION REFORM, AND PUBLIC HEALTH PESTICIDES

SEC. 201. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

Subtitle A—Minor Use Crop Protection

SEC. 210. MINOR CROP PROTECTION.

(a) DEFINITION.—Section 2 (7 U.S.C. 136), as amended by section 120, is further amended by adding at the end the following:

''(ll) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health where—

''(1) the total United States acreage for the crop is less than 300,000 acres, as determined by the Secretary of Agriculture; or

''(2) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, the use does not provide sufficient economic incentive to support the initial registration or continuing registration of a pesticide for such use and—

''(A) there are insufficient efficacious alternative registered pesticides available for the use;

''(B) the alternatives to the pesticide use pose greater risks to the environment or human health;

''(C) the minor use pesticide plays or will play a significant part in managing pest resistance; or

''(D) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The status as a minor use under this subsection shall continue as long as the Administrator has not determined that, based on existing data, such use may cause an unreasonable adverse effect on the environment and the use otherwise qualifies for such status.''.

(b) EXCLUSIVE USE OF MINOR USE PESTICIDES.—Section 3(c)(1)(F) (7 U.S.C. 136a(c)(1)(F)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(2) by inserting after clause (i) the following:

''(ii) The period of exclusive data use provided under clause (i) shall be extended 1 additional year for each 3 minor uses registered after the date of enactment of this clause and within 7 years of the commencement of the exclusive use period, up to a total of 3 additional years for all minor uses registered by the Administrator if the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant, that—

''(I) there are insufficient efficacious alternative registered pesticides available for the use;

''(II) the alternatives to the minor use pesticide pose greater risks to the environment or human health;

''(III) the minor use pesticide plays or will play a significant part in managing pest resistance; or

''(IV) the minor use pesticide plays or will play a significant part in an integrated pest management program.

The registration of a pesticide for a minor use on a crop grouping established by the Administrator shall be considered for purposes of this clause 1 minor use for each representative crop for which data are provided in the crop grouping. Any additional exclusive use period under this clause shall be modified as appropriate or terminated if the registrant voluntarily cancels the product or deletes from the registration the minor uses which formed the basis for the extension of the additional exclusive use period or if the Administrator determines that the registrant is not actually marketing the product for such minor uses.'';

(3) in clause (iv), as amended by paragraph (1), by striking ''and (ii)'' and inserting '', (ii), and (iii)''; and

(4) at the end of the section, as amended by paragraph (1), by adding the following:

''(v) The period of exclusive use provided under clause (ii) shall not take into effect until 1 year after enactment of this clause, except where an applicant or registrant is applying for the registration of a pesticide containing an active ingredient not previously registered.

''(vi) With respect to data submitted after the date of enactment of this clause by an applicant or registrant to support an amendment adding a new use to an existing registration that does not retain any period of exclusive use, if such data relates solely to a minor use of a pesticide, such data shall not, without the written permission of the original data submitter, be considered by the Administrator to support an application for a minor use by another person during the period of 10 years following the date of submission of such data. The applicant or registrant at the time the new minor use is requested shall notify the Administrator that to the best of their knowledge the exclusive use period for the pesticide has expired and that the data pertaining solely to the minor use of a pesticide is eligible for the provisions of this paragraph. If the minor use registration which is supported by data submitted pursuant to this subsection is voluntarily canceled or if such data are subsequently used to support a nonminor use, the data shall no longer be subject to the exclusive use provisions of this clause but shall instead be considered by the Administrator in accordance with the provisions of clause (i), as appropriate.''.

(c) TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.—

(1) DATA CALL-IN.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following:

''(vi) Upon the request of a registrant the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under section 4 for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996, if—

''(I) the data to support other uses of the pesticide on a food are being provided;

''(II) the registrant, in submitting a request for such an extension, provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

''(III) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under section 4; and

''(IV) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this clause, the Administrator may take action to modify or revoke the extension under this clause if the Administrator determines that the extension for the minor use may cause an unreasonable adverse effect on the environment. In such circumstance, the Administrator shall provide, in writing to the registrant, a notice revoking the extension of time for submission of data. Such data shall instead be due in accordance with the date established by the Administrator for the submission of the data.''.

(2) REREGISTRATION.—Sections 4(d)(4)(B), 4(e)(2)(B), and 4(f)(2)(B) (7 U.S.C. 136a–1(d)(4)(B), (e)(2)(B), and (f)(2)(B)) are each amended by adding at the end the following: ''Upon application of a registrant, the Administrator shall, in the case of a minor use, extend the deadline for the production of residue chemistry data under this subparagraph for data required solely to support that minor use until the final deadline for submission of data under this section for the other uses of the pesticide established as of the date of enactment of the Food Quality Protection Act of 1996 if—

''(i) the data to support other uses of the pesticide on a food are being provided;

''(ii) the registrant, in submitting a request for such an extension provides a schedule, including interim dates to measure progress, to assure that the data production will be completed before the expiration of the extension period;

''(iii) the Administrator has determined that such extension will not significantly delay the Administrator's schedule for issuing a reregistration eligibility determination required under this section; and

''(iv) the Administrator has determined that based on existing data, such extension would not significantly increase the risk of any unreasonable adverse effect on the environment. If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data and shall ensure that the registrant is meeting the schedule for the production of the data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of section 3(c)(2)(B) or other provisions of this section, as appropriate, regarding the continued registration of the affected products with the minor use and shall inform the public of such action. Notwithstanding the provisions of this subparagraph, the Administrator may take action to modify or revoke the extension under this subparagraph if the Administrator determines that the extension for the minor use may cause an unreasonable adverse affect on the environment. In such circumstance, the Administrator shall provide written notice to the registrant revoking the extension of time for submission of data. Such data shall instead be due in accordance with the date then established by the Administrator for submission of the data.''.

(d) MINOR USE WAIVER.—Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended—

(1) by inserting ''IN GENERAL.—'' after ''(A)'';

(2) by inserting ''ADDITIONAL DATA.—'' after ''(B)'';

(3) by inserting ''SIMPLIFIED PROCEDURES.—'' after ''(C)''; and

(4) by adding at the end the following:

''(E) MINOR USE WAIVER.—In handling the registration of a pesticide for a minor use, the Administrator may waive otherwise applicable data requirements if the Administrator determines that the absence of such data will not prevent the Administrator from determining—

''(i) the incremental risk presented by the minor use of the pesticide; and

''(ii) that such risk, if any, would not be an unreasonable adverse effect on the environment.''.

(e) EXPEDITING MINOR USE REGISTRATIONS.—Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended —

(1) by inserting after ''(A)'' the following: ''IN GENERAL.—'';

(2) by inserting after ''(B)'' the following: ''IDENTICAL OR SUBSTANTIALLY SIMILAR.—''; and

(3) by adding at the end the following:

''(C) MINOR USE REGISTRATION.—

''(i) The Administrator shall, as expeditiously as possible, review and act on any complete application—

''(I) that proposes the initial registration of a new pesticide active ingredient if the active ingredient is proposed to be registered solely for minor uses, or proposes a registration amendment solely for minor uses to an existing registration; or

''(II) for a registration or a registration amendment that proposes significant minor uses.

''(ii) For the purposes of clause (i)—

''(I) the term 'as expeditiously as possible' means that the Administrator shall, to the greatest extent practicable, complete a review and evaluation of all data, submitted with a complete application, within 12 months after the submission of the complete application, and the failure of the Administrator to complete such a review and evaluation under clause (i) shall not be subject to judicial review; and

''(II) the term 'significant minor uses' means 3 or more minor uses proposed for every nonminor use, a minor use that would, in the judgment of the Administrator, serve as a replacement for any use which has been canceled in the 5 years preceding the receipt of the application, or a minor use that in the opinion of the Administrator would avoid the reissuance of an emergency exemption under section 18 for that minor use.

''(D) ADEQUATE TIME FOR SUBMISSION OF MINOR USE DATA.—If a registrant makes a request for a minor use waiver, regarding data required by the Administrator, pursuant to

paragraph (2)(E), and if the Administrator denies in whole or in part such data waiver request, the registrant shall have a full-time period for providing such data. For purposes of this subparagraph, the term 'full-time period' means the time period originally established by the Administrator for submission of such data, beginning with the date of receipt by the registrant of the Administrator's notice of denial.''.

(f) TEMPORARY EXTENSION OF REGISTRATION FOR UNSUPPORTED MINOR USES.—

(1) REREGISTRATION.—

(A) Sections 4(d)(6) and 4(f)(3) (7 U.S.C. 136a–1(d)(6) and (f)(3)) are each amended by adding at the end the following: ''If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this paragraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this paragraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On such a determination the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this paragraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this paragraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration.''.

(B) Section 4(e)(3)(A) (7 U.S.C. 136a–1(e)(3)(A)) is amended by adding at the end the following: ''If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this subparagraph in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under this section for the supported uses identified pursuant to this subparagraph unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this subparagraph, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with section 3(c)(2)(B)(iv) regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding this subparagraph, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration.''.

(2) DATA.—Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by subsection (c)(1), is further amended by adding at the end the following:

''(vii) If the registrant does not commit to support a specific minor use of the pesticide, but is supporting and providing data in a timely and adequate fashion to support uses of the pesticide on a food, or if all uses of the pesticide are nonfood uses and the registrant does not commit to support a specific minor use of the pesticide but is supporting and providing data in a timely and adequate fashion to support other nonfood uses of the pesticide, the Administrator, at the written request of the registrant, shall not take any action pursuant to this clause in regard to such unsupported minor use until the final deadline established as of the date of enactment of the Food Quality Protection Act of 1996, for the submission of data under section 4 for the supported uses identified pursuant to this clause unless the Administrator determines that the absence of the data is significant enough to cause human health or environmental concerns. On the basis of such determination, the Administrator may refuse the request for extension by the registrant. Upon receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date upon which the uses not being supported will be voluntarily deleted from the registration pursuant to section 6(f)(1). If the Administrator grants an extension under this clause, the Administrator shall monitor the development of the data for the uses being supported and shall ensure that the registrant is meeting the schedule for the production of such data. If the Administrator determines that the registrant is not meeting or has not met the schedule for the production of such data, the Administrator may proceed in accordance with clause (iv) of this subparagraph regarding the continued registration of the affected products with the minor and other uses and shall inform the public of such action in accordance with section 6(f)(2). Notwithstanding the provisions of this clause, the Administrator may deny, modify, or revoke the temporary extension under this subparagraph if the Administrator determines that the continuation of the minor use may cause an unreasonable adverse effect on the environment. In the event of modification or revocation, the Administrator shall provide, in writing, to the registrant a notice revoking the temporary extension and establish a new effective date by which the minor use shall be deleted from the registration.''.

(g) Section 6(f) (7 U.S.C. 136d(f)) is amended—

(1) in paragraph (1)(C)(ii) by striking ''90-day'' each place it appears and inserting ''180-day''; and

(2) in paragraph (3)(A) by striking ''90-day'' and inserting ''180-day''.

(h) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—Section 6(f) (7 U.S.C. 136d(f)) is amended by adding at the end the following:

''(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED PESTICIDE.—When an application is filed with the Administrator for the registration of a pesticide for a minor use and another registrant subsequently voluntarily cancels its registration for an identical or substantially similar pesticide for an identical or substantially similar use, the Administrator shall process, review, and evaluate the pending application as if the voluntary cancellation had not yet taken place except that the Administrator shall not take such action if the Administrator determines that such minor use may cause an unreasonable adverse effect on the environment. In order to rely on this subsection, the applicant must certify that it agrees to satisfy any outstanding data requirements necessary to support the reregistration of the pesticide in accordance with the data submission schedule established by the Administrator.''.

(i) ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by section 121, is amended by adding after section 30 the following:

''SEC. 31. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

''(a) The Administrator shall assure coordination of minor use issues through the establishment of a minor use program within the Office of Pesticide Programs. Such office shall be responsible for coordinating the development of minor use programs and policies and consulting with growers regarding minor use issues and registrations and amendments which are submitted to the Environmental Protection Agency.

''(b) The Office of Pesticide Programs shall prepare a public report concerning the progress made on the registration of minor uses, including implementation of the exclusive use as an incentive for registering new minor uses, within 3 years of the passage of the Food Quality Protection Act of 1996.''.

(j) DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.—The Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), as amended by subsection (i), is amended by adding after section 31 the following:

''SEC. 32. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

''(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this section referred

to as the 'Secretary') shall assure the coordination of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

''(1) carrying out the Inter-Regional Project Number 4 (IR–4) as described in section 2 of Public Law 89–106 (7 U.S.C. 450i(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882);

''(2) supporting integrated pest management research;

''(3) consulting with growers to develop data for minor uses; and

''(4) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

''(b)(1) MINOR USE PESTICIDE DATA.—

''(A) GRANT AUTHORITY.—The Secretary, in consultation with the Administrator, shall establish a program to make grants for the development of data to support minor use pesticide registrations and reregistrations. The amount of any such grant shall not exceed ½ of the cost of the project for which the grant is made.

''(B) APPLICANTS.—Any person who wants to develop data to support minor use pesticide registrations and reregistrations may apply for a grant under subparagraph (A). Priority shall be given to an applicant for such a grant who does not directly receive funds from the sale of pesticides registered for minor uses.

''(C) DATA OWNERSHIP.—Any data that is developed under a grant under subparagraph (A) shall be jointly owned by the Department of Agriculture and the person who received the grant. Such a person shall enter into an agreement with the Secretary under which such person shall share any fee paid to such person under section 3(c)(1)(F).

''(2) MINOR USE PESTICIDE DATA REVOLVING FUND.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund to be known as the Minor Use Pesticide Data Revolving Fund. The Fund shall be available without fiscal year limitation to carry out the authorized purposes of this subsection.

''(B) CONTENTS OF THE FUND.—There shall be deposited in the Fund—

''(i) such amounts as may be appropriated to support the purposes of this subsection; and

''(ii) fees collected by the Secretary for any data developed under a grant under paragraph (1)(A).

''(C) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year to carry out the purposes of this subsection $10,000,000 to remain available until expended.''.

Subtitle B—Antimicrobial Pesticide Registration Reform

SEC. 221. DEFINITIONS.

Section 2 (7 U.S.C. 136), as amended by section 210(a) is further amended—

(1) in subsection (u), by adding at the end the following: ''The term 'pesticide' does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term 'critical device' includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term 'semi-critical device' includes any device which contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.''; and

(2) by adding at the end the following:

''(mm) ANTIMICROBIAL PESTICIDE.—

''(1) IN GENERAL.—The term 'antimicrobial pesticide' means a pesticide that—

''(A) is intended to—

''(i) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or

''(ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and

''(B) in the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.

''(2) EXCLUDED PRODUCTS.—The term 'antimicrobial pesticide' does not include —

''(A) a wood preservative or antifouling paint product for which a claim of pesticidal activity other than or in addition to an activity described in paragraph (1) is made;

''(B) an agricultural fungicide product; or

''(C) an aquatic herbicide product.

''(3) INCLUDED PRODUCTS.—The term 'antimicrobial pesticide' does include any other chemical sterilant product (other than liquid chemical sterilant products exempt under subsection (u)), any other disinfectant product, any other industrial microbiocide product, and any other preservative product that is not excluded by paragraph (2).''.

SEC. 222. FEDERAL AND STATE DATA COORDINATION.

Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)), as amended by section 210(f)(2), is amended by adding at the end the following:

''(viii)(I) If data required to support registration of a pesticide under subparagraph (A) is requested by a Federal or State regulatory authority, the Administrator shall, to the extent practicable, coordinate data requirements, test protocols, timetables, and standards of review and reduce burdens and redundancy caused to the registrant by multiple requirements on the registrant.

''(II) The Administrator may enter into a cooperative agreement with a State to carry out subclause (I).

''(III) Not later than 1 year after the date of enactment of this clause, the Administrator shall develop a process to identify and assist in alleviating future disparities between Federal and State data requirements.''.

SEC. 223. LABEL AND LABELING.

Section 3(c) (7 U.S.C. 136a(c)) is amended by adding at the end the following:

''(9) LABELING.—

''(A) ADDITIONAL STATEMENTS.—Subject to subparagraphs (B) and (C), it shall not be a violation of this Act for a registrant to modify the labeling of an antimicrobial pesticide product to include relevant information on product efficacy, product composition, container composition or design, or other characteristics that do not relate to any pesticidal claim or pesticidal activity.

''(B) REQUIREMENTS.—Proposed labeling information under subparagraph (A) shall not be false or misleading, shall not conflict with or detract from any statement required by law or the Administrator as a condition of registration, and shall be substantiated on the request of the Administrator.

''(C) NOTIFICATION AND DISAPPROVAL.—

''(i) NOTIFICATION.—A registration may be modified under subparagraph (A) if —

''(I) the registrant notifies the Administrator in writing not later than 60 days prior to distribution or sale of a product bearing the modified labeling; and

''(II) the Administrator does not disapprove of the modification under clause (ii).

''(ii) DISAPPROVAL.—Not later than 30 days after receipt of a notification under clause (i), the Administrator may disapprove the modification by sending the registrant notification in writing stating that the proposed language is not acceptable and stating the reasons why the Administrator finds the proposed modification unacceptable.

''(iii) RESTRICTION ON SALE.—A registrant may not sell or distribute a product bearing a disapproved modification.

''(iv) OBJECTION.—A registrant may file an objection in writing to a disapproval under clause (ii) not later than 30 days after receipt of notification of the disapproval.

''(v) FINAL ACTION.—A decision by the Administrator following receipt and consideration of an objection filed under clause (iv) shall be considered a final agency action.

''(D) USE DILUTION.—The label or labeling required under this Act for an antimicrobial pesticide that is or may be diluted for use may have a different statement of caution or protective measures for use of the recommended diluted solution of the pesticide than for use of a concentrate of the pesticide if the Administrator determines that —

''(i) adequate data have been submitted to support the statement proposed for the diluted solution uses; and

''(ii) the label or labeling provides adequate protection for exposure to the diluted solution of the pesticide.''.

SEC. 224. REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.

Section 3 (7 U.S.C. 136a), as amended by section 106(b), is further amended by adding at the end the following:

''(h) REGISTRATION REQUIREMENTS FOR ANTIMICROBIAL PESTICIDES.—

''(1) EVALUATION OF PROCESS.—To the maximum extent practicable consistent with the degrees of risk presented by a antimicrobial pesticide and the type of review appropriate to evaluate the risks, the Administrator shall identify and evaluate reforms to the antimicrobial registration process that would reduce review periods existing as of the date of enactment of this subsection for antimicrobial pesticide product registration applications and applications for amended registration of antimicrobial pesticide products, including—

''(A) new antimicrobial active ingredients;

''(B) new antimicrobial end-use products;

''(C) substantially similar or identical antimicrobial pesticides; and

''(D) amendments to antimicrobial pesticide registrations.

''(2) REVIEW TIME PERIOD REDUCTION GOAL.—Each reform identified under paragraph (1) shall be designed to achieve the goal of reducing the review period following submission of a complete application, consistent with the degree of risk, to a period of not more than —

''(A) 540 days for a new antimicrobial active ingredient pesticide registration;

''(B) 270 days for a new antimicrobial use of a registered active ingredient;

''(C) 120 days for any other new antimicrobial product;

''(D) 90 days for a substantially similar or identical antimicrobial product;

''(E) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

''(F) 90 to 180 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this paragraph.

''(3) IMPLEMENTATION.—

''(A) PROPOSED RULEMAKING.—

''(i) ISSUANCE.—Not later than 270 days after the date of enactment of this subsection, the Administrator shall publish in the Federal Register proposed regulations to accelerate and improve the review of

antimicrobial pesticide products designed to implement, to the extent practicable, the goals set forth in paragraph (2).

''(ii) REQUIREMENTS.—Proposed regulations issued under clause (i) shall —

''(I) define the various classes of antimicrobial use patterns, including household, industrial, and institutional disinfectants and sanitizing pesticides, preservatives, water treatment, and pulp and paper mill additives, and other such products intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms, or protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

''(II) differentiate the types of review undertaken for antimicrobial pesticides;

''(III) conform the degree and type of review to the risks and benefits presented by antimicrobial pesticides and the function of review under this Act, considering the use patterns of the product, toxicity, expected exposure, and product type;

''(IV) ensure that the registration process is sufficient to maintain antimicrobial pesticide efficacy and that antimicrobial pesticide products continue to meet product performance standards and effectiveness levels for each type of label claim made; and

''(V) implement effective and reliable deadlines for process management.

''(iii) COMMENTS.—In developing the proposed regulations, the Administrator shall solicit the views from registrants and other affected parties to maximize the effectiveness of the rule development process.

''(B) FINAL REGULATIONS.—

''(i) ISSUANCE.—The Administrator shall issue final regulations not later than 240 days after the close of the comment period for the proposed regulations.

''(ii) FAILURE TO MEET GOAL.—If a goal described in paragraph (2) is not met by the final regulations, the Administrator shall identify the goal, explain why the goal was not attained, describe the element of the regulations included instead, and identify future steps to attain the goal.

''(iii) REQUIREMENTS.—In issuing final regulations, the Administrator shall—

''(I) consider the establishment of a certification process for regulatory actions involving risks that can be responsibly managed, consistent with the degree of risk, in the most cost-efficient manner;

''(II) consider the establishment of a certification process by approved laboratories as an adjunct to the review process;

''(III) use all appropriate and cost-effective review mechanisms, including—

''(aa) expanded use of notification and nonnotification procedures;

''(bb) revised procedures for application review; and

''(cc) allocation of appropriate resources to ensure streamlined management of antimicrobial pesticide registrations; and

''(IV) clarify criteria for determination of the completeness of an application.

''(C) EXPEDITED REVIEW.—This subsection does not affect the requirements or extend the deadlines or review periods contained in subsection (c)(3).

''(D) ALTERNATIVE REVIEW PERIODS.—If the final regulations to carry out this paragraph are not effective 630 days after the date of enactment of this subsection, until the final regulations become effective, the review period, beginning on the date of receipt by the Agency of a complete application, shall be —

''(i) 2 years for a new antimicrobial active ingredient pesticide registration;

''(ii) 1 year for a new antimicrobial use of a registered active ingredient;

''(iii) 180 days for any other new antimicrobial product;

''(iv) 90 days for a substantially similar or identical antimicrobial product;

''(v) 90 days for an amendment to an antimicrobial registration that does not require scientific review of data; and

''(vi) 240 days for an amendment to an antimicrobial registration that requires scientific review of data and that is not otherwise described in this subparagraph.

''(E) WOOD PRESERVATIVES.—An application for the registration, or for an amendment to the registration, of a wood preservative product for which a claim of pesticidal activity listed in section 2(mm) is made (regardless of any other pesticidal claim that is made with respect to the product) shall be reviewed by the Administrator within the same period as that established under this paragraph for an antimicrobial pesticide product application, consistent with the degree of risk posed by the use of the wood preservative product, if the application requires the applicant to satisfy the same data requirements as are required to support an application for a wood preservative product that is an antimicrobial pesticide.

''(F) NOTIFICATION.—

''(i) IN GENERAL.—Subject to clause (iii), the Administrator shall notify an applicant whether an application has been granted or denied not later than the final day of the appropriate review period under this paragraph, unless the applicant and the Administrator agree to a later date.

''(ii) FINAL DECISION.—If the Administrator fails to notify an applicant within the period of time required under clause (i), the failure shall be considered an agency action unlawfully withheld or unreasonably delayed for purposes of judicial review under chapter 7 of title 5, United States Code.

''(iii) EXEMPTION.—This subparagraph does not apply to an application for an antimicrobial pesticide that is filed under subsection (c)(3)(B) prior to 90 days after the date of enactment of this subsection.

''(4) ANNUAL REPORT.—

''(A) SUBMISSION.—Beginning on the date of enactment of this subsection and ending on the date that the goals under paragraph (2) are achieved, the Administrator shall, not later than March 1 of each year, prepare and submit an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

''(B) REQUIREMENTS.—A report submitted under subparagraph (A) shall include a description of—

''(i) measures taken to reduce the backlog of pending registration applications;

''(ii) progress toward achieving reforms under this subsection; and

''(iii) recommendations to improve the activities of the Agency pertaining to antimicrobial registrations.''.

SEC. 225. DISPOSAL OF HOUSEHOLD, INDUSTRIAL, OR INSTITUTIONAL ANTIMICROBIAL PRODUCTS.

Section 19(h) (7 U.S.C. 136q(h)) is amended—

(1) by striking ''Nothing in'' and inserting the following:

''(1) IN GENERAL.—Nothing in''; and

(2) by adding at the end the following:

''(2) ANTIMICROBIAL PRODUCTS.—A household, industrial, or institutional antimicrobial product that is not subject to regulation under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) shall not be subject to the provisions of subsections (a), (e), and (f), unless the Administrator determines that such product must be subject to such provisions to prevent an unreasonable adverse effect on the environment.''.

Subtitle C—Public Health Pesticides

SEC. 230. DEFINITIONS.

(a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C. 136(bb)) is amended by adding at the end the following: ''The Administrator shall consider the risks and benefits of public health pesticides separate from the risks and benefits of other pesticides. In weighing any regulatory action concerning a public health pesticide under this Act, the Administrator shall weigh any risks of the pesticide against the health risks such as the diseases transmitted by the vector to be controlled by the pesticide.''.

(b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136), as amended by section 221, is amended by adding at the end the following:

''(nn) PUBLIC HEALTH PESTICIDE.—The term 'public health pesticide' means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.

''(oo) VECTOR.—The term 'vector' means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.''.

SEC. 231. REGISTRATION.

Section 3(c)(2)(A) (7 U.S.C. 136a(c)(2)(A)) is amended—

(1) by inserting after ''pattern of use,'' the following: ''the public health and agricultural need for such minor use,''; and

(2) by striking ''potential exposure of man and the environment to the pesticide'' and inserting ''potential beneficial or adverse effects on man and the environment''.

SEC. 232. REREGISTRATION.

Section 4 (7 U.S.C. 136a–1) is amended—

(1) in subsection (i)(4), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by adding after subparagraph (A) the following:

''(B) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Human Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.'';

(2) in subsection (i)(5), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by adding after subparagraph (E) the following:

''(F) The Administrator shall exempt any public health pesticide from the payment of the fee prescribed under paragraph (3) if, in consultation with the Secretary of Health and Humans Services, the Administrator determines, based on information supplied by the registrant, that the economic return to the registrant from sales of the pesticide does not support the registration or reregistration of the pesticide.'';

(3) in subsection (i)(7)(B), by striking ''or to determine'' and inserting '', to determine'' and by inserting before the period the following: '', or to determine the volume usage for public health pesticides''; and

(4) in subsection (k)(3)(A), by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting thereof ''; or'', and by adding after clause (ii) the following:

''(iii) proposes the initial or amended registration of an end use pesticide that, if registered as proposed, would be used for a public health pesticide.''.

SEC. 233. CANCELLATION.

Section 6(b) (7 U.S.C. 136d(b)) is amended by adding after the eighth sentence the following: ''When a public health use is affected, the Secretary of Health and Human Services should provide available benefits and use information, or an analysis thereof, in accordance with the procedures followed and subject to the same conditions as the Secretary of Agriculture in the case of agricultural pesticides.''.

SEC. 234. VIEWS OF THE SECRETARY OF HEALTH AND HUMAN SERVICES.

Section 21 (7 U.S.C. 136s) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

''(b) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Administrator, before publishing regulations under this Act for any public health pesticide, shall solicit the views of the Secretary of Health and Human Services in the same manner as the views of the Secretary of Agriculture are solicited under section 25(a)(2).''.

SEC. 235. AUTHORITY OF ADMINISTRATOR.

Section 25(a)(1) (7 U.S.C. 136w(a)(1)) is amended—

(1) by inserting after ''various classes of pesticides'' the following: '', including public health pesticides,''; and

(2) by striking ''and nonagricultural pesticides'' and inserting '', nonagricultural, and public health pesticides''.

SEC. 236. IDENTIFICATION OF PESTS.

Section 28 (7 U.S.C. 136w–3) is amended by adding at the end the following:

''(d) PUBLIC HEALTH PESTS.—The Administrator, in coordination with the Secretary of Agriculture and the Secretary of Health and Human Services, shall identify pests of significant public health importance and, in coordination with the Public Health Service, develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance.''.

SEC. 237. PUBLIC HEALTH DATA.

Section 4 (7 U.S.C. 136a–1) is amended by adding at the end the following:

''(m) AUTHORIZATION OF FUNDS TO DEVELOP PUBLIC HEALTH DATA.—

''(1) DEFINITION.—For the purposes of this section, 'Secretary' means the Secretary of Health and Human Services, acting through the Public Health Service.

''(2) CONSULTATION.—In the case of a pesticide registered for use in public health programs for vector control or for other uses the Administrator determines to be human health protection uses, the Administrator shall, upon timely request by the registrant or any other interested person, or on the Administrator's own initiative may, consult with the Secretary prior to taking final action to suspend registration under section 3(c)(2)(B)(iv), or cancel a registration under section 4, 6(e), or 6(f). In consultation with the Secretary, the Administrator shall prescribe the form and content of requests under this section.

''(3) BENEFITS TO SUPPORT FAMILY.—The Administrator, after consulting with the Secretary, shall make a determination whether the potential benefits of continued use of the pesticide for public health or health protection purposes are of such significance as to warrant a commitment by the Secretary to conduct or to arrange for the conduct of the studies required by the Administrator to support continued registration under section 3 or reregistration under section 4.

''(4) ADDITIONAL TIME.—If the Administrator determines that such a commitment is warranted and in the public interest, the Administrator shall notify the Secretary and shall, to the extent necessary, amend a notice issued under section 3(c)(2)(B) to specify additional reasonable time periods for submission of the data.

''(5) ARRANGEMENTS.—The Secretary shall make such arrangements for the conduct of required studies as the Secretary finds necessary and appropriate to permit submission of data in accordance with the time periods prescribed by the Administrator. Such arrangements may include Public Health Service intramural research activities, grants, contracts, or cooperative agreements with academic, public health, or other organizations qualified by experience and training to conduct such studies.

''(6) SUPPORT.—The Secretary may provide for support of the required studies using funds authorized to be appropriated under this section, the Public Health Service Act, or other appropriate authorities. After a determination is made under subsection (d), the Secretary shall notify the Committees on Appropriations of the House Representatives and the Senate of the sums required to conduct the necessary studies.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this section $12,000,000 for fiscal year 1997, and such sums as may be necessary for succeeding fiscal years.''.

Subtitle D—Expedited Registration of Reduced Risk Pesticides

SEC. 250. EXPEDITED REGISTRATION OF PESTICIDES .

Section 3(c) (7 U.S.C. 136a(c)), as amended by section 223, is amended—

(1) by adding at the end of paragraph (1) the following:

''(G) If the applicant is requesting that the registration or amendment to the registration of a pesticide be expedited, an explanation of the basis for the request must be submitted, in accordance with paragraph (10) of this subsection.''; and

(2) by adding at the end the following:

''(10) EXPEDITED REGISTRATION OF PESTICIDES.—

''(A) Not later than 1 year after the date of enactment of this paragraph, the Administrator shall, utilizing public comment, develop procedures and guidelines, and expedite the review of an application for registration of a pesticide or an amendment to a registration that satisfies such guidelines.

''(B) Any application for registration or an amendment, including biological and conventional pesticides, will be considered for expedited review under this paragraph. An application for registration or an amendment shall qualify for expedited review if use of the pesticide proposed by the application may reasonably be expected to accomplish 1 or more of the following:

''(i) Reduce the risks of pesticides to human health.

''(ii) Reduce the risks of pesticides to nontarget organisms.

''(iii) Reduce the potential for contamination of groundwater, surface water, or other valued environmental resources.

''(iv) Broaden the adoption of integrated pest management strategies, or make such strategies more available or more effective.

''(C) The Administrator, not later than 30 days after receipt of an application for expedited review, shall notify the applicant whether the application is complete. If it is found to be incomplete, the Administrator may either reject the request for expedited review or ask the applicant for additional information to satisfy the guidelines developed under subparagraph (A).''.

TITLE III—DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN AND OTHER MEASURES

SEC. 301. DATA COLLECTION ACTIVITIES TO ASSURE THE HEALTH OF INFANTS AND CHILDREN.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Health and Human Services, shall coordinate the development and implementation of survey procedures to ensure that adequate data on food consumption patterns of infants and children are collected.

(b) PROCEDURES.—To the extent practicable, the procedures referred to in subsection (a) shall include the collection of data on food consumption patterns of a statistically valid sample of infants and children.

(c) RESIDUE DATA COLLECTION.—The Secretary of Agriculture shall ensure that the residue data collection activities conducted by the Department of Agriculture in cooperation with the Environmental Protection Agency and the Department of Health and Human Services, provide for the improved data collection of pesticide residues, including guidelines for the use of comparable analytical and standardized reporting methods, and the increased sampling of foods most likely consumed by infants and children.

SEC. 302. COLLECTION OF PESTICIDE USE INFORMATION.

(a) IN GENERAL.—The Secretary of Agriculture shall collect data of statewide or regional significance on the use of pesticides to control pests and diseases of major crops and crops of dietary significance, including fruits and vegetables.

(b) COLLECTION.—The data shall be collected by surveys of farmers or from other sources offering statistically reliable data.

(c) COORDINATION.—The Secretary of Agriculture shall, as appropriate, coordinate with the Administrator of the Environmental Protection Agency in the design of the surveys and make available to the Administrator the aggregate results of the surveys to assist the Administrator.

SEC. 303. INTEGRATED PEST MANAGEMENT.

The Secretary of Agriculture, in cooperation with the Administrator, shall implement research, demonstration, and education programs to support adoption of Integrated Pest Management. Integrated Pest Management is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks. The Secretary of Agriculture and the Administrator shall make information on Integrated Pest Management widely available to pesticide users, including Federal agencies. Federal agencies shall use Integrated Pest Management techniques in carrying out pest management activities and shall promote Integrated Pest Management through procurement and regulatory policies, and other activities.

SEC. 304. COORDINATION OF CANCELLATION.

Section 2(bb) (7 U.S.C. 136(bb)) is amended—

(1) by inserting ''(1)'' after ''means''; and

(2) by striking the period at the end of the first sentence and inserting '', or (2) a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a).''.

SEC. 305. PESTICIDE USE INFORMATION STUDY.

(a) The Secretary of Agriculture shall, in consultation with the Administrator of the Environmental Protection Agency, prepare a

report to Congress evaluating the current status and potential improvements in Federal pesticide use information gathering activities. This report shall at least include—

(1) an analysis of the quality and reliability of the information collected by the Department of Agriculture, the Environmental Protection Agency, and other Federal agencies regarding the agricultural use of pesticides; and

(2) an analysis of options to increase the effectiveness of national pesticide use information collection, including an analysis of costs, burdens placed on agricultural producers and other pesticide users, and effectiveness in tracking risk reduction by those options.

(b) The Secretary shall submit this report to Congress not later than 1 year following the date of enactment of this section.

TITLE IV—AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

SEC 401. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This title may be cited as the ''Food Quality Protection Act of 1996''.

(b) REFERENCE.—Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

SEC. 402. DEFINITIONS.

(a) SECTION 201(q).—Section 201(q) (21 U.S.C. 321(q)) is amended to read as follows:

''(q)(1) The term 'pesticide chemical' means any substance that is a pesticide within the meaning of the Federal Insecticide, Fungicide, and Rodenticide Act, including all active and inert ingredients of such pesticide.

''(2) The term 'pesticide chemical residue' means a residue in or on raw agricultural commodity or processed food of—

''(A) a pesticide chemical; or

''(B) any other added substance that is present on or in the commodity or food primarily as a result of the metabolism or other degradation of a pesticide chemical.

''(3) Notwithstanding paragraphs (1) and (2), the Administrator may by regulation except a substance from the definition of 'pesticide chemical' or 'pesticide chemical residue' if—

''(A) its occurrence as a residue on or in a raw agricultural commodity or processed food is attributable primarily to natural causes or to human activities not involving the use of any substances for a pesticidal purpose in the production, storage, processing, or transportation of any raw agricultural commodity or processed food; and

''(B) the Administrator, after consultation with the Secretary, determines that the substance more appropriately should be regulated under one or more provisions of this Act other than sections 402(a)(2)(B) and 408.''.

(b) SECTION 201(s).—Paragraphs (1) and (2) of section 201(s) (21 U.S.C. 321(s)) are amended to read as follows:

''(1) a pesticide chemical residue in or on a raw agricultural commodity or processed food; or

''(2) a pesticide chemical; or''.

(c) SECTION 201.—Section 201 (21 U.S.C. 321) is amended by adding at the end the following:

''(gg) The term 'processed food' means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling.

''(hh) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency.''.

SEC. 403. PROHIBITED ACTS.

Section 301(j) (21 U.S.C. 331(j)) is amended in the first sentence by inserting before the period the following: ''; or the violating of section 408(i)(2) or any regulation issued under that section.''.

SEC. 404. ADULTERATED FOOD.

Section 402(a) (21 U.S.C. 342(a)) is amended by striking ''(2)(A) if it bears'' and all that follows through ''(3) if it consists'' and inserting the following: ''(2)(A) if it bears or contains any added poisonous or added deleterious substance (other than a substance that is a pesticide chemical residue in or on a raw agricultural commodity or processed food, a food additive, a color additive, or a new animal drug) that is unsafe within the meaning of section 406; or (B) if it bears or contains a pesticide chemical residue that is unsafe within the meaning of section 408(a); or (C) if it is or if it bears or contains (i) any food additive that is unsafe within the meaning of section 409; or (ii) a new animal drug (or conversion product thereof) that is unsafe within the meaning of section 512; or (3) if it consists''.

SEC. 405. TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES.

Section 408 (21 U.S.C. 346a) is amended to read as follows:

''TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICAL RESIDUES

''SEC. 408. (a) REQUIREMENT FOR TOLERANCE OR EXEMPTION.—

''(1) GENERAL RULE.—Except as provided in paragraph (2) or (3), any pesticide chemical residue in or on a food shall be deemed unsafe for the purpose of section 402(a)(2)(B) unless—

''(A) a tolerance for such pesticide chemical residue in or on such food is in effect under this section and the quantity of the residue is within the limits of the tolerance; or

''(B) an exemption from the requirement of a tolerance is in effect under this section for the pesticide chemical residue.

For the purposes of this section, the term 'food', when used as a noun without modification, shall mean a raw agricultural commodity or processed food.

''(2) PROCESSED FOOD.—Notwithstanding paragraph (1)—

''(A) if a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance for the pesticide chemical residue in or on the processed food if the pesticide chemical has been used in or on the raw agricultural commodity in conformity with a tolerance under this section, such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice, and the concentration of the pesticide chemical residue in the processed food is not greater than the tolerance prescribed for the pesticide chemical residue in the raw agricultural commodity; or

''(B) if an exemption for the requirement for a tolerance is in effect under this section for a pesticide chemical residue in or on a raw agricultural commodity, a pesticide chemical residue that is present in or on a processed food because the food is made from that raw agricultural commodity shall not be considered unsafe within the meaning of section 402(a)(2)(B).

''(3) RESIDUES OF DEGRADATION PRODUCTS.—If a pesticide chemical residue is present in or on a food because it is a metabolite or other degradation product of a precursor substance that itself is a pesticide chemical or pesticide chemical residue, such a residue shall not be considered to be unsafe within the meaning of section 402(a)(2)(B) despite the lack of a tolerance or exemption from the need for a tolerance for such residue in or on such food if—

''(A) the Administrator has not determined that the degradation product is likely to pose any potential health risk from dietary exposure that is of a different type than, or of a greater significance than, any risk posed by dietary exposure to the precursor substance;

''(B) either—

''(i) a tolerance is in effect under this section for residues of the precursor substance in or on the food, and the combined level of residues of the degradation product and the precursor substance in or on the food is at or below the stoichiometrically equivalent level that would be permitted by the tolerance if the residue consisted only of the precursor substance rather than the degradation product; or

''(ii) an exemption from the need for a tolerance is in effect under this section for residues of the precursor substance in or on the food; and

''(C) the tolerance or exemption for residues of the precursor substance does not state that it applies only to particular named substances and does not state that it does not apply to residues of the degradation product.

''(4) EFFECT OF TOLERANCE OR EXEMPTION.—While a tolerance or exemption from the requirement for a tolerance is in effect under this section for a pesticide chemical residue with respect to any food, the food shall not by reason of bearing or containing any amount of such a residue be considered to be adulterated within the meaning of section 402(a)(1).

''(b) AUTHORITY AND STANDARD FOR TOLERANCE.—

''(1) AUTHORITY.—The Administrator may issue regulations establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food—

''(A) in response to a petition filed under subsection (d); or

''(B) on the Administrator's own initiative under subsection (e).

As used in this section, the term 'modify' shall not mean expanding the tolerance to cover additional foods.

''(2) STANDARD.—

''(A) GENERAL RULE.—

''(i) STANDARD.—The Administrator may establish or leave in effect a tolerance for a pesticide chemical residue in or on a food only if the Administrator determines that the tolerance is safe. The Administrator shall modify or revoke a tolerance if the Administrator determines it is not safe.

''(ii) DETERMINATION OF SAFETY.—As used in this section, the term 'safe', with respect to a tolerance for a pesticide chemical residue', means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

''(iii) RULE OF CONSTRUCTION.—With respect to a tolerance, a pesticide chemical residue meeting the standard under clause (i) is not an eligible pesticide chemical residue for purposes of subparagraph (B).

''(B) TOLERANCES FOR ELIGIBLE PESTICIDE CHEMICAL RESIDUES.—

''(i) DEFINITION.—As used in this subparagraph, the term 'eligible pesticide chemical residue' means a pesticide chemical residue as to which—

''(I) the Administrator is not able to identify a level of exposure to the residue at which the residue will not cause or contribute to a known or anticipated harm to human health (referred to in this section as a 'nonthreshold effect');

''(II) the lifetime risk of experiencing the nonthreshold effect is appropriately assessed by quantitative risk assessment; and

''(III) with regard to any known or anticipated harm to human health for which the Administrator is able to identify a level at which the residue will not cause such harm (referred to in this section as a 'threshold effect'), the Administrator determines that the level of aggregate exposure is safe.

''(ii) DETERMINATION OF TOLERANCE.—Notwithstanding subparagraph (A)(i), a tolerance for an eligible pesticide chemical residue may be left in effect or modified under this subparagraph if—

''(I) at least one of the conditions described in clause (iii) is met; and

''(II) both of the conditions described in clause (iv) are met.

''(iii) CONDITIONS REGARDING USE.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

''(I) Use of the pesticide chemical that produces the residue protects consumers from adverse effects on health that would pose a greater risk than the dietary risk from the residue.

''(II) Use of the pesticide chemical that produces the residue is necessary to avoid a significant disruption in domestic production of an adequate, wholesome, and economical food supply.

''(iv) CONDITIONS REGARDING RISK.—For purposes of clause (ii), the conditions described in this clause with respect to a tolerance for an eligible pesticide chemical residue are the following:

''(I) The yearly risk associated with the nonthreshold effect from aggregate exposure to the residue does not exceed 10 times the yearly risk that would be allowed under subparagraph (A) for such effect.

''(II) The tolerance is limited so as to ensure that the risk over a lifetime associated with the nonthreshold effect from aggregate exposure to the residue is not greater than twice the lifetime risk that would be allowed under subparagraph (A) for such effect.

''(v) REVIEW.—Five years after the date on which the Administrator makes a determination to leave in effect or modify a tolerance under this subparagraph, and thereafter as the Administrator deems appropriate, the Administrator shall determine, after notice and opportunity for comment, whether it has been demonstrated to the Administrator that a condition described in clause (iii)(I) or clause (iii)(II) continues to exist with respect to the tolerance and that the yearly and lifetime risks from aggregate exposure to such residue continue to comply with the limits specified in clause (iv). If the Administrator determines by such date that such demonstration has not been made, the Administrator shall, not later than 180 days after the date of such determination, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

''(vi) INFANTS AND CHILDREN.—Any tolerance under this subparagraph shall meet the requirements of subparagraph (C).

''(C) EXPOSURE OF INFANTS AND CHILDREN.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator—

''(i) shall assess the risk of the pesticide chemical residue based on—

''(I) available information about consumption patterns among infants and children that are likely to result in disproportionately high consumption of foods containing or bearing such residue among infants and children in comparison to the general population;

''(II) available information concerning the special susceptibility of infants and children to the pesticide chemical residues, including neurological differences between infants and children and adults, and effects of in utero exposure to pesticide chemicals; and

''(III) available information concerning the cumulative effects on infants and children of such residues and other substances that have a common mechanism of toxicity; and

''(ii) shall—

''(I) ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue; and

''(II) publish a specific determination regarding the safety of the pesticide chemical residue for infants and children.

The Secretary of Health and Human Services and the Secretary of Agriculture, in consultation with the Administrator, shall conduct surveys to document dietary exposure to pesticides among infants and children. In the case of threshold effects, for purposes of clause (ii)(I) an additional tenfold margin of safety for the pesticide chemical residue and other sources of exposure shall be applied for infants and children to take into account potential pre- and post-natal toxicity and completeness of the data with respect to exposure and toxicity to infants and children. Notwithstanding such requirement for an additional margin of safety, the Administrator may use a different margin of safety for the pesticide chemical residue only if, on the basis of reliable data, such margin will be safe for infants and children.

''(D) FACTORS.—In establishing, modifying, leaving in effect, or revoking a tolerance or exemption for a pesticide chemical residue, the Administrator shall consider, among other relevant factors—

''(i) the validity, completeness, and reliability of the available data from studies of the pesticide chemical and pesticide chemical residue;

''(ii) the nature of any toxic effect shown to be caused by the pesticide chemical or pesticide chemical residue in such studies;

''(iii) available information concerning the relationship of the results of such studies to human risk;

''(iv) available information concerning the dietary consumption patterns of consumers (and major identifiable subgroups of consumers);

''(v) available information concerning the cumulative effects of such residues and other substances that have a common mechanism of toxicity;

''(vi) available information concerning the aggregate exposure levels of consumers (and major identifiable subgroups of consumers) to the pesticide chemical residue and to other related substances, including dietary exposure under the tolerance and all other tolerances in effect for the pesticide chemical residue, and exposure from other non-occupational sources;

''(vii) available information concerning the variability of the sensitivities of major identifiable subgroups of consumers;

''(viii) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects; and

''(ix) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

''(E) DATA AND INFORMATION REGARDING ANTICIPATED AND ACTUAL RESIDUE LEVELS.—

''(i) AUTHORITY.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may consider available data and information on the anticipated residue levels of the pesticide chemical in or on food and the actual residue levels of the pesticide chemical that have been measured in food, including residue data collected by the Food and Drug Administration.

''(ii) REQUIREMENT.—If the Administrator relies on anticipated or actual residue levels in establishing, modifying, or leaving in effect a tolerance, the Administrator shall pursuant to subsection (f)(1) require that data be provided five years after the date on which the tolerance is established, modified, or left in effect, and thereafter as the Administrator deems appropriate, demonstrating that such residue levels are not above the levels so relied on. If such data are not so provided, or if the data do not demonstrate that the residue levels are not above the levels so relied on, the Administrator shall, not later than 180 days after the date on which the data were required to be provided, issue a regulation under subsection (e)(1), or an order under subsection (f)(2), as appropriate, to modify or revoke the tolerance.

''(F) PERCENT OF FOOD ACTUALLY TREATED.—In establishing, modifying, leaving in effect, or revoking a tolerance for a pesticide chemical residue, the Administrator may, when assessing chronic dietary risk, consider available data and information on the percent of food actually treated with the pesticide chemical (including aggregate pesticide use data collected by the Department of Agriculture) only if the Administrator—

''(i) finds that the data are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide chemical residue;

''(ii) finds that the exposure estimate does not understate exposure for any significant subpopulation group;

''(iii) finds that, if data are available on pesticide use and consumption of food in a particular area, the population in such area is not dietarily exposed to residues above those estimated by the Administrator; and

''(iv) provides for the periodic reevaluation of the estimate of anticipated dietary exposure.

''(3) DETECTION METHODS.—

''(A) GENERAL RULE.—A tolerance for a pesticide chemical residue in or on a food shall not be established or modified by the Administrator unless the Administrator determines, after consultation with the Secretary, that there is a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food.

''(B) DETECTION LIMIT.—A tolerance for a pesticide chemical residue in or on a food shall not be established at or modified to a level lower than the limit of detection of the method for detecting and measuring the pesticide chemical residue specified by the Administrator under subparagraph (A).

''(4) INTERNATIONAL STANDARDS.—In establishing a tolerance for a pesticide chemical residue in or on a food, the Administrator shall determine whether a maximum residue level for the pesticide chemical has been established by the Codex Alimentarius Commission. If a Codex maximum residue level has been established for the pesticide chemical and the Administrator does not propose to adopt the Codex level, the Administrator shall publish for public comment a notice explaining the reasons for departing from the Codex level.

''(c) AUTHORITY AND STANDARD FOR EXEMPTIONS.—

''(1) AUTHORITY.—The Administrator may issue a regulation establishing, modifying, or revoking an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food—

''(A) in response to a petition filed under subsection (d); or

''(B) on the Administrator's initiative under subsection (e).

''(2) STANDARD.—

''(A) GENERAL RULE.—

''(i) STANDARD.—The Administrator may establish or leave in effect an exemption from the requirement for a tolerance for a pesticide chemical residue in or on food only if the Administrator determines that the exemption is safe. The Administrator shall modify or revoke an exemption if the Administrator determines it is not safe.

''(ii) DETERMINATION OF SAFETY.—The term 'safe', with respect to an exemption for a pesticide chemical residue, means that the Administrator has determined that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.

''(B) FACTORS.—In making a determination under this paragraph, the Administrator shall take into account, among other relevant considerations, the considerations set forth in subparagraphs (C) and (D) of subsection (b)(2).

''(3) LIMITATION.—An exemption from the requirement for a tolerance for a pesticide chemical residue in or on food shall not be established or modified by the Administrator unless the Administrator determines, after consultation with the Secretary—

''(A) that there is a practical method for detecting and measuring the levels of such pesticide chemical residue in or on food; or

''(B) that there is no need for such a method, and states the reasons for such determination in issuing the regulation establishing or modifying the exemption.

''(d) PETITION FOR TOLERANCE OR EXEMPTION.—

''(1) PETITIONS AND PETITIONERS.—Any person may file with the Administrator a petition proposing the issuance of a regulation—

''(A) establishing, modifying, or revoking a tolerance for a pesticide chemical residue in or on a food; or

''(B) establishing, modifying, or revoking an exemption from the requirement of a tolerance for such a residue.

''(2) PETITION CONTENTS.—

''(A) ESTABLISHMENT.—A petition under paragraph (1) to establish a tolerance or exemption for a pesticide chemical residue shall be supported by such data and information as are specified in regulations issued by the Administrator, including—

''(i)(I) an informative summary of the petition and of the data, information, and arguments submitted or cited in support of the petition; and

''(II) a statement that the petitioner agrees that such summary or any information it contains may be published as a part of the notice of filing of the petition to be published under this subsection and as part of a proposed or final regulation issued under this section;

''(ii) the name, chemical identity, and composition of the pesticide chemical residue and of the pesticide chemical that produces the residue;

''(iii) data showing the recommended amount, frequency, method, and time of application of that pesticide chemical;

''(iv) full reports of tests and investigations made with respect to the safety of the pesticide chemical, including full information as to the methods and controls used in conducting those tests and investigations;

''(v) full reports of tests and investigations made with respect to the nature and amount of the pesticide chemical residue that is likely to remain in or on the food, including a description of the analytical methods used;

''(vi) a practical method for detecting and measuring the levels of the pesticide chemical residue in or on the food, or for exemptions, a statement why such a method is not needed;

''(vii) a proposed tolerance for the pesticide chemical residue, if a tolerance is proposed;

''(viii) if the petition relates to a tolerance for a processed food, reports of investigations conducted using the processing method(s) used to produce that food;

''(ix) such information as the Administrator may require to make the determination under subsection (b)(2)(C);

''(x) such information as the Administrator may require on whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects;

''(xi) information regarding exposure to the pesticide chemical residue due to any tolerance or exemption already granted for such residue;

''(xii) practical methods for removing any amount of the residue that would exceed any proposed tolerance; and

''(xiii) such other data and information as the Administrator requires by regulation to support the petition.

If information or data required by this subparagraph is available to the Administrator, the person submitting the petition may cite the availability of the information or data in lieu of submitting it. The Administrator may require a petition to be accompanied by samples of the pesticide chemical with respect to which the petition is filed.

''(B) MODIFICATION OR REVOCATION.—The Administrator may by regulation establish the requirements for information and data to support a petition to modify or revoke a tolerance or to modify or revoke an exemption from the requirement for a tolerance.

''(3) NOTICE.—A notice of the filing of a petition that the Administrator determines has met the requirements of paragraph (2) shall be published by the Administrator within 30 days after such determination. The notice shall announce the availability of a description of the analytical methods available to the Administrator for the detection and measurement of the pesticide chemical residue with respect to which the petition is filed or shall set forth the petitioner's statement of why such a method is not needed. The notice shall include the summary required by paragraph (2)(A)(i)(I).

''(4) ACTIONS BY THE ADMINISTRATOR.—

''(A) IN GENERAL.—The Administrator shall, after giving due consideration to a petition filed under paragraph (1) and any other information available to the Administrator—

''(i) issue a final regulation (which may vary from that sought by the petition) establishing, modifying, or revoking a tolerance for the pesticide chemical residue or an exemption of the pesticide chemical residue from the requirement of a tolerance (which final regulation shall be issued without further notice and without further period for public comment);

''(ii) issue a proposed regulation under subsection (e), and thereafter issue a final regulation under such subsection; or

''(iii) issue an order denying the petition.

''(B) PRIORITIES.—The Administrator shall give priority to petitions for the establishment or modification of a tolerance or exemption for a pesticide chemical residue that appears to pose a significantly lower risk to human health from dietary exposure than pesticide chemical residues that have tolerances in effect for the same or similar uses.

''(C) EXPEDITED REVIEW OF CERTAIN PETITIONS.—

''(i) DATE CERTAIN FOR REVIEW.—If a person files a complete petition with the Administrator proposing the issuance of a regulation establishing a tolerance or exemption for a pesticide chemical residue that presents a lower risk to human health than a pesticide chemical residue for which a tolerance has been left in effect or modified under subsection (b)(2)(B), the Administrator shall complete action on such petition under this paragraph within 1 year.

''(ii) REQUIRED DETERMINATIONS.—If the Administrator issues a final regulation establishing a tolerance or exemption for a safer pesticide chemical residue under clause (i), the Administrator shall, not later than 180 days after the date on which the regulation is issued, determine whether a condition described in subclause (I) or (II) of subsection (b)(2)(B)(iii) continues to exist with respect to a tolerance that has been left in effect or modified under subsection (b)(2)(B). If such condition does not continue to exist, the Administrator shall, not later than 180 days after the date on which the determination under the preceding sentence is made, issue a regulation under subsection (e)(1) to modify or revoke the tolerance.

''(e) ACTION ON ADMINISTRATOR'S OWN INITIATIVE.—

''(1) GENERAL RULE.—The Administrator may issue a regulation—

''(A) establishing, modifying, suspending under subsection (l)(3), or revoking a tolerance for a pesticide chemical or a pesticide chemical residue;

''(B) establishing, modifying, suspending under subsection (l)(3), or revoking an exemption of a pesticide chemical residue from the requirement of a tolerance; or

''(C) establishing general procedures and requirements to implement this section.

''(2) NOTICE.—Before issuing a final regulation under paragraph (1), the Administrator shall issue a notice of proposed rulemaking and provide a period of not less than 60 days for public comment on the proposed regulation, except that a shorter period for comment may be provided if the Administrator for good cause finds that it would be in the public interest to do so and states the reasons for the finding in the notice of proposed rulemaking.

''(f) SPECIAL DATA REQUIREMENTS.—

''(1) REQUIRING SUBMISSION OF ADDITIONAL DATA.—If the Administrator determines that additional data or information are reasonably required to support the continuation of a tolerance or exemption that is in effect under this section for a pesticide chemical residue on a food, the Administrator shall—

''(A) issue a notice requiring the person holding the pesticide registrations associated with such tolerance or exemption to submit the data or information under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act;

''(B) issue a rule requiring that testing be conducted on a substance or mixture under section 4 of the Toxic Substances Control Act; or

''(C) publish in the Federal Register, after first providing notice and an opportunity for comment of not less than 60 days' duration, an order—

''(i) requiring the submission to the Administrator by one or more interested persons of a notice identifying the person or

persons who will submit the required data and information;

''(ii) describing the type of data and information required to be submitted to the Administrator and stating why the data and information could not be obtained under the authority of section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act or section 4 of the Toxic Substances Control Act;

''(iii) describing the reports of the Administrator required to be prepared during and after the collection of the data and information;

''(iv) requiring the submission to the Administrator of the data, information, and reports referred to in clauses (ii) and (iii); and

''(v) establishing dates by which the submissions described in clauses (i) and (iv) must be made.

The Administrator may under subparagraph (C) revise any such order to correct an error. The Administrator may under this paragraph require data or information pertaining to whether the pesticide chemical may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen or other endocrine effects.

''(2) NONCOMPLIANCE.—If a submission required by a notice issued in accordance with paragraph (1)(A), a rule issued under paragraph (1)(B), or an order issued under paragraph (1)(C) is not made by the time specified in such notice, rule, or order, the Administrator may by order published in the Federal Register modify or revoke the tolerance or exemption in question. In any review of such an order under subsection (g)(2), the only material issue shall be whether a submission required under paragraph (1) was not made by the time specified.

''(g) EFFECTIVE DATE, OBJECTIONS, HEARINGS, AND ADMINISTRATIVE REVIEW.—

''(1) EFFECTIVE DATE.—A regulation or order issued under subsection (d)(4), (e)(1), or (f)(2) shall take effect upon publication unless the regulation or order specifies otherwise. The Administrator may stay the effectiveness of the regulation or order if, after issuance of such regulation or order, objections are filed with respect to such regulation or order pursuant to paragraph (2).

''(2) FURTHER PROCEEDINGS.—

''(A) OBJECTIONS.—Within 60 days after a regulation or order is issued under subsection (d)(4), (e)(1)(A), (e)(1)(B), (f)(2), (n)(3), or (n)(5)(C), any person may file objections thereto with the Administrator, specifying with particularity the provisions of the regulation or order deemed objectionable and stating reasonable grounds therefor. If the regulation or order was issued in response to a petition under subsection (d)(1), a copy of each objection filed by a person other than the petitioner shall be served by the Administrator on the petitioner.

''(B) HEARING.—An objection may include a request for a public evidentiary hearing upon the objection. The Administrator shall, upon the initiative of the Administrator or upon the request of an interested person and after due notice, hold a public evidentiary hearing if and to the extent the Administrator determines that such a public hearing is necessary to receive factual evidence relevant to material issues of fact raised by the objections. The presiding officer in such a hearing may authorize a party to obtain discovery from other persons and may upon a showing of good cause made by a party issue a subpoena to compel testimony or production of documents from any person. The presiding officer shall be governed by the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of a reasonable fees and expenses as a condition to requiring testimony of the witness. On contest, such a subpoena may be enforced by a Federal district court.

''(C) FINAL DECISION.—As soon as practicable after receiving the arguments of the parties, the Administrator shall issue an order stating the action taken upon each such objection and setting forth any revision to the regulation or prior order that the Administrator has found to be warranted. If a hearing was held under subparagraph (B), such order and any revision to the regulation or prior order shall, with respect to questions of fact at issue in the hearing, be based only on substantial evidence of record at such hearing, and shall set forth in detail the findings of facts and the conclusions of law or policy upon which the order or regulation is based.

''(h) JUDICIAL REVIEW.—

''(1) PETITION.—In a case of actual controversy as to the validity of any regulation issued under subsection (e)(1)(C), or any order issued under subsection (f)(1)(C) or (g)(2)(C), or any regulation that is the subject of such an order, any person who will be adversely affected by such order or regulation may obtain judicial review by filing in the United States Court of Appeals for the circuit wherein that person resides or has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, within 60 days after publication of such order or regulation, a petition praying that the order or regulation be set aside in whole or in part.

''(2) RECORD AND JURISDICTION.—A copy of the petition under paragraph (1) shall be forthwith transmitted by the clerk of the court to the Administrator, or any officer designated by the Administrator for that purpose, and thereupon the Administrator shall file in the court the record of the proceedings on which the Administrator based the order or regulation, as provided in section 2112 of title 28, United States Code. Upon the filing of such a petition, the court shall have exclusive jurisdiction to affirm or set aside the order or regulation complained of in whole or in part. As to orders issued following a public evidentiary hearing, the findings of the Administrator with respect to questions of fact shall be sustained only if supported by substantial evidence when considered on the record as a whole.

''(3) ADDITIONAL EVIDENCE.—If a party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the proceeding before the Administrator, the court may order that the additional evidence (and evidence in rebuttal thereof) shall be taken before the Administrator in the manner and upon the terms and conditions the court deems proper. The Administrator may modify prior findings as to the facts by reason of the additional evidence so taken and may modify the order or regulation accordingly. The Administrator shall file with the court any such modified finding, order, or regulation.

''(4) FINAL JUDGMENT; SUPREME COURT REVIEW.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or any order and any regulation which is the subject of such an order shall be final, subject to review by the Supreme Court of the United States as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless specifically ordered by the court to the contrary, operate as a stay of a regulation or order.

''(5) APPLICATION.—Any issue as to which review is or was obtainable under this subsection shall not be the subject of judicial review under any other provision of law.

''(i) CONFIDENTIALITY AND USE OF DATA.—

''(1) GENERAL RULE.—Data and information that are or have been submitted to the Administrator under this section or section 409 in support of a tolerance or an exemption from a tolerance shall be entitled to confidential treatment for reasons of business confidentiality and to exclusive use and data compensation to the same extent provided by sections 3 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Data and information that are entitled to confidential treatment under paragraph (1) may be disclosed, under such security requirements as the Administrator may provide by regulation, to—

''(i) employees of the United States authorized by the Administrator to examine such data and information in the carrying out of their official duties under this Act or other Federal statutes intended to protect the public health; or

''(ii) contractors with the United States authorized by the Administrator to examine such data and information in the carrying out of contracts under this Act or such statutes.

''(B) CONGRESS.—This subsection does not authorize the withholding of data or information from either House of Congress or from, to the extent of matter within its jurisdiction, any committee or subcommittee of such committee or any joint committee of Congress or any subcommittee of such joint committee.

''(3) SUMMARIES.—Notwithstanding any provision of this subsection or other law, the Administrator may publish the informative summary required by subsection (d)(2)(A)(i) and may, in issuing a proposed or final regulation or order under this section, publish an informative summary of the data relating to the regulation or order.

''(j) STATUS OF PREVIOUSLY ISSUED REGULATIONS.—

''(1) REGULATIONS UNDER SECTION 406.—Regulations affecting pesticide chemical residues in or on raw agricultural commodities promulgated, in accordance with section 701(e), under the authority of section 406(a) upon the basis of public hearings instituted before January 1, 1953, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsections (d) and (e), and shall be subject to review under subsection (q).

''(2) REGULATIONS UNDER SECTION 409.—Regulations that established tolerances for substances that are pesticide chemical residues in or on processed food, or that otherwise stated the conditions under which such pesticide chemicals could be safely used, and that were issued under section 409 on or before the date of the enactment of this paragraph, shall be deemed to be regulations issued under this section and shall be subject to modification or revocation under subsection (d) or (e), and shall be subject to review under subsection (q).

''(3) REGULATIONS UNDER SECTION 408.—Regulations that established tolerances or exemptions under this section that were issued on or before the date of the enactment of this paragraph shall remain in effect unless modified or revoked under subsection (d) or (e), and shall be subject to review under subsection (q).

''(k) TRANSITIONAL PROVISION.—If, on the day before the date of the enactment of this subsection, a substance that is a pesticide chemical was, with respect to a particular pesticidal use of the substance and any resulting pesticide chemical residue in or on a particular food—

''(1) regarded by the Administrator or the Secretary as generally recognized as safe for use within the meaning of the provisions of subsection (a) or section 201(s) as then in effect; or

''(2) regarded by the Secretary as a substance described by section 201(s)(4);

such a pesticide chemical residue shall be regarded as exempt from the requirement for a tolerance, as of the date of enactment of this subsection. The Administrator shall by regulation indicate which substances are described by this subsection. Any exemption under this subsection may be modified or revoked as if it had been issued under subsection (c).

''(l) HARMONIZATION WITH ACTION UNDER OTHER LAWS.—

''(1) COORDINATION WITH FIFRA.—To the extent practicable and consistent with the review deadlines in subsection (q), in issuing a final rule under this subsection that suspends or revokes a tolerance or exemption for a pesticide chemical residue in or on food, the Administrator shall coordinate such action with any related necessary action under the Federal Insecticide, Fungicide, and Rodenticide Act.

''(2) REVOCATION OF TOLERANCE OR EXEMPTION FOLLOWING CANCELLATION OF ASSOCIATED REGISTRATIONS.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, cancels the registration of each pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, or requires that the registration of each such pesticide be modified to prohibit its use in connection with the production, storage, or transportation of such food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall revoke any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A revocation under this paragraph shall become effective not later than 180 days after—

''(A) the date by which each such cancellation of a registration has become effective; or

''(B) the date on which the use of the canceled pesticide becomes unlawful under the terms of the cancellation, whichever is later.

''(3) SUSPENSION OF TOLERANCE OR EXEMPTION FOLLOWING SUSPENSION OF ASSOCIATED REGISTRATIONS.—

''(A) SUSPENSION.—If the Administrator, acting under the Federal Insecticide, Fungicide, and Rodenticide Act, suspends the use of each registered pesticide that contains a particular pesticide chemical and that is labeled for use on a particular food, due in whole or in part to dietary risks to humans posed by residues of that pesticide chemical on that food, the Administrator shall suspend any tolerance or exemption that allows the presence of the pesticide chemical, or any pesticide chemical residue that results from its use, in or on that food. Subsection (e) shall apply to actions taken under this paragraph. A suspension under this paragraph shall become effective not later than 60 days after the date by which each such suspension of use has become effective.

''(B) EFFECT OF SUSPENSION.—The suspension of a tolerance or exemption under subparagraph (A) shall be effective as long as the use of each associated registration of a pesticide is suspended under the Federal Insecticide, Fungicide, and Rodenticide Act. While a suspension of a tolerance or exemption is effective the tolerance or exemption shall not be considered to be in effect. If the suspension of use of the pesticide under that Act is terminated, leaving the registration of the pesticide for such use in effect under that Act, the Administrator shall rescind any associated suspension of tolerance or exemption.

''(4) TOLERANCES FOR UNAVOIDABLE RESIDUES.—In connection with action taken under paragraph (2) or (3), or with respect to pesticides whose registrations were suspended or canceled prior to the date of the enactment of this paragraph under the Federal Insecticide, Fungicide, and Rodenticide Act, if the Administrator determines that a residue of the canceled or suspended pesticide chemical will unavoidably persist in the environment and thereby be present in or on a food, the Administrator may establish a tolerance for the pesticide chemical residue. In establishing such a tolerance, the Administrator shall take into account both the factors set forth in subsection (b)(2) and the unavoidability of the residue. Subsection (e) shall apply to the establishment of such tolerance. The Administrator shall review any such tolerance periodically and modify it as necessary so that it allows no greater level of the pesticide chemical residue than is unavoidable.

''(5) PESTICIDE RESIDUES RESULTING FROM LAWFUL APPLICATION OF PESTICIDE.—Notwithstanding any other provision of this Act, if a tolerance or exemption for a pesticide chemical residue in or on a food has been revoked, suspended, or modified under this section, an article of that food shall not be deemed unsafe solely because of the presence of such pesticide chemical residue in or on such food if it is shown to the satisfaction of the Secretary that—

''(A) the residue is present as the result of an application or use of a pesticide at a time and in a manner that was lawful under the Federal Insecticide, Fungicide, and Rodenticide Act; and

''(B) the residue does not exceed a level that was authorized at the time of that application or use to be present on the food under a tolerance, exemption, food additive regulation, or other sanction then in effect under this Act;

unless, in the case of any tolerance or exemption revoked, suspended, or modified under this subsection or subsection (d) or (e), the Administrator has issued a determination that consumption of the legally treated food during the period of its likely availability in commerce will pose an unreasonable dietary risk.

''(6) TOLERANCE FOR USE OF PESTICIDES UNDER AN EMERGENCY EXEMPTION.—If the Administrator grants an exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136p) for a pesticide chemical, the Administrator shall establish a tolerance or exemption from the requirement for a tolerance for the pesticide chemical residue. Such a tolerance or exemption from a tolerance shall have an expiration date. The Administrator may establish such a tolerance or exemption without providing notice or a period for comment on the tolerance or exemption. The Administrator shall promulgate regulations within 365 days after the date of the enactment of this paragraph governing the establishment of tolerances and exemptions under this paragraph. Such regulations shall be consistent with the safety standard under subsections (b)(2) and (c)(2) and with section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

''(m) FEES.—

''(1) AMOUNT.—The Administrator shall by regulation require the payment of such fees as will in the aggregate, in the judgment of the Administrator, be sufficient over a reasonable term to provide, equip, and maintain an adequate service for the performance of the Administrator's functions under this section. Under the regulations, the performance of the Administrator's services or other functions under this section, including—

''(A) the acceptance for filing of a petition submitted under subsection (d);

''(B) establishing, modifying, leaving in effect, or revoking a tolerance or establishing, modifying, leaving in effect, or revoking an exemption from the requirement for a tolerance under this section;

''(C) the acceptance for filing of objections under subsection (g); or

''(D) the certification and filing in court of a transcript of the proceedings and the record under subsection (h);

may be conditioned upon the payment of such fees. The regulations may further provide for waiver or refund of fees in whole or in part when in the judgment of the Administrator such a waiver or refund is equitable and not contrary to the purposes of this subsection.

''(2) DEPOSIT.—All fees collected under paragraph (1) shall be deposited in the Reregistration and Expedited Processing Fund created by section 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act. Such fees shall be available to the Administrator, without fiscal year limitation, for the performance of the Administrator's services or functions as specified in paragraph (1).

''(n) NATIONAL UNIFORMITY OF TOLERANCES.—

''(1) QUALIFYING PESTICIDE CHEMICAL RESIDUE.—For purposes of this subsection, the term 'qualifying pesticide chemical residue' means a pesticide chemical residue resulting from the use, in production, processing, or storage of a food, of a pesticide chemical that is an active ingredient and that—

''(A) was first approved for such use in a registration of a pesticide issued under section 3(c)(5) of the Federal Insecticide, Fungicide, Rodenticide Act on or after April 25, 1985, on the basis of data determined by the Administrator to meet all applicable requirements for data prescribed by regulations in effect under that Act on April 25, 1985; or

''(B) was approved for such use in a reregistration eligibility determination issued under section 4(g) of that Act on or after the date of enactment of this subsection.

''(2) QUALIFYING FEDERAL DETERMINATION.—For purposes of this subsection, the term 'qualifying Federal determination' means a tolerance or exemption from the requirement for a tolerance for a qualifying pesticide chemical residue that—

''(A) is issued under this section after the date of the enactment of this subsection and determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption); or

''(B)(i) pursuant to subsection (j) is remaining in effect or is deemed to have been issued under this section, or is regarded under subsection (k) as exempt from the requirement for a tolerance; and

''(ii) is determined by the Administrator to meet the standard under subsection (b)(2)(A) (in the case of a tolerance) or (c)(2) (in the case of an exemption).

''(3) LIMITATION.—The Administrator may make the determination described in paragraph (2)(B)(ii) only by issuing a rule in accordance with the procedure set forth in subsection (d) or (e) and only if the Administrator issues a proposed rule and allows a period of not less than 30 days for comment on the proposed rule. Any such rule shall be reviewable in accordance with subsections (g) and (h).

''(4) STATE AUTHORITY.—Except as provided in paragraphs (5), (6), and (8) no State or political subdivision may establish or enforce

any regulatory limit on a qualifying pesticide chemical residue in or on any food if a qualifying Federal determination applies to the presence of such pesticide chemical residue in or on such food, unless such State regulatory limit is identical to such qualifying Federal determination. A State or political subdivision shall be deemed to establish or enforce a regulatory limit on a pesticide chemical residue in or on a food if it purports to prohibit or penalize the production, processing, shipping, or other handling of a food because it contains a pesticide residue (in excess of a prescribed limit).

''(5) PETITION PROCEDURE.—

''(A) IN GENERAL.—Any State may petition the Administrator for authorization to establish in such State a regulatory limit on a qualifying pesticide chemical residue in or on any food that is not identical to the qualifying Federal determination applicable to such qualifying pesticide chemical residue.

''(B) PETITION REQUIREMENTS.—Any petition under subparagraph (A) shall—

''(i) satisfy any requirements prescribed, by rule, by the Administrator; and

''(ii) be supported by scientific data about the pesticide chemical residue that is the subject of the petition or about chemically related pesticide chemical residues, data on the consumption within such State of food bearing the pesticide chemical residue, and data on exposure of humans within such State to the pesticide chemical residue.

''(C) AUTHORIZATION.—The Administrator may, by order, grant the authorization described in subparagraph (A) if the Administrator determines that the proposed State regulatory limit—

''(i) is justified by compelling local conditions; and

''(ii) would not cause any food to be a violation of Federal law.

''(D) TREATMENT.—In lieu of any action authorized under subparagraph (C), the Administrator may treat a petition under this paragraph as a petition under subsection (d) to modify or revoke a tolerance or an exemption. If the Administrator determines to treat a petition under this paragraph as a petition under subsection (d), the Administrator shall thereafter act on the petition pursuant to subsection (d).

''(E) REVIEW.—Any order of the Administrator granting or denying the authorization described in subparagraph (A) shall be subject to review in the manner described in subsections (g) and (h).

''(6) URGENT PETITION PROCEDURE.—Any State petition to the Administrator pursuant to paragraph (5) that demonstrates that consumption of a food containing such pesticide residue level during the period of the food's likely availability in the State will pose a significant public health threat from acute exposure shall be considered an urgent petition. If an order by the Administrator to grant or deny the requested authorization in an urgent petition is not made within 30 days of receipt of the petition, the petitioning State may establish and enforce a temporary regulatory limit on a qualifying pesticide chemical residue in or on the food. The temporary regulatory limit shall be validated or terminated by the Administrator's final order on the petition.

''(7) RESIDUES FROM LAWFUL APPLICATION.—No State or political subdivision may enforce any regulatory limit on the level of a pesticide chemical residue that may appear in or on any food if, at the time of the application of the pesticide that resulted in such residue, the sale of such food with such residue level was lawful under this section and under the law of such State, unless the State demonstrates that consumption of the food containing such pesticide residue level during the period of the food's likely availability in the State will pose an unreasonable dietary risk to the health of persons within such State.

''(8) SAVINGS.—Nothing in this Act preempts the authority of any State or political subdivision to require that a food containing a pesticide chemical residue bear or be the subject of a warning or other statement relating to the presence of the pesticide chemical residue in or on such food.

''(o) CONSUMER RIGHT TO KNOW.—Not later than 2 years after the date of the enactment of the Food Quality Protection Act of 1996, and annually thereafter, the Administrator shall, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, publish in a format understandable to a lay person, and distribute to large retail grocers for public display (in a manner determined by the grocer), the following information, at a minimum:

''(1) A discussion of the risks and benefits of pesticide chemical residues in or on food purchased by consumers.

''(2) A listing of actions taken under subparagraph (B) of subsection (b)(2) that may result in pesticide chemical residues in or on food that present a yearly or lifetime risk above the risk allowed under subparagraph (A) of such subsection, and the food on which the pesticide chemicals producing the residues are used.

''(3) Recommendations to consumers for reducing dietary exposure to pesticide chemical residues in a manner consistent with maintaining a healthy diet, including a list of food that may reasonably substitute for food listed under paragraph (2).

Nothing in this subsection shall prevent retail grocers from providing additional information.

''(p) ESTROGENIC SUBSTANCES SCREENING PROGRAM.—

''(1) DEVELOPMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall in consultation with the Secretary of Health and Human Services develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

''(2) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in paragraph (1) by the scientific advisory panel established under section 25(d) of the Federal Insecticide, Fungicide, and Rodenticide Act or the science advisory board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

''(3) SUBSTANCES.—In carrying out the screening program described in paragraph (1), the Administrator—

''(A) shall provide for the testing of all pesticide chemicals; and

''(B) may provide for the testing of any other substance that may have an effect that is cumulative to an effect of a pesticide chemical if the Administrator determines that a substantial population may be exposed to such substance.

''(4) EXEMPTION.—Notwithstanding paragraph (3), the Administrator may, by order, exempt from the requirements of this section a biologic substance or other substance if the Administrator determines that the substance is anticipated not to produce any effect in humans similar to an effect produced by a naturally occurring estrogen.

''(5) COLLECTION OF INFORMATION.—

''(A) IN GENERAL.—The Administrator shall issue an order to a registrant of a substance for which testing is required under this subsection, or to a person who manufactures or imports a substance for which testing is required under this subsection, to conduct testing in accordance with the screening program described in paragraph (1), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information.

''(B) PROCEDURES.—To the extent practicable the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of test costs, and develop, as necessary, procedures for handling of confidential business information.

''(C) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

''(i) SUSPENSION.—If a registrant of a substance referred to in paragraph (3)(A) fails to comply with an order under subparagraph (A) of this paragraph, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the registrant. Any suspension proposed under this paragraph shall become final at the end of the 30-day period beginning on the date that the registrant receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the registrant has complied fully with this paragraph.

''(ii) HEARING.—If a person requests a hearing under clause (i), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the registrant has failed to comply with an order under subparagraph (A) of this paragraph. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

''(iii) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this subparagraph issued with respect to a registrant if the Administrator determines that the registrant has complied fully with this paragraph.

''(D) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a registrant) who fails to comply with an order under subparagraph (A) shall be liable for the same penalties and sanctions as are provided under section 16 of the Toxic Substances Control Act (15 U.S.C. 2601 and following) in the case of a violation referred to in that section. Such penalties and sanctions shall be assessed and imposed in the same manner as provided in such section 16.

''(6) AGENCY ACTION.—In the case of any substance that is found, as a result of testing and evaluation under this section, to have an endocrine effect on humans, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

''(7) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing—

''(A) the findings of the Administrator resulting from the screening program described in paragraph (1);

''(B) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

''(C) recommendations for any further actions (including any action described in

paragraph (6)) that the Administrator determines are appropriate based on the findings.

''(q) SCHEDULE FOR REVIEW.—

''(1) IN GENERAL.—The Administrator shall review tolerances and exemptions for pesticide chemical residues in effect on the day before the date of the enactment of the Food Quality Protection Act of 1996, as expeditiously as practicable, assuring that—

''(A) 33 percent of such tolerances and exemptions are reviewed within 3 years of the date of enactment of such Act;

''(B) 66 percent of such tolerances and exemptions are reviewed within 6 years of the date of enactment of such Act; and

''(C) 100 percent of such tolerances and exemptions are reviewed within 10 years of the date of enactment of such Act.

In conducting a review of a tolerance or exemption, the Administrator shall determine whether the tolerance or exemption meets the requirements of subsections (b)(2) or (c)(2) and shall, by the deadline for the review of the tolerance or exemption, issue a regulation under subsection (d)(4) or (e)(1) to modify or revoke the tolerance or exemption if the tolerance or exemption does not meet such requirements.

''(2) PRIORITIES.—In determining priorities for reviewing tolerances and exemptions under paragraph (1), the Administrator shall give priority to the review of the tolerances or exemptions that appear to pose the greatest risk to public health.

''(3) PUBLICATION OF SCHEDULE.—Not later than 12 months after the date of the enactment of the Food Quality Protection Act of 1996, the Administrator shall publish a schedule for review of tolerances and exemptions established prior to the date of the enactment of the Food Quality Protection Act of 1996. The determination of priorities for the review of tolerances and exemptions pursuant to this subsection is not a rulemaking and shall not be subject to judicial review, except that failure to take final action pursuant to the schedule established by this paragraph shall be subject to judicial review.

''(r) TEMPORARY TOLERANCE OR EXEMPTION.—The Administrator may, upon the request of any person who has obtained an experimental permit for a pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act or upon the Administrator's own initiative, establish a temporary tolerance or exemption for the pesticide chemical residue for the uses covered by the permit. Subsections (b)(2), (c)(2), (d), and (e) shall apply to actions taken under this subsection.

''(s) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.''.

SEC. 406. AUTHORIZATION FOR INCREASED MONITORING.

For the fiscal years 1997 through 1999, there is authorized to be appropriated in the aggregate an additional $12,000,000 for increased monitoring by the Secretary of Health and Human Services of pesticide residues in imported and domestic food.

SEC. 407. ALTERNATIVE ENFORCEMENT.

Section 303(g) (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively,

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

''(2)(A) Any person who introduces into interstate commerce or delivers for introduction into interstate commerce an article of food that is adulterated within the meaning of section 402(a)(2)(B) shall be subject to a civil money penalty of not more than $50,000 in the case of an individual and $250,000 in the case of any other person for such introduction or delivery, not to exceed $500,000 for all such violations adjudicated in a single proceeding.

''(B) This paragraph shall not apply to any person who grew the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the criminal authorities under this section to sanction such person for the introduction or delivery for introduction into interstate commerce of the article of food that is adulterated. If the Secretary assesses a civil penalty against any person under this paragraph, the Secretary may not use the seizure authorities of section 304 or the injunction authorities of section 302 with respect to the article of food that is adulterated.

''(C) In a hearing to assess a civil penalty under this paragraph, the presiding officer shall have the same authority with regard to compelling testimony or production of documents as a presiding officer has under section 408(g)(2)(B). The third sentence of paragraph (3)(A) shall not apply to any investigation under this paragraph.'';

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' each place it occurs and inserting ''paragraph (1) or (2)'';

(4) in paragraph (4), as so redesignated, by striking ''(2)(A)'' and inserting ''(3)(A)''; and

(5) in paragraph (5), as so redesignated, by striking ''(3)'' each place it occurs and inserting ''(4)''.

TITLE V—FEES

SEC. 501. REREGISTRATION FEES.

(a) SECTION 4(i).—Section 4(i) (7 U.S.C. 136a–1(i)), as amended by section 232(2), is amended—

(1) in paragraphs (5)(H) and (6), by striking ''1997'' and inserting ''2001''; and

(2) in paragraph (5)(C), by inserting ''(i)'' after ''(C)'' and by adding at the end the following:

''(ii) in each of the fiscal years 1998, 1999, and 2000, the Administrator is authorized to collect up to an additional $2,000,000 in a manner consistent with subsection (k)(5) and the recommendations of the Inspector General of the Environmental Protection Agency. The total fees that may be collected under this clause shall not exceed $6,000,000.''.

(b) SECTION 4(k)(1).—Section 4(k)(1) (7 U.S.C. 136a–1(k)(1) is amended by inserting before the period the following: ''which shall be known as the Reregistration and Expedited Processing Fund''.

(c) SECTION 4(k)(2).—Section 4(k)(2) (7 136a–1(k)(2)) is amended to read as follows:

''(2) SOURCE AND USE.—

''(A) All moneys derived from fees collected by the Administrator under subsection (i) shall be deposited in the fund and shall be available to the Administrator, without fiscal year limitation, specifically to offset the costs of reregistration and expedited processing of the applications specified in paragraph (3). Such moneys derived from fees may not be expended in any fiscal year to the extent such moneys derived from fees would exceed money appropriated for use by the Administrator and expended in such year for such costs of reregistration and expedited processing of such applications. The Administrator shall, prior to expending any such moneys derived from fees—

''(i) effective October 1, 1997, adopt specific and cost accounting rules and procedures as approved by the General Accounting Office and the Inspector General of the Environmental Protection Agency to ensure that moneys derived from fees are allocated solely to the costs of reregistration and expedited processing of the applications specified in paragraph (3) in the same portion as appropriated funds;

''(ii) prohibit the use of such moneys derived from fees to pay for any costs other than those necessary to achieve reregistration and expedited processing of the applications specified in paragraph (3); and

''(iii) ensure that personnel and facility costs associated with the functions to be carried out under this paragraph do not exceed agency averages for comparable personnel and facility costs.

''(B) The Administrator shall also—

''(i) complete the review of unreviewed reregistration studies required to support the reregistration eligibility decisions scheduled for completion in accordance with subsection (l)(2); and

''(ii) contract for such outside assistance as may be necessary for review of required studies, using a generally accepted competitive process for the selection of vendors of such assistance.''.

(d) SECTION 4(k)(3).—Section 4(k)(3) (7 U.S.C. 136a–1(k)(3)) is amended—

(1) in subparagraph (A), by striking out ''for each of the fiscal years 1992, 1993, and 1994, ⅓th of the maintenance fees collected, up to 2 million each year'' and inserting in lieu thereof ''for each of the fiscal years 1997 through 2001, not more than ⅓ of the maintenance fees collected in such fiscal year''; and

(2) by adding a new subparagraph (C) to read as follows:

''(C) So long as the Administrator has not met the time frames specified in clause (ii) of section 3(c)(3)(B) with respect to any application subject to section 3(c)(3)(B) that was received prior to the date of enactment of the Food Quality Protection Act of 1996, the Administrator shall use the full amount of the fees specified in subparagraph (A) for the purposes specified therein. Once all applications subject to section 3(c)(3)(B) that were received prior to such date of enactment have been acted upon, no limitation shall be imposed by the preceding sentence of this subparagraph so long as the Administrator meets the time frames specified in clause (ii) of section 3(c)(3)(B) on 90 percent of affected applications in a fiscal year. Should the Administrator not meet such time frames in a fiscal year, the limitations imposed by the first sentence of this subparagraph shall apply until all overdue applications subject to section 3(c)(3)(B) have been acted upon.''.

(e) SECTION 4(k)(5).—Section 4(k)(5) (7 U.S.C. 136a–1(k)(5)) is amended to read as follows:

''(5) ACCOUNTING AND PERFORMANCE.—The Administrator shall take all steps necessary to ensure that expenditures from fees authorized by subsection (i)(5)(C)(ii) are used only to carry out the goals established under subsection (l). The Reregistration and Expedited Processing Fund shall be designated as an Environmental Protection Agency component for purposes of section 3515(c) of title 31, United States Code. The annual audit required under section 3521 of such title of the financial statements of activities under this Act under section 3515(b) of such title shall include an audit of the fees collected under subsection (i)(5)(C) and disbursed, of the amount appropriated to match such fees, and of the Administrator's attainment of performance measure and goals established under subsection (l). Such an audit shall also include a review of the reasonableness of the overhead allocation and adequacy of disclosures of direct and indirect costs associated with carrying out the reregistration and expedited processing of the applications specified in paragraph (3), and the basis for and accuracy of all costs paid with moneys derived from such fees. The Inspector General shall conduct the annual audit and report

the findings and recommendations of such audit to the Administrator and to the Committees on Agriculture of the House of Representatives and the Senate. The cost of such audit shall be paid for out of the fees collected under subsection (i)(5)(C).''.

(f) GOALS.—Subsections (l) and (m) of section 4 (7 U.S.C. 136a–1), as amended by section 237, are redesignated as subsections (m) and (n) respectively and the following is inserted after subsection (k):

''(l) PERFORMANCE MEASURES AND GOAL.—The Administrator shall establish and publish annually in the Federal Register performance measures and goals. Such measures and goals shall include—

''(1) the number of products reregistered, canceled, or amended, the status of reregistration, the number and type of data requests under section 3(c)(2)(B) issued to support product reregistration by active ingredient, the progress in reducing the number of unreviewed, required reregistration studies, the aggregate status of tolerances reassessed, and the number of applications for registration submitted under subsection (k)(3) that were approved or disapproved;

''(2) the future schedule for reregistrations, including the projection for such schedules that will be issued under subsection (g)(2)(A) and (B) in the current fiscal year and the succeeding fiscal year; and

''(3) the projected year of completion of the reregistrations under this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] will each control 20 minutes.

Mr. Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

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

Mr. Speaker, H.R. 1627, the Food Quality Protection Act, represents nearly a decade of effort to modernize the Federal pesticide regulatory system. Today the Committee on Agriculture and the Committee on Commerce will accomplish what many thought simply could not be done; that is, successful consideration on the floor of a pesticide reform bill.

Mr. Speaker, this bill has been cosponsored by over 240 Members. This bill was made possible by a recognition from all sides of the debate that the proper use of safe pesticides is a critical element in protecting public health and ensuring a safe, abundant, and affordable food supply for our American consumers. To that end, H.R. 1627 does provide wide latitude for the Environmental Protection Agency to adapt its regulatory system to meet the constantly improving scientific information that is available.

H.R. 1627 reforms the outdated Delaney clause to allow modern science, rather than arbitrary rules, to be used in evaluating pesticide risks and benefits. Just as important, because the new standard will be narrative rather than specific, this legislation will allow the regulatory process to be adjusted as scientific risks and benefit assessments simply progress.

H.R. 1627 also provides additional incentives to register new, safer pesticides through new authorities that allow the EPA to streamline the pesticide registration procedures, including antimicrobial pesticides.

In addition, the bill provides several incentives for interested parties who wish to pursue the registration of so-called ''minor use'' pesticides to ensure their availability in critical public health and agricultural use situations.

This bill requires the Federal Government to fully consider any special risk to infants and children in regulatory actions. Specifically, when there is not enough reliable data on the risks to infants and children submitted to support the setting of a food tolerance, the bill provides the EPA administrator the flexibility to adjust a pesticide food tolerance to ensure that infants and children are indeed safe.

In the National Academy of Sciences report, Pesticides in the Diets of Infants and Children, the NAS highlighted the EPA's current practice of applying an additional tenfold safety factor to the established thousandfold safety margin in order to ensure safety for fetal development. In addition, the bill does provide the EPA the additional flexibility to apply a safety factor of less than ten-fold if the administrator determines such a level will be safe for infants and for children.

To further protect infants and children, the bill requires the EPA, the Department of Agriculture, and the FDA to coordinate their efforts to collect accurate dietary information on the eating patterns of U.S. consumers of all ages to ensure the EPA has reliable data from which to make rational science-based regulatory decisions.

H.R. 1627 also provides the EPA the resources necessary to continue the long-delayed reregistration of existing pesticides. Over the next 5 years the EPA administrator is authorized to collect up to $76 million in reregistration fees from the pesticide industry to help the agency meet the task of completing the reviewing of the data of pesticides registered prior to 1985. To ensure these funds are used only for the reregistration program and to enable Congress to meet its oversight responsibilities relative to the program goals, this legislation requires a stringent annual financial and performance audit of the monies collected and appropriated for the reregistration program.

Everyone involved in this legislation had made significant compromises to reach the goal of passing a valuable reform, a critical reform of pesticide law. As we near the finish line, it is important to commend everyone involved on both committees in Congress and many others for the hard work that certainly brings us to this point.

I personally would like to mention the contributions of our former colleague and the former Secretary of Agriculture, the late Edward Madigan; our former colleague, the late Mr. Bill Emerson of Missouri; the chairman emeritus of the House Committee on Agriculture, the gentleman from Texas Mr. KIKA DE LA GARZA, the godfather of this entire effort; the gentleman from Texas, Mr. GEORGE BROWN; the gentleman from Texas, Mr. STENHOM, who has been a valuable help to us down through the years; the gentleman from California, Mr. CONDIT; the distinguished chairman of the Committee on Commerce, the gentleman from Virginia, Mr. BLILEY; Mr. Bruce, a former colleague from Illinois; Mr. Lehman, a former colleague from California, and Mr. Rowland, a former colleague from Georgia.

The ultimate success of this reform will rest with the professionalism and the common sense of the Environmental Protection Agency. Congress will be watching closely as we try to implement these reforms. We will, to ensure that science, not emotion, is the basis of the pesticide regulation.

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

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been a long time in coming. I am speaking of the amendment to FIFRA and the food and drug law. Today we have a package before this House that makes amendment to how we regulate pesticides, and it is on the suspension calendar. It is hard to believe that we have come all this way.

Mr. Speaker, let me echo appreciation to all of those Chairman ROBERTS has mentioned as having worked on this effort. I would like to add only our former colleague from Iowa, Mr. Berkley Bedell, who diligently worked on this issue and had it almost to the brink of passage at one time.

Mr. Speaker, I have no objections to the present bill. However, I have concerns about how it will be implemented. One of the biggest hurdles, if not the biggest, to getting where we are today has been the infamous or famous Delaney clause.

Whatever one's perspective might be, the Delaney clause was a political outgrowth of the public's fear in the 1950's of the disease that was being increasingly diagnosed: cancer. Americans were facing this mysterious killer more frequently. Interestingly, at the same time medicine was improving and physicians were diagnosing more cancer. Today we have the capability to measure to parts per trillion. There is no justifiable reason for a test based on zero tolerance like we have with the Delaney clause.

Mr. Speaker, I would like to mention that all of the areas that have been covered by the chairman of the committee, minor use crop protection, antimicrobial pesticide registration reform, and public health pesticides, were all very diligently and studiously worked on by members of the Committee on Agriculture.

I would like to commend our friends from the Committee on Commerce, the chairman, the ranking member, and the ranking member of the Subcommittee on Health and Environment, for all the work they have done, and for their diligence in seeing that the needs of society are met to the extent that it is possible.

I have always maintained, Mr. Speaker, that Americans enjoy the safest, least expensive, and most abundant food supply in the world and that legislation is the art of the possible. We are here with that, with what is possible. It is not perfect. This is what could be agreed upon. Probably in the future it might be further looked at, but for now it is the extent of what is possible, considering all of the areas of concern. To all of those from the Committee on Commerce, we commend them and appreciate their work and cooperation.

Mr. Speaker, commending my colleagues from the Commerce Committee on the work that they have done, I yield half of my time, 10 minutes, to the gentleman from California [Mr. WAXMAN], and I ask unanimous consent he be permitted to control that time. He was chairman of the subcommittee and did tremendous work, and now is the ranking member of that committee.

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

There was no objection.

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

Mr. ROBERTS. Mr. Speaker, it is with great pleasure that I yield 6 minutes to the distinguished gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce, without whose effective leadership we would not be here today passing a critical reform on the Suspension Calendar.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for his kind remarks and for yielding me the time.

Mr. Speaker, today this House has a great opportunity to strengthen America's food safety laws and improve the safety and quality of its food supply. H.R. 1627, the Food Quality Protection Act of 1996, is a landmark bipartisan agreement that will bring Federal regulations of the Nation's food producers into the 21st century.

As everyone knows, reforming America's food safety laws has been an issue in Congress for more than a decade. For as long as I can recall, Republicans and Democrats alike have tried to replace the outdated Delaney clause with a modern, workable safety standard. The Delaney clause is a holdover that reflects the science of the 1950's.

In fact, the Delaney clause has been criticized almost since its inception in 1958. How long was that? Well, consider in 1958 ''At the Hop'' by Danny and the Juniors, was one of America's favorite songs; ''Gunsmoke'' riveted millions of families to their black and white TV sets; and a gallon of gasoline cost 30 cents.

Perhaps more telling of all, 1958 was the year Fidel Castro came to power in Cuba. Like Castro, the Delaney clause has cast a long and dark shadow over the years. By establishing a counterproductive standard for food safety, the clause has frozen science for 40 years.

In 1958 our knowledge of carcinogens was in its infancy. Our ability to identify trace amounts of pesticide residues was primitive by comparison to today. We had not even begun to think about risk assessment. Where before we could detect pesticide residues in measurements of parts per million, today we do so in parts per billion, and in some cases, parts per trillion.

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We know more about cancer today than we did then and about the relative risks of trace amounts of carcinogens. In fact only one thing has remained constant since 1958, the Delaney clause itself. But despite bipartisan consensus that the Delaney clause needed reform, Congress was never able to achieve agreement on how best to do so until now.

After weeks of bipartisan negotiations, the Committee on Commerce reported out a strong bill that makes much-needed improvements to the regulation of pesticides. Under the legislation before us today, the Delaney clause will be replaced with a unified safety standard. The standard will protect our food quality standards by allowing for the approval of pesticide tolerances when there is a reasonable certainty no harm will come to the consuming public.

For the first time, we will be able to address the issue of food safety comprehensively, taking into account the safety of the consuming public, preservation of the food supply and economic benefits as well. The legislation establishes strong protections for infants and children, adopting the recommendations of the National Research Council's report.

I would like to thank particularly the staff on the minority side, Kay Holcombe and Phil Schiliro, to the administration's Dr. Goldman, Jim Adolia and Bill Schultz, and my staff, Howard Cohen and Eric Berger.

This legislation before us today contains amendments to the Food, Drug and Cosmetic Act exactly as reported by the House Committee on Commerce. I feel confident that our efforts today will improve the safety, abundance and affordability of the Nation's food supply.

We would not be here without the cooperation of everyone, particularly my friends, the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee, and the gentleman from Hollywood, CA [Mr. WAXMAN], the ranking member of the subcommittee, whom I sometimes have a slight disagreement with, and to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the Subcommittee on Health and Environment of the Committee on Commerce, who has worked long and hard on this issue.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. BROWN].

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

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman from Texas [Mr. DE LA GARZA] for yielding me this time.

Mr. Speaker, it seems like some of the best decades of my life have been spent working on FIFRA, and I am very happy to see this day arrive today. I can remember quite well when the gentleman from Texas [Mr. DE LA GARZA], who had been wrestling with this problem as chairman of the appropriate subcommittee, turned that subcommittee over to me and to the gentleman from Kansas [Mr. ROBERTS], our ranking member, and we worked diligently for many years in an effort to reach the position where we are today. We had the support of Presidents of both parties, and yet we were never able to succeed.

I recite this because I think we should appreciate that this bill, along with a few others such as the telecommunications bill, have come to fruition only after generations. This may be an example—these two bills, telecommunications and this—of the benefits and the productivity of working together on a bipartisan basis to solve real problems in the most constructive possible way. I think we have done that here.

I have to pay particular tribute to the gentleman from Kansas [Mr. ROBERTS], my good friend, who never gave up, who continued to persevere. While he has praised my role, it is his role that is really the one that is most significant. I gave up years ago, and he kept on working until we have reached this day of success.

Of course I must also praise our colleagues on the Committee on Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentleman from California [Mr. WAXMAN]. The Committee on Commerce will be recognized as the source of the most important and productive legislation we have passed in this Congress and, despite my occasional arguments with the gentleman from Michigan [Mr. DINGELL], I praise him for this.

This is a day that many people thought we were not going to see. But today, we are going to pass a bipartisan bill to reform our pesticide laws. H.R. 1627 replaces the Delaney clause with a commonsense alternative that is not only scientifically defensible, but will result in comprehensive protection of public health.

H.R. 1627, is a good bill. Each of the diverse array of interest groups who have followed this legislation would probably wish to have something included in, or excluded from it. So, from each of their perspectives. H.R. 1627 would not be considered a perfect bill, but they believe H.R. 1627 represents a significant improvement over current law. The bill is the result of a great deal of hard work by the Agriculture and Commerce Committees and the administration to fashion these compromises and achieve consensus.

Chairman ROBERTS and I have worked on pesticide legislation together for many years. I would like to commend him for his efforts and for conducting an inclusive, bipartisan process

during the consideration of this legislation by the Agriculture Committee. This is the way the legislative process should work.

I am pleased to support H.R. 1627, and I urge my colleagues to do the same.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Speaker, this is quite a historic moment, for today we consider in the House a piece of legislation that literally has been pending before Congress for over a decade. This bill overhauls the way the Government regulates pesticides, and at long last deals with the thorny issue of differing standards for different kinds of food products, and with the scientifically outdated application of the Delaney clause.

It is an amazing compromise that has been reached, which has brought together some of the most staunch and bitter rivals in this debate—consumer and environmental groups, the food industry, American agriculture, and the Federal Government agencies who oversee pesticide use and safety—the Environmental Protection Agency and the Food and Drug Administration.

This bill represents the product of that successful negotiation. It meets the need of the agriculture and food industries for proper, consistent regulation of pesticides, without arbitrary standards such as the outdated and inappropriate Delaney clause.

In accomplishing that goal, the bill delicately strikes the essential balance between this legitimate need and consumer desire to continue the already high level of safety of American food.

Specifically, the legislation adopts the widely held view that special attention must be paid to dietary habits and health needs of special populations, such as children. At the same time, it provides flexibility to use methods and numbers that are appropriate and supported by valid information.

Significantly, the bill recognizes the importance of pesticides to the food supply, and builds this benefit into the evaluation of how pesticides are used.

No one group or individual will consider this to be perfect legislation, nor does it fulfill the full agenda of any one party. Its development required significant concessions from every quarter; it demonstrates that worthy goals are achievable through compromise. We are pleased that bipartisan negotiation produced good legislation.

I want to express my appreciation to my colleagues from California, Michigan, Texas, and New York—Mr. WAXMAN, Mr. STUPAK, Mr. HALL, and Mr. TOWNS.

Mr. Speaker, I commend the gentleman from Virginia [Mr. BLILEY], the chairman of the Committee on Commerce, and also the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee. I also want to commend the gentleman from Kansas [Mr. ROBERTS], the gentleman from California [Mr. CONDIT], and the gentleman from Texas [Mr. DE LA GARZA]. The gentleman from Texas [Mr. DE LA GARZA] is the valuable ranking member of the Committee on Agriculture and has long been interested in this. Those gentlemen and many others, along with the staff, have made an outstanding contribution to the solution of the problems before us today. I commend them and I thank them for the outstanding job which they have done.

Mr. ROBERTS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. BILIRAKIS], the chairman of the Subcommittee on Health and Environment of the Committee on Commerce.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman yielding this time to me. I, too, would like to make a few brief points concerning the legislation before us today.

The Food Quality Protection Act is more than just an important reform initiative. It is, as others have already said, the culmination of intensive bipartisan negotiations and, as we have heard here today, has the strong support of Members on both sides of the aisle.

The high level of support for this bill is actually not very surprising when we stop to think about it. Food safety reform has been a primary focus of Congress for more than a decade. That is because for farmers, for processors, manufacturers and of course for consumers the zero risk standard of the Delaney clause has served to freeze 1950 science into law.

When the Delaney clause was enacted in 1958, the body of scientific knowledge on cancer was very limited. Of course we have made tremendous strides, thank God, in detecting and fighting cancer but our pesticide regulations have not been allowed to keep pace with scientific advances.

As a result, it is essential that we adopt a modern consistent standard for determining the safety of our food supply. H.R. 1627 has the support of the Food Chain Coalition which includes the American Farm Bureau Federation, the American Meat Institute, Grocery Manufacturers of America, the Independent Bakers Association, the National Cattlemen's Beef Association, the National Farmers Union, the United Fresh Fruit and Vegetable Association, and, of course, so many others that I have not mentioned.

The legislation before us is a long-overdue step forward in the Nation's efforts to produce the best food supply possible. It establishes a unified general risk-setting standard for pesticides based on a standard of safety which is defined as a reasonable certainty of no harm.

It contains requirements for tolerance setting which are directly responsible to the recommendations of the National Research Council's report on ''Pesticides in the Diets of Infants and Children.''

It allows the use of benefits in specific situations, such as where the risk of not using the pesticide is greater than the risk of using it, and where the pesticide is needed to avoid a significant disruption in the domestic production of an adequate, wholesome, and economic food supply.

It retains the national uniformity for Federal pesticide residue tolerance except in limited cases.

It gives the administrator the authority to require data or information to determine whether a pesticide chemical may have an effect similar to an effect produced by a naturally occurring estrogen or other endocrine effect.

It provides for a consumer information booklet to be distributed by EPA to large retail grocers.

It establishes limited civil penalties as an alternate to the current heavy-handed enforcement tools of seizure, injunctions, and criminal action.

I am very pleased, as my colleagues might imagine, Mr. Speaker, with the bipartisan spirit that has helped craft this legislation. I want to commend the gentleman from Virginia [Mr. BLILEY], the chairman, the gentleman from Michigan [Mr. DINGELL], and the gentleman from California [Mr. WAXMAN] for their great contributions to this effort and, most important, the staffs who worked long and late hours to get us to this point. This is a reform measure of which we all have reason to be proud.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong support of H.R. 1627 and want to commend Chairmen BLILEY and ROBERTS, subcommittee Chairman BILIRAKIS, and JOHN DINGELL for their efforts to resolve this issue and bring this important legislation to the floor.

In the last 2 weeks, we have worked together to resolve a problem that has frustrated Congress for nearly two decades. And in reaching this agreement, we have found a way to reconcile fundamentally different positions into a strong bill that will benefit all Americans.

The starting point for this compromise is the repeal of the Delaney Clause and the creation of a single health-based standard that will apply to all foods. This reform gives industry needed regulatory flexibility while providing important health protections to American families.

In passing this legislation we are ensuring that pesticides will present no danger to our children. H.R. 1627 requires the Environmental Protection Agency—when establishing safety tolerances that apply to all Americans—to consider any special impacts a pesticide may have on infants and children and ensure that any aggregate exposure to a pesticide chemical residue present a reasonable certainty of no harm to them. This provision cannot be waived for eligible pesticide chemical residues.

H.R. 1627 also establishes an estrogen screening program and a right-to-know initiative that will provide vital information to consumers.

I am pleased to announce to my colleagues that H.R. 1627 is supported by a number of environmental and public health groups, including: the American Preventative Medical Association; the American Public Health Association; Center for Science in the Public Interest; Citizen Action; Citizen Health; Consumers Union; the Environmental Defense Fund; the Environmental Working Group; the National Audobon Society; the National PTA; the National Wildlife Federation; the National Resources Defense Council; Physicians for Social Responsibility; Public Voice; and World Wildlife Fund.

This is not a bill of winners and losers. It is a bill of winners. Industry wins because it receives regulatory relief and health and environmental public interest groups win because important health safeguards are guaranteed. Most importantly, H.R. 1627 is a major victory for common sense and for all Americans.

This compromise is only possible because a lot of hard work has been done by congressional staff and administration officials. And I want to commend both industry and environmental groups for their willingness to put aside long-held positions and find common ground in this proposal.

Mr. Speaker, I do want to mention that while this bill is originating in the House, there has been an enormous amount of work that has been done on this legislation in the other body, and I particularly want to single out the work that has been done by Senators KENNEDY, LEAHY, LUGAR, and KASSEBAUM. They have struggled with this issue and we hope they will now, after we pass this bill, join with us in putting the finishing touches on the work for which they have endeavored for so many years.

Our colleagues deserve commendation, particularly Chairman BLILEY, Mr. BILIRAKIS, Mr. DINGELL and others who will be addressing us.

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

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Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. CONDIT], the ranking member of the subcommittee.

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

Mr. CONDIT. Mr. Speaker, this culminates over a decade of work by many Members of Congress, and without their leadership this would not be happening today. I want to single out a few people: the gentleman from Kansas, Chairman ROBERTS, the gentleman from Virginia, Chairman BLILEY, the gentleman from Texas, Mr. DE LA GARZA, the gentleman from Michigan, Mr. DINGELL, the gentleman from California, Mr. WAXMAN, and the gentleman from Florida, Mr. BILIRAKIS. Without their hard work, we could not have accomplished what we are accomplishing here today.

I strongly believe that the resulting legislation represents the best approach for needed reform in food safety. This action sends a strong message that many Members of Congress are serious about this essential reform and we must not miss this opportunity to move forward.

The Delaney Clause, while well-intended 34 years ago, has become a problem that must be replaced by sound science and negligible risk. H.R. 1627 will finally replace the inconsistent standard that now governs pesticide residue with a single modern standard applied uniformly to pesticide residue in all foods. We cannot tell farmers that a minimum level of certain pesticide residue is safe on fresh market produce but not safe enough on such products sent to be processed.

This is an historical day. A lot of people have worked very hard, and I am delighted and honored to be a part of this solution.

Mr. ROBERTS. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], a former member of the House Committee on Agriculture, a distinguished member of the Committee on Appropriations, and a gentleman who has worked long and hard on the Delaney Clause.

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

Mr. WALSH. Mr. Speaker, I would like to just take a moment to congratulate everyone, both sides of the aisle, Republicans and Democrats, chairmen and ranking members, who worked to find a reasonable solution to this problem. This is a problem that the country, our producers, our processors, our consumers, it has bedeviled them for a long, long time, and this approach to legislation is remarkable. The result is remarkable. It is good for everyone.

I carried the rider last year on the Delaney Clause that would have prevented the EPA from delicensing chemicals that did not meet the standard that the court required them to meet. That was a strong measure. We backed away from that to provide some pressure to the legislative process. The Committee on Commerce responded, and I think it is a terrific solution, and I congratulate all of you.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, we do a lot of bills around here that never are signed into law, but let me say that here is one that will be because it is a compromise.

Mr. Speaker, let me just say that, as a member of the Commerce Committee, this is the second major bill from the Commerce Committee—I know Agriculture has a major role—the first one being telecommunications and now this one, that is going to be signed into law. Credit goes to the gentleman from Virginia, Chairman BLILEY, the gentleman from Texas, Mr. DE LA GARZA, the gentleman from Kansas, Mr. ROBERTS, the gentleman from California, Mr. WAXMAN, and the gentleman from Michigan, Mr. DINGELL.

I have been in Congress 14 years. We started working on this bill, someone said 10 years ago, I think the gentleman from California [Mr. CONDIT]. It seems to me the first year I was here we started working, never could come together, always major divisions. The Delaney Clause is like an institution. It is like a building that you cannot take down.

It has been modified. It is a good compromise and, Mr. Chairman, I commend those that worked hard on this. It shows that we can get something done if we just work together and compromise and forget that there is an election and a presidential election, which I know is very difficult to do these days. I do want to commend the authors of this bill.

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

Mr. TOWNS. Mr. Speaker, I would like to begin by thanking the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from Florida [Mr. BILIRAKIS], and of course the gentleman from California [Mr. WAXMAN], and the majority and minority staff, as well as the gentleman from Kansas [Mr. ROBERTS], and of course the gentleman from Texas [Mr. DE LA GARZA], for their outstanding job in bringing us to where we are today.

If we do not change the Delaney Clause, fruits and vegetables will become less abundant and poorer in quality. Consumers, particularly low-income consumers, will not have access to fruits and vegetables that are affordable and readily available. If we urge Americans to improve their health by changing their diets, then we must ensure that the elements of a healthy diet, like fresh fruits and vegetables, are both economical and available.

The measures before us today will ensure continued access by all Americans to safe, abundant, and affordable foods. The bipartisan support of H.R. 1627 has resulted in a balanced approach to reform of the Delaney Clause in a very positive way.

Mr. Speaker, I urge all my colleagues to vote for this bill. Failure to do so only harms the American consumers, and I think that we do not want to harm them, we want to help them. This bill is help for them.

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume. We have no further request for time on this side.

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

Mr. ROBERTS. Mr. Speaker, I would like to observe this: I would like to thank the gentleman from California [Mr. BROWN] very much for his very kind comments. GEORGE BROWN has provided more expertise on FIFRA than perhaps any other Member.

The gentleman from Texas [Mr. DE LA GARZA] mentioned the gentleman from Iowa, Mr. Berkley Bedell. I can remember well when we passed a FIFRA reform on the House side. It did not pass the Senate. We had adjourned, and Berkley Bedell had me in tow over on the Senate side trying to find real live Senators to try to get this done. So this one is for Berkley.

I would like to also thank my staff. There are no self-made men or women in public office. It is your friends and staff who make you what you are, more especially Mr. Bill O'Conner, who worked long and hard for Mr. Madigan both when he was the ranking member of the committee and the Secretary of Agriculture.

I would like to mention Mr. Gary Mitchell, who is our staff director, who had the FIFRA responsibilities when I was the ranking member of the subcommittee.

And, more especially, Mr. Dale Moore. Dale is a former rodeo rider, and every time we let the FIFRA horse out of the chute, we could not even saddle him, let alone ride the full 10 seconds to finally get something done. So in this particular case where it is a rodeo of achievement, if you will, I especially want to thank Dale.

It is rare during an even-numbered year when we have had great controversy and strong differences of opinion in this Congress, that we have a situation where the gentleman from Virginia, TOM BLILEY, the gentleman from Florida, MIKE BILIRAKIS, and the gentleman from Kansas, PAT ROBERTS, stood with the gentleman from Texas, KIKA DE LA GARZA, the gentleman from Michigan, JOHN DINGELL, and the gentleman from California, HENRY WAXMAN, representing the environmental community, the agriculture community, industry, and the administration.

We have done something and we are proud of it. We have 55 different organizations who have signed on with this reform. It is good reform. It is the kind of thing that we should do more of.

Mr. Speaker, I include for the RECORD report language to accompany H.R. 1627 regarding the use of registered pesticides to protect public health and safety, and a letter from the Environmental Protection Agency on the same matter; as well as report language developed to address a concern related to the Endangered Species Act:

REPORT LANGUAGE TO ACCOMPANY H.R. 1627

USE OF REGISTERED PESTICIDES TO PROTECT PUBLIC HEALTH AND SAFETY

The Committee is aware of the potential for situations in which public health and safety may be compromised by efforts to protect endangered species. There are commercial facilities which are part of this nation's food production and distribution system, such as processing plants, warehouses, grocery stores, restaurants, etc., which are located in critical habitat areas where the use of pest control tools may be prohibited or severely restricted. While the Committee recognizes the importance of preventing the destruction of endangered species, it is concerned that unwarranted actions to protect a species could result in the unchecked spread of rodent-, insect-, or other pest vector-borne diseases that could pose serious threats to consumer and food safety.

The Committee strongly believes that preserving the safety and wholesomeness of this nation's food supply is paramount. Managers of food processing and handling facilities, and public health officials, must be able to take the steps necessary to control pests that may pose a threat to public health. The managers of these facilities generally rely on certified commercial applicators or persons under their direct supervision who are trained to apply rodenticides and other pesticides in safe manner, which helps ensure that these products are only used when and where necessary.

One of the overriding goals of H.R. 1627 is to eliminate the statutory and regulatory paradoxes that inhibit the efficient, science-based administration of FIFRA and the Federal Food, Drug, and Cosmetic Act. The Committee believes this goal should be considered when reforms to other statutes, such as the Endangered Species Act, are undertaken to make certain that the safety and wholesomeness of a consumer's food supply, especially for infants and children, is adequately protected.

The Committee recognizes this concern can be addressed rationally in many cases through the cooperative efforts of federal and state regulatory officials, and is encouraged that federal and state agencies are examining this issue. For example, the California Environmental Protection Agency's Department of Pesticide Regulation states, ''A categorical exemption for food processing plants and other industrial and institutional use could probably be made with little, if any, impact on listed species. In particular, the use of toxicant inside of buildings or immediately adjacent to buildings does not seem to pose a hazard to listed species.''

The Committee expects the EPA to investigate this issue and any related situations where competing regulatory actions by the Agency, other federal agencies, or state agencies pose a threat to consumers or the U.S. food supply, and to act quickly to remedy these situations. In addition, if the EPA is unable to address the situation in an efficient and fair manner, the Agency should promptly notify this and any other committee of appropriate jurisdiction. If resolution is prohibited because of competing or inconsistent provisions of law, the Committee also expects the Agency to provide legislative proposals that may be needed to ensure that the Administrator has sufficient statutory authority to address these situations in a common sense, science-based manner.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, July 18, 1996.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request regarding clarification of the effect that endangered species protection measures may have on the use of pesticides to control pests in food processing or handling warehouses. We understand that some are concerned that endangered species protection measures could inappropriately restrict, within areas designated for the protection of endangered species, use of certain pesticides. Specifically, a concern was raised that use of pesticides that are important to control pests which may damage or contaminate food items may be unduly limited by endangered species protection measures in the State of California.

We believe that the federal, state and local agencies in California responsible for endangered species protection recognized this concern and have worked with all stakeholders to appropriately resolve this situation. Furthermore, the information available to us indicates that pesticide labels and the state-initiated endangered species plans do not unnecessarily restrict responsible pesticide use and do provide for both safe and effective use of pesticides in these situations.

Obviously, we understand that controlling pests in food storage and processing facilities can be a significant public health concern, and we will continue to work with the appropriate state and federal officials to make sure that important public health protection measures are not unnecessarily restricted.

In addition, we stand ready to work with you, members of your committee, and the state, local and Federal authorities to resolve legitimate concerns that may arise regarding this issue. Please let me know if I may be of further assistance.

Sincerely,

LYNN R. GOLDMAN, M.D.,
Assistant Administrator.

FOOD CHAIN COALITION,
July 23, 1996.

Hon. THOMAS J. BLILEY, Jr.,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BLILEY: Last week, representatives of the Administration, industry and the environmental community reached compromise agreement on H.R. 1627, ''The Food Quality Protection Act,'' after several weeks of negotiations. This bill represents the best opportunity in a decade to modernize the Delaney Clause and strengthen our nation's food laws.

The House of Representatives is expected today to consider H.R. 1627, and the Senate has indicated the intention to quickly follow suit. As Americans working to produce, process and market our nation's food supply, we urge your support for this critically important bill.

There is virtually unanimous agreement that an overhaul of the outdated Delaney clause for pesticide residues is long overdue. With the very limited number of legislative days remaining this year, the need for action to accomplish that objective is now more urgent than ever.

EPA recently proposed disallowing the use of five pesticides on a number of crops under the Delaney Clause, even though the agency has repeatedly stated its belief that those pesticides pose no significant health risk to consumers. By April 1997, EPA is due to determine whether to disallow up to 40 additional uses; without corrective action, farmers could lose the use of a number of safe and effective crop protection tools that keep the American food supply abundant and affordable.

The compromise version of ''The Food Quality Protection Act'' has received bipartisan praise from both the House and Senate, with key Republican and Democratic leaders stating that it is their goal to see this legislation signed into law by the President this

year. We urge its prompt adoption by the House.

Sincerely,

Agricultural Council of California; Agri Bank; Agri-Mark, Inc.; Agway, Inc.; American Bakers Association; American Crystal Sugar Company; American Farm Bureau Federation; American Meat Institute; American Feed Industry Association; Apricot Producers of California; and Atlantic Dairy Cooperative.

Biscuit & Cracker Manufacturers Association; Blue Diamond Growers; California Tomato Growers Association, Inc.; California Pear Growers; Chemical Specialties Manufacturers Association; Chocolate Manufacturers Association; Gold Kist, Inc.; Grocery Manufacturers of America; and Growmark.

Harvest States; Independent Bakers Association; International Apple Institute; International Dairy Foods Association; Kansas Grain and Feed Association; Kraft Foods, Incorporated; Land O'Lakes; Michigan Agribusiness Association; Milk Marketing Inc.; National Agricultural Aviation Association; and National Cattlemen's Beef Association.

National Confectioners Association; National Council of Farmer Cooperatives; National Farmers Union; National Food Processors Association; National Grain and Feed Association; National Grain Trade Council; National Grange; National Grape Co-operative Association, Inc; National Pasta Association; and Nebraska Cooperative Council.

North American Export Grain Association; Oklahoma Grain and Feed Association; Produce Marketing Association; Pro-Fac Cooperative; SF Services, Inc.; Snack Food Association; South Dakota Association of Cooperatives; and Southern States Cooperative.

Tortilla Industry Association; USA Rice Federation; United Fresh Fruit and Vegetable Association; Upstate Milk Cooperatives, Inc.; Utah Council of Farmer Cooperatives; and Wisconsin Agri-Service Association.

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

Mr. Speaker, in closing I want to point out that what we are doing here today is what the American people expect of us, to work out compromises, not to go to any extreme but to look for a middle ground. I want to particularly thank the chairman of our committee, the gentleman from Virginia [Mr. BLILEY], for this leadership, and the gentleman from Florida [Mr. BILIRAKIS], as the chairman of the subcommittee.

We do have on occasion, a difference of opinion. We have a different starting point as we look at the role of government; but they were good enough to look at this as a practical matter, to try to think through how we could make a constructive proposal work so that we could get an idea passed into law.

I want to thank all the staff of our committee, Howard Cohen, Eric Berger, Kay Holcombe; Greg Dotson, and Phil Schilirop; and the people in the administration, as well, Lynn Goldman, Jim Aidala, Larry Elsworth, Bill Schultz, and Phil Barnett.

I would point out that President Clinton put this issue on the agenda when he proposed that we do something on this very matter. The bill we are sending to the Senate and then hopefully on to him in many ways tracks what he proposed and in many ways improves and changes it.

Mr. Speaker, we have a good bill. It is a good compromise. The American people should look upon this with favor. I ask our colleagues, as well, to give their support to it.

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

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me add my commendation to all of the staffs from the committees, including the hard work done by the members' staff of the Agriculture Committee.

Mr. Speaker, when I became a subcommittee chairman three decades ago, the first major bill that was referred to our subcommittee was FIFRA. I did not know what the word stood for at that time, and I have worked with FIFRA since then. As Members know, I will not be returning the next session of Congress, and I think probably with this unanimity and all this good will, that it may well be the crown of my retirement that we hopefully go through the Senate and finish with a FIFRA bill as I leave this Congress.

We worked diligently. There have been many, many long hours of hard work. There have been discussions, heated and otherwise, but to arrive at this point on a suspension calendar is something worthy to be remembered. It is historic, and I am so proud to have been a small part of this endeavor. It will be something that I can go home with and point to with pride.

With that, I ask all of the Members to give us their support and their vote on this legislation.

Mr. BUYER. Mr. Speaker, the bill before us today is long overdue. I am delighted that this legislation has not only passed two House committees but will pass the full House of Representatives today. There have been times that I never thought we would be able to get to this point. Those in the agribusiness industry know first hand what a truly historic agreement this is. I applaud the Agriculture Committee and the Commerce Committee for completing action on this legislation and bringing it to the floor of the House.

Mr. Speaker, almost 4 years ago, I formed the Fifth District Agricultural and Rural Advisory Committee. Made of those who daily work in their agribusiness and farm communities, this committee listed reforms of the Delany clause as one of their top concerns. The efforts of the 104th Congress to bring common sense to this matter without endangering the supply of food in the United States is to be commended.

H.R. 1627, the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], reforms the outdated Delaney clause and allows sound science to prevail. It offers a framework of standards that allows the EPA the flexibility to consider pertinent public health factors when setting pesticide residue levels.

Mr. Speaker, most would agree that the United States enjoys the safest food supply in the world. The abundance and affordability is in large part due to the prudent use of pest control. Pesticides are necessary tools that when used in a responsible manner contribute significantly to the health of individuals and the environment. It is this bill, H.R. 1627, that takes into consideration both the individual and the environment.

Mr. Speaker, technology today makes zero risk a much outdated policy. This legislation provides a commonsense answer to ensuring consumer access to a healthy, abundant, affordable, and most importantly—a safe food supply. I congratulate Mr. ROBERTS and Mr. BLILEY on this historic agreement.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 1627, the Pesticide Regulation Reform Act. I want to congratulate my colleagues who have worked so hard to produce a bill that helps our farmers while protecting public safety, and has considered the concerns of consumer and environmental groups as well.

Fixing the provision known as the Delaney clause is important. When this provision was written, only the largest percentages of carcinogens could be detected in the food supply. With modern technology now being able to detect trace quantities in the range of parts per trillion and beyond, updating this law is critical. EPA itself has tried to use a more workable, scientific standard, but the courts have ruled otherwise.

This legislation will help our farmers by using less intrusive, modern standards. In using more common-sense tolerance standards, we not only protect consumers, but may reduce the cost to farmers of getting their goods to market. This is also good for consumers. In addition, the bill observes the special needs of infants and children who may be more susceptible to the presence of pesticides in food.

Finally, the legislation achieves balance in considering the benefits of risk analysis and recognition of the public's right of access to information on Government policy. Informed consumers are happy consumers, and this bill gives badly needed aid to our farmers while helping to keep consumers aware of changes in agricultural regulations.

Mr. Speaker, America's farmers have made great sacrifices this year, not only in sharing budget cuts but in widely accepting the recently passed farm bill. This legislation is a small step in recognizing the farmer's contribution to a balanced budget and fiscal stability for our country.

Mr. BEREUTER. Mr. Speaker, this Member is concerned that H.R. 1627 did not include even a modified version of a provision that was included in the original House Agriculture Committee bill per this Member's request, which was subsequently deleted from this bill.

This Member has severe reservations and regrets and faults the administration—specifically Environmental Protection Agency Administrator Carol Browner, Department of Agriculture Secretary Dan Glickman, and Department of the Interior Secretary Bruce Babbitt—which in a letter to the House Agriculture Committee chairman, the distinguished gentleman from Kansas [Mr. ROBERTS], attempted to intimidate the committee into deleting this Member's modified provision. This Member protested this deletion strenuously and by all legitimate means.

Specifically, this Member's provision would have allowed Indian tribes to enforce FIFRA regulations for the entire area of a reservation only if at least 50 percent of the lands in the reservation are owned by the tribe or Indians. This provision is needed to address legitimate

concerns raised by non-Indian landowners who own land within reservation boundaries. Non-Indians own more than one-half of the land in two Indian reservations within this Member's congressional district. In fact on one reservation in this Member's district, non-Indians won about 84 percent of the land. This provision is very important to constituents in this Member's district to assure that the relations between members of Indian tribes and non-Indians owning land within reservation boundaries are not further exacerbated.

Where we have more than one-half of the reservation owned by non-Indians—and the one case mentioned previously where about 84 percent is owned by non-Indians—it is reasonable that non-Indian lands have FIFRA enforcement by State government just as States enforce FIFRA for the rest of the State. That is what the language suggested by this Member would have done. The way it is now, non-Indian property owners will have enforcement conducted by a governmental body—the tribal council—for which they have absolutely no role in electing. Many of the Member's constituents have made it absolutely clear that this regulation of private property by officials employed by a tribal government will exacerbate Indian/non-Indian relations. This Member's language would have avoided that problem by preserving the tribal council's role in enforcing FIFRA regulation on Indian owned or tribal lands on reservations if they own more than 50 percent of the reservation land.

Mr. Speaker, nevertheless, the critical advances in this legislation, especially as they relate to the Delaney clause, argue overwhelmingly for the support of this legislation.

Mr. GUTKNECHT. Mr. Speaker, today's long-overdue passage of H.R. 1627, the Food Quality Protection Act, is further evidence that this Congress not only talks about regulatory reform, but acts on it.

Food processors and farmers in my district want to preserve the safety of our Nation's food supply. They also recognize that our technology has outgrown the regulatory demands of the Delaney Clause. For decades, they have urged Congress to update this law. I am pleased that today we have.

I hope passage of H.R. 1627 will allow the House to move forward in passing another reform bill that enjoys bipartisan support—H.R. 3338, the Antimicrobial Pesticide Registration Reform Act.

This bill allows for a separate regulatory definition for antimicrobial pesticides. Under current conditions, the EPA treats antimicrobials—substances like bleaches and cleansers that limit the growth of microogranisms—like more traditional pesticides, even though their uses differ significantly. This has caused unreasonable and unnecessary delays in getting improved products to market.

I urge the House to continue to demonstrate its commitment to commonsense regulatory reform by acting on H.R. 3338.

Mr. CAMP. Mr. Speaker, I rise in support of H.R. 1627, a commonsense environmental measure that is good for American consumers and American farmers. The bill reforms the out-of-date Delaney clause that was passed in the 1950's to protect the food supply from cancer-causing products.

The bill before us actually strengthens the objectives of the 1950's law. It strengthens regulations of raw food, while bringing balance to current standards for processed food. Why do we need the changes in this bill? Well, in the 1950's, testing equipment could detect cancer-causing residues to the range of one part per million. With today's testing equipment, we can detect parts per trillion. What does all that mean? That means with today's testing equipment, we can detect a glass of beer in Lake Michigan. And since the 1950's Delaney clause says that no traces of cancer-causing residues can exist in the food supply, and traces can be found in parts per trillion now, the EPA simply cannot enforce this impossibly high standard.

Now that we can detect residues to such minute levels, we have to give the EPA enforceable standards to protect our food supply. And our bill does just that. We tell the EPA to establish a reasonable certainty standard so that it can take advantage of the latest scientific advances to maintain our food safety, while not being bound by those very advances to impossible-to-enforce laws.

What will our bill result in? Safer and newer pesticides for our farmers. Better harvests, because farmers will not be limited to, and be forced to overuse, fewer pesticides to protect their crops. Safer food for Americans, because the EPA will finally have an enforceable food safety law. I urge support for H.R. 1627.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYWORTH). The question is on the motion of the gentleman from Kansas [Mr. ROBERTS] that the House suspend the rules and pass the bill, H.R. 1627, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. ROBERTS. 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. 1627, as amended.

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3564, as amended, by the yeas and nays, and H.R. 1627, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

NATO ENLARGEMENT FACILITATION ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3564.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rule and pass the bill, H.R. 3564, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 353, nays 65, not voting 15, as follows:

[Roll No. 338]

YEAS—353

Ackerman	Clyburn	Geren
Allard	Coble	Gibbons
Andrews	Coleman	Gilchrest
Archer	Collins (MI)	Gillmor
Armey	Combest	Gilman
Bachus	Condit	Gonzalez
Baesler	Costello	Goodlatte
Baker (CA)	Cox	Goodling
Baker (LA)	Coyne	Gordon
Baldacci	Cramer	Goss
Ballenger	Crane	Graham
Barcia	Cremeans	Green (TX)
Barrett (NE)	Cummings	Greene (UT)
Barrett (WI)	Cunningham	Greenwood
Bartlett	Davis	Gunderson
Barton	de la Garza	Gutierrez
Bass	DeLauro	Gutknecht
Bateman	DeLay	Hall (OH)
Becerra	Deutsch	Hall (TX)
Bentsen	Diaz-Balart	Hamilton
Bereuter	Dickey	Hansen
Bevill	Dicks	Harman
Bilbray	Dingell	Hastert
Bilirakis	Dixon	Hastings (FL)
Bishop	Doggett	Hastings (WA)
Bliley	Dooley	Hayes
Blumenauer	Doolittle	Hayworth
Blute	Dornan	Hefley
Boehlert	Doyle	Hefner
Boehner	Dreier	Heineman
Bonilla	Dunn	Herger
Bonior	Durbin	Hilliard
Borski	Edwards	Hinchey
Boucher	Ehlers	Hobson
Brewster	Ehrlich	Hoekstra
Browder	Engel	Hoke
Brown (CA)	English	Holden
Brown (FL)	Eshoo	Horn
Brown (OH)	Evans	Hostettler
Brownback	Ewing	Houghton
Bryant (TN)	Farr	Hoyer
Bunn	Fawell	Hunter
Bunning	Fields (TX)	Hyde
Burr	Flake	Inglis
Burton	Flanagan	Istook
Callahan	Foglietta	Jackson (IL)
Calvert	Foley	Jackson-Lee (TX)
Camp	Forbes	Jefferson
Campbell	Fowler	Johnson (CT)
Canady	Fox	Johnson (SD)
Cardin	Frank (MA)	Johnson, E. B.
Castle	Franks (CT)	Johnson, Sam
Chabot	Franks (NJ)	Jones
Chambliss	Frelinghuysen	Kanjorski
Chapman	Frisa	Kaptur
Christensen	Frost	Kasich
Chrysler	Gallegly	Kelly
Clay	Ganske	Kennedy (MA)
Clayton	Gejdenson	Kennedy (RI)
Clement	Gekas	Kennelly
Clinger	Gephardt	

Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sawyer
Schaefer
Schiff
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stokes
Studds
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—65

Abercrombie
Barr
Beilenson
Bryant (TX)
Buyer
Chenoweth
Coburn
Collins (GA)
Conyers
Cooley
Crapo
Cubin
Danner
Deal
DeFazio
Dellums
Duncan
Ensign
Everett
Filner
Funderburk
Furse
Hancock
Hilleary
Hutchinson
Jacobs
Johnston
LaHood
Laughlin
Markey
McDermott
McHugh
McKinney
Miller (CA)
Minge
Mink
Moran
Neumann
Norwood
Peterson (MN)
Petri
Pickett
Pombo
Poshard
Rahall
Rohrabacher
Sanders
Sanford
Scarborough
Schroeder
Seastrand
Sensenbrenner
Shadegg
Sisisky
Souder
Spratt
Stark
Stockman
Stump
Tanner
Traficant
Watt (NC)
Williams
Wolf
Yates

NOT VOTING—15

Berman
Bono
Collins (IL)
Fattah
Fazio
Fields (LA)
Ford
Lincoln
Matsui
McDade
Rangel
Saxton
Torricelli
Wilson
Young (FL)

☐ 1321

Mr. NORWOOD, Mr. RAHALL, Mrs. CHENOWETH, and Messrs. BUYER, CRAPO, DELLUMS, STOCKMAN, SANDERS, TRAFICANT, EVERETT, SPRATT, BRYANT of Texas, MILLER of California, MARKEY, and STARK changed their vote from ''yea'' to ''nay.''

Mr. MCINNIS changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FOOD QUALITY PROTECTION ACT OF 1996

The SPEAKER pro tempore (Mr. HAYWORTH). The pending business is question of suspending the rules and passing the bill, H.R. 1627, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas [Mr. ROBERTS] that the House suspend the rules and pass the bill, H.R. 1627, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 339]

YEAS—417

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
Beilenson
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
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
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
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
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
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
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
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—16

Collins (IL)
Fattah
Fazio
Fields (LA)
Ford
Laughlin
Lewis (CA)
Lincoln
Matsui
McDade
Rangel
Saxton
Torricelli
Volkmer
Wilson
Young (FL)

☐ 1330

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Standards of Official Conduct:

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT,
Washington, DC, July 23, 1996.

Hon. NEWT GINGRICH,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: Pursuant to 4(e)(2)(D) of rule X, the gentleman from Washington, Mr. MCDERMOTT, has advised the Committee by letter of his ineligibility to participate as a member of the committee in a pending proceeding.

Sincerely,

NANCY L. JOHNSON,
Chairman.

DESIGNATION OF MR. STOKES TO ACT AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN ANY PROCEEDING RELATING TO MR. MCDERMOTT

The SPEAKER pro tempore (Mr. HAYWORTH). Pursuant to clause 4(e)(2)(D) of rule X, the Speaker pro tempore, without objection, designates the gentleman from Ohio [Mr. STOKES] to act as a member of the Committee on Standards of Official Conduct in any proceeding relating to the gentleman from Washington (Mr. MCDERMOTT).

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, and that I be permitted to include tables, charts, and other extraneous material.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 479 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3814.

□ 1333

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. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. GUNDERSON 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 Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

Mr. Chairman, this $29.5 billion appropriations bill for the Departments of Commerce, Justice, State, the Judiciary, and related agencies for fiscal 1997, opens a new chapter in our effort to bring crime and drugs and our borders under control. It is a bill that puts the Congress on record as being willing to put the resources that are required to restore safety to our neighborhoods and make our citizens safe in their homes and on their streets. It is a bill that proposes funding to attack real life problems that exist today.

Let me spell out what the problems that are confronting our Nation are in this arena, Mr. Chairman. One is drugs.

The administration is sending a giant smokescreen to cover up its abject failure in the fight against drug use. All we hear is that cigarette smoking is so terrible and we have to wipe out this scourge on America's teenagers. They do not talk about the real problem with teenagers, and that is drugs, hard drugs. They are not just bad; they kill, and they cause people to kill others.

Drugs: After a decade of decline since 1992, overall drug use is on the rise again, and if my colleagues would notice on the chart the farthest away, prior to 1992 the number of Americans using illicit drugs plunged from 24.7 million in 1979 to 11.5 million in 1992, and the casual use of cocaine fell by 79 percent between 1985 and 1992. Overwhelming evidence shows a sharp and growing increase in drug use among young people since 1992, as that chart dramatically shows. Teenage drug use has increased by 50 percent from 1992 to 1994, from 2.4 million teen drug users to 3.8 million.

Do my colleagues know what happened when that valley occurred in those charts over there? That is when the Clinton administration came in and cleaned out the drug policy office of the White House, and all of a sudden teenage drug use skyrocketed and is still doing so.

Now I turn my colleagues' attention to this chart nearest to me. Since 1992, marijuana use by eighth graders has increased by 146 percent; among tenth graders, by 123 percent; and today one out of three high school seniors smoke marijuana.

The new approach to drug policy announced in September 1993, which promised to, ''reinvent drug control programs'' had the following effects: purity of drugs is up; supply of drugs is up; the cost of drugs is down. And we can see by the chart the results in high school marijuana use in our country.

This bill provides over $1 billion to the Drug Enforcement Administration, $173 million more than the current year, a 20-percent increase, including a major $75 million initiative on source country interdiction, restoring the policy that existed before this administration abandoned efforts to block drugs at the source, and $56 million to stop drug trafficking on the Southwest border where 70 percent of the drugs in the United States come into this country. We are reigniting the war on drugs to reverse the increase in drug use since 1992. That is problem 1: Drugs.

Problem 2: Our borders are still out of control. The administration's illegal alien strategy is leaking like a sieve. Illegal aliens are being caught and then, because we do not have the space to detain them, they are being released. INS first said they would deport 110,000 with the extra money we gave them the last 2 years. Now they are saying only 62,000 will be deported. That is half of what they first said and that is not acceptable. Seventy percent of our drugs come in across the Southwest border, yet alien drug dealers are being caught and released back across the Southwest border because they do not have the jail space to hold them for trial.

Here is what we are going to do in this bill. INS is funded at $2.2 billion, $443 million more than the current year, $30 million more than the President wants, a 26-percent increase over the current year. We provide for 1,100 new border patrol agents compared with 700 that the President has requested of us. A $114 million increase for removal of illegal aliens, $78 million more than the President wanted, including 2,700 more detention beds so that illegal aliens can be held until they are deported. We provide $405 million for Federal prisoner detention, $152 million more than the current year. That is for jail space to jail illegal alien drug smugglers until we can try them and then deport them.

With this 26-percent increase we are plugging the holes in the administration's sieve that they call a border policy. That is problem 2.

Problem 3: Violence against women and children. The administration is all talk and no action. We gave them $175 million this year. Do my colleagues know how much they have spent for violence against women? Guess. My colleagues you say 50 percent? No. Would my colleagues say a tenth? No. They have spent less than a half a million dollars out of $175 million, and they

have had the program for 2 years. It is all talk, my colleagues, no action.

We provide $197.5 million for violence against women, half a million dollars more than they want, $22.5 million more than the current year, and hope that they will spend it because we cannot spent it for them. They will have to spend it in grants.

They talk about stopping violence against women. We gave them the money 2 years ago, and they sit on it.

Enough is enough. We do not want talk, we want action. That is problem 3.

Problem 4: Juvenile crime. While railing against teenagers smoking cigarettes, this administration is letting teens get by with murder and hard drugs. Talk about a real smokescreen, they really got one going here.

Let me show my colleagues by this chart to my left.

□ 1345

One of every five violent crimes is now committed in this country by a juvenile. The FBI's report on crime showed in 1994, 17 percent of all murders were committed by juveniles. Fifth-five percent of all arsons, 36 percent of all burglaries, 16 percent of aggravated assaults in 1995 were committed by juveniles.

In addition to the $150 million in juvenile justice, we provide a $30.5 million incentive under the COPS Program to States that treat 14-year-olds as adults if they commit serious violent crimes. It is time to fight fire with fire on kids who choose violence. We provide $1.4 billion for the administration's COPS Programs and $571 million for the local law enforcement block grant, $68 million over the current year. We provide $560 million for the Byrne grants for locals to use. That is a $25 million increase.

All Federal law enforcement agencies—the FBI and the DEA—all the Federal law enforcement agencies are above what the President requested of us.

Overall for the Justice Department, we provide $16.3 billion for Department of Justice law enforcement programs, a $1.6 billion increase over the current year, an 11-percent increase. For the Judiciary, we provide an increase of $177 million up 5.8 percent, and we have provided for all of these increases by scraping the bottom of the barrel in other agencies. We had no choice.

In Commerce, we provide $3.5 billion for Commerce, down $120 million. We provide $110.5 million for the advanced technology program, half the 1996 level, to provide continuation grants for small businesses, not to subsidize Fortune 500 companies, which they are doing now. We increase the Census for the year 2000 census by $55 million, and we preserve trade promotion and basic science R&D in the Commerce Department.

In the State, USIA, and Arms Control Disarmament Agency Chapter, we are under $5 billion, down $128 million from 1996. We include $50 million for payment of U.N. peacekeeping arrearages conditioned on U.N. reform.

Mr. Chairman, with regard to the ongoing U.N.-sponsored negotiations on global climate change, I understand that the United States has agreed to negotiate a protocol or other legal instrument in 1997 which may set quantified limitation and reduction objectives for greenhouse gas emissions effective after the year 2000. These negotiations take place under the auspices of the 1992 Framework Convention on Climate Change, which requires that any proposed protocol or amendment to the convention be communicated to parties to the convention at least 6 months prior to proposed adoption. Because of the impact such proposals could have on U.S. companies and workers, the State Department and other U.S. Government agencies should fully analyze the economic impact of any proposal to set binding limits and timetables before adopting a U.S. negotiating position.

We fund the Legal Services Corporation at $141 million. The Committee on Appropriations has been required to act without the benefit of needed authorization legislation that should be passed that we set the policy of how this House and this Congress want to assure access to legal services by poor people. We are providing a level of funding in this bill that will permit the current system to remain in place at reduced levels, to spur policy decisions on that issue that are not within the jurisdiction of our committee.

Funding is terminated for several smaller organizations, as we try to tighten our belt wherever we can.

In summary, Mr. Chairman, I want to thank my ranking member, the gentleman from West Virginia, Mr. MOLLOHAN, who has been very, very helpful in this process, a true partner in drawing this bill, making the tough decisions; the gentleman from Louisiana, BOB LIVINGSTON, the chairman of the full committee and a stalwart when it came to providing funding necessary in this bill; the ranking member, the gentleman from Wisconsin, Mr. OBEY, who has been helpful; and, of course, all of the hard-working members of this subcommittee. We have some of the best in this body. I thank them for all of their work.

Overall, the Commerce, Justice, State appropriations bill opens a new chapter in our effort to bring crime, drugs, and borders under control. We set priorities, we make tough decisions, and we reduce spending on low-priority programs. We assert leadership to reignite the war on drugs, to make up for the Administration that has been woefully lacking on this issue. It plugs the holes in our borders by assuring we not only apprehend illegal immigrants and drug traffickers, we incarcerate and deport them. We put our priorities where they belong: in fighting the war on crime and protecting our citizens in their homes across this great country.

I urge our colleagues to support this bill. It is one that I think they can proudly support. I certainly urge them to do so.

Mr. Chairman, I include for the RECORD the following information:

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses 1/	74,181,000	83,256,000	71,493,000	-2,688,000	-11,763,000
Counterterrorism fund	16,898,000	9,688,000	9,450,000	-7,448,000	-238,000
Administrative review and appeals:					
Direct appropriation	38,791,000	73,411,000	64,000,000	+25,209,000	-9,411,000
Crime trust fund	47,780,000	52,847,000	48,000,000	+220,000	-4,847,000
Total, Administrative review and appeals	86,571,000	126,258,000	112,000,000	+25,429,000	-14,258,000
Office of Inspector General	28,960,000	51,949,000	31,960,000	+3,000,000	-19,989,000
Total, General administration	206,610,000	271,151,000	224,903,000	+18,293,000	-46,248,000
Appropriations	(158,830,000)	(218,304,000)	(176,903,000)	(+18,073,000)	(-41,401,000)
Crime trust fund	(47,780,000)	(52,847,000)	(48,000,000)	(+220,000)	(-4,847,000)
United States Parole Commission					
Salaries and expenses	5,446,000	5,201,000	4,490,000	-956,000	-711,000
Legal Activities					
General legal activities:					
Direct appropriation	401,929,000	450,277,000	420,793,000	+18,864,000	-29,484,000
(By transfer)	(12,000,000)	.....	.....	(-12,000,000)	.....
Crime trust fund	7,591,000	7,750,000	7,750,000	+159,000	.....
Total, General legal activities	(421,520,000)	(458,027,000)	(428,543,000)	(+7,023,000)	(-29,484,000)
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000	.....	.....
Independent counsel (permanent, indefinite)	2,884,000	3,000,000	3,000,000	+116,000	.....
Antitrust Division	85,074,000	84,336,000	84,336,000	-738,000	.....
Offsetting fee collections - carryover	-19,360,000	.....	-7,889,000	+11,471,000	-7,889,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-10,643,000	.....
Direct appropriation	17,452,000	25,431,000	17,542,000	+90,000	-7,889,000
United States Attorneys:					
Direct appropriation	894,346,000	949,279,000	931,029,000	+36,683,000	-18,250,000
Crime trust fund	30,000,000	44,409,000	43,876,000	+13,876,000	-533,000
Total, United States Attorneys	924,346,000	993,688,000	974,905,000	+50,559,000	-18,783,000
United States Trustee System Fund	102,272,000	111,633,000	107,950,000	+5,678,000	-3,683,000
Offsetting fee collections	-44,191,000	-49,869,000	-49,869,000	-5,678,000	.....
Direct appropriation	58,081,000	61,764,000	58,081,000	.....	-3,683,000
Foreign Claims Settlement Commission	829,000	878,000	878,000	+49,000	.....
United States Marshals Service:					
Direct appropriation	422,684,000	489,562,000	460,214,000	+37,530,000	-29,348,000
Crime trust fund	25,000,000	25,477,000	25,000,000	.....	-477,000
Total, United States Marshals Service	447,684,000	515,039,000	485,214,000	+37,530,000	-29,825,000
Federal Prisoner Detention	252,820,000	405,262,000	405,262,000	+152,442,000	.....
(Prior year carryover)	(33,511,000)	.....	.....	(-33,511,000)	.....
(By transfer)	(9,000,000)	.....	.....	(-9,000,000)	.....
Total, Federal prisoner detention	(295,331,000)	(405,262,000)	(405,262,000)	(+109,931,000)	.....
Fees and expenses of witnesses	85,000,000	100,702,000	100,702,000	+15,702,000	.....
Alternative dispute resolution	.....	2,000,000	.....	.....	-2,000,000
Total, Fees and expenses of witnesses	85,000,000	102,702,000	100,702,000	+15,702,000	-2,000,000
Community Relations Service	5,319,000	5,502,000	5,319,000	.....	-183,000
Assets forfeiture fund	29,487,000	30,000,000	30,000,000	+513,000	.....
Total, Legal activities	2,237,450,000	2,605,321,000	2,513,474,000	+276,024,000	-91,847,000
Appropriations	(2,174,859,000)	(2,527,685,000)	(2,436,848,000)	(+261,989,000)	(-90,837,000)
Crime trust fund	(62,591,000)	(77,636,000)	(76,626,000)	(+14,035,000)	(-1,010,000)
Radiation Exposure Compensation					
Administrative expenses	2,655,000	2,000,000	2,000,000	-655,000	.....
Payment to radiation exposure compensation trust fund	.....	13,736,000	13,736,000	+13,736,000	.....
Advance appropriation	16,264,000	.....	.....	-16,264,000	.....
Total, Radiation Exposure Compensation	18,919,000	15,736,000	15,736,000	-3,183,000	.....
Interagency Law Enforcement					
Interagency crime and drug enforcement	359,430,000	372,017,000	372,017,000	+12,587,000	.....

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Federal Bureau of Investigation					
Salaries and expenses 1/	1,999,539,000	2,361,838,000	2,327,225,000	+327,686,000	-34,613,000
(By transfer)	(22,000,000)	.....	.....	(-22,000,000)	.....
Counterintelligence and national security	102,345,000	102,345,000	117,081,000	+14,736,000	+14,736,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	.....	.....
Subtotal	(2,208,284,000)	(2,548,583,000)	(2,528,706,000)	(+320,422,000)	(-19,877,000)
Crime trust fund	218,300,000	133,123,000	153,000,000	-65,300,000	+19,877,000
Telephone carrier compliance	.....	100,000,000	.....	.....	-100,000,000
Construction	97,574,000	55,676,000	55,676,000	-41,898,000	.....
Total, Federal Bureau of Investigation	2,502,158,000	2,837,382,000	2,737,382,000	+235,224,000	-100,000,000
Appropriations	(2,283,858,000)	(2,704,259,000)	(2,584,382,000)	(+300,524,000)	(-119,877,000)
Crime trust fund	(218,300,000)	(133,123,000)	(153,000,000)	(-65,300,000)	(+19,877,000)
Drug Enforcement Administration					
Salaries and expenses	796,315,000	870,862,000	785,862,000	-10,453,000	-85,000,000
Diversion control fund	-47,241,000	-52,824,000	-52,824,000	-5,583,000	.....
Direct appropriation	749,074,000	818,038,000	733,038,000	-16,036,000	-85,000,000
Crime trust fund	60,000,000	138,000,000	172,000,000	+112,000,000	+34,000,000
Transfer from Office of Justice Programs	.....	.....	71,000,000	+71,000,000	+71,000,000
Total, Drug Enforcement Administration	809,074,000	956,038,000	976,038,000	+166,964,000	+20,000,000
Immigration and Naturalization Service					
Salaries and expenses:					
Direct appropriation	1,393,064,000	1,683,914,000	1,667,614,000	+274,550,000	-16,300,000
Border Patrol:					
Direct appropriation (earmark)	(506,800,000)	.....	.....	(-506,800,000)	.....
Crime trust fund (earmark)	(75,765,000)	.....	.....	(-75,765,000)	.....
Subtotal, Border patrol	(582,565,000)	.....	.....	(-582,565,000)	.....
Immigration initiative (crime trust fund)	316,198,000	458,168,000	500,168,000	+183,970,000	+42,000,000
Subtotal, Direct and crime trust fund	(1,709,262,000)	(2,142,082,000)	(2,167,782,000)	(+458,520,000)	(+25,700,000)
Fee accounts:					
Immigration legalization fund	(1,821,000)	(1,893,000)	(1,893,000)	(+72,000)	.....
Immigration user fee	(356,187,000)	(388,664,000)	(388,664,000)	(+32,477,000)	.....
Land border inspection fund	(5,960,000)	(11,054,000)	(11,054,000)	(+5,094,000)	.....
Immigration examinations fund	(439,550,000)	(511,061,000)	(511,061,000)	(+71,511,000)	.....
Cuban/Haitian resettlement (examinations fund)	(10,057,000)	.....	.....	(-10,057,000)	.....
Breached bond fund	(6,351,000)	(6,613,000)	(6,613,000)	(+262,000)	.....
Subtotal, Fee accounts	(819,926,000)	(919,285,000)	(919,285,000)	(+99,359,000)	.....
Construction	24,960,000	5,541,000	9,841,000	-15,119,000	+4,300,000
Total, Immigration and Naturalization Service	(2,554,148,000)	(3,066,908,000)	(3,096,908,000)	(+542,760,000)	(+30,000,000)
Appropriations	(1,418,024,000)	(1,689,455,000)	(1,677,455,000)	(+259,431,000)	(-12,000,000)
Crime trust fund	(316,198,000)	(458,168,000)	(500,168,000)	(+183,970,000)	(+42,000,000)
(Fee accounts)	(819,926,000)	(919,285,000)	(919,285,000)	(+99,359,000)	.....
Federal Prison System					
Salaries and expenses	2,611,143,000	2,887,816,000	2,858,316,000	+247,173,000	-29,500,000
Prior year carryover	-47,000,000	.....	-40,500,000	+6,500,000	-40,500,000
Direct appropriation	2,564,143,000	2,887,816,000	2,817,816,000	+253,673,000	-70,000,000
Crime trust fund	13,500,000	25,224,000	25,224,000	+11,724,000	.....
Total, Salaries and expenses	2,577,643,000	2,913,040,000	2,843,040,000	+265,397,000	-70,000,000
Buildings and facilities	334,728,000	295,700,000	395,700,000	+60,972,000	+100,000,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+181,000)	(-698,000)
Total, Federal Prison System	2,912,371,000	3,208,740,000	3,238,740,000	+326,369,000	+30,000,000
Office of Justice Programs					
Justice Assistance:					
Direct appropriation	99,853,000	117,797,000	100,000,000	+147,000	-17,797,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants (discretionary)	60,000,000	.....	60,000,000	.....	+60,000,000
Byrne grants (formula)	328,000,000	.....	255,000,000	-73,000,000	+255,000,000
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)	(28,500,000)	.....	.....
Subtotal, Direct appropriations	388,000,000	.....	315,000,000	-73,000,000	+315,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Crime trust fund:					
Byrne grants (formula)	147,000,000	535,000,000	245,000,000	+98,000,000	-290,000,000
Community policing	1,399,980,000	1,950,000,000	1,400,000,000	+20,000	-550,000,000
Transfer to State and local task forces/DEA	.....	.....	-71,000,000	-71,000,000	-71,000,000
Youth violence initiative (earmark)	.....	.....	(30,500,000)	(+30,500,000)	(+30,500,000)
Law enforcement scholarship program	.....	10,000,000	.....	.....	-10,000,000
Police recruitment grants	.....	1,155,000	.....	.....	-1,155,000
Police corps (direct)	.....	15,000,000	.....	.....	-15,000,000
Police corps (earmark)	(10,000,000)	.....	(10,000,000)	.....	(+10,000,000)
Local law enforcement block grant	503,000,000	.....	571,000,000	+68,000,000	+571,000,000
Drug courts (direct)	.....	100,000,000	.....	.....	-100,000,000
Drug courts (earmark)	(18,000,000)	.....	(18,000,000)	.....	(+18,000,000)
Boys and Girls clubs (earmark)	(11,000,000)	.....	.....	(-11,000,000)	.....
D.C. Police (earmark)	(15,000,000)	.....	.....	(-15,000,000)	.....
Upgrade criminal history records	25,000,000	50,000,000	50,000,000	+25,000,000	.....
State prison grants	617,500,000	630,000,000	680,000,000	+62,500,000	+50,000,000
State criminal alien assistance program	300,000,000	330,000,000	330,000,000	+30,000,000	.....
State courts assistance	.....	28,000,000	5,000,000	+5,000,000	-23,000,000
Violence Against Women grants 2/	174,500,000	196,500,000	196,500,000	+22,000,000	.....
State prison drug treatment 2/	27,000,000	36,000,000	35,000,000	+8,000,000	-1,000,000
Other crime control programs	13,600,000	18,605,000	7,400,000	-6,200,000	-11,205,000
Subtotal, Crime trust fund	3,207,580,000	3,900,260,000	3,448,900,000	+241,320,000	-451,360,000
Total, State and local law enforcement	3,595,580,000	3,900,260,000	3,763,900,000	+168,320,000	-136,360,000
Juvenile justice programs	148,500,000	149,500,000	149,500,000	+1,000,000	.....
Public safety officers benefits program:					
Death benefits	28,474,000	30,126,000	30,126,000	+1,652,000	.....
Disability benefits	2,134,000	2,200,000	2,200,000	+66,000	.....
Total, Office of Justice Programs	3,874,541,000	4,199,883,000	4,045,726,000	+171,185,000	-154,157,000
Appropriations	(666,961,000)	(299,623,000)	(596,826,000)	(-70,135,000)	(+297,203,000)
Crime trust fund	(3,207,580,000)	(3,900,260,000)	(3,448,900,000)	(+241,320,000)	(-451,360,000)
Total, title I, Department of Justice	14,660,221,000	16,619,092,000	16,306,129,000	+1,645,908,000	-312,963,000
Appropriations	(10,734,272,000)	(11,833,834,000)	(11,811,211,000)	(+1,076,939,000)	(-22,623,000)
Crime trust fund	(3,925,949,000)	(4,785,258,000)	(4,494,918,000)	(+568,969,000)	(-290,340,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+181,000)	(-698,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	20,862,000	21,449,000	21,449,000	+587,000	.....
International Trade Commission					
Salaries and expenses	39,954,000	41,707,000	40,000,000	+46,000	-1,707,000
Total, Related agencies	60,816,000	63,156,000	61,449,000	+633,000	-1,707,000
International Trade Administration					
Operations and administration	264,885,000	268,277,000	272,000,000	+7,115,000	+3,723,000
Export Administration					
Operations and administration	38,604,000	43,651,000	38,604,000	.....	-5,047,000
Economic Development Administration					
Economic development assistance programs	328,500,000	333,500,000	328,500,000	.....	-5,000,000
Emergency appropriations (P.L. 104-134)	18,000,000	.....	.....	-18,000,000	.....
Salaries and expenses	20,000,000	20,036,000	20,000,000	.....	-36,000
Total, Economic Development Administration	366,500,000	353,536,000	348,500,000	-18,000,000	-5,036,000
Minority Business Development Agency					
Minority business development	32,000,000	34,021,000	29,000,000	-3,000,000	-5,021,000
United States Travel and Tourism Administration					
Salaries and expenses (P.L. 104-99)	2,000,000	.....	.....	-2,000,000	.....
Total, Trade and Infrastructure Development	764,805,000	762,641,000	749,553,000	-15,252,000	-13,088,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	45,900,000	53,510,000	45,900,000	.....	-7,610,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Bureau of the Census					
Salaries and expenses	133,617,000	150,665,000	133,617,000	.....	-17,048,000
Periodic censuses and programs	150,100,000	248,690,000	205,100,000	+55,000,000	-43,590,000
Total, Bureau of the Census	283,717,000	399,355,000	338,717,000	+55,000,000	-60,638,000
National Telecommunications and Information Administration					
Salaries and expenses	17,000,000	18,478,000	15,000,000	-2,000,000	-3,478,000
Public broadcasting facilities, planning and construction	15,500,000	8,000,000	10,250,000	-5,250,000	+2,250,000
Endowment for Children's Educational Television	.....	2,497,000	.....	.....	-2,497,000
Information infrastructure grants	21,500,000	59,000,000	21,490,000	-10,000	-37,510,000
Total, National Telecommunications and Information Administration	54,000,000	87,975,000	46,740,000	-7,260,000	-41,235,000
Patent and Trademark Office					
Salaries and expenses	81,252,000	115,000,000	100,000,000	+18,748,000	-15,000,000
Total, Economic and Information Infrastructure	464,869,000	655,840,000	531,357,000	+66,488,000	-124,483,000
SCIENCE AND TECHNOLOGY					
National Institute of Standards and Technology					
Scientific and technical research and services	258,670,000	270,744,000	268,000,000	+9,330,000	-2,744,000
Industrial technology services	300,927,000	450,000,000	200,400,000	-100,527,000	-249,600,000
Construction of research facilities	59,977,000	105,240,000	.....	-59,977,000	-105,240,000
Total, National Institute of Standards and Technology	619,574,000	825,984,000	468,400,000	-151,174,000	-357,584,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities 3/	1,793,784,000	1,974,215,000	1,738,200,000	-55,584,000	-236,015,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000	.....	.....
Direct appropriation	1,790,784,000	1,971,215,000	1,735,200,000	-55,584,000	-236,015,000
(By transfer from Promote and Develop Fund)	(63,000,000)	(61,068,000)	(66,000,000)	(+3,000,000)	(+4,932,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	3,900,000	6,000,000	6,000,000	+2,100,000	.....
(Damage assessment and restoration revolving fund)	-3,900,000	-6,000,000	-6,000,000	-2,100,000	.....
Total, Operations, research and facilities	1,790,784,000	1,971,215,000	1,735,200,000	-55,584,000	-236,015,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	.....	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....	.....
Construction	50,000,000	37,366,000	36,000,000	-14,000,000	-1,366,000
Emergency appropriations (P.L. 104-134)	7,500,000	.....	.....	-7,500,000	.....
Fleet modernization, shipbuilding and conversion	8,000,000	12,000,000	6,000,000	-2,000,000	-6,000,000
Fishing vessel and gear damage fund	1,032,000	200,000	200,000	-832,000	.....
Fishermen's contingency fund	999,000	1,002,000	1,000,000	+1,000	-2,000
Foreign fishing observer fund	196,000	196,000	196,000	.....	.....
Fishing vessel obligations guarantees	250,000	250,000	250,000	.....	.....
Total, National Oceanic and Atmospheric Administration	1,858,761,000	2,022,229,000	1,778,846,000	-79,915,000	-243,383,000
Technology Administration					
Salaries and expenses	7,000,000	9,531,000	5,000,000	-2,000,000	-4,531,000
Total, Science and Technology	2,485,335,000	2,857,744,000	2,252,246,000	-233,089,000	-605,498,000
General Administration					
Salaries and expenses	29,100,000	29,100,000	27,400,000	-1,700,000	-1,700,000
Office of Inspector General	19,849,000	20,849,000	19,445,000	-404,000	-1,404,000
Working capital fund (by transfer)	.....	(3,000,000)	(3,000,000)	(+3,000,000)	.....
Total, General administration	48,949,000	49,949,000	46,845,000	-2,104,000	-3,104,000
National Institute of Standards and Technology					
Construction of research facilities (rescission)	-75,000,000	.....	.....	+75,000,000	.....
National Oceanic and Atmospheric Administration					
Operations, research and facilities (rescission)	.....	.....	-10,000,000	-10,000,000	-10,000,000
Total, Department of Commerce	3,628,142,000	4,263,018,000	3,508,552,000	-119,590,000	-754,466,000
Total, title II, Department of Commerce and related agencies	3,688,958,000	4,326,174,000	3,570,001,000	-118,957,000	-756,173,000
(By transfer)	(63,000,000)	(64,068,000)	(69,000,000)	(+6,000,000)	(+4,932,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,662,000	1,704,000	1,704,000	+42,000	.....
Other salaries and expenses	24,172,000	25,453,000	25,453,000	+1,281,000	.....
Total, Salaries and expenses	25,834,000	27,157,000	27,157,000	+1,323,000	.....
Care of the building and grounds	3,313,000	3,313,000	2,490,000	-823,000	-823,000
Total, Supreme Court of the United States	29,147,000	30,470,000	29,647,000	+500,000	-823,000
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,892,000	1,898,000	1,898,000	+6,000	.....
Other salaries and expenses	12,396,000	14,080,000	13,115,000	+719,000	-965,000
Total, Salaries and expenses	14,288,000	15,978,000	15,013,000	+725,000	-965,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,413,000	1,447,000	1,447,000	+34,000	.....
Other salaries and expenses	9,446,000	9,667,000	9,667,000	+221,000	.....
Total, Salaries and expenses	10,859,000	11,114,000	11,114,000	+255,000	.....
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	226,024,000	225,956,000	225,956,000	-68,000	.....
Other salaries and expenses	2,207,117,000	2,521,390,000	2,325,000,000	+117,883,000	-196,390,000
Direct appropriation	2,433,141,000	2,747,346,000	2,550,956,000	+117,815,000	-196,390,000
Crime trust fund	30,000,000	35,000,000	30,000,000	.....	-5,000,000
Total, Salaries and expenses	2,463,141,000	2,782,346,000	2,580,956,000	+117,815,000	-201,390,000
Vaccine Injury Compensation Trust Fund	2,318,000	2,390,000	2,390,000	+72,000	.....
Defender services	267,217,000	318,905,000	297,000,000	+29,783,000	-21,905,000
(Prior year carryover)	(28,544,000)	.....	.....	(-28,544,000)	.....
Total, Defender services	(295,761,000)	(318,905,000)	(297,000,000)	(+1,239,000)	(-21,905,000)
Fees of jurors and commissioners	59,028,000	68,083,000	66,000,000	+6,972,000	-2,083,000
Court security	102,000,000	131,885,000	125,000,000	+23,000,000	-6,885,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,893,704,000	3,303,609,000	3,071,346,000	+177,642,000	-232,263,000
Administrative Office of the United States Courts					
Salaries and expenses	47,500,000	53,523,000	48,500,000	+1,000,000	-5,023,000
Federal Judicial Center					
Salaries and expenses	17,914,000	19,625,000	17,495,000	-419,000	-2,130,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	32,900,000	30,200,000	30,200,000	-2,700,000	.....
United States Sentencing Commission					
Salaries and expenses	8,500,000	9,200,000	8,300,000	-200,000	-900,000
Total, title III, the Judiciary	3,054,812,000	3,473,719,000	3,231,615,000	+176,803,000	-242,104,000
Appropriations	(3,024,812,000)	(3,438,719,000)	(3,201,615,000)	(+176,803,000)	(-237,104,000)
Crime trust fund	(30,000,000)	(35,000,000)	(30,000,000)	.....	(-5,000,000)
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,716,196,000	1,747,209,000	1,705,450,000	-10,746,000	-41,759,000
Registration fees	700,000	700,000	700,000	.....	.....
Total, Diplomatic and consular programs	1,716,896,000	1,747,909,000	1,706,150,000	-10,746,000	-41,759,000
Salaries and expenses	364,698,000	358,159,000	352,300,000	-12,398,000	-5,859,000
Capital investment fund	16,384,000	32,800,000	16,400,000	+16,000	-16,400,000
Office of Inspector General	27,330,000	27,369,000	27,495,000	+165,000	+126,000
Representation allowances	4,500,000	4,656,000	4,490,000	-10,000	-166,000
Protection of foreign missions and officials	8,579,000	8,332,000	8,332,000	-247,000	.....
Security and maintenance of United States missions	385,043,000	386,060,000	370,000,000	-15,043,000	-16,060,000
Emergencies in the diplomatic and consular service	6,000,000	5,800,000	5,800,000	-200,000	.....
International center, Washington DC	.....	594,000	.....	.....	-594,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000	.....	.....
Administrative expenses	183,000	663,000	663,000	+480,000	.....
Total, Repatriation loans program account	776,000	1,256,000	1,256,000	+480,000	.....
Payment to the American Institute in Taiwan	15,145,000	15,001,000	15,001,000	-144,000	.....
Payment to the Foreign Service Retirement and Disability Fund	125,402,000	126,491,000	126,491,000	+1,089,000	.....
Total, Administration of Foreign Affairs	2,670,753,000	2,714,427,000	2,633,715,000	-37,038,000	-80,712,000
International Organizations and Conferences					
Contributions to international organizations, current year assessment	892,000,000	1,045,000,000	875,000,000	-17,000,000	-170,000,000
Advance appropriation, FY 1998	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 1999	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 2000	.....	43,076,000	.....	.....	-43,076,000
Advance appropriation, FY 2001	.....	43,076,000	.....	.....	-43,076,000
Contributions for international peacekeeping activities, current year	359,000,000	425,000,000	332,400,000	-26,600,000	-92,600,000
Advance appropriation, FY 1998	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 1999	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 2000	.....	150,070,000	.....	.....	-150,070,000
Advance appropriation, FY 2001	.....	150,070,000	.....	.....	-150,070,000
International conferences and contingencies	2,996,000	5,820,000	.....	-2,996,000	-5,820,000
Total, International Organizations and Conferences	1,253,996,000	2,248,404,000	1,207,400,000	-46,596,000	-1,041,004,000
International Commissions					
International Boundary and Water Commission, United States Mexico:					
Salaries and expenses	12,044,000	18,516,000	18,490,000	+6,446,000	-26,000
Construction	6,625,000	7,322,000	6,463,000	-162,000	-859,000
American sections, international commissions	5,791,000	5,627,000	5,490,000	-301,000	-137,000
International fisheries commissions	14,666,000	14,669,000	10,450,000	-4,216,000	-4,219,000
Total, International commissions	39,126,000	46,134,000	40,893,000	+1,767,000	-5,241,000
Other					
Payment to the Asia Foundation	5,000,000	5,000,000	8,000,000	+3,000,000	+3,000,000
Total, Department of State	3,968,875,000	5,013,965,000	3,890,008,000	-78,867,000	-1,123,957,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	38,638,000	48,455,000	38,495,000	-143,000	-9,960,000
United States Information Agency					
Salaries and expenses	445,371,000	468,016,000	439,300,000	-6,071,000	-28,716,000
Technology fund	5,050,000	10,000,000	5,050,000	.....	-4,950,000
Educational and cultural exchange programs	199,727,000	202,412,000	185,000,000	-14,727,000	-17,412,000
Eisenhower Exchange Fellowship Program, trust fund	509,000	600,000	600,000	+91,000	.....
Israeli Arab scholarship program	397,000	400,000	400,000	+3,000	.....
International Broadcasting Operations	324,858,000	365,406,000	335,700,000	+10,842,000	-29,706,000
Radio Free Asia: Operations (earmark)	(5,000,000)	(10,000,000)	(5,000,000)	.....	(-5,000,000)
Broadcasting to Cuba (direct)	24,775,000	.....	.....	-24,775,000	.....
Broadcasting to Cuba (earmark)	.....	(25,000,000)	(13,775,000)	(+13,775,000)	(-11,225,000)
Radio construction	39,946,000	39,164,000	39,000,000	-946,000	-164,000
East-West Center	11,750,000	8,800,000	.....	-11,750,000	-8,800,000
North/South Center	2,000,000	970,000	.....	-2,000,000	-970,000
National Endowment for Democracy	30,000,000	30,000,000	30,000,000	.....	.....
Total, United States Information Agency	1,084,383,000	1,125,768,000	1,035,050,000	-49,333,000	-90,718,000
Total, related agencies	1,123,021,000	1,174,223,000	1,073,545,000	-49,476,000	-100,678,000
Total, title IV, Department of State	5,091,896,000	6,188,188,000	4,963,553,000	-128,343,000	-1,224,635,000
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	.....
Maritime Security Program	46,000,000	100,000,000	63,000,000	+17,000,000	-37,000,000
Operations and training	66,600,000	78,097,000	62,300,000	-4,300,000	-15,797,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Maritime Guaranteed Loan Program Account:					
Guaranteed loans subsidy	40,000,000	40,000,000	37,450,000	-2,550,000	-2,550,000
Administrative expenses	3,500,000	4,000,000	3,450,000	-50,000	-550,000
Total, Maritime guaranteed loan program account	43,500,000	44,000,000	40,900,000	-2,600,000	-3,100,000
Total, Maritime Administration	156,100,000	222,097,000	166,200,000	+10,100,000	-55,897,000
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	206,000	206,000	206,000	.....	.....
Commission on Civil Rights					
Salaries and expenses	8,740,000	11,400,000	8,740,000	.....	-2,660,000
Commission on Immigration Reform					
Salaries and expenses	1,894,000	2,498,000	2,196,000	+302,000	-302,000
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,090,000	1,090,000	.....	.....
Competitiveness Policy Council					
Salaries and expenses	50,000	897,000	.....	-50,000	-897,000
Equal Employment Opportunity Commission					
Salaries and expenses	232,740,000	268,000,000	232,740,000	.....	-35,260,000
Federal Communications Commission					
Salaries and expenses	185,619,000	222,538,000	185,619,000	.....	-36,919,000
Offsetting fee collections - current year	-126,400,000	-152,523,000	-126,400,000	.....	+26,123,000
Direct appropriation	59,219,000	70,015,000	59,219,000	.....	-10,796,000
Federal Maritime Commission					
Salaries and expenses	14,836,000	15,000,000	11,000,000	-3,836,000	-4,000,000
Federal Trade Commission					
Salaries and expenses	98,889,000	93,819,000	93,819,000	-5,070,000	.....
Offsetting fee collections - carryover	-19,360,000	.....	-7,889,000	+11,471,000	-7,889,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-10,643,000	.....
Direct appropriation	31,267,000	34,914,000	27,025,000	-4,242,000	-7,889,000
Japan - United States Friendship Commission					
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	.....	-1,247,000	-1,250,000
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	.....	(-1,420,000)	(-1,420,000)
Legal Services Corporation					
Payment to the Legal Services Corporation	278,000,000	340,000,000	141,000,000	-137,000,000	-199,000,000
Marine Mammal Commission					
Salaries and expenses	1,189,000	1,334,000	975,000	-214,000	-359,000
Martin Luther King, Jr. Federal Holiday Commission					
Salaries and expenses	350,000	.....	.....	-350,000	.....
National Bankruptcy Review Commission					
Salaries and expenses	.....	500,000	500,000	+500,000	.....
Ounce of Prevention Council					
Direct appropriation	1,500,000	.....	.....	-1,500,000	.....
Crime trust fund	.....	9,000,000	.....	.....	-9,000,000
Securities and Exchange Commission					
Salaries and expenses 4/	297,021,000	308,189,000	297,021,000	.....	-11,168,000
Offsetting fee collections	-184,293,000	.....	-193,974,000	-9,681,000	-193,974,000
Offsetting fee collections - carryover	-9,667,000	.....	-20,000,000	-10,333,000	-20,000,000
Direct appropriation	103,061,000	308,189,000	83,047,000	-20,014,000	-225,142,000
Small Business Administration					
Salaries and expenses	222,144,000	238,701,000	220,419,000	-1,725,000	-18,282,000
Offsetting fee collections	-3,300,000	-3,300,000	-6,000,000	-2,700,000	-2,700,000
Direct appropriation	218,844,000	235,401,000	214,419,000	-4,425,000	-20,982,000
Office of Inspector General	8,500,000	9,985,000	8,900,000	+400,000	-1,085,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)—Continued

	FY 1996 Enacted	FY 1997 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Business Loans Program Account:					
Direct loans subsidy	4,500,000	2,792,000	2,792,000	-1,708,000	.....
Guaranteed loans subsidy	155,010,000	316,263,000	160,660,000	+5,650,000	-155,603,000
Micro loan guarantees	1,216,000	2,317,000	1,216,000	.....	-1,101,000
Administrative expenses	92,622,000	94,090,000	93,485,000	+863,000	-605,000
Total, Business loans program account	253,348,000	415,462,000	258,153,000	+4,805,000	-157,309,000
Disaster Loans Program Account:					
Direct loans subsidy	34,432,000	65,800,000	105,432,000	+71,000,000	+39,632,000
Emergency appropriations (P.L. 104-134)	71,000,000	.....	.....	-71,000,000	.....
Administrative expenses	71,578,000	78,000,000	100,578,000	+29,000,000	+22,578,000
Emergency appropriations (P.L. 104-134)	29,000,000	.....	.....	-29,000,000	.....
Contingency fund (emergency)	.....	100,000,000	.....	.....	-100,000,000
Total, Disaster loans program account	206,010,000	243,800,000	206,010,000	.....	-37,790,000
Surety bond guarantees revolving fund	2,530,000	3,730,000	3,730,000	+1,200,000	.....
Total, Small Business Administration	689,232,000	908,378,000	691,212,000	+1,980,000	-217,166,000
State Justice Institute					
Salaries and expenses 5/	5,000,000	13,550,000	.....	-5,000,000	-13,550,000
Total, title V, Related agencies	1,585,721,000	2,208,318,000	1,425,150,000	-160,571,000	-783,168,000
Appropriations	(1,585,721,000)	(2,199,318,000)	(1,425,150,000)	(-160,571,000)	(-774,168,000)
Crime trust fund	.....	(9,000,000)	.....	.....	(-9,000,000)
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	.....
TITLE VI - RESCISSIONS					
DEPARTMENT OF JUSTICE					
General Administration					
Working capital fund (rescission)	-65,000,000	.....	.....	+65,000,000	.....
DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Acquisition and maintenance of buildings abroad (rescission)	-64,500,000	.....	.....	+64,500,000	.....
RELATED AGENCIES					
United States Information Agency					
Radio construction (rescission)	-7,400,000	.....	.....	+7,400,000	.....
Total, title VI, Rescissions	-136,900,000	.....	.....	+136,900,000	.....
Scorekeeping adjustments	-144,688,000	-856,320,000	16,264,000	+160,952,000	+872,584,000
Grand total:					
New budget (obligational) authority	27,800,020,000	31,959,171,000	29,512,712,000	+1,712,692,000	-2,446,459,000
Appropriations	(24,055,971,000)	(27,129,913,000)	(24,997,794,000)	(+941,823,000)	(-2,132,119,000)
Rescissions	(-211,900,000)	.....	(-10,000,000)	(+201,900,000)	(-10,000,000)
Crime trust fund	(3,955,949,000)	(4,829,258,000)	(4,524,918,000)	(+568,969,000)	(-304,340,000)
(By transfer)	(106,000,000)	(64,068,000)	(69,000,000)	(-37,000,000)	(+4,932,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(+181,000)	(-698,000)
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(-14,180,000)	.....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	.....	(-1,420,000)	(-1,420,000)

1/ Does not include "Health care fraud enforcement" legislative proposal to be transmitted later.
2/ Included under Justice Assistance in FY 1996.
3/ Does not include legislative proposals to be transmitted later.
4/ Does not include legislative proposal regarding fees to be transmitted later.
5/ President's budget proposes $5,000,000 for State Justice Institute.
6/ FY 1996 Enacted reflects administrative reductions from P.L. 104-134.

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

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

Mr. Chairman, I rise in support of H.R. 3814. Although imperfect, this bill is a vast improvement over that which we considered last year. I commend the chairman, the gentleman from Kentucky [Mr. ROGERS], as well as his able staff, Jim Kulikowski, Therese McAuliffe, Jennifer Miller, Mac Coffield, in addition to Pat Schlueter, the minority staffer.

Chairman ROGERS has conducted the affairs of this subcommittee in an exemplary manner. He has acted in an open and fair fashion toward all members. I want to express to the chairman, Mr. ROGERS, my gratitude for his openness and our ability to work together on this bill.

There are parts of this bill where we are in agreement, particularly in the crime-fighting and law enforcement area. I would like to take this opportunity to remind my colleagues that this is the real crime-fighting bill. This bill provides extremely robust funding levels, $1.6 billion more than the appropriations for the current fiscal year, for the Department of Justice and its law enforcement functions.

If Members like law enforcement, they are going to love this bill. Let me give Members some appreciation for just what I am talking about. First, let me say that President Clinton's requests in the justice area, the law enforcement and crime-fighting area, the law enforcement and crime-fighting area, were very strong, very generous. This bill provides a bit more funding.

We can anticipate, that the Senate side, if pattern holds, will provide more funding than is in our House bill. In other words, this is a game of up-the-ante. But that is fine, because in the end we really do end up with strong funding for law enforcement efforts.

This bill provides $7.1 billion for drug enforcement initiatives, including a 21-percent increase over fiscal year 1996 funding for the Drug Enforcement Administration.

The bill also provides funds for 1,100 more border patrol agents; 2,700 additional detention beds for safe holding of illegal aliens until deportation, a $51 million increase is provided for U.S. attorneys, a $37.5 million increase is provided for the Marshal Service, and $255 million in increased funding is provided for the Federal Bureau of Investigation.

Of special note, I want my colleagues to know that $1.4 billion is provided for the COPS program, the cornerstone of the President's crime-fighting strategy. Let me take a moment to address specifically the COPS program.

As many of the Members know, during his 1994 State of the Union address, President Clinton pledged to put an additional 100,000 police officers on our Nation's streets. Authorization was provided, $8.8 billion over 6 years, in the 1994 crime bill. The COPS program is now a reality, with funding now approved for over 44,000 cops on the beat.

Mr. Chairman, I think everybody in this body and everybody across this Nation understands what a significant accomplishment it has been to get the President's COPS program up, and operating. I commend the President for his leadership in this regard.

The impact of community policing has been strong and swift. Crime is down, Mr. Chairman. That is the good news. There is not doom and gloom about crime statistics. Crime is down. Members can spin these statistics any way they want, but the bottom line is, crime is down. We can take a category, we can look at a spike.

It is absolutely true that in the last year or so drug use in juveniles is up. That is a matter that everybody is concerned with, and all of a sudden, everybody is turning to focus specific attention on that issue. We have to fight it. This bill does it, and this administration supports that effort.

Preliminary crime figures released by the FBI in December 1995 show a dramatic decline in serious crime in the first half of 1995, compared with the same period in 1994.

In New York City, for instance, overall crime has dropped by 14.5 percent, according to FBI figures. Just last month it was reported that the COPS program is providing dollars for an additional 500-plus new cops on the beat. That is significant. It is difficult to argue with results like this. Simply put, community policing works, it works well, and I am pleased that the bill before us provides funding to continue our march down the road to 100,000 more cops on the beat, in accordance with the President's program and his commitment. We are ahead of schedule.

Mr. Chairman, I want to compliment our law enforcement agencies for the good job they have done in managing and applying the new resources we have given them, and also I want to compliment the unprecedented level of cooperation going on between our law enforcement agencies.

I know of no time, certainly during my service, when, for example, the FBI and the DEA and the other Federal law enforcement agencies are working more closely together. They are cooperating, they are focusing, they are sharing information, and it is having a wonderful effect in crime-fighting.

Mr. Chairman, I would also point out to my colleagues that substantial funds are provided in this bill for State and local law enforcement assistance and juvenile justice programs. The Violence Against Women Act programs are fully funded at $197.5 million. I want to compliment my chairman, the gentleman from Kentucky [Mr. ROGERS] for that funding.

He does express concerns about the fact that the Violence Against Women grants are not already out there. Perhaps, in a way, that is a fair consideration. We are all impatient as appropriators that this money get out and get expended. I would add, however, that we could have helped those who were managing those grant programs last year if we did not have some 10, 12, 15, or however many continuous resolutions. No administrator can develop a grant program for a 2-week continuing resolution, and I do not think the Congress would want them to try.

In addition, the States could not respond to grant applications for a 2-week continuing resolution. After 2 weeks that money expired, and we went into another continuing resolution. In other words, there was considerable legislative instability that the administration and the States were trying to work successfully within last year. This perfectly well explains why the Violence Against Women grants were not let out. Mr. Chairman, the good news is that since obtaining their fiscal year 1996 appropriations, the Office of Justice programs has mailed out application kits to all the States in this Violence Against Women Program. They were due back July 1 of this year, and awards will be made on a rolling basis within 30 days of receipt of the applications. Most of the Violence Against Women grants will be awarded by August 15, within 4 months of the signing of the omnibus appropriations bill, making those funds available. That is timely, and I know they have been working hard to make sure those grants do get out to fight violence against women.

I am very pleased with the very generous funding levels with the Department of Justice.

However, Mr. Chairman, I must note the areas in this bill with which I have serious concerns. First, I am extremely concerned with the level of funding provided for the programs under the Department of Commerce. This bill would cut the Department by $756 million below the administration's request and $119 million below the level provided in fiscal year 1996.

The bill does not provide adequate funding for the Department of Commerce' technology initiatives. The most egregious example is the advanced technology program. There is only $110.5 million for the ATP in this bill, not nearly enough for the Federal Government to fulfill its obligations in prior-year grant awards. In other words, there is not enough money in this bill to meet obligations already incurred by the Government. While I realize there is a philosophical difference of opinion regarding the advanced technology program, this program is a critical part of the President's competitiveness agenda, and deserves to be funded robustly. While I am pleased with the increases this bill provides for the NIST internal programs, it is simply not a substitute for ATP.

I also regret the majority's decision to zero out NIST's construction account. The current laboratory facilities

are woefully inadequate to today's mission, and such an action only serves to perpetuate the problem.

Also in Commerce, I want to make note of the funding level available for the Census Bureau. This bill provides a funding level which is $60 million below the President's request. It does not provide much-needed funding increases for the current economic statistics, and cuts in half the requested increase for the ramp-up for the 2000 census. I know every American is concerned that the census is done accurately, done properly, done on time, and we are cutting money in that vital area.

There are several other areas for Commerce's budget which this bill does not fund adequately, Mr. Chairman.

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With regard to the Small Business Administration, this bill does not provide the requested and needed increase for the 7(a) loan program. I am concerned that without necessary changes to the program's subsidy rate, this bill may limit capital available to small businesses. I plan to work with the chairman during the conference to increase funding for this vital agency.

In addition, while I am pleased that the bill offers a first step at reducing our peacekeeping debt, I am concerned that it does not go far enough and will put us further behind in the long run in meeting this international obligation. My colleagues will be pleased to know that the committee has remained firm in its resolve to seek continued reform at the United Nations. This is an issue that Chairman ROGERS has worked on for many years and he has been successful in bringing the United Nations to a reform posture, or at least in providing incentives to bring them to a reform posture.

My only concern is not with the incentives, but the fact that we are not funding peacekeeping arrearages enough. I think we could do much more and still maintain the momentum with regard to reform at the United Nations.

Further, I must take a moment to express a reservation about reductions in USIA's accounts, especially in salaries and expenses and educational and cultural exchanges. At the same time, I have serious concerns about providing additional funds for Radio Free Asia. The Broadcasting Board of Governors has not produced an operating plan or provided any meaningful operation about transmission or other operating costs and, in addition, the newly assembled Radio Free Asia staff either is unable or unwilling to provide the committee with estimates of just how much Radio Free Asia Pacific broadcasting will grow to cost in the out years. In addition, I express concerns about the funding for Radio and TV Marti, some of which we have addressed in the full committee.

I have saved my biggest concern, Mr. Chairman, about this bill for last, the shameful cut made to funding for the Legal Services Corporation. I will at the appropriate time be offering an amendment to increase funding for this account, so I shall not spend time now detailing my concerns. I will do so during consideration of the amendment to increase funding for legal services.

Mr. Chairman, this list by no means represents every deficiency in the bill, but with limited time here I wanted to highlight my biggest concerns. I intend to work hard with the majority to make improvements. Let me emphasize again that the chairman has labored hard, with scarce resources, to come up with a fair bill. I am most appreciative for his hard work and for his attitude of cooperation as this bill has been drafted and moved to the floor. I look forward to that kind of relationship as we finalize this legislation through the process.

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

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], a very hardworking member of our subcommittee.

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

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time. I would commend the chairman and the ranking member. They have done an excellent job of working with some very important aspects of our Government responsibility.

The matter of crime and rising use of drugs among young people has been recognized in the committee bill and in the increase of $1.6 billion for the Justice Department activities. Likewise antidrug programs, a serious problem, and we have tried to recognize that need by some additional initiatives on antidrug programs, including a $75 million increase for that type of program.

Illegal aliens: We have increased the funding to speed up the deportation of illegal aliens that have been apprehended. It provides significant funding for grants to State and local governments. I think we should recognize that the States and local governments are often the incubators of good ideas. And so we try to give them a little more opportunity to be innovative in their programs so that we can develop ideas that work well for others.

For example, in Ohio the attorney general has recently developed a new program that would identify and provide accelerated delinquency intervention services to high-risk youth who attend a middle school or junior high school. It is called Ohio's accelerated school based intervention solution. The subcommittee urges the Justice Department to carefully review this innovative early intervention approach when it disburses juvenile justice grants. That is just one example of trying to get to the problems with young people before they develop into much larger difficulties.

As chairman of the Steel Caucus, I am pleased to note that we recognize the importance of promoting U.S. exports abroad and enforcing our U.S. trade laws. Therefore, we provided a modest $7 million increase for the International Trade Administration. That may provide the assistance that is needed in ensuring that we do not have dumping or countervailing and the enforcement of our antidumping and countervailing duties laws.

Mr. Chairman, I certainly urge the support of the bill. I think it recognizes a lot of important policies and funds them adequately.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a member of the subcommittee.

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

I, too, want to commend our chairman, the ranking member, and their staffs, for a commendable job under very, very difficult circumstances in fashioning this bill.

It is a real improvement over the fiscal 1996 bill in several areas. We do have funding for ATP. It is too low, but it is better than the zero we started our with last year. There is substantial funding for the COPS Program, rather than no funding, where we started out last year. There is good funding for the core programs at the National Institute for Standards and Techonolgy, very, very robust funding for law enforcement and immigration and many, many other important areas.

But there are some real deficiencies here. And without wanting to exaggerate those relative to the pluses in the bill, I do want to touch on several of them.

The gentleman from West Virginia [Mr. MOLLOHAN] has already mentioned a serious shortcoming with regard to funding for Legal Services. We will all be addressing that later on at the time of his amendment, but it is an egregious problem for us to remedy later on in this debate.

The Advanced Technology Program is at 32 percent of the administration's request, half of last year's funding level. That is a very important investment in the economic and technological future of the country. We need to be doing better there.

Also in the Commerce Department, several accounts within the National Oceanic and Atmospheric Administration that are critical for this Nation's leadership internationally, as well as providing for the safety and well-being and economic health of our own people, whether the Climate and Global Change Program, the Space Environmental Laboratory or several other areas, need to be beefed up.

I would like to take just a moment to talk about the international accounts in this bill and particularly the overall funding to the Department of State. I think that we have lost sight of the fact that diplomacy in behalf of the United States is preventive medicine. It is designed to avoid the kind of cataclysmic international problems that

require us to then call on the Defense Department. It is very much like preventative care rather than surgery. Yet we have seen over the last several budget cycles a continuing contraction of our resources going into that very, very important area of looking out for our national interests abroad. We cannot afford a further erosion of our diplomatic preparedness, whether it is in the State Department directly, the Arms Control Agency, which is doing very, very important work for this country in so many important fields, with proliferation and other areas, or the USIA, representing the ideas and the culture of this country abroad.

One of the areas that is a plus as this bill comes to the floor is that it contains no funding for that failed activity known as TV Marti, where all objective accounts have confirmed what is the unfortunate reality; that is, there is no audience for the broadcasts of TV Marti into the island of Cuba. As pathetic as is the record of TV Marti, as insulting as its waste of over $100 million is to the American taxpayer, who is hard pressed enough, still the apologists for this abject failure say that they have gotten the commitment to restore funding later on in the process. That would be a huge mistake, Mr. Chairman, and a classic example of a victory of special interests and special influence over common sense. I hope we will be on alert to avoid making that mistake as this bill moves through the process.

Again, let me just close by offering my congratulations to our chairman and our ranking member for the job they and their staffs have done.

I thank the chairman. I commend Chairman ROGERS, Ranking Member MOLLOHAN and their staff members for their efforts in trying to balance the disparate competing interests represented in this bill. Their impossible task was to somehow provide adequate funding under the restrictions of the new budget resolution for our Nation's important research, technology, crime fighting, judiciary, and international activities.

In some ways, the bill we are considering today is better than last year's House version of the Commerce, Justice, and State Departments appropriations bill.

For one thing, it omits further wasteful spending on the TV Marti boondoggle. And, in other areas, it provides some funding for the National Institute of Standards and Technology's [NIST] Advanced Technology Program [ATP], instead of no funding. It provides most of the requested funding for the COPS community policing program, instead of no funding. It provides full funding for the core research activities at NIST. And this bill generously funds law enforcement accounts, most above last year's level and many above the administration's request.

There are, however, serious problems with this bill that I hope can be addressed through the amendment and conference process.

First, this bill cuts funding for the Legal Services Corporation by almost 50 percent. This cut comes on top of a funding reduction of 30 percent for fiscal year 1996. These funding cuts represent an unconscionable abandonment by this Congress of the Nation's commitment to equal justice for all citizens regardless of economic status. LSC provides low-income Americans access to the legal system on basic matters of family law, consumer issues, housing disputes, and other issues affecting veterans and the elderly. The funding cut included in this bill will cripple LSC's ability to carry out its important mission.

This bill funds the ATP Program at 32 percent of the administration's request and only one-half of the final conference funding level of last year. The ATP Program provides a private industry/government partnership to nurture cutting edge industrial technology that is either too high risk or too broad based for a single private company alone to afford to develop. It provides small, competitive grants to consortia of large and small companies for development of preproduct technology. These grants are matched by private funds and motivate private industry to take risks in product and technology development that otherwise would not occur, not because they lack merit or profit-making potential, but because the pay-back in the short term is too problematic for purely private capital. This program promotes America's long-term economic interests and deserves full support.

I'm also concerned about the committee's effort to restrict ATP funding to only small businesses. ATP grants often go to a consortium made up of small and large businesses working together on a single project. Separating funding and, therefore, grantees according to size could end up disrupting the valuable partnerships forged between small and large businesses through previous ATP projects.

I'm also disappointed that the committee was unable to meet the administration's funding requests for many of the National Oceanic and Atmospheric Administration's [NOAA] programs. NOAA's work contributes to a more productive and competitive nation. NOAA's mission is to protect life, property, marine and fisheries resources, and our Nation's coasts and oceans. It accomplishes its mission through research and monitoring of the condition of the atmosphere, oceans, and Great Lakes. NOAA predicts the weather, climate, and fisheries' productivity. In addition to the obvious importance of NOAA to the health of industries tied to coastal and marine life conditions, the work at NOAA is important to agribusiness, industries that have an impact on air quality, and the transportation and communications industries.

While I understand that these are difficult budgetary times and that for most accounts the committee bound itself to the authorization bill produced by the Science Committee earlier this year, NOAA's atmosphere and ocean programs are important to the economic and environmental future of the Nation and should be fully supported.

In particular I'm disappointed that the committee didn't move closer to the administration's funding request for the Climate and Global Change Program which conducts research to develop long-term climate observation and prediction techniques, particularly for North America. This program also examines the role of ocean conditions on long-term climate changes and provides information on which to base important policy choices about the necessity or results of environmental and industry regulation.

Another particular concern is the small, but significant cut in the Solar/Geomagnetic Research Program. The Space Environmental Laboratory funded under this account forecasts solar and geomagnetic activity which can damage satellites and electrical power systems. The warnings provided by SEL provide the valuable time needed to take steps to limit the damage caused by unusual solar and geomagnetic activity.

I am also very concerned about the effects of this bill's cuts in the budgets of the State Department, the U.S. Information Agency and the Arms Control and Disarmament Agency. This year's reductions come after many years of downsizing and restructuring in these agencies. Since 1984, our international affairs budget has fallen 51 percent in real terms. By the end of the current fiscal year, the State Department alone will have reduced the size of its work force by 1,900 full-time employees and will have closed 30 posts worldwide.

These funding reductions have already eroded our diplomatic preparedness. Further cuts to foreign affairs agencies will threaten our ability to protect and promote our national interests. The cuts come at a time when our foreign policy agenda is increasingly dominated by such issues as access to overseas markets, control of weapons of mass destruction, protection of the environment, and the promotion of democracy. In these areas, our country needs effective diplomatic efforts to negotiate agreements and build coalitions among governments.

I am worried that the cuts contained in this bill may force the State Department to close additional foreign posts. Before we continue to diminish our overseas presence, we should make certain that we won't be severely undermining our ability to gather critical information and intelligence and to support American commercial interests abroad. We also need to be certain that the needs of the Defense Department, the CIA, and other State Department tenants have been fully considered in decisions to close posts.

The bill provides an inadequate downpayment on the enormous debt we have run up by failing to pay our dues to the United Nations and other international organizations. This is not just a matter of being an international deadbeat. It will harm our ability to promote our interests in international organizations and will undermine our credibility in pressing for further U.N. reforms. It also would scuttle a bold initiative of our Ambassador to the U.N. Madeleine Albright, to convince U.N. members to reduce from 25 percent to 20 percent the U.S. share of the U.N.'s regular budget in return for a multiyear American commitment to make good on our debt.

Another area of concern is the low level of funding the bill provides for the Arms Control and Disarmament Agency. The budget for this small but crucial agency has been slashed almost 30 percent in the last 3 years. At the same time, we in Congress, along with the President, have continued to give the agency more tasks. While the level of funding provided this year is close to the bare bones budget provided last year, the agency then had significant carryover funds that are no longer available. I fear that the funding in the bill will not enable the agency to fulfill crucial responsibilities like completing negotiations on banning nuclear testing, ensuring that all nuclear weapons are removed from Ukraine, Kazakstan, and Belarus by the end of the year, and monitoring the elimination of hundreds of bombers and missiles from Russia.

On a positive note, as I mentioned earlier, the bill reflects the overwhelming bipartisan support expressed in the full committee for a measure to kill funding for TV Marti, the United States Information Agency's television broadcasts to Cuba.

TV Marti is a failed experiment. After 8 years and the waste of $100 million in taxpayer's money, virtually no one in Cuba sees these United States Government television broadcasts.

TV Marti is on the air only between 3:30 a.m. and 8:00 a.m. Unfortunately, the Castro government is very successful in jamming the broadcasts. The result? No one sees TV Marti.

The objective evidence is overwhelming. In 1994, a Federal advisory panel stated

> categorically that at present TV Martis broadcasts are not consistently being received by a substantial number of Cubans.* * * Whatever TV Marti's [other] shortcomings they are negligible compared to its inability to reach its intended audience.

A report from the Appropriations own committee staff investigation concluded there was virtually no audience or policy purpose for continuing TV Marti broadcasts.

It's bad enough that TV Marti accomplishes nothing. But that's not the end of the story. National security and drug interdiction efforts can suffer when TV Marti preempts use of Federal balloons—used for TV Marti and radar surveillance—on the Florida Keys. That's why in 1993 a defecting Cuban MiG pilot wasn't detected until right before his plane landed at Key West Naval Air station. Fortunately, his intentions were friendly.

The elimination of TV Marti won't diminish our ability to send United States Government broadcasts to Cuba. Even without TV Marti, Radio Marti will continue—and many Cubans listen to it. Killing the TV Marti boondoggle doesn't score a propaganda victory for Castro. It does score a victory for the American taxpayer.

In conclusion, while I believe the chairman should be commended for his diligent efforts under such difficult budgetary constraints, I must say that I have grave reservations about this bill.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE], a very hardworking member of this subcommittee who has given us a lot of help in constructing this bill.

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

Mr. KOLBE. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of this legislation, H.R. 3814, the Commerce, Justice, State and Judiciary Appropriations Act for Fiscal Year 1997. We are nearing the end of our appropriations work on the floor of the House but we have saved one of the more important bills here for the end.

I especially want to commend Chairman ROGERS for his excellent work through a very difficult fiscal climate. Despite the hurdles, the chairman and subcommittee, I think, brought to the floor of the House a bill worthy of support. I also want to thank and applaud the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member, for the bipartisan and cooperative spirit that he has adopted in working on this bill.

Downsizing Government does mean making choices in spending priorities and this bill does that. It does it by channeling funds to programs that we think are in the taxpayers' interest. I do not agree, of course, with every single decision that is made here but on balance this is a good bill, a responsible bill, and one that I am proud to be associated with.

This bill takes a giant step toward addressing the issue of border enforcement, something that is very important to those of us along the southwest border. It provides funding to put an additional 1,100 Border Patrol agents and inspectors on the front lines of the border. Overall it provides $2.8 billion for the enforcement of our immigration laws. Funding is also provided for 2,700 more detention cells to ensure that we can hold for deportation illegal aliens in the United States. That is 2,000 more beds than have been requested by the administration.

The bill provides $500 million for the State Criminal Alien Assistance Program that reimburses States for the costs associated with incarcerating criminal aliens. The General Accounting Office estimates that the nationwide cost incurred by States for this could exceed $650 million. This appropriation takes a huge step toward addressing that problem.

Mr. Chairman, we must recognize that illegal immigration is a national problem, that it is not just a State problem. This Congress must reaffirm its commitments to States and local communities because they are the ones that must contend with the failed immigration policies of the past. To turn our back on that would be wrong.

The Federal Government does not have all the answers when it comes to combating the crime we are most concerned about. I do not believe the Congress should try to manage State and local law enforcement agencies. Rather, we need to support measures that empower local law enforcement—H.R. 3814 does just that. This legislation gives maximum flexibility to local law enforcement officials to administer $571 million for law enforcement and prevention programs instead of mandating that money be used for specific purposes. The bill will allow local officials to use funds to put more police on the streets, purchase needed equipment, fund youth prevention programs, provide drug court programs, or other urgent needs, according to the priorities determined by 39,000 State and local entities—not Washington. Additionally, this bill provides nearly $500 million for the Byrne grant program that has been used very effectively by local law enforcement. In my own district, very successful law enforcement alliances have succeeded because of the availability of Byrne grant moneys.

Let me shift gears for a moment to address what this bill does with funding for the Commerce Department. I support restructuring the Commerce Department. Over the years, this agency has become the dumping ground for every new function of the Federal Government that didn't fit someplace else. While this bill does not dismantle the Commerce Department, it cuts it by nearly 17 percent for fiscal year 1995 levels—a clear signal to Congress to reorder its functions. I will support amendments to this legislation making further cuts in certain areas of Commerce.

I am pleased the committee funded the Small Business Administration's microloan program which has helped create hundreds of jobs in Arizona at little or no cost to the Government. Organizations like Project PPEP help to effectively administer these startup loans in areas where this type of assistance is effectively used and where loan defaults are almost nonexistent.

The bill provides resources for the State Department to continue its vital functions across the globe. H.R. 3814 does cut funding just below last year's spending levels. Contributions to U.N. peacekeeping operations are kept in check while affording the executive branch maximum flexibility and the legislative branch maximum oversight.

I encourage all of my colleagues to support this legislation that is both fiscally responsible and attentive to the needs of the American people.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes 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. I thank the gentleman from West Virginia [Mr. MOLLOHAN] and likewise thank the chairman, but I thank the ranking member for his continued hard work on this issue.

Mr. Chairman, I wish that I could rise in overwhelming enthusiasm for the effort that has been put forward. I do believe, however, there is room for improvement. In particular I would like to note that we have been successful. We have stood in the way of the obliteration and dissolution of the Commerce Department, one of the few departments in this Nation that is in the Constitution, one of the few that have been able to claim over billions of dollars of job opportunities and business opportunities for American businesses, and yet we find that this appropriation bill gives $756 million below the administration request, even though the Commerce Department has done its own internal downsizing.

Juvenile justice grants: I appreciate the funding of such grants and certainly the funding of violence-against-women grants and the successful keeping of the 100,000 cops on the beat.

I am concerned, however, when it comes to the Advanced Technology Program under the Department of Commerce, that we would not consider the importance of technology creating the jobs of the 21st century and would be shortsighted in underfunding opportunities for innovative technology projects to be successfully funded. Our support falls short in comparison to what is done by our neighbors like Japan and Germany in investing in

technology. It is important to recognize that in order to have businesses succeed, the government must be a successful partner to business.

I likewise rise, Mr. Chairman, to speak against the drastic and draconian cuts in the Legal Services Corporation: Only $141 million given to this agency—over a 50-percent cut.

□ 1415

What that says is the number of clients will fall from 2.1 million to 1.1 million, that we are saying to America that you can have your access to justice, but those individuals who are poor, who are indigent, who are women, who are children, who are the elderly, cannot have the ability to receive the kind of legal services that the Constitution provides. Twenty-six thousand poor Americans will get to access one lawyer with the legal services cuts.

I think it is important, Mr. Chairman, that we recognize the commitment of this government to be a government of laws and not of men and women. And so these services should be provided by the Legal Services Corporation, 323 guarantees provided services to almost 2.1 million clients from 1,100 locations last year, approximately 24 million families are poor enough to qualify for free services. In 1995, the legal services fund provided 1 lawyer for every 200 low-income families. Without sufficient funding this year these families cannot be served.

Legal Services helps us in defending against spousal abuse or child abuse. It helps us with divorce and separation for indigent families and women. The Legal Services lawyers help poor people with wage claims, discrimination, termination, unlawful termination, and unemployment claims

Frankly, Mr. Chairman, what it does is it simply says you are an American, too. I am concerned that we do not sufficiently fund the Legal Services Corporation to serve the poor, so I am supporting the Mollohan-Fox amendment to increase legal services because that is the right thing to do, and that would add to a better Commerce, Justice Department, State Department appropriations bill.

Mr. Chairman, I would have risen to offer an amendment to the Commerce-Justice-State appropriations bill. This amendment would restore $20 million for the Legal Services Corp. [LSC], which distributes Federal funds to more than 300 local legal aid organizations to pay for the representation of low-income individuals in civil legal matters, such as landlord-tenant disputes, domestic relations, and Social Security matters. However, I now rise to support the Mollohan-Fox amendment to increase Legal Services to almost to last year's funding and if it passes, I will not offer my amendment.

This program provides desperately needed assistance to our Nation's poor families and individuals. Without some kind of legal aid our poorest citizens would have no recourse against unscrupulous merchants, no help in arranging adoptions or enforcing child support orders, and no protection against abusive spouses.

The U.S. Bureau of Justice Statistics reports that over 1 million women a year are victims of violence at the hands of husbands or boyfriends. Poor women and children, who frequently lack access to support networks, are especially vulnerable to the vicious cycle of domestic abuse.

Family law, which includes the representation of victims of domestic violence, is the single largest category of cases handled by the 278 local Legal Services programs across the Nation. In 1995, Legal Services programs handled over 59,000 cases in which clients sought legal protection from abusive spouses and over 9,300 cases involving neglected, abused, and dependent juveniles.

Legal Services attorneys assist victims of domestic violence in a variety of ways: obtaining orders of protection, child support, and divorces from abusive spouses; representing them in child custody proceedings; assisting them with applications for emergency housing or other benefits that enable them to escape violent situations; and helping them make a realistic plan for moving from dependency to self-sufficiency.

H.R. 3814 would fund the LSC in fiscal year 1997 at $141 million, which is an extreme cut from the fiscal year 1995 level of $415 million. This cut will result in the virtual abandonment of this country's longstanding Federal commitment to the legal protection of low-income individuals, including victims of domestic violence. Withdrawing aid for this program will effectively shut millions of Americans out of the justice system.

Cutting the fiscal year 1997 funding level to $114 million will most likely result in the following: the number of clients served will fall from 2.1 million in fiscal year 1995 to 1.1 million; the number of neighborhood officers will fall from 1,100 in fiscal year 1995 to approximately 550; the number of LSC attorneys serving the poor will fall from 4,871 in fiscal year 1995 to 2,150; there will be only one LSC lawyer for every 23,600 poor Americans; there will be no legal assistance for clients in thousands of counties throughout the country; millions of poor people in rural areas in the South, Southwest, and large parts of the Midwest, which have virtually no non-LSC funding, will have extremely limited resources to obtain meaningful access to justice; and Legal Services programs will be forced to severely limit their services, resulting in the substitution of brief advice and referral for complete legal representation in most cases.

By restoring some funding for this vital program, the Jackson-Lee amendment will help soften the bill's negative impact on the LSC. My amendment would provide $20 million for the LSC by taking $20 million from the U.S. Information Agency—International Broadcasting Operations [USIA], which receives $346.7 million under the bill, and $2 million from the National Endowment for Democracy, which receives $30 million under the bill.

The Legal Services Corp. is a representation of this country's commitment to the ideal of equal justice. By providing access to justice for millions of Americans, the LSC has given them a stake in the justice system and a sense that government is meant to be a servant of the people rather than a master. We must not allow this program to be gutted—it is fundamental to our Nation's sense of fair play. Support the Jackson-Lee amendment and help make good on this country's promise of liberty and justice for all.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the very able chairman of the Committee on International Relations of this House.

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

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

Mr. Chairman, I am pleased to rise in support of the bill before us. Under tight budgetary allocations, the gentleman from Kentucky, Chairman ROGERS, and the gentleman from West Virginia, Mr. MOLLOHAN, ranking minority member, have responsibly crafted a good bill. I appreciate the gentleman from Kentucky's close consultation with our Committee on International Relations.

I have been informed there may be amendments to further reduce operations funding U.S. Information Agency, which I strongly oppose. I oppose reductions in those activities and point out to my colleagues that in the budget, the USIA already has been reduced by $6 million below the fiscal year 1996 appropriated level. The 2-year cumulative reduction in USIA operating account is now $36 million.

It is gratifying that this bill contains important new directions and guidance in our war against illicit drugs, and I applaud the gentleman from Kentucky, Chairman ROGERS, the gentleman from Illinois, Mr. HASTERT, the gentleman from New Hampshire, Mr. ZELIFF, and all those who have enhanced funding for international strategy against drugs and provided direction to the DEA and the source nations. The result is that there will be more DEA agents on the ground, improvements in intelligence collection, and more vetted units aimed at the problem of systematic corruption in many of these nations of illicit drugs and the traffickers.

In recent years the battle against drugs has not progressed under the present administration. This is particularly evident in the alarming soaring drug use since 1992, especially among our young people. This rise in drug use followed administration decisions that diminished interdiction resources by nearly one-half while also neglecting source country eradication efforts. The results have been disastrous.

Mr. Chairman, today's bill reverses some of those unwise decisions that will help take the battle to the traffickers and the source and transit zones long before that poison hits our streets and destroys our young people and adds billions to our societal costs.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I would like to address two issues in this bill

which directly affects women and their families.

First, I would like to thank the gentleman from Kentucky, Chairman ROGERS, for fully funding the Violence Against Women Act. These funds are needed desperately, and we appreciate the attention to this issue. However, I would like to reiterate the concerns of the gentleman from West Virginia [Mr. MOLLOHAN] which were mentioned previously. Because the bill was so late and was not signed until April, the funds for 1996 are just being processed. The Department of Justice is doing a valiant job in getting these funds out.

Many of my colleagues may not think of legal services as a women's issue, but it clearly is. The funding cuts contained in this bill will force the Legal Services Corporation to abandon many of the critical legal services that it provides to poor women, particularly victims of domestic violence.

In 1995, legal services programs handled over 59,000 cases in which clients sought legal protection from abuse of spouses and over 9,300 cases involving neglect and abused and dependent juveniles. In fact, family law, which includes domestic violence cases, makes up one-third of the 1.7 million cases handled by legal services programs each year.

In addition to helping victims of domestic violence, the lawyers of the Legal Services Corporation help poor women with many necessary legal services. For example, the lawyers at legal services assists mothers and their children to enforce child support orders against deadbeat dads. They also help women with employment discrimination cases and parents who are trying to protect their children's educational interests.

If we slash funding to the Legal Services Corporation, we will be abandoning hundreds of thousands of women who desperately need legal help. These women have nowhere else to turn. So please, I ask my colleagues, let us make sure that we do not short-shrift the women of America and not turn our back on their families.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HASTERT], the very distinguished chief deputy majority whip.

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

Mr. HASTERT. Mr. Chairman, thank you for reversing a trend that has happened in this country over the last 5 years. This bill changes a trend that has seen a reduction in drug interdiction. It has seen a reduction in the ability to stop children from using drugs. Your work, Mr. Chairman, has changed this whole issue.

What we do in this bill is increase the ability for the Drug Enforcement Administration to renew counternarcotics attacks on those countries who grow the drugs and manufacture drugs. We have given our country the ability to go into those countries and crush those drug growing and manufacturing areas.

Let me just say one very simple illustration. If you have seen on TV the last couple nights about ruby red, a new type of heroin that teenagers use, they smoke it because the purity has gone from 4 to 90 percent. We will be able to stop the infusion through Colombia, who used to use cocaine, now using ruby red, a more devastating drug to teenagers then anything we have ever seen.

This bill will help us stop that. I support its passage and really salute the chairman of the committee who has made this happen.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I strongly agree with the comments that my colleague from West Virginia has made regarding the bill and its benefits and deficiencies. Among other things, I appreciate the additional resources included in the bill for community policing, a program which has made such a difference in communities in my district and around the country.

But, I do want to spend a moment speaker about a grave area of deficiency dealing with the Advanced Technology Program. This is one program that promotes partnerships and boosts competitiveness by encouraging innovation. It is worthy of bipartisan support and adequate funding. The partnerships created by the ATP allow the U.S. Government to work with businesses and universities, helping existing technological leaders to leverage their talent and expertise.

I have seen this take place in my State of Oregon. In the last several years, we have watched as the companies—which must match Federal funds—have invested approximately the same amount in ATP projects as they have received from the Federal Government. These recipients are developing broad-based technologies, which will not only make them more competitive globally, but will be creating new industries and new jobs. In Oregon over the last 5 years, 10 Oregon participants have joined in ATP projects. Five of these participants have been small businesses.

For example, Precision Cast Parts in my district is working on developing large-scale industrial gas turbines which can operate at higher temperatures. These higher operating temperatures mean increased fuel efficiency and the option of using a larger variety of fuels.

At Tektronix, over the last 3 years they have been developing the ADVANCED Program, the Advanced Digital Video Network for Creative Editing and Distribution Program, a new technology which allows video to be used just like other electronic data. These programs attract expertise to the region and to the State. And they create new jobs.

I hope we will take another hard look at this program as this bill wends its way through the legislative process. The ATP Program needs to be restored in order for this bill to be worthy of our support.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of a Commerce, Justice, State, and judiciary appropriations bill.

This bill provides $2.1 billion in funding for the Immigration and Naturalization Service. That is $30 million more than the administration requested. The funds for the INS in fact represent a 25-percent increase over last year, and they demonstrate Republicans' commitment to reducing illegal immigration.

H.R. 3814 provides the necessary funding to hire 1,100 new Border Patrol agents. The administration's request would only have funded 700 new Border Patrol agents. This bill also contains a significant funding increase for the detention and removal of illegal aliens, including 2,700 new detention beds. The administration's request would only have funded 700 detention beds. Funding is critical to the effective implementation of America's immigration policies.

I thank Chairman ROGERS for the tireless efforts he has made to secure our borders.

There is another bill which passed the House in March of this year by a vote of 333 to 87 that also advances immigration reform. H.R. 2202, the Immigration in the National Interest Act, will soon go to conference with the Senate. It will benefit American families, taxpayers and workers by securing the borders, removing criminal and illegal aliens from the country, and ensuring that immigrants are self-reliant.

Mr. Chairman, the American people are demanding that we pass comprehensive immigration reform. I urge my colleagues to provide sufficient funding for border security by voting ''yes'' on this bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I appreciate the work done on this bill, but regrettably the bill sharply reduces critical law enforcement resources by underfunding the COPS community policing initiative and legal services and cuts research and technology investments.

Community Policing Services has its roots in New Haven, CT. The New Haven Police Department began a groundbreaking experiment in community policing in the early 1990's in response to an extremely high crime rate. Community policing worked in New Haven to make streets safer. Because of its success in my district and others, the previous Congress passed a national community policing initiative

as part of the 1994 Crime Control Act. Since its enactment, COPS grants have put over 55 new police officers on the beat in my district, helping to reduce crime on the streets and providing increased security to the citizens in my community. This bill level funds COPS and impedes the ability of police departments in cities like New Haven to do their difficult job.

I am equally distressed about the bill's attack on the Legal Services Corporation, which provides essential legal representation to indigent families in my district, especially courageous women escaping an abusive partner. Dismantling the Legal Services Corporation will keep women and children in violent settings and perpetuate domestic violence.

Finally, I strongly oppose this bill's provision to kill the ATP public-private partnership that helps small businesses grow and generate good-paying, high-technology jobs. Health Information Systems in Wallingford, CT, CuraGen Corp. in Branford, and Alexion Pharmaceuticals in New Haven are but three examples in my district of how ATP works to generate good jobs. I strongly oppose killing ATP.

Mr. Chairman, these priorities need to be restored. I urge my colleagues to restore these important priorities as we consider this bill.

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Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FORBES], a very able and hard-working member of our subcommittee.

Mr. FORBES. Mr. Chairman, I rise in strong support of this Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, and I also rise to thank both the ranking minority and majority members for the conciliatory and balanced effort that this bill represents.

There has been every effort to move the spending bills in this Congress forward in a very dramatic and dynamic way, and I believe all of us can appreciate the fact that this bill really is a bipartisan effort to get a balanced spending plan in an environment where we have dwindling resources.

This is a excellent bill, and I want to compliment not just the gentleman from Kentucky, Chairman ROGERS, and the gentleman from West Virginia, Mr. MOLLOHAN, but also the chairman of the full committee, the gentleman from Louisiana, Mr. LIVINGSTON, and of course the gentleman from Wisconsin, Mr. OBEY.

We are all working very, very hard, in a very tough environment, where we have fewer dollars and great needs, unending needs, and this is a good bill and I urge its adoption.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS], the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me this time.

The Susquehanna River begins in New York State, flows through Pennsylvania and then Maryland, and empties into the Chesapeake Bay. It is a gorgeous river. Everyone loves it. Those who live on either side of it are happy people. But last January, like many other times in the history of the Susquehanna Valley, the Susquehanna River turned on us and in a rage destroyed billions of dollars worth of property and killed 16 people.

Why do I tell my colleagues this? Because the flood warning system that we had in place, which this committee was able to put in place several years ago, was responsible, we believe, for preventing even further damage. I want to thank the chairman of the committee for recognizing that pattern of behavior on the part of the Susquehanna River and for his efforts in making a $1 billion appropriation, upwards from the 669, where it rested before, in recognition of how dangerous the Susquehanna can become.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Chairman, I thank the gentleman for yielding me this time.

I thank the gentleman from Kentucky [Mr. ROGERS] for his commitment and strong support to our Nation's drug war. In the past 2 years I have worked very hard, traveling through the transit zone and parts of South America and source country programs and we have seen firsthand the people out there putting their lives on the line every day with limited resources.

The sad reality is that we have witnessed a record increase in drug use among America's children between 1992 and 1995, amounting to an aggregate increase of nearly 200 percent. This reverses a downward trend that lasted from 1979 through 1992. That reversal, as everyone knows, or should know, paralleled unprecedented cuts in drug interdiction, international programs and other supply reduction efforts.

The sudden rise in youth drug use and drug related violence is also accompanied by a dramatic increase in drug availability on America's streets, and a major increase in the potency of these drugs, especially cocaine, heroine, marijuana flowing into the United States from Colombia, Bolivia, Peru, and Mexico.

Mr. Chairman, for the best interest of our children and grandchildren, we need a balanced effort of education, prevention, treatment, interdiction, and source country programs. Thanks to the gentleman from Kentucky and his leadership we will have that balanced effort.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time, 1 minute, to the gentleman from Kentucky [Mr. ROGERS] so that he may yield it to the gentlewoman from Maryland [Mrs. MORELLA].

Mr. ROGERS. Mr. Chairman, I yield 2 minutes 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 thank the chairman of the subcommittee for yielding me this time and the ranking member of the subcommittee for yielding to me.

Mr. Chairman, I do appreciate the difficulties in preparing this appropriations bill, and I want to commend the gentleman from Kentucky, Chairman ROGERS, and the ranking member, the gentleman from West Virginia, Mr. MOLLOHAN, for the work that they have done in trying to bring a bill before us that will make a difference.

I applaud the more than full funding of $197,500,000 for the Violence Against Women Act. It will go a long way.

I am, however, concerned about cuts in the Legal Services Corporation and the elimination of the superb NOAA corps of commissioned officers before the forthcoming GAO report. This is certainly premature.

While I support funding for the Technology Administration, the National Institute of Standards and Technology Laboratories, the Advanced Technology Program, the MEP program, I am deeply troubled by lack of funding for the NIST construction of research facilities account, especially since a $30 million rescission was experienced in fiscal year 1995 and a further $24 million rescission in fiscal year 1996. I believe these rescissions, along with zeroing this out, would be absolutely detrimental to NIST's meeting its mission.

I look forward to continuing to work with the subcommittee to develop funding for the completion of NIST's 10-year plan to construct and renovate facilities to allow the National Institute of Standards and Technology to fulfill its important missions and to live up to U.S. industries' needs for the new millennium and thereafter.

Mr. Chairman, I appreciate the difficulties in preparing this appropriations bill and I commend Chairman ROGERS for his efforts.

I wish to speak regarding a few provisions in the bill, with particular emphasis on funding for the National Institute of Standards and Technology [NIST].

While I support the committee's funding for the technology administration, and for the NIST laboratories, its advanced technology program, and its manufacturing extension program, I do have very strong concerns about the committee's lack of funding for NIST's construction of research facilities account.

Failure to fund this account would adversely affect NIST and its ability to meet its mission, and by extension, our Nation's industries which rely on NIST to compete in the global marketplace.

Mr. Chairman, an independent study in 1991 found that the overwhelming majority of NIST's facilities will fail to meet program needs within this decade unless steps are

taken immediately to renovate and construct its facilities.

NIST's specialized research buildings, needed for world-class measurement and standards research in support of industry, are fast becoming scientifically obsolete.

In addition, they suffer from environmental, systems, and safety flaws.

The decaying state of NIST's facilities already has made it impossible to provide some of our Nation's industries with essential services, such as state-of-the-art calibrations urgently needed to maintain production-line quality controls on a par with overseas competitors.

Environmental controls which were more than adequate when the buildings were first constructed over three decades ago are now completely inadequate for advanced atomic-level research.

Also, the poor quality of NIST power supplies regularly results in inaccurate measurements, costly delays, rework, and loss of data.

NIST identified $42 million in facilities safety and capacity projects requiring major retrofitting in that 1991 report.

The project list for this much-needed renovation, since then, has continued to grow.

In the years since the report was developed, high priority facilities maintenance problems, requiring an additional $285 million have been identified.

These projects, now totaling $327 million represent only the most critical retrofit requirements.

NIST must continue to receive construction funding in fiscal year 1997 to address the highest priority projects from this list.

Mr. Chairman, no one has legitimately disputed the need for NIST's modernization and renovation. In past years, the Appropriations Committee has provided funding which keeps NIST's necessary 10-year modernization project on schedule.

I believe that not providing funding for the construction account at this time, especially since there was a $30 million rescission in fiscal year 1995 funding and a further $24 million rescission in fiscal year 1996, would be absolutely detrimental to NIST's ability to meet its mission.

I look forward to continue working with the chairman of the subcommittee to develop funding for the completion of NIST's 10-year plan to construct and renovate facilities which will bring NIST up to U.S. industry's needs for the beginning of the 21st century and beyond.

In addition, I am concerned that cuts in The Legal Services Corp. threaten to abandon impoverished women and children, particularly those who are victims of domestic violence. LSC has provided critical legal assistance to these women and children, assuring that they are not trapped in a violent relationship by helping to get protection orders, file for divorce, and receive child support. I hope that we will be able to increase this account before the bill is presented to the President.

I am pleased that this bill includes $197,500,000 for implementation of the Violence Against Women Act. This represents more than full funding and will go a long way in the fight against domestic violence in our neighborhoods and communities all across this Nation.

The bill underscores the important role of the Federal Government—working with State and local authorities—in combating domestic violence, child abuse, and sexual assaults against women in this country.

Under this bill, funding will be provided to train judges and court personnel about domestic violence; to train law enforcement personnel in targeting crimes against women and in implementing effective arrest policies with regard to domestic violence. The funding will also strengthen services to women and children who are victimized by these terrible crimes.

Mr. Chairman, the NOAA Commissioned Corps, one of our Nation's seven uniformed services, was established at the beginning of the First World War. It will be celebrating its 80th birthday in 1997, the year that the administration and Congress have planned its extinction.

A General Accounting Office report has been completed and will be released in the very near future. I believe that it is premature to eliminate the Corp by the end of fiscal year 1997, and I urge my colleagues to wait for this report before taking this irrevocable step.

NOAA Corps' 333 commissioned officers, down already from 370 a year ago, all have engineering or science degrees, and have been actively recruited from among students with a grade point average of 3.1 or better. The Corps boasts an up or out promotion system, and officers are subject to transfer anywhere throughout NOAA. This traditionally includes multiple assignments in the air, on land, or prolonged sea service, often as the commanding officer or chief scientist. Their home base, however, is most often in Seattle, WA; Norfolk, VA; Tampa, FL; or at NOAA headquarters in Silver Spring, MD.

I have serious reservations over the wisdom of eliminating this superb Corps of commissioned officers, who were earlier this month flying into the eye of Hurricane Bertha, giving invaluable information to responsible officials up and down the east coast. There is no way to quantify the number of lives that were potentially saved, or the number of buildings and homes that were protected, by emergency personnel having access to this incredibly accurate weather information. Many of you may remember the picture of the hurricane on the front page of the July 12 Washington Post. This was taken from an NOAA Hurricane Hunter aircraft, flown by two retirement-eligible NOAA Corps officers. The present version of the fiscal year 1997 Commerce Department appropriations bill, page 54, would retire these flyers and eliminate their positions.

However, these are only 2 of the 333 officers throughout NOAA—all in positions of great responsibility and with many years of experience—that would have to be replaced by civilians or contractors. In addition, we would lose the backbone of the Nation's nautical charting program, which is manned by Corps officers. What advantage is there to eliminate this resource and hire or subcontract replacement, replacements which may well cost more, and almost surely not have the same sense of duty and sacrifice that has for 80 years been instilled in the NOAA Corps?

I have to believe that this scenario is not the result of rational planning but, sadly, of misinterpreted good intentions. The language in the National Performance Review asks NOAA to reduce the Corps by 130 officers by fiscal year 1999, and only eventually eliminate the service. A study conducted by the accounting firm of Arthur Anderson failed to indicate any monetary benefit, at least in the near future, should the Corps be eliminated. I fail to see why accelerating this process at this time, can be anything but detrimental.

Last, Mr. Chairman, I would like to briefly pay homage to this extraordinary Corps of dedicated men and women, who by terms of their employment, are subject to frequent and prolonged periods away from home, extremely dangerous, rigorous, or hardship postings—including a winter's stay in the Antarctic, and who exemplify some of the most dedicated public servants anywhere in the world.

As one of my constituents wrote me, ''The Nation benefits significantly from their sacrifice, since uniformed service members can be sent anywhere at any time to meet any mission, without incurring the expense or other limitations inherent in a civilian work force.'' Although the uniformed service pay system under title 37 of the United States Code was designed to compensate for the Corps mobility and field operations, it can hardly compensate for their dedication in performing difficult tasks.

I regret that this provision was included in the bill, and I urge my colleagues to join me in working to ensure that the Senate bill, and the final conference report, delay this action—allowing time for the GAO report, requested by Budget Committee Chairman KASICH, to provide Congress with guidance on how best to shape the Corps' future.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS], the very able chairwoman of the Committee on Small Business of this House, a Member who is departing this House after this term, regrettably.

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, as Chair of the authorizing committee for the Small Business Administration, I rise in strong support of H.R. 3814 and commend the gentleman from Kentucky, Chairman ROGERS, for the excellent work he has done on this appropriations measure, as well as the ranking member, the gentleman from West Virginia, Mr. MOLLOHAN.

Mr. Chairman, the Committee on Small Business has had a very good working relationship with the Commerce, Justice, State Appropriations Subcommittee. We communicated our priorities for funding vital SBA programs, and Chairman ROGERS gave careful consideration to our recommendations. I am pleased to say that, in most instances, he accepted our recommendations.

On Thursday, the Committee on Small Business completed its markup of H.R. 3719, legislation making significant changes and improvements to a number of SBA programs. These changes were needed to keep the subsidy rates on our loan programs low, to provide long-term capital to small business at the least possible cost, and in some cases no costs, to the taxpayer.

In addition, the committee initiated several pilot programs to move the liquidation function from SBA employees to the private sector. The authorizers and Chairman ROGERS' subcommittee

have had to labor under the dilemma of sudden increases in the loan subsidy rates. These increases are largely due to a reduction in SBA's recoveries. We have found a number of deficiencies in SBA's liquidation practices, with liquidations taking far longer than in the private sector. Moving more of the loan servicing and liquidation functions to the private sector is, in my opinion, the best way to increase recoveries. These pilot initiatives will allow us to test that theory in the 7(a), 504, and disaster loan programs.

The authorization changes contained in H.R. 3719 will work hand in hand with the funding levels provided in H.R. 3814, to continue the essential services of the SBA, but at a much reduced funding level from the administration's unrealistic request. Again, I commend my friend, Chairman ROGERS, and I urge my colleagues to support this legislation.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the very able gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I of course want to thank the gentleman from Kentucky, Chairman ROGERS, for yielding me this time, and I rise in strong support of this bill. I also want to commend the bipartisan leadership in the subcommittee for producing a good bill.

Let us make it very, very clear, this legislation fights crime. Not only does it increase funding or provide funding to train and equip new police officers and provide for better enforcement along our borders, but it does something else that is very, very important, and that is, it provides $680 million in funding for prisons and juvenile detention center development. In fact, that is $50 million more than the President asked for.

That is particularly important to States like Illinois, which I represent, and there is a reason why. If we look at crime statistics, the biggest increases are in juvenile crime. In fact, in Illinois, unfortunately, while we are seeing an increase in juvenile crime, there are only 351 juvenile detention center beds outside of Cook County. Counties such as Grundy, Kankakee, and La Salle, which I represent, are seeing an increase in youth crime but no place to put them.

Thanks to this Republican Congress we passed legislation, signed into law this year, which allows these funds to be used for juvenile detention center jails. I urge an ''aye'' vote, and look forward to working with local law enforcement. This is a good bill.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the fiscal year 1997 Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, and also to say to the chairman that I really appreciate his taking the time and his staff taking the time, and for the hard work and openness they have put into this bill. The chairman has kept us on track toward reducing our Federal deficiencies, and these reductions have made it possible and responsible with an environmental conscience.

Now, within the National Oceanographic and Atmospheric Administration [NOAA], the budget for the National Marine Sanctuary Program is maintained at fiscal year 1996 levels. This is very important because America's 13 marine sanctuaries protect and preserve some of the Nation's most significant ocean resources.

I am fortunate to have two marine sanctuaries within my district, the Channel Islands National Marine Sanctuary and the southern tip of the Monterrey National Marine Sanctuary. These and the 11 other sanctuaries provide safe habitats for many threatened and endangered marine species.

Furthermore, NOAA's National Ocean Service monitors the health of the coast and probes how our use of the Nation's near shore waters affects the environment. This critical information is used to help assess the effects of oil spills and coastal pollution.

Again, I thank the gentleman from Kentucky [Mr. ROGERS] and his staff for his hard work on this appropriations bill and for the wise manner in which he has kept us on track.

Mr. CRAMER. Mr. Chairman, I want to take particular note today of a small item in the Department of Justice budget—the Office of Juvenile Justice and Delinquency Prevention. This agency, which began in 1974 with a focus on noncriminal juvenile offenders and four programs, now addresses a full range of juvenile issues, from violent juvenile crime to the victimization of children through child abuse and neglect. The office administers 13 programs under the Juvenile Justice and Delinquency Prevention Act and the Victims of Child Abuse Act. The budget which totals a modest $162 million, returns huge dividends for America's children and families.

We are at a critical time in the history of our juvenile justice system. It is facing a surge in violent crime and spiraling increase in reports of child abuse and neglect. It is under attack as not being effective in dealing with these problems.

America is frightened of crime and violence, and more specifically, of violent crime committed by youth. Indeed, to a certain degree, America is becoming frightened of many of its youth. Is there good reason for this fear? In looking at recent arrest data for violent offenders, the greatest increase is in the category of offenders under the age of 15. As to weapons offenses, there was a 23.2 percent increase for offenders under the age of 15, as opposed to a 4.8 percent increase for offenders over 18.

OJJDP has taken a two-pronged approach to addressing these issues, stressing the need to provide safety in our communities through accountability and sanctions programs, while at the same time making every possible effort in the areas of prevention, early intervention and rehabilitation. In addition OJJDP has recognized that this society must support its families in their attempts to provide the care their children need. This approach is supported by recent research sponsored by OJJDP and others that clearly demonstrates the linkages between abuse and neglect, delinquency and violence.

Dr. Terry Thornberry, in his causes and correlates study sponsored by OJJDP, found that adolescents from families with two or more forms of abuse present, are close to three times as likely to report committing violent offenses as their peers from nonviolent families. Cathy Spatz Widom, in her cycle of violence study sponsored by the National Institute of Justice, found that childhood abuse and neglect increases the likelihood of arrest as a juvenile and as an adult. The direct connection between child neglect and violence is striking—12.5 percent of neglected children will be arrested for a violent offense by the time they reach age 25. The connection between physical abuse and later violence is even high at 15.8 percent.

These correlations are significant, for they tell us that while we must provide for the immediate safety needs of our communities, through adequate law enforcement efforts and accountability and sanctions, we must also intervene early in the lives of our children and help to enrich the life experience of our youth if we are to have a chance to dramatically reduce our crime rate. That is why OJJDP is fostering such programs as: parent training classes to give parents the tools they need to be effective in dealing with and nurturing their children; Head Start to make certain high-risk children are ready for school and have a fair chance to succeed; community public health teams; after school programs to give children a positive activity in which to participate; mentoring to provide positive role models; conflict resolution in schools, the community, and juvenile justice settings; home visitation programs to help new families nurture and care for their children; truancy and dropout reduction programs designed to keep kids in school and give them the tools they need to be self-sufficient; and community policing efforts to bring many of these interventions together as part of a strategy to provide safe and supportive neighborhoods.

That is why OJJDP's child protection programs—missing and exploited children, court-appointed special advocates, improvement of the dependency court system, prosecutor training on child abuse and neglect, and the establishment, expansion and improvement of a network of children's advocacy centers across the country are so important. They will serve to prevent the next generation from becoming violent delinquents and from abusing their own children.

In fiscal year 1996, OJJDP announced a $3 million competitive program funded by OJJDP, the Violence Against Women Office and the Weed and Seed Program. Entitled ''Safe Kids/Safe Streets: Community Approaches to Reducing Abuse and Neglect and Preventing Delinquency,'' this $2.7 million program seeks to reduce juvenile delinquency by helping to break the cycle of child and adolescent abuse and neglect. It will do this by coordinating community services, both public and private, in order to make the system more accountable by providing a continuum of services.

This is just 1 of 11 new competitive programs funded by the office in fiscal year 1996.

The others include: Juvenile mentoring; community assessment centers; juvenile gun violence reduction; native American, disproportionate minority confinement, and gender-specific services training and technical assistance programs; field-initiated research; and four independent evaluations of the mentoring, child abuse and neglect, assessment center, and juvenile gun violence reduction programs.

These exciting new initiatives respond to identified State and local needs to prevent and reduce violence and improve the juvenile justice system's ability to respond to juvenile violence and victimization. They join an array of prevention, early intervention, graduated sanctions, and system improvement programs that will be continued in fiscal year 1997 with funds under this appropriation.

I encourage my House colleagues to learn more about this important program and the outstanding work OJJDP is doing on behalf of America's children.

Mr. FAZIO of California. Mr. Chairman, I wish the record to reflect my opposition to the measure before us. Let me state at the outset that there are provisions in this bill that I strongly support, namely the committee's focus on the growing problems created by methamphetamine. I am hopeful that these provisions, coupled with the President's national methamphetamine strategy, will begin to turn the tide on this highly destructive drug. I also support the committee's efforts to strengthen the ability of the Immigration and Naturalization Service to patrol our Nation's borders.

However, I must oppose the bill because it contains unacceptably severe cuts to the Legal Services Corporation [LSC]. The LSC is a not-for-profit organization which provides legal access to poor and indigent citizens who would normally be shut out of our country's legal system. This bill contains a cut of $137 million from the fiscal year 1996 level and is almost $200 million below the President's request.

SInce 1975, the LSC has worked to ensure access to the justice system for millions of Americans who otherwise could not afford assistance with urgent civil legal problems. Legal services programs provide representation and counseling for people facing issues such as substandard housing, domestic violence, child custody disputes, and the myriad needs of victims of natural disasters.

The cuts contained in the bill will take a very real human toll on our citizens. What these cuts mean, as the First Lady wrote recently, is that—

> Somewhere a couple and their young children will have to sleep in an unheated car or on the street because of an unlawful eviction; a woman will be forced to cower in her bedroom, a victim of domestic violence; and a child will go hungry because his father refuses to pay child support.

In my State of California, LSC-funded programs are major providers of civil legal services. In fact, LSC funds accounted for approximately 45 percent of the funds available for civil legal services to the poor in California in 1995.

Access to justice is the great equalizer in American society. Equal Justice Under Law is not only one of our Nation's founding precepts; it is also the promise inscribed on the pediment of the Supreme Court building itself.

The serious reduction in the fiscal year 1997 LSC appropriation effectively undercuts this promise, and I urge my colleagues to support an increase to the LSC budget.

I am also troubled by the $110.5 million cut to the Advanced Technology Program [ATP]. ATP has enjoyed wide bipartisan support in the past and has been extremely effective in building partnerships between industry and government. Using modest Federal funds to leverage private sector contributions has resulted in many successful efforts in the fields of high technology and scientific research.

ATP is the very sort of program utilized by our global competitors to achieve important advances in the industries of tomorrow. I believe that the substantial cut to the ATP budget is very short-sighted.

I am also disappointed that the committee has funded the COPS office at $576 million below the President's request. COPS has been a tremendous success nationwide. It has provided funding for over 44,000 positions across the country. In my congressional district, over 230 law enforcement positions have been funded and more are on the way. The COPS Program has assisted communities large and small, rural and urban, in funding the best and most effective deterrent to crime—the officer on the beat. COPS funds not only the hiring of officers, but also the purchase of equipment and technology, the hiring of civilians, and the payment of overtime.

Mr. Chairman, this bill contains several provisions that I strongly support. On balance, however, I must oppose this bill.

Mr. GEKAS. Mr. Chairman, I rise today to recognize the fine work of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary under the leadership of Chairman HAROLD ROGERS for their support for the Susquehanna River basin flood warning system [SRBFWS].

Mr. Chairman, as many of my colleagues know, this past January the Commonwealth of Pennsylvania, along with other Mid-Atlantic and Northeastern States, were devastated by one of the Nation's worst floods on record. By the time the waters subsided in Pennsylvania, more than $1 billion in property damages were sustained and 16 lives were lost. According to the U.S. Geological Survey's Water Resources Division: ''The Susquehanna River Basin in central Pennsylvania was hit hardest by the January 19–21 flood.'' If it were not for the 24 hour monitoring provided by the SRBFWS, thousands of people living along the river would not have been evacuated and brought to safety.

Mr. Chairman, I rise today because contained in the bill before us, H.R. 3814, the Department of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, is an increase in funding for the SRBRWS from the fiscal year 1996 level of $669,000 to a fiscal year 1997 level of $1 million. This increase funding is significant when considering that the Federal Government has already obligated more than $100 million in disaster relief to the Commonwealth of Pennsylvania for the January 1996 floods. A dollar spent on flood warning today will save us from spending far more in disaster relief tomorrow; clearly, this is money well spent.

Mr. Chairman, it is important to point out to the Members of the House that Chairman ROGERS provided this funding after meeting his subcommittee's overall budgetary restriction consistent with our balanced budget goal. Once again, I thank Chairman ROGERS for his work and leadership.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in strong support of this legislation. I wish to add my compliments and thanks to Chairman ROGERS and the staff for their hard work in crafting a bill that has such widespread support. The chairman and the subcommittee staff have put together a very solid bill. Although discretionary spending is above last year's level, it remains below the level enacted 2 years ago. The members of the subcommittee faced extremely difficult decisions in determining the funding levels for the various programs funded in this bill.

The bill reflects the Republican commitment to public safety and law enforcement by targeting resources toward the war on drugs, important crime initiatives, and the protection of our Nation's borders.

Over $7.1 billion is included in the bill to restart the war on drugs, including a $167 million increase for the Drug Enforcement Administration. This includes a new $75 million initiative targeted at source countries, restoring successful international drug efforts to 1992 levels, and a $56 million initiative to stop trafficking on the Southwest border.

We are seeing increased drug activity and illegal alien immigration occurring on Federal forest lands along the Southwest border. In response, the committee report urges both INS and DEA to work collaboratively with the Forest Service to reduce illegal alien and drug activity on Federal forest lands. With the increased resources provided to both agencies, the committee expects additional efforts will be undertaken to address this pressing problem.

I was pleased that the bill continues the 3-year phase-out of the Legal Services Corporation and continues the restrictions we placed on LSC's activities. I am aware of at least one amendment that will be offered later today to increase the funds provided to LSC. I urge all of my colleagues to vote against such an attempt and continue the phase-out of Federal funding.

Finally, I appreciate the chairman working with me so that a provision dealing with religious broadcasters could be included in the bill. The language in the bill simply prevents the FCC from using appropriated funds to deny a license, license transfer or assignment, or license renewal for any religious entity on the grounds that its recruitment and hiring of employees is limited to persons of a particular religion, or persons having particular religious knowledge, training, or interest.

I would like to address the provisions of this addition, which I authored and which is strongly supported by a number of our colleagues on the Appropriations Committee. I wish to outline the intent of the provision, and the direction we have provided to the Federal Communications Commission. First, I wish to be sure that the requirements of the provision are not misrepresented as the debate over this bill continues to the other body. Second, and perhaps more importantly, I wish to provide clear direction to the FCC, and do everything possible to assure that the agency understands, and can execute the direction we have provided.

The Commerce, Justice, State, Judiciary Subcommittee has discussed the matter in the

past with the FCC. Last year, I offered a similar amendment but chose to withdraw the legislative solution to the problem in favor of report language. Unfortunately, we saw no response to the direction the committee provided the Commission, and this year bill language was included in the appropriations legislation.

In January 1994, Chairman HUNDT announced that the agency's priority would be to promote diversity in broadcasting. Because the policy came on the heels of a 2-year FCC inquiry into NAACP allegations that several radio stations had not fully complied with the FCC's equal employment opportunity [EEO] rule, the policy was apparently aimed at stations that discriminated against minorities.

In reality, the FCC has used its new charge to challenge and deny radio license applications or renewals for religious broadcasters on the grounds that they discriminate by requiring religious knowledge, training or expertise for employees.

In secular stations, there is a fundamental necessity to hire people who have a certain level of knowledge of the format and content of the station's programming. For example, an all-sports station hires people with adequate knowledge of sports. Financial and economic news stations require staff with an education or experience in such issues. And classic rock stations need people who know the difference between Frank Sinatra and Led Zeppelin.

The absurdity in the FCC's diversity policy is that it discriminates against religious broadcast stations for attempting to insure some knowledge or expertise by employees of the station's content. The conflict lies in the FCC's determination of which positions have substantial connection with program content.

For example, the FCC believes that a receptionist is not connected with the espousal of a licensee's religious views, and therefore, a knowledge of the station's position is an inappropriate job preference. However, when the public calls in to comment on a program or to question a particular aspect of a broadcast, the receptionist is usually the first person at the station with whom they have contact. A basic knowledge of the station's programming would certainly be useful.

My provision exempts a case currently pending at the Federal Communications Commission. In Lutheran Church/Missouri Synod, the Commission designated for hearing the license renewal applications of two radio stations owned by the Lutheran Church/Missouri Synod [LCMS]. Although the FCC staff concluded that there was no evidence of any intentional discrimination by the church, the staff recommended to an administrative law judge that the church lose its license for the station despite the station's exemplary compliance record with all other commission rules and regulations. The FCC staff contend that the church violated the Commission's equal employment opportunity rule by requiring knowledge of Lutheran Church doctrine and practices for many positions at the station. The ALJ did not find denial of the renewal applications to be appropriate given the lack of evidence of intentional discrimination against minorities. The ALJ's decision was appealed to the Commission's Review Board, which adopted a decision affirming the ALJ's decision and ordering the license renewal applications granted for a short term.

Although the Lutheran Church/Missouri Synod case was exempted in the provision, this case was the impetus for inquiries to the FCC and the basis for the legislative language. In my opinion, this case is in more need of the bill language than any other. I agreed to the exemption so that Congress would not be interfering with an ongoing case at the FCC. However, I hope that the Commissioners and staff will take note of the strong congressional support for the bill language and will move forward expeditiously to settle this matter with the Lutheran Church/Missouri Synod.

It is my understanding that a number of license renewals are pending before the Commission. This limitation language will only apply to religious broadcasters and their recruitment and hiring of employees based on religious knowledge, training or interest. This language does not limit the Commission's ability to deny a license for other reasons, including EEO violations.

The CHAIRMAN. All time for debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–678 if offered by the gentleman from Kentucky [Mr. ROGERS] or his designee. That amendment shall be considered 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 division of the question.

Pursuant to the order of the House of Wednesday, July 17, 1996, it shall be in order immediately after disposition of the amendment printed in the report to consider an amendment relating to the advanced technology program, if offered by the gentleman from Kentucky [Mr. ROGERS].

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The Clerk will read.

□ 1445

The Clerk read as follows:

H.R. 3814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, and for other purposes, namely:

The CHAIRMAN. It is now in order to consider the amendment printed in House Report 104–678.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. 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. ROGERS: In title I, under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement'', after ''and of which $12,500,000 shall be available for the Cooperative Agreement Program'' insert the following: '': *Provided further,* That funds made available for Violent Offender Incarceration and Truth in Sentencing Incentive Grants to the State of California may, at the discretion of the recipient, be used for payments for the incarceration of criminal aliens''.

In title II, under the heading ''Economic Development Administration, Economic Development Assistance Programs'', after ''September 30, 1982,'' insert the following: ''and for trade adjustment assistance,''.

In title II, under the heading ''National Oceanic and Atmospheric Administration, Operations, Research, and Facilities'', strike ''$180,975,000'' and insert ''$182,660,000'', and strike ''$431,582,000'' and insert ''$429,897,000''.

In title V, after the matter under the heading ''Administrative Provisions—Maritime Administration'', insert the following:

''COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

''SALARIES AND EXPENSES

''For necessary expenses of the Commission on the Advancement of Federal Law Enforcement, as authorized by the Antiterrorism and Effective Death Penalty Act of 1996, $2,000,000, to remain available until September 30, 1998.''.

The CHAIRMAN. Pursuant to House Resolution 479, the gentleman from Kentucky [Mr. ROGERS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

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

This is a noncontroversial amendment that all parties are in agreement with. It provides four main items which I will summarize and then hopefully yield back the balance of our time so that we can proceed.

This is a manager's amendment that, first, provides flexibility to California so that they can use their State prison grant funds to fully fund the cost of incarcerating illegal aliens in the State, a particular problem in California.

Second, it allows the Economic Development Administration funding to be used for trade adjustment assistance centers, as has been the case in past years.

Third, it increases funding for the national marine sanctuaries program by $1.68 million to last year's level, offset by decreasing funding for satellites by the same amount.

Fourth and finally, it provides $2 million for the Commission on the Advancement of Federal Law Enforcement recently authorized under the Antiterrorism and Effective Death Penalty Act of 1996.

Those are the four main provisions in the amendment, Mr. Chairman. They are noncontroversial. I am prepared shortly to yield back the balance of my time, unless there are other Members who desire to be heard.

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

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 17, 1996, it is now in order to consider the amendment relating to the Advanced Technology Program, if offered by the gentleman from Kentucky [Mr. ROGERS].

AMENDMENT OFFERED BY MR. ROGERS

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 54, strike the language on lines 3 through 15, and insert the following:

''In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $110,500,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund'': *Provided,* That none of the funds made available under this heading may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further,* That funds made available for the Advanced Technology Program under this heading and any unobligated balances available from carryover of prior year appropriations for such program may be used only for the purposes of providing continuation grants for competitions completed prior to October 1, 1995: *Provided further,* That such continuation grants shall be provided only to single applicants or joint venture participants which are small businesses: *Provided further,* That such funds for the Advanced Technology Program are provided for the purposes of closing out all commitments for such program.''

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

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

There was no objection.

Mr. ROGERS. Mr. Chairman, this amendment represents a compromise reached with the authorization committee chairman, the gentleman from Pennsylvania [Mr. WALKER], regarding the use of funding provided for the Advanced Technology Program under NIST. The bill funds ATP at $110.5 million, an amount sufficient to provide final year funding to close out commitments for awards previously made to small businesses under the ATP program. The amendment modifies language in the bill to clarify that funds are being provided only for this purpose.

Specifically, the amendment adds language to the bill to clarify that, first, funds provided for continuation grants are only for small businesses and only for those small businesses who were awarded an ATP grant prior to fiscal year 1996 and, second, funds are being provided for the purpose of closing out all commitments for the ATP program.

Under the rule, if my amendment is adopted, points of order will be waived against all provisions in the bill, including the Advanced Technology Program and the Technology Administration.

The amendment further clarifies congressional intent regarding the ATP program and ensures that Congress will have an opportunity to fully consider and debate these programs.

Mr. Chairman, I urge adoption of the amendment.

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

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

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me and for working with the authorizing committee on implementing our policies and priorities regarding NIST and NOAA as passed by the House on May 30 as a part of H.R. 3322, the Omnibus Civilian Science Authorization Act.

I just want to clarify and confirm the intent and effect of the chairman's amendment. If passed, the language will provide the terms and conditions for the termination of the Advanced Technology Program in fiscal year 1997; is that correct?

Mr. ROGERS. Mr. Chairman, the authorization chairman is correct. My amendment adds language to the bill which specifies that the funds provided in the bill are only for the purpose of closing out all commitments under the ATP program.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, I appreciate the chairman's confirmation. With the adoption of this ATP termination language, I have agreed to drop the point of order striking the ATP closeout funding of $110.5 million. The language of the manager's amendment which he drafted with me sets the statutory ground rules for ending this program. It is consistent with the authorization committee's action not to authorize continuation of ATP.

I thank the gentleman.

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

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

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

Mr. Chairman, I rise to speak on the gentleman's amendment. This amendment is the result of an agreement reached among Chairman ROGERS, Mr. WALKER, the distinguished chairman of the Committee on Science, and myself.

Mr. Chairman, I have an extended statement that I will submit for the RECORD. I only want to say that I support this amendment, but I stand here today as a staunch supporter also of the Advanced Technology Program. I will only vote in favor of the amendment because it is the only alternative to zero funding for ATP as this bill moves forward in this process. So I ask my colleagues to join me in support of this amendment.

Mr. Chairman, I rise to speak on the gentleman's amendment.

This amendment is the result of an agreement reached among Chairman ROGERS, Mr. WALKER, the distinguished chairman of the Science Committee, and myself.

If this amendment is adopted, the funding contained in the bill for the Commerce Department's Advanced Technology Program and the Technology Administration will be protected from a point of order. Without this amendment, funding for these critical initiatives will be stricken from the bill.

I agree to support this amendment only as a means to protect funding for ATP and TA, not because I agree with it in principal. In fact, I am extremely opposed to placing any additional restrictions on the funding provided for ATP. I believe this program should be a national priority.

ATP is about investing in our Nation's competitiveness in the global market place. It does nothing more than put U.S. industry on a level playing field with our major global competitors.

As we sit here today foolishly placing more restrictions on ATP and severely cutting the program's funding, our foreign competitors are pouring money into similar initiatives.

The European nations are accelerating investment in commercial technologies. Japan has plans to double its government science and technology budget. And China is planning to triple its investment in R&D by the year 2000, targeting computers, software, telecommunications, and infrastructure.

Simply stated, the United States is in a battle for global markets, where the spoils are jobs and national prosperity. And we are in a dead heat. Funding ATP helps give us the competitive edge we need.

I realize that some of you on the other side of the aisle are ATP skeptics. But I continue to assert that ATP is critical to our Nation's long-term competitiveness. And although the program is young, there are already numerous success stories.

For example: As a result of an ATP grant award, a small company in Woburn, MA, has developed a cost-effective method for inactivating viruses in human blood plasma products. Currently, there are no commercially available technologies for inactivating protein-encased viruses in biological products. You can imagine the impact this technology will have in both economic and human terms. Aphios Corp., has gone from employing only 2 people to providing jobs for more than 20 virologists, molecular and cell biologists, and biomedical, chemical and mechanical engineers. That is pretty impressive high-technology job growth.

But—contrary to what a few of my Republican colleagues would have you think—the

commercialization of this technology will not be financed by the Federal Government. The CEO of Aphios predicts it will take an additional $5 million to get the technology to the commercial phase. This will be private sector money—leveraged by the initial investment made by the Federal Government.

Another success story—X-ray Optical Systems, Inc., a small company in Albany, NY, has developed a new type of lens that focuses x-rays in a concentrated beam. It allows users to control where the beam is directed. Using infusions of private capital, that it was able to leverage as a result of its ATP award, the company began sales of neutron-focusing optics and x-ray optics for material analysis. According to officials at the company, ATP has provided about a 5- to 8-year jump on the technology development and allowed it to stay in the United States.

These are just two of many success stories resulting from ATP grant awards.

So, I stand here today a staunch supporter of the Advanced Technology Program. However, I will vote in favor of this amendment. It is the only alternative to zero funding for ATP as this bill goes to conference. I ask my colleagues to join me in my support of this important initiative.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $71,493,000; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided,* That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program only for the Offices of the Attorney General and the Deputy Attorney General, exclusive of augmentation that occurred in these offices in fiscal year 1996: *Provided further,* That not to exceed 71 permanent positions and 85 full-time equivalent workyears and $8,987,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: *Provided further,* That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $9,450,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a reuslt of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That funds provided under this heading shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

AMENDMENTS OFFERED BY MR. ROGERS

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

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. ROGERS: On page 14, line 21, under the heading ''Federal Bureau of Investigation, Salaries and Expenses'', strike ''$117,081,000'' and insert ''$133,081,000''.

On page 2, line 24, at the end of the paragraph under the heading ''General Administration, Salaries and Expenses'', insert the following new paragraph:

''In addition, for reimbursement of expenses associated with implementation of drug testing initiatives for persons arrested and convicted of Federal offenses, $7,000,000, to remain available until expended.''.

On page 25, line 20, at the end of the paragraph under the heading ''Justice Assistance'', insert the following new paragraph:

''In addition, for local firefighter and emergency services training grants, $5,000,000, to remain available until expended, as authorized by section 819 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1316).''.

On page 69, line 10, strike ''$125,000,000'' and insert ''$131,000,000''.

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

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

There was no objection.

Mr. ROGERS. Mr. Chairman, this amendment provides funding for three important crime and security initiatives.

First, it provides $7 million for Federal drug testing initiatives to address the use of illegal drugs by defendants who cycle through the Federal criminal justice system. The bill already provides $25 million under the Byrne formula grant program for State drug testing initiatives. The Federal drug testing program will augment current drug testing that is performed by the courts during pretrial custody and during probationary periods.

It will ensure that prosecutors are aware of the drug status of the defendants they prosecute and that appropriate measures are taken before drug-using defendants in pretrial detention or probationary status are released back into the community.

Second, the amendment provides $5 million for training of firefighters and public safety officials in order to better equip them to assist law enforcement officials in response to terrorist attacks. Funding for this training program was authorized in the antiterrorism bill.

Third, the amendment provides $6 million in funding for court security under the Federal Judiciary to respond to concerns expressed by the judiciary that adequate funding be available to fully equip and staff courthouses that are scheduled to come on line in fiscal year 1997.

This funding is provided by moving $16 million from nondefense discretionary spending to defense discretionary spending within funding provided for the FBI in order to free up discretionary funds for these important crime initiatives.

Mr. Chairman, I urge adoption of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise to engage in a colloquy with the chairman of the subcommittee, the gentleman from Kentucky [Mr. ROGERS].

I, first of all, want to thank Mr. ROGERS for his diligent efforts on behalf of this bill. Having included in this bill $7 million for the establishment of a Federal drug testing initiative for prisoners, arrestees, and those recently released from Federal prison and on probation, the chairman has been a reasonable and thoughtful legislator, and I appreciate the work of him and his staff.

Essentially, we are going to set aside about $7 million to enable the Federal drug testing program to take place, an effort that I believe the gentleman from West Virginia [Mr. MOLLOHAN] made at the subcommittee level and was intended certainly by the administration.

Second, it would set aside, within the $25 million that the bill currently sets aside for the purposes of drug testing, that comes out of the Byrne grant program. The concern is that the moneys would be so diluted and otherwise diverted that States and local governments would not be able to establish drug testing programs of any significance.

If the States distribute the drug testing programs using strict formula distribution practices, no jurisdiction in the country will have enough money to implement a workable statewide or systemwide program.

It is also my understanding that the original administration proposal, as developed by the Justice Department and others, was intended to be made available under a competitive grant process where jurisdictions would compete for funds made available in only those amounts which would allow for comprehensive drug testing.

What are the intentions of the chairman as the House goes into conference with the Senate with respect to the implementation of the $25 million Byrne grant program?

Mr. ROGERS. Mr. Chairman, with respect to the $25 million included in the committee report under the formula funds of the Byrne grant program, it is my intention to see that these funds be

made available under the formula distribution. Under the bill, States and localities decide their own priorities. Under this bill, these priorities may include drug testing.

It is also my intention to see that those States seeking to encourage drug testing initiatives at the local level should establish a competitive grant program with interested local jurisdictions.

It is my intention to work with the gentleman from Massachusetts and others who have an interest in the program to clarify this further in the expected conference with the Senate. I thank the gentleman for his comments.

Mr. KENNEDY of Massachusetts. Mr. chairman, if the gentleman will continue to yield, I appreciate the chairman's comments. I appreciate he and his staff's willingness to make certain that we divide these moneys. If you take the $25 million and simply divide it around the country and provide $500,000, $400,000, or $800,000 per State, you are never going to have the kind of comprehensive system that we are looking to create.

I appreciate the chairman's willingness to devise a program that can actually work at the local level. We will not have enough money to make this a national program. In the localities where the program actually goes into existence, there will be the necessary funds to make the program comprehensive and successful. I appreciate the chairman's willingness to make this program a reality.

□ 1500

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

I want to rise to thank the gentleman from Kentucky [Mr. ROGERS] for working with the gentleman from New York [Mr. SCHUMER] and I to reach a compromise on this important amendment dealing with the fire and emergency services in this country.

As our colleagues know, terrorism is no longer a foreign problem, it has hit American soil, and we must better prepare ourselves to deal with it. We all know the situations that have occurred over the past several years involving attack to the World Trade Center, the attack at the Oklahoma Murrah Federal Building and, most recently, TWA flight 800. In each of these tragic cases our Nation's first responders were the first on the scene to actively work to save lives.

While I applaud the work of the fire and emergency services personnel from New York and Oklahoma, overall our Nation's first responders are unprepared and untrained on how to respond to terrorist events.

Accordingly, fire and emergency service providers, especially in metropolitan areas, unfortunately need specialized training, strategic and tactical training, on how to handle the gamut of known types of terrorist attacks.

Last year, Congress recognized the importance of terrorism training and acted to provide our Nation's first responders with crucial funding. In fact, Mr. Chairman, right now in the defense conference we are working on Nunn-Lugar II, which my panel is overseeing to deal with this issue to further enhance the lead taken in this particular bill.

I applaud the work of the gentleman from New York [Mr. SCHUMER] for his leadership in this effort, and I especially applaud the subcommittee for their aggressive effort to provide funding in the form of the chairman's amendment or mark to provide funding for the Nation's fire and emergency service.

We have 1.5 million men and women in this country, Mr. Chairman, from 32,000 departments who respond to disasters every day. What this amendment will do is allow FEMA to provide some training in the area of dealing with these most difficult situations that face this country and our metropolitan areas.

So with that I rise to thank the gentleman from Kentucky [Mr. ROGERS] and thank the gentleman from New York [Mr. SCHUMER].

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

First I want to thank the gentleman from Kentucky [Mr. ROGERS], the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Pennsylvania [Mr. WELDON] for their support of this first responders amendment.

Mr. Chairman, when I drafted this amendment last week I had no idea that it would take place in the shadow of the tragedy of TWA flight 800. The fact is, whether my colleagues think the downing of the TWA flight was an accident or an act of terror, it is inevitable that some day our Nation's firefighters, paramedics and emergency response teams will be put to the test. They will have to respond to an emergency terrorist situation that may involve lethal chemical, biological and nuclear materials. My amendment funds a modest grant program created in this year's terrorism bill to help them prepare for a terrorist attack. It strongly supported by fire chiefs and firefighters who know firsthand how much more work needs to know done in this area.

Why is the amendment needed? Well, we know that the first 3 to 6 hours after the terrorist attack are the most crucial period for treating the injured, containing damage and searching for survivors. In this short time frame Federal help can usually not get to the scene. Local responders will be the linchpin for the entire operation.

Recently in three cities, my city of New York, Los Angeles and New Orleans undertook surprise preparedness tests for different kinds of terrorist attacks. In New York the test was a simulation of a deadly gas like that used in the recent terrorist attack in Japan. It was leaked into the subway, but because they had not received the proper training, every first responder would have perished had the gas been real. In L.A. and New Orleans the results were the same. With the first line of defense out of the way, a terrorist attack involving chemical, biological or nuclear weapons will be that much more deadly to civilians.

In conclusion, Mr. Chairman, it would be wonderful if we could turn back the clock to a time when terrorism was someone else's problem. But we cannot. We cannot hide and pretend that terrorism will not touch our lives. America unfortunately faces an increasing threat from terrorism within our borders, and those who are first on the scene must be prepared.

I am pleased and grateful that the gentleman from Kentucky [Mr. ROGERS], the chairman, and the ranking Democrat, the gentleman from West Virginia [Mr. MOLLOHAN], have agreed to support this amendment and include it in the manager's amendment. Let us put the odds of surviving a terrorist attack in our favor.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kentucky [Mr. ROGERS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 1, not voting 16, as follows:

[Roll No. 340]

AYES—416

Abercrombie	Brown (OH)	Cubin
Ackerman	Brownback	Cummings
Allard	Bryant (TN)	Cunningham
Andrews	Bryant (TX)	Danner
Archer	Bunn	Davis
Armey	Bunning	de la Garza
Bachus	Burr	Deal
Baesler	Burton	DeFazio
Baker (CA)	Buyer	DeLauro
Baker (LA)	Callahan	DeLay
Baldacci	Calvert	Dellums
Ballenger	Camp	Deutsch
Barcia	Campbell	Diaz-Balart
Barr	Canady	Dickey
Barrett (NE)	Cardin	Dicks
Barrett (WI)	Castle	Dingell
Bartlett	Chabot	Dixon
Barton	Chambliss	Doggett
Bass	Chapman	Dooley
Bateman	Chenoweth	Doolittle
Becerra	Christensen	Dornan
Beilenson	Chrysler	Doyle
Bentsen	Clay	Dreier
Bereuter	Clayton	Duncan
Berman	Clement	Dunn
Bevill	Clinger	Durbin
Bilbray	Clyburn	Edwards
Bilirakis	Coble	Ehlers
Bishop	Coburn	Ehrlich
Bliley	Coleman	Engel
Blumenauer	Collins (GA)	English
Blute	Collins (MI)	Ensign
Boehlert	Combest	Eshoo
Boehner	Condit	Evans
Bonilla	Conyers	Everett
Bonior	Cooley	Ewing
Bono	Costello	Farr
Borski	Cox	Fattah
Boucher	Coyne	Fawell
Brewster	Cramer	Fields (LA)
Browder	Crane	Fields (TX)
Brown (CA)	Crapo	Filner
Brown (FL)	Cremeans	Flake

Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
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
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 (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
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
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
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOES—1

Taylor (MS)

NOT VOTING—16

Collins (IL)	Matsui	Waters
Fazio	McDade	Williams
Ford	Peterson (FL)	Wise
Gallegly	Rose	Young (FL)
Istook	Saxton	
Lincoln	Tauzin	

□ 1523

Mr. OLIVER changed his vote from ''no'' to ''aye.''

So the amendments were agreed to.

The result of the vote was announced as above recorded.

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

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. FOX of Pennsylvania. Mr. Chairman, I rise to enter into a colloquy with the chairman of the committee.

Mr. Chairman, I had intended to offer an amendment to this bill aimed at restoring funds to an important program known as the Trade Adjustment Assistance Program. The Trade Adjustment Assistance Program helps small- to medium-sized manufacturing firms, most of which have been impacted by either GATT or NAFTA. Trade adjustment assistance is a tool used to help companies compete with foreign competition without interfering with trade. It is the only program in the Federal Government that does not directly interfere with free and open trade and is not a trade barrier.

TAA has helped save 597 companies between 1989 and 1995, saving and creating over 78,800 jobs, 12.2 percent job growth, and among those firms assisted, Mr. Chairman, sales have increased by $1.8 billion.

Originally the language in the bill and the accompanying report would have provided no funding for the trade adjustment assistance program. However, it is my understanding that the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee, has included language within his manager's amendment to allow funds under the Economic Development Agency to be used for the trade adjustment assistance.

Mr. Chairman, I would ask the chairman of the committee, will he confirm this?

Mr. ROGERS. That is correct, Mr. Chairman. The gentleman will note we have included language within the manager's amendment which will allow the EDA to use funds available for the Trade Adjustment Assistance Program.

Mr. FOX of Pennsylvania. Mr. Chairman, is it the gentleman's position that the House will urge in conference committee that the trade adjustment assistance program should be funded at least at the same level as in fiscal year 1996?

Mr. ROGERS. I would say to the gentleman, yes, the committee will clarify that it is the position of the House to fund all EDA programs, including the trade adjustment program, at the fiscal 1996 level.

Mr. FOX of Pennsylvania. I thank the chairman.

As a point of further clarification, is it the understanding of the chairman that the Trade Adjustment Assistance Program is authorized to receive appropriations through fiscal year 1998, as detailed in the Omnibus Reconciliation Act of 1993?

Mr. ROGERS. That is correct. The Omnibus Budget Reconciliation Act of 1993 provided an extension of authority for the Trade Adjustment Assistance Program through fiscal year 1998.

Mr. FOX of Pennsylvania. I thank the chairman for that further clarification, and I commend him for his willingness to work with Members on issues that have concerned them. In particular, I thank the chairman for his leadership, and his staffers for their diligence and cooperation on this issue dealing with trade adjustment assistance.

Mr. ROGERS. I thank the gentleman for his interest and his hard work on behalf of these centers.

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

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

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

Mr. Chairman, my colleagues, the gentleman from Virginia and I, would like to engage our colleague, the gentleman from Kentucky, the chairman of the subcommittee in a brief colloquy regarding the District of Columbia's Department of Corrections facility in Lorton. VA.

□ 1530

Without reviewing the entire troubled history of the correctional complex at Lorton, I would like to share with my colleagues some very compelling facts. First, as the gentleman from Kentucky is aware, the D.C. government has allowed the prison population there to double over the last 12 years, and at the same time the appropriation level today is the same as it was 12 years ago, double the population, same appropriation, and during that time we have had intervening court decisions requiring more upkeep, inflation and the like.

We have had the head of the D.C. Department of Corrections, Margaret Moore, before our Subcommittee on the District of Columbia coming forward and just saying they need help. The city right now is swimming in a sea of red ink and they cannot handle this complex by themselves. They have asked us for help. The Mayor's plan calls for the downsizing and closing of most of this facility over the last 5 years.

What we would do, Mr. Chairman, is appreciate your support for including a statement of managers language in the conference report that would direct the Attorney General of the United States to undertake a joint review with the

Federal Bureau of Prisons, the U.S. Marshals Service and the District of Columbia for immediate steps necessary to first address the security problems at the Lorton corrections complex as identified in current and ongoing studies by the National Institute of Corrections, and frankly I would also think we should ask of the Bureau of Prisons to work with the Department of Corrections in the District to work out a strategy to close this complex and perhaps rebuild it, hopefully somewhere else, over a given time period, the next 5 to 7 years.

That is what I would like to see from my perspective. I know Mr. WOLF and Mr. MORAN have some equally compelling feelings and arguments on this.

Mr. ROGERS. My colleagues from Virginia have been tenacious in bringing the problems at Lorton prison to my attention. It is certainly a situation which needs to be addressed in the near future. As the gentleman have requested, I will work in conference to secure language directing the Attorney General to look at this problem with the D.C. Department of Corrections and report to the Congress on necessary steps.

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

Mr. Chairman, I just want to second what the gentleman from Virginia [Mr. DAVIS] said and hope that we can work together with the chairman of this committee, but also some of the other committees, to see how we can do what the gentleman from Virginia [Mr. MORAN] and the gentleman from Virginia [Mr. DAVIS] and others like, and that is to shut Lorton Reformatory down in a set period of time.

Most of the major crimes that are committed in the District of Columbia and this region are committed by people who have served time in Lorton. There is no rehabilitation down at Lorton. There is no drug treatment down at Lorton. You cannot put men in a prison for 10 and 12 years with no training, no rehabilitation, and expect them to come out and be good citizens.

I share the concerns of the gentleman from Virginia [Mr. DAVIS] and also the gentleman from Virginia [Mr. MORAN]. I look forward to working with the chairman of this committee and other committees to see what we can do in very short order to deal with this issue.

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

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I think it is important to note, no other city in the United States is responsible for housing the felony prisoners, no other city in the United States. We have put this burden on the District of Columbia, and they have, I think to their credit, come forward and said they do not have the financial wherewithal to handle it under their current financial circumstances.

That is why we need to engage the Bureau of Prisons, working with the city, with the National Institute of Corrections, with the Congress, to find a way that we can handle this situation in a more equitable manner than it is being handled today, along the lines that I have outlined.

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

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I appreciate the gentleman yielding to me.

In this very bill, Mr. Chairman, 2 years ago I put money in for the National Institute of Corrections to study Lorton, to determine how bad it was and what could be done. They finished their report. We have their report. It says the situation is real bad. They suggest that dramatic action needs to be taken. The time to take dramatic action was yesterday, or last year, or several years ago.

I see my good friend and colleague, Ms. NORTON, standing, who represents the District of Columbia so ably. She has a plan to reduce the tax rate to 15 percent, which would cost about $700 million. I think the chances of getting that are problematic, but I wish her luck in trying to push it forward.

There are other solutions, another more obvious solution right in front of us. That is to relieve the District of Columbia of responsibilities that it should not have to and cannot maintain. It cannot run the kind of a prison that a State would be expected to run. Yet Lorton Reformatory, Lorton Prison is burying the District in debt, in embarrassment, in all kinds of horror stories in the paper. It further undermines the credibility of the District government.

They should not have to maintain this prison. It is too much. It is a State responsibility, we think, I think, and I think a lot of others feel this is a Federal Bureau of Prisons responsibility, that it should be put under the Bureau of Prisons. It should probably be closed and moved to a place, for example, in Pennsylvania. We have some districts that feel it is a win-win situation. They would love to have the jobs, to rebuild it somewhere like that, where it is still accessible, it is not as close but it is still accessible.

We can do a good job. We can put in real rehabilitation, not teach prisoners how to farm and to milk cows, and so on, which might have been appropriate generations ago, but certainly not now. We need to teach them the most modern skills in construction, electronics, and the like.

We need to start all over again with Lorton. We need to move at least the maximum security people to a new prison. We need to build that new prison. We need to start doing that today. To put this off another year is irresponsible. We cannot even afford toilet paper for the prisoners, for crying out loud. Every day you read about the situation worsening. It is our responsibility to do something about it. The vendors have not been paid in months. They are not going to continue providing the necessary supplies. Every day that this goes forward it is our responsibility to do something about it.

I really wish that we would put more attention to this possibility of putting it on the Bureau of Prisons. I think we should have had an amendment on this appropriations bill. I would hope we would in the future, and maybe we can get something in the District of Columbia bill.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have no objection to the colloquy now in progress. I would say to my good friend on this side of the aisle from Virginia, any comparison between what you now desire here and my tax bill is nonapt. These are the only nontaxpayers leaving the District that we do not welcome back. But this is also the only State responsibility that any Member of this Congress has stood to help the District with. We are the only city in the United States that bears responsibility for State prisoners along with Medicaid and every other State responsibility.

I welcome the attention that this matter is now given, even if it comes from the fact that it is in the State of Virginia. When mutual interests come together, that may be the best way to solve a problem. My good friends are correct that conditions at Lorton are detestable and that it is irresponsible to wait until a prison crisis develops, even as we have waited until a financial crisis has developed in the District. Everyone knows that the District is powerless at the moment to do anything about conditions at Lorton because of the insolvency of the city. The mayor and I have indicated that we would accept some measure of Federal responsibility despite the fact that home rule figures large for all of us. But we have also said that that Federal responsibility must come with Federal funds and those funds have not even been requested and there is very little movement, when there could have been some, to find a practical way to get there.

We do not expect that the Bureau of Prisons where the Federal prisons lie will simply eat D.C. prisoners. These are felony inmates of a kind that are fairly rare in the Federal system. The Federal system is beyond capacity. We have to bring a problem-solving approach here. I have absolutely no objection to what the Members are trying to do. As long as they include me and the District in what they are trying to do, they will find that I have no objection. But we have to do more than simply beat up on the Bureau of prisons. We have to in fact analytically make our way through this problem step by step until we find a way for Federal responsibility consistent with home rule and funding to obtain in this matter. I thank the gentlemen for their concern.

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

Ms. NORTON. I yield to the gentleman from Virginia.

Mr. MORAN. Would the gentlewoman from the District of Columbia agree to

a proposal that we set a 5-year time limit, at which time we would hope to have at least part of Lorton, perhaps the maximum detention, moved?

Ms. NORTON. Time limits without a way to get to that point are meaningless, especially when the city is insolvent.

Mr. MORAN. What we are talking about is not making the Bureau of Prisons eat it but building a prison that would house Lorton but with Federal funding, because there are different sentencing rules that apply to D.C. versus other Federal sentencing guidelines. So we probably need to keep them as a discrete population. We are talking about building a new facility, for example. If we could do that and do that within a reasonable period of time, the gentlewoman would not object to that.

Ms. NORTON. I would have no objection to a plan that takes us toward that goal step by step and year by year with a funding bill to that end.

Mr. MORAN. Does the gentlewoman agree that we have done enough studying, that it is time for action?

Ms. NORTON, Absolutely. It is time for an implementation plan. That is what has been missing from this issue.

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Virginia.

Mr. DAVIS. I think once again to resolve this problem in a way favorable to the inmates, to the surrounding communities and everybody else, it takes a joint effort. So far what is missing from this debate is a Federal presence thought the Bureau of Prisons. The city has gone overboard in trying to look at privatization alternatives and the like and the Mayor's visionary plan, in fact, calls for the downsizing, if not the elimination, of the Lortion complex. But we are going to need some help.

What we are asking the chairman of the committee to do in this particular case is to direct the Bureau of Prisons to become engaged in this process so that we can come up with a proposal. Last year's District of Columbia appropriations bill had some language where we have asked the city to come up with a 5-year plan to close it. Now we need to see what BOP can take and if it is going to take money, we need to know what it is, but we need their involvement. It is unrealistic to ask the city government to do this by themselves. It is the only city in the country that does it.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the bill through page 12, line 18, 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 Kentucky?

There was no objection.

The text of the bill through page 12, line 18 is as follows:

ADMINISTRATION REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $64,000,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $48,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $4,490,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses, necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $420,793,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided,* That of the funds available in this appropriation, not to exceed $17,525,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices, funded through ''Salaries and Expenses'', General Administration: *Provided further,* That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further,* That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, and credit to this appropriation, gifts of money, personal property and services, for the purposes of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1997.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986 as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $7,750,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $76,447,000: *Provided,* That notwithstanding any other provision of law, not to exceed $58,905,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Radino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $17,542,000: *Provided further,* That any fees received in excess of $58,905,000 in fiscal year 1997, shall remain available until expended, but shall not be available for obligation until October 1, 1997.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $931,029,000; of which not to exceed $2,500,000 shall be available until September 30, 1998, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided,* That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provied further,* That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further,* That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,758 positions and 8,989 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 40114, 130005, 190001(b), 190001(d) and 250005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 815 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $43,876,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $22,166,000 shall be available to help meet the increased demands for litigation and related activities, $500,000 for telemarketing fraud, $10,577,000 for Southwest Border Control, $1,000,000 for Federal victim counselors, and $9,633,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $107,950,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided,* That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further,* That notwithstanding any other provision of law, $107,950,000 of offsetting collections derived from fees collected

pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further,* That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the Fund estimated at $0: *Provided further,* That any such fees collected in excess of $107,950,000 in fiscal year 1997 shall remain available until expended but shall not be available for obligation until October 1, 1997.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $878,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for policy-type use, without regard to the general purchase price limitation for the current fiscal year, $460,214,000, as authorized by 28 U.S.C. 561(i); of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system, and $2,200,000 to support the Justice Prisoner and Alien Transportation System, shall remain available until expended: *Provided,* That, with respect to the amounts appropriated above, the service of maintaining and transporting State, local, or territorial prisoners shall be considered a specialized or technical service for purposes of 31 U.S.C. 6505, and any prisoners so transported shall be considered persons (transported for other than commercial purposes) whose presence is associated with the performance of a governmental function for purposes of 49 U.S.C. 40102.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, $405,262,000, as authorized by 28 U.S.C. 561(i), to remain available until expended: *Provided,* That this appropriation hereafter shall not be available for expenses authorized under 18 U.S.C. 4013(a)(4).

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $100,702,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure, automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: *Provided,* That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further,* That any transfer pursuant to this paragraph shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The CHAIRMAN. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

AMENDMENT OFFERED BY MR. MOLLOHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. MOLLOHAN: On page 12, line 21, after the dollar amount, insert the following: ''(reduced by $14,000,000)''.

On page 21, line 9, after the dollar amount, insert the following: ''(reduced by $45,000,000)''.

On page 53, line 6, after the dollar amount, insert the following: ''(reduced by $33,748,000)''.

On page 66, line 23, after the dollar amount, insert the following; ''(reduced by $12,000,000)''.

On page 73, line 1 after the dollar amount, insert the following: (''reduced by $14,000,000)''.

On page 99, line 14, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

On page 99, line 15, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

On page 103, line 17, after the dollar amount, insert the following: ''(reduced by $10,000)''.

On page 103, line 25, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

On page 106, line 7, after the dollar amount, insert the following: ''(reduced by $25,000,000)''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes in support of his amendment. Who seeks to control the time in opposition?

Mr. TAYLOR of North Carolina. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from North Carolina [Mr. TAYLOR] will be recognized for 30 minutes.

Mr. MOLLOHAN. Mr. Chairman, I yield 12 minutes to the gentleman from Pennsylvania [Mr. FOX], the co-author of this amendment, and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania will control 12 minutes in support of the amendment.

There was no objection.

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

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Mr. MOLLOHAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise today to join my distinguished colleague from Pennsylvania [Mr. FOX] in offering an amendment to increase funding for the Legal Services Corporation. Simply put, the Mollohan-Fox amendment increases funding for the Legal Services Corporation from $141 million to $250 million.

As many of my colleagues know well, the Legal Services Corporation was created in 1974 as a private, nonprofit corporation. Since then, the Legal Services Corporation has worked to ensure access to our judicial system for Americans unable to afford assistance with their civil legal problems. The Legal Services Corporation, for many of our poorest, most vulnerable citizens, has helped make the most basic tenet of our judicial system, equal justice under the law, a reality.

About 34 percent of the cases closed by Legal Services Corporation attorneys in 1995 were in the realm of family law, 22 percent were housing related, 16 percent were related to income maintenance, and 10 percent were consumer problem oriented.

The Legal Services Corporation provides grants to about 280 programs operating over 900 neighborhood law offices serving every county in the United States. In 1995, Legal Services Corporation handled over 2.1 million cases across this Nation.

I cannot stand before my colleagues today without acknowledging the fact that in the past the Legal Services Corporation has not been without its share of problems, some of which have occurred in my own home State of West Virginia. But over the last year, the Legal Services Corporation has undergone major changes. The omnibus appropriations bill, which included the fiscal year 1996 appropriations for legal services, contained many new legislative requirements for the Legal Services Corporation. This bill contained

restrictions on legal services which were more or less agreed to on a bipartisan basis, although not unanimously.

For example, a competitive grant process was put in place, and grantees are now required to provide audited financial statements. They must also maintain strict timekeeping records.

Many restrictions are in place governing the type of cases that the Legal Services Corporation lawyers can work on. These restrictions prohibit cases in many areas. Many of these areas go to the core of the major concerns of most Members of this body about Legal Services Corporation. They include restrictions on legal services lawyers taking such cases as drug-related evictions from public housing. Legal Services Corporation lawyers now cannot take class action litigation. They cannot deal with abortion-related activity.

Legal Services Corporation cannot deal with redistricting questions or political demonstrations. Legal Services Corporation cannot get involved in strikes or union organizing activities. They cannot get involved in litigation to influence welfare reform initiatives.

Those are just a few of the examples of the restrictions that we placed on Legal Services Corporation and under which their lawyers operate today. I note to my colleagues that the Mollohan-Fox amendment does not change in any way a single one of these restrictions. They are still in place and will be in place after the passage of this amendment.

The Mollohan-Fox amendment simply increases funding for grants to the basic field programs by $109 million, raising the total funding for legal services for fiscal year 1997 to $250 million.

Mr. Chairman, it was an excruciatingly difficult exercise to go through and find the offsets for this $109 million amendment. The offsets for the amendment are as follows: Department of Justice, assets forfeiture fund, $14 million; Bureau of Prisons, $45 million; Patent and Trademark Office, $34 million; Court of Appeals and District Courts, $12 million; Diplomatic and Consular Affairs, $14 million; Securities and Exchange Commission, $25 million; and the National Bankruptcy Review Commission, $10,000.

I would now like to take this opportunity to turn to the issue of what happens if we do not pass this amendment. What happens if funding remains at the level of $141 million as provided in H.R. 3814? What needs, Mr. Chairman, go unmet?

Without increased funding, it is expected that the 2.1 million clients served in fiscal year 1995 will fall to about 1.1 million. The number of neighborhood offices will decrease from 1,100 in 1995 to 550.

Mr. Chairman, I urge adoption of this amendment. The harm will be to the most needy for legal services, and it will be great if our amendment is not adopted.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would agree with the gentleman from West Virginia that he is not attempting to change any of the restrictions that were placed on legal services last year. But part of the deal, part of the agreement that was placed in legal services was there was to be a reduction, a gradual reduction. Rather then zeroing out legal services, we agreed that it would be taken down to $141 million.

Now the gentleman proposes to nearly double that amount, breaking that agreement. How long will it be that we say those other restrictions placed on legal services are unnecessary and then we will be wanting to take those off.

Let us look at the history, 20 years of history of an organization that did not help the poor. It in fact punished the poor and used them as an excuse for a very liberal agenda. The Legal Services Corporation supported drug dealers against public housing authorities, tax-paid public housing authorities. It voted to keep illegal immigrants in even while we were paying the INS and other Federal agencies to try to stem the flow of illegal immigrants.

It supported appeals and worked against the prison systems of this country to separate patients with AIDS from other prisoners in order to stem the spread of AIDS inside prison systems. It moved in other areas, in one case to support a rapist to get custody of the child, the product of his rape, even though that rapist had two other illegitimate children, was in jail, and his psychiatrist said he was in no position to be a parent of any children.

All of this is the legacy and the history of the Legal Services Corporation. I would like to point out, Mr. Chairman, that legal services in this Nation will not end if we maintain the reduction, agreed upon reduction to $141 million.

First of all, let us talk about legal services. It is really two areas of legal services in this country. First of all, there is the Big Government legal services that the gentleman from West Virginia, [Mr. MOLLOHAN] wants to double the funding for, the one that has had 20 years of abuse in this country.

There is the great portion, the majority of legal services, which are small community-based legal services organizations. The poor will not be denied free legal services. Even legal service organizations, nontaxpayer organizations receive more than the majority of the funding of all legal services, as a matter of fact in this country, and comes from non-tax paid sources.

In the last 5 years, nonfederal funds for legal services grew by 82 percent and continues to grow. The American Bar Association's directory of 1993–94 listed over 900 pro bono legal services organizations, services not funded by the U.S. taxpayer, not part of the Big Government legal services that is being debated here today. There are millions of dollars of increases in interest on lawyers' trust accounts; IOLTA is the term.

Over 25 States including California and New York have increased their IOLTA grants by 21 percent. North Carolina alone increased its grant by $1.2 million. These funds are increases. These go into community-based legal services programs. There are not funded by the U.S. taxpayers. These are not Big Government programs. Numerous national organizations contribute to legal services aids today: United Way, the NAACP, the ACLU and others.

Eighty percent of the bar still is not participating in pro bono programs. There is room, plenty of room with 80 percent of the bar to participate and increase its pro bono service. The difference in efficiency between the Big Government program being advocated and my friend from West Virginia wants to double the funding for, it is much more inefficient than the local community-based organization.

Now, is that not a surprise when the Federal Government gets involved, it always costs more. For instance in Chicago, the private legal services in Chicago, some 25,000 inquiries, the average price was about $80 per case. In Chicago they operated that service with nine staff people. The 79-person staff, nationally funded, Big Government legal services supported program cost $250 per case. And that is really no surprise when we consider that, any time the Federal Government is involved, there is usually more cost, and it moves more toward political correctness and liberalism than it does toward service for the poor. Taxpayer money is being used in the Big Government legal services to fight tax-paid organizations. Let me give my colleagues an instance.

In one case there was a woman, an unmarried woman with a child, a drug addict. The child was taken away by the social services for its protection because the woman clearly was incapable of handling the child. Legal services sues the social services agency to get the child back. The woman then beats the child to death within 2 weeks after getting the child back. Here is a tax-paid organization, in this particular case, who used their best judgment, the medical authorities. They had to make a ruling on behalf of the citizens of the country in removing the child for its safety. Here is the taxpayer, large government, legal services suing the social services for the mother to get the child back.

What I am saying, we do not have the information to support that kind of suit. There was a suit to give the child back, not what the measure of damage was or threat to the child or anything else. This was strictly a suit to get the child returned to the mother.

Now, there are many other cases that we can show where legal services fights federally funded agencies with tax-paid dollars. It would make much more sense to reform those agencies if necessary. Where does the gentleman from West Virginia [Mr. MOLLOHAN] suggest we get the funds to shift to the Big Government legal services? First of all,

he wants to take $12 million from our Federal courts even as we put more and more cases on our courts, and it is necessary for those court cases to be had to get violent criminals off the street.

Mr. Chairman, $14 million would come from the State Department's consular services although we would slow down drastically visitation and legal immigration into this country; $45 million from the Federal prison system at a time when we need to increase prison system funding, here again to address the question of violent criminals.

I remind the House that this program never has been authorized in its history, that for 20 years it did not keep time records. It did not allow auditing, and the agreement that was made last year to bring about those reforms also called for the reduction to go to $141 million which we should keep in this House.

I urge the House to vote against the Mollohan amendment.

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

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today to join the gentleman from West Virginia in offering the Mollohan-Fox amendment to restore vital funding to legal services for the poor in the United States. I can speak with firsthand knowledge of the benefits of these legal services having served on the board of directors of my own local legal aid office in Montgomery County, PA.

In every district throughout this country, there are citizens who find a need for legal services and assistance at trying times in their lives. While there may be some private resources available in some areas, there is no guarantee that a private lawyer or group will be there to offer pro bono service.

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The Philadelphia Bar Association raised $100,000 in private donations last year to direct toward legal services. However, this valiant effort cannot even scratch the surface of need that exists among our poor.

There are 40 million Americans at or below the poverty level. In State after State studies show that no more than 20 percent of the legal needs of the poor are being met. Even with full funding for the Legal Services Corporation and the efforts of the private bar, the legal needs for low-income Americans exceed all available resources. Even with full funding, no one can argue the poor will have equal access to the courts. In offering this amendment, we are merely attempting to ensure that the indigent of our Nation have some access to the courts.

This Congress, through the appropriations process, made significant changes to the structure of the administration of the Legal Services Corporation. Most, if not all, of the concerns and objections about the program were responded to. Legislative language, including the appropriations bills, included appropriate restrictions on class action lawsuits, legal assistance to illegal aliens, or representing individuals evicted from public housing due to sale of drugs. These were all changed.

Now it is time to let the program operate to fulfill the purposes which we all endorsed, to meet the day-to-day legal problems of the poor. The program helps millions of poor Americans stay self-sufficient and productive citizens. Properly structured and supervised as it can be, this is a fundamentally conservative program, one which facilitates the peaceful resolution of disputes in our society and reinforces the rule of law.

Further cuts in funding will constitute a denial of equal justice under the law to millions of low-income citizens who have no other access to the courts. For this reason, I urge Members to support Legal Services and to support the Mollohan-Fox amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, the Legal Services Corporation is a Government bureaucracy that is out of control, and it must be tamed. The spending cut reflected in this appropriations bill is based on an agreement reached in July of last year between appropriators and House leaders. The proposed $141 million level is the agreed upon second step in this process.

Legal Services has long been involved in political advocacy with tax dollars. For example, over the years, Legal Services has committed vast resources to litigation to stop public housing authorities from evicting dangerous drug dealers. This is a perfect example of why critics argue that Legal Services works harder to protect the rights of criminals than it does to protect their victims. After years of abuse, the Corporation has become a place for attorneys to put forth their liberal agenda, not defend poor people.

Many Legal Services supporters are not aware that sufficient private alternatives already exist to provide more effective legal assistance to the poor. Lawyers have a long history of providing free legal service to the poor; for example, the American Bar Association's 1993–94 directory of pro bono legal services listed over 900 programs. This does not include the innumerable lawyers who perform these services on an individual basis. These private-sector programs are much more effective and do not waste the taxpayers' money.

The House should continue to abide by the agreed level of appropriations for Legal Services. Reject the Mollohan amendment and support the funding level in the bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in support of the Mollohan-Fox amendment. For over a decade now the gentleman from Florida, Representative BILL MCCOLLUM, and I have worked to reform the Legal Services Corporation, with a lot of considerable help from the gentleman from Kentucky, Chairman ROGERS, and it has been like pulling teeth.

Our intention all along has been to make sure that the folks in our country who cannot afford legal assistance in civil matters have access to the courts, the original intent of LSC. Last year we introduced H.R. 1806, a bill to reauthorize LSC for 5 years at $250 million per year. In addition, our legislation proposes tough, smart restrictions on the corporation.

The full Committee on the Judiciary marked up its bill, H.R. 2277, with the gentleman from Pennsylvania, Chairman GEKAS, and reported it out last September. This is a 4-year authorization which recommends $250 million in fiscal year 1997 to provide legal services to the poor.

That notwithstanding, we have not had the opportunity to debate this or any other authorization bill here in the full House. In fact, Legal Services has not been reauthorized since 1980, yet here we are today trying to decide its fate in a 1-year appropriation bill.

Let us let the process work the way it is supposed to. Let us take the authorizing committee's recommendation of $250 million with appropriate restrictions for fiscal year 1997, and come back next year and address the future of LSC through the authorization process, the right way.

All of the arguments we will hear today come down to one fundamental question: whether we believe that the Federal Government has a role to play in ensuring that the poor have access to the courts. I will be the first one to tell my colleagues that the Legal Services Corporation has had its share of problems over the years, and we will hear many of them today. In fact, if the program is ever killed, it will be by some of its supporters.

Absent any other well-developed approach to caring for the people that depend on legal assistance in their daily lives, I am not yet willing to demolish the LSC. That is precisely the direction we will be heading if we cut the fund to $141 million.

As a lifelong supporter of a balanced budget, I understand budget realities and know we cannot fund every program at the level we want. That is why I commend the sponsors of this amendment, who have worked extremely hard in finding the offsets to pay for this amendment in a fair and reasonable manner.

Additionally, I am very pleased that they specify that all the increased funding will go to field programs, not to management and administration.

We continue all of the restrictions agreed to on the LSC in the effort to make sure that this program works for its original purpose.

There can be no denying that there are a large number of indigent individuals who desperately need legal assistance in their daily lives. We cannot become a country where just treatment in the courts depends on economic status.

For this reason, and in agreement with many of those who will find things that have gone wrong with Legal Services, this is not the time and the place to make that decision. Let us allow the program to continue and allow the full changing of the program to take place in an orderly manner, so that we do not end up doing more harm than good for all the right reasons.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume to remind this body that the Committee on the Budget only approved $95 million for Legal Services, and the CJS committee is putting up a 50-percent increase over that, and now it would be a 250 percent increase if we adopt this amendment.

Mr. Chairman, I yield 6 minutes to the gentleman from Indiana [Mr. BURTON].

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Chairman, my colleague from Texas just talked about the changes that were made in the Legal Services Corporation and how Legal Services was going to be restricted for its original intended purpose. Let me read to my colleagues what a Legal Services grantee in California said about the new restrictions. He said, ''If Congress can screw people with technicalities, we can unscrew them with technicalities. That is why we are lawyers and not social workers. Two can play this game.''

Now, Congress prohibited Legal Services Corporation from doing certain things. Legal Services grantees are getting around these restrictions by forming new shell organizations to accept Federal grants so that the original groups can continue to pursue their liberal agenda with private funds.

For example, the Philadelphia Legal Assistance Center and the Legal Aid Society of Santa Clara, in many cases the two organizations have the same board of directors, many of the same lawyers, and they share office space. They are two separate organizations in name only. They are just getting around the restrictions so they can do whatever they damn well please.

Let me just ask my colleagues a question. If there is a child and we are concerned about that child being molested by a sex offender, we would like to know if that sex offender moved into the neighborhood because we do not want a 2, 3, 4, or 5-year-old child running around with a known sex offender moving into the neighborhood.

Well, President Clinton supports what is called Megan's Law. On May 17, President Clinton signed Megan's Law into effect, which requires convicted sex offenders to register their addresses with local communities after being released from prison.

The Legal Services Corporation is fighting that law. On March 6 the Legal Aid Society of New York, an LSC grantee, sued on behalf of three sex offenders to block New York's version of Megan's Law, which includes a 900 number for community notification. They won a restraining order delaying the implementation for months.

Legal Services lawyer Thomas O'Brien called sex offenders, listen to this, the Legal Services lawyer Thomas O'Brien called sex offenders ''the victims of a unilateral decision made by the State.''

Now, what about that parent that does not want their child molested by that sex offender? They want to know if he is in the neighborhood. Everybody agreed to it. We passed a law, and the Legal Services Corporation, funded by this Government and the taxpayers of this country, is defending that sex offender and protecting his right not to be known in a new neighborhood by the parents who have kids that might be molested by him.

Does that sound right? I do not think we want our taxpayer dollars spent for that.

Welfare reform. President Clinton supports Wisconsin's welfare reform plan. On May 18 President Clinton announced his strong support for Wisconsin's bold welfare reform plan.

The LSC is fighting the welfare reform plan in Wisconsin. Legal Action of Wisconsin, and LSC grantee, has filed numerous suits to frustrate and block welfare reform in Wisconsin, even though this Congress and the President of the United States say that support it.

Why are taxpayers' dollars being used to fight the very things we think are important?

Then we take people who live in public housing projects. One of the problems we have in major urban areas around this country is that drug dealers are taking over in public housing projects, and they are taking kids and they are making them become deliverers of narcotics. If the kids do not join the gangs, they shoot them, they beat them up or they scare them to death. Mothers are afraid to let their kids go outside in public housing projects.

Now, the Legal Services Corporation is defending the right of the drug dealers to stay in the public housing projects. They are trying to frustrate the local government officials in trying to get those people out of there so that people who live in those public housing projects will be able to protect their kids and protect themselves.

Some of those people have been in their living rooms and dining rooms when bullets have come through the windows and they have to get down on the floor to protect themselves, yet the Legal Services Corporations in many parts of the country are defending the rights of the drug dealers to stay in there, in public housing, and not to be evicted.

What kind of nonsense is that? It makes absolutely no sense whatsoever.

Now, an agreement was reached to phase Legal Services Corporation out over a 3-year period. We gave them $280 million or so last year, we agreed to $141 million this year and zero next year. The leadership signed onto it and the appropriations leadership signed onto it, and today we are seeing a move to increase it to $250 million and to keep this organization in effect.

It is the wrong thing to do. The right thing to do is protect the people of this country and get rid of the Legal Services Corporation.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I would say to the gentleman from Indiana, Congressman BURTON, that I understand his arguments and the situation he is talking about, but I would ask him if he is aware there are new restrictions now on these Legal Services Corporations not to be involved in suits dealing with welfare reform litigation and with the prison lawsuits? There are not involved in that any more.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I do not know whether the gentleman heard the first part of my argument, but the Legal Services Corporations around the country are forming shell corporations to get around that provision so they can use Federal dollars for one thing and the private dollars for another.

I gave two examples: The Philadelphia Legal Aid Center and the Legal Aid Society of Santa Clara. I will quote once again what a Legal Services grantee in California said. He said, and I quote, ''If Congress can screw people with technicalities, we can unscrew them with technicalities. That is why we are lawyers and not social workers. Two can play this game.''

They are getting around what we tried to do by putting constraints on them in this Congress of the United States.

Mr. FOX of Pennsylvania. Mr. Chairman, if the gentleman would continue to yield, I think the facts show otherwise.

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Mr. BURTON of Indiana. Mr. Chairman, I do not think the facts do show otherwise.

Mr. FOX of Pennsylvania. Mr. Chairman, the gentleman is trying to make emotional arguments about the facts and problems of the inner cities.

Mr. BURTON of Indiana. Mr. Chairman, these are not emotional arguments.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

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

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

I rise today in strong support of the Mollohan-Fox amendment to restore critical funding for the Legal Services Corporation. I think it is important, Mr. Chairman, that we put this in perspective.

The bill before us today contains a 50-percent cut for legal services. This 50-percent cut follows on last year's cut in funding of 33 percent. These cuts, Mr. Chairman, are extreme and they are unconscionable because they mean that our poorest and most vulnerable citizens will be unable to have legal representation in civil matters.

In Minnesota alone, Mr. Chairman, these cuts meant that 25,000 eligible people who needed legal help have already been turned away. Because of last year's cut, Legal Services in Minnesota will close 4,000 fewer cases. Some claim that the private bar can step in and make the difference.

Well, Mr. Chairman, in Minnesota, over 3,000 attorneys last year donated over 30,000 hours of legal services. The Minnesota lawyers and firms contributed over $500 thousand, but they cannot meet these critical legal needs alone any more than doctors can meet the critical medical needs of indigent people across this country.

Many government entities are not known for efficiency. We all know that, and charges have been made today by opponents of this amendment. Let me tell you the facts. Mr. Chairman, 97 cents of every LSC dollar goes directly to the delivery of legal assistance, and Federal oversight accountability of these dollars is ensured.

I take a back seat to nobody in this body in terms of cutting wasteful spending. Last year it was announced, or this year rather, that I have the best rating from Citizens Against Government Waste for cutting wasteful spending.

Mr. Chairman, we are not talking about cutting wasteful spending here. We are talking about honoring those words on the front of the Supreme Court across the way, ''Equal justice under law.''

There has been overheated rhetoric from those who want to kill legal services for the poor. I would just remind my colleagues that the restrictions are in place from last year. Some of these anecdotal references refer to horror stories in the past. There have been abuses; we all know that. But the following restrictions are in place: No class action suits by LSC, no lobbying, no legal assistance to illegal aliens, no political activities, no prisoner litigation, no redistricting representation, no representation of people evicted from public housing due to drugs. That is all in the past. Those restrictions are on LSC as a result of last year's bill.

Mr. Chairman, I plead with Members of this body, do not gut the words etched on the Supreme Court building, ''Equal justice under law.'' Support basic fairness and equality under the law. Support the Mollohan-Fox amendment to restore legal services funding. Let us do the right thing.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I have friends on both sides of this argument. I understand there are merits on both sides of the argument. But let me give you my humble opinion as a guy who used to practice law in the barrio in San Diego about 5 blocks south of Chicano Park in half of a barber shop.

There is merit to the argument that Legal Services did go far past the bounds that we set for them when we first initiated this program. We know that we had legal services to get Aunt Flossie's car out of hock, to do domestic law, allow people to have access to court for personal injury when they did not have the up front money that was necessary if they went to a paid lawyer. But what some legal services devolved into was a legal services operation that went for the sexier lawsuits. They liked the class action suits. They like innovating, and they liked lawsuits that drew headlines. And they liked to move away from what I call the ham and eggs things.

I think we have to strike a balance. I think the money that we have in the bill right now is a balance. It does balance the need to have legal services for people who cannot afford them, but it also leaves a little need there so the local bars will step forward and pick up the slack.

One thing that I say as a lawyer who never got any Government money was the fact that when you do have these Government programs, you do have a lessening of the private bar's interest in protecting the poor and in doing pro bono suits. You do have a reduction in that area. So we have to maintain a balance.

I think the money that we have in the bill does maintain a balance, and the reason that we have gotten away from class action suits and gotten away from these abuses is because this Congress has monetarily and in a policy sense constrained Legal Services. We have constrained them from doing the class action suits.

I am sorry to see that, if it is true that some shell corporations are being formed to allow them to continue to pursue a social policy, I am sorry to see that because they are supposed to be doing ham and eggs work for poor people. I like the balance. Let us stick with what we have got.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri [Ms. MCCARTHY].

(Ms. MCCARTHY asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Mollohan-Fox amendment.

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. This amendment is a significant improvement from the base bill.

Since 1974, the Legal Services Corporation has provided poor families access to our justice system, thus putting into practice the principle of equal justice for all. The proposed fiscal year 1997 funding level represents a 49-percent reduction from the current appropriation.

This is an unacceptable funding level, particularly given the fact that last year's 30 percent funding reduction forced the Kansas City Legal Aid to eliminate 10 percent of the staff. These reductions leave 80 workers to tackle approximately 22,000 cases a year. In addition, legal aid attorneys are forced to turn away applicants desperately seeking assistance. Further dramatic reductions in funding would make it even more difficult for many communities, like Kansas City, to keep their legal aid offices open.

I am dedicated to balancing the budget, but we must do so in a responsible manner. Slashing legal services for poor families is not responsible. I urge my colleagues to support the Mollohan-Fox bipartisan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS], a member of the subcommittee.

Mr. SKAGGS. Mr. Chairman, this amendment would restore just a portion of what is needed for the basic functions of the Legal Services Corporation, and it ought to command the support of every Member of this body.

The Constitution holds out the promise of equal justice under law to every American. But that promise is made real only as our citizens have effective access to the courts to enforce their rights. For the poor these rights often exist only in theory because they cannot afford the lawyers to get into court. Legal Services provides that legal representation.

Access to the legal system is more than a matter of equal justice. It is also a key ingredient in maintaining a civil society based on the rule of law. If people are expected to respect the rule of law, they must have some expectation of its protections, as well as of its discipline. Legal Services plays an essential role in that.

Mr. Chairman, Legal Services work is accomplished by staff lawyers who work for low pay, supported last year by 150,000 volunteer lawyers providing pro bono services. I used to be one of those volunteers. I can tell you, the staff lawyers can not possibly do anything more than provide the basic representation that they are charged with under the law as it now stands. There is simply no rational basis to assert that additional pro bono work by the private bar can make up the difference for Legal Services. That makes as much sense as suggesting we are going to get volunteer doctors to make up for eliminating Medicaid. It will not happen.

Cuts in legal services funding in this bill will hurt those who can least afford it and betray America's promise of

equal justice. Support the Mollohan-Fox amendment. It is fundamental to American justice.

This amendment to restore but a portion of the basic funding for the Legal Services Corporation [LSC] should command the support of every Member.

While I certainly support this amendment, I must say that it is only a start. It will bring LSC funding to a level 10 percent below last year's level, which itself took a 30 percent cut from 1995. We need to do more, much more than is provided for in this amendment, to bring LSC funding back to a level where the Nation's poor can have reasonable access to the civil justice system.

As my colleagues know, LSC provides legal representation to our poorest citizens. When LSC was established under President Richard Nixon's leadership in 1974, it was intended to become a permanent, vital part of the American justice system.

The Constitution holds out the promise of equal justice under law. That promise is made real as American citizens have effective access to the courts to enforce their rights. For the poor, these rights often exist only in theory because they can't afford the lawyers necessary to get their day in court. LSC provides that legal representation. If we are going to ensure that the quality of American justice isn't primarily a function of wealth, the work of LSC must continue.

Access to the legal system is more than a matter of equal justice. It is an important factor in maintaining civil society based on the rule of law. If people are expected to respect the rule of law, they must have some expectation of its protection, as well as of its discipline.

Last year, LSC closed 1.7 million cases. About one-third or 558,000 of those involved family law, including representation of almost 60,000 individuals seeking protection from battering by their spouses. LSC helped over 200,000 older Americans with legal problems involving their health and income. It helped thousands of low-income military veterans and family farmers, representing them before banks and government bureaucracies that would otherwise have overwhelmed them.

Cases concerning families, housing, income, and consumer protection alone account for over 80 percent of LSC's work. This bill would cut LSC by almost half. It is not hard to figure who will pay the price—women, children, and low-income older Americans, farmers, and veterans.

Mr. Chairman, LSC's work is accomplished by staff lawyers who are willing to work for low pay, supported last year by almost 150,000 private attorneys who participated by providing pro bono representation as volunteers. As a former volunteer attorney myself, I can tell you, the lawyers I worked with were too busy trying to meet the basic legal needs of their clients to engage in some of the activities that detractors claim. And there's simply no rational basis to assert that additional pro bono work by the private bar can replace Legal Services lawyers. That makes as much sense as expecting volunteer work by doctors to make up for ending Medicaid.

Mr. Chairman, the cuts in LSC funding in this bill will hurt those who can least defend themselves and betray our Nation's promise of equal protection under law for all Americans. This amendment is the right thing to do; it is the least we can do.

I strongly urge a "yes" vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise to oppose this amendment. We had an agreement worked out. Many of us thought this should have been zeroed out immediately rather than phased out, as was the agreement that was worked out. Now we have an amendment before us that will approximately double the funding provided.

The fact of the matter is, we have got a budget to balance. It seems like in this body there is no program that can be eliminated. Every single thing has its adherents. I would submit if we ranked the things this Federal Government funds, Legal Services would be at or near the bottom just on the merits of the relative order of importance.

Yet here we go again, there is always some group of individuals within this body that feels they have got to try and maintain another one of these programs. This is what is sinking America, Mr. Chairman: All these programs designed to help somebody and, in fact, they are crushing everybody by destroying our economic growth.

We talk about helping those who need legal services. Where in the Constitution in the powers given under article I to the Congress is that one of our responsibilities?

We are a Nation made up of sovereign States. If these things are important, let the States handle them. That, in fact, is what was the practice until whenever Legal Services came into being, I think some time in the 1970's.

I do not know if the Members are aware but there are over 900 organizations that provide pro bono services, lawyers that donate their time, that do not get Legal Services Corporation funding. Why do we have to have the Federal Government involved in everything?

The answer is simple. The reason a lot of Members want to keep this is because it is an advocacy group for liberal causes, as we have heard the gentleman from North Carolina [Mr. TAYLOR] and the gentleman from Indiana [Mr. BURTON] allude to.

The fact of the matter is, we cannot afford it. We do not need it. It should be terminated. Certainly this amendment should be rejected.

Let me share a couple of examples here, in terms of the ample resources that are available to the poor in the event they need legal help:

Chicago Volunteer Legal Services provides legal aid to the poor without LSC funding by using seven staff attorneys and 1,500 pro bono lawyers. The Indianapolis Legal Aid Society last year received all of its $458,000 budget from private sources, primarily the United Way.

In Tampa, FL, the Courthouse Assistance Project, which receives no Government support, assists 300 low income individuals a month right in the county courthouse. Similar programs are being set up in 14 other cities. In New York State every county has set up a community dispute resolution center to handle legal disputes through mediation and arbitration. Each center receives half of its budget from the State and half from local governments and private groups.

In 1994, the center handled 25,000 cases at a cost of $68 per case. The United Charities Legal Aid Bureau of Chicago handled 25,000 inquiries last year with a staff of only nine attorneys and a budget of less than $2 million. Its cost per case ratio was $80 compared to $250 for the 79 staff Legal Assistance Foundation of Chicago, which receives over 60 percent of its $10 million budget from the Legal Services Corporation.

Mr. Chairman, this is an amendment we ought to reject. We ought to maintain the agreement entered into. We ought to phase down this funding as proposed in the bill, and we ought to let Americans have a smaller and better and more efficient Federal Government.

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

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

Mr. BERMAN. Mr. Chairman, I was wondering if the gentleman could tell me, other than the hortatory language in a budget resolution, which does not appropriate funds and which is not authorizing legislation, what agreement is the gentleman talking about that we reached regarding the eventual elimination of the Legal Services Corporation?

Mr. DOOLITTLE. This was an agreement amongst the Republicans with the Republican leadership.

Mr. BERMAN. The appropriations process each year funds that Legal Services Corporation, am I not correct?

Mr. DOOLITTLE. Mr. Chairman, the gentleman is correct. And I would observe that we have been on track. In fact, the figure in this bill reflects the agreement. Now it is being changed.

Mr. BERMAN. Mr. Chairman, if the gentleman will continue to yield, is it the same agreement among Republicans that was going to eliminate the Department of Commerce, eliminate cops on the beat, eliminate the advanced technology program. Is that the agreement we are talking about?

Mr. DOOLITTLE. Different agreement but the same philosophy, the philosophy that returns power to the people and cuts their taxes, not bigger and more expensive government.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

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

I rise in support of this amendment. I believe that the Federal Government has a role in insuring access to the courts in our system. In the first place,

litigation can occur over Federal rights. The Federal Government has provided, through many types of legislation, rights for individuals. Those rights sometimes can only be vindicated in court. Therefore, there is specifically a Federal role in ensuring that people, poor people, indigent people have an ability to go into Federal court and exercise their rights.

Second of all on the same lines, the Federal Government has a role in insuring that we have a democratic system, and a democratic system means that we resolve our disputes in court and not on the streets.

I have heard three arguments basically against this amendment. The first is that there is an agreement among Republicans to the funding levels as proposed.

I am a Republican. I never reached any agreement with anybody. If other Republicans did make such an agreement, and they have to honor their agreement, then they should vote against this amendment. But I do not think all of us Republicans were ever asked to reach this agreement. I know I certainly was not.

Second of all, the issue is just made we have to balance our budget. I agree we have to balance the budget. I agree that the Federal Government should not have the sole responsibility for legal services. But Legal Services has already been reduced in budget. About 2 years ago the budget was, I believe, well over $400 million. The amendment before us today asks for funding for next fiscal year of $250 million. I think that that is a recognition that all programs have to make their contribution toward reaching a balanced budget, and, further, this amendment is funded by making other adjustments in the bill before us so it does not cost any additional funds.

Finally, I want to address the fact that it has been brought to our attention that a number of unpopular individuals have brought unpopular lawsuits through the Legal Aid Society. Well, I can top those examples. We use taxpayers' money to defend people accused of murder. We use taxpayers' money to defend people accused of armed robbery and all the horrendous crimes we can think of through the Federal Public Defender Program. And we do so for the exact same philosophy, that people have a right to present their case in court. And lawyers only represent clients, they did not raise them, and they do not go home and live with them usually.

The fact of the matter is the lawyer is providing a mechanism where even the most unpopular individual can present their case in court and have a judge and jury render a decision. It seems to be that is what American justice is all about.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding this time to me.

I did take the time to meet with some of the Legal Services Corporation representatives in my congressional district to discuss this issue last year after we debated it at some length. I did hear about some of the good things they do representing people who are being unfairly evicted from their housing, helping out the poor. But I did get them to acknowledge that there are Legal Services Corporation lawyers in some localities, unfortunately it was not in mine, that engage in what I would call public advocacy to basically thwart the will of the people. And we have heard examples from the gentleman from Indiana [Mr. BURTON] and some of my other colleagues of some of the horrendous cases where the people of the United States want welfare reform, and Legal Services Corporation lawyers are fighting welfare reform in some localities.

We heard about Megan's law that gives parents the ability to be notified when sex offenders are moving into their neighborhood. We hear about Legal Services Corporation attorneys advocating against this legislation. I have in front of me a whole list after list of examples of where Legal Services Corporation attorneys are engaging in left-wing liberal advocacy and in many cases going exactly against the will of the people.

I guess a great example here is we voted 432 to 0 requiring that criminals give restitution to victims if they have the ability to do so, and, lo and behold, what happens immediately.

Now what we are doing, I say to my colleagues, in this body, the people in my district, the majority of the people in my district, have trouble making ends meet. At the end of the month, when they have paid the rent and they have paid the bill, they do not have much money left. They do not like the amount of money that is coming out of their paycheck with taxes. What we are doing is taking taxpayer dollars and applying it to this sort of thing, and I think it is wrong.

Oppose this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

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

Mr. FLAKE. Mr. Chairman, we need to focus this debate on the people who are involved. They include Zelma Brooks, A 65-year-old grandmother who was only able to overturn an unfair eviction after 6 months of diligent work by LSC. If this happened today Legal Services Corporation would only be able to listen and offer advice.

As much as critics try to make this about the liberal activists who support LSC, this is about Zelma Brooks and all of the people like her. This Congress has placed handcuffs on an organization that has been doing great work under already strained finances. Arguments about deficiencies in LSC are nothing more than rhetoric and exaggerations being used to mask the fact that we are trying to lock the doors of the civil courtrooms to a class of people.

Anyone who wishes to destroy any organization can hold it up to the microscope and exploit imperfections. However, no amount of partisan attacks and criticism can mask the fact that millions of people who would normally be without courtroom access have received legal representation in gaining benefits which they were denied, overturning illegal evictions, and separating from abusive spouses. Can we in good conscience allow the poorest and most defenseless of our communities to be left without any protection against civil injustice?

Emblazoned on the front of the Supreme Court are the words ''Equal Justice Under Law.'' Nowhere does it say that Americans can only seek redress of grievances if they have the personal resources to do it by themselves. Let's not say that today.

Mr. Mollohan. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DIXON], a very effective member of the subcommittee.

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

I rise, too, in strong support of the Mollohan-Fox amendment. I do not know where the concept arises that, if we are to have equal justice under the law and access to the courts for people who cannot afford otherwise to hire an attorney, that we must agree on the legal theory on which they bring their lawsuit. That to me seems to be contrary to the theory of equal justice under the law.

The Legal Services Corporation has done so many things in a way that is reflective of the innovative ideas of the new majority. They have local control, they have volunteerism, they have public private partnerships, they have decentralization with low administrative cost, and they have limited budgets. It seems to me that after the cuts of last year and after the restrictions that we have placed on the Legal Services Corporation by some members who felt that some of their activities were objectionable, the least we can do for the poorest of our society is to give them an opportunity to have access.

I support and urge my colleagues to vote for the Mollohan-Fox amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. MOORHEAD], chairman of the Subcommittee on Courts and Intellectual Property.

Mr. MOORHEAD. Mr. Chairman, I am not going to talk today about the benefits or lack of them in the Legal Services Corporation. I support legal service agencies and was a leader for 16 years, so I believe that we have to help the poor. But I am going to talk about where the money is coming from.

The Committee on Appropriations of the House of Representatives in reporting H.R. 3814, the Departments of Commerce, Justice, State, and Judiciary and Related Agencies Appropriations Act of 1997, proposed to take $15 million from the fees which will be paid by

patent applicants in 1997 to fund other activities. This $15 million comes directly from the pockets of America's innovators and will directly reduce the services that they will receive from the Patent and Trademark Office. This is an unconscionable tax on innovation, a tax on American inventors for seeking to share with the American public the results of their creativity.

This amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] proposes to take another $34 million from America's patent applicants to fund the Legal Services Corporation. If my colleagues believe in the Legal Services Corporation, take it from the taxpayers and not one specific group of people who pay entirely for the support of their own agency. This tax on innovation, this theft from American inventors, must be rejected.

While the Nation's inventive community may disagree on some aspects of patent legislation, there is no disagreement that this victimization of our inventors must stop. We should not force our inventors to pay more for a program out of their user fees than we refuse to fund with taxpayer dollars.

I urge my colleagues to vote against this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield a minute and a half to the distinguished gentleman from Maine [Mr. LONGLEY].

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

Mr. LONGLEY. Mr. Chairman, the debate this afternoon is not necessarily about the Legal Services Corporation. It is about the Federal obligation to provide legal assistance to those who need it. And, yes, that is a Federal responsibility.

I have no love necessarily for the corporation per se. I think we have made progress in the last year in terms of reforming it to get it out of the advocacy business and into the business of effectively representing the men and women of this country who cannot afford legal services who need help. I do not think it is fair to say that the private sector can pick up this burden. Lawyers in Maine are currently devoting tens of thousands of hours on a pro bono basis, but they cannot shoulder that burden by themselves.

I think it is a question of how we provide the resources. To the extent I have any disappointment about this debate this afternoon, it is that it obscures the central question. We cannot afford to stay in a situation where we are either supporting legal services or eliminating it. To me the question is how do we provide the resources. I question whether the Legal Services Corporation is the most effective way of doing it, but in the absence of any alternative such as block grants or other methods that would provide greater local control and State control to the provision of legal service on a more effective basis, then I must side with the sponsors of this amendment.

The question is resources and many of the details. Right now the question really is whether we are going to provide resources given the cuts that we have made in the last year, and I think that we need to provide flat funding for this important program.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GEKAS].

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

When the task came to me to try to fashion an authorization bill on this very vital subject, I announced for the whole world to hear that I am in favor of legal services for the poor, in favor of the delivery system that works and in favor of a system that makes sure that the needs are met of the poor, not the abstract needs that the Legal Services Corporation itself had delved into over the years. And so we devised a block grant.

If indeed this amendment that we are considering right now was one in which we take $250 million and turn it over to the States in a block grant system that we had devised in my committee, I would vote for it. But what we are doing here is perpetuating the Legal Services Corporation, which in my judgment is the cause, the root cause, of all the anecdotes of abuse that we have heard on this floor here today. I might say that the anecdotes which are derived as being mere anecdotes are volumes now. Fifty witnesses had 50 anecdotes in 2 days of hearings in my committee.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CUMMINGS].

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

Mr. CUMMINGS. Mr. Chairman, I rise today in strong support of this bipartisan amendment offered by my colleagues to increase funding for the Legal Services Corporation.

Prior to my election to Congress, I practiced law for almost 20 years. It is through my experiences with the American legal system that I feel confident and qualified to comment on this amendment.

As a lawyer, I represented all types of people in all kinds of situations.

And there is one hard fact that I have witnessed and learned throughout my years of practice—our system of justice belongs to the wealthy and privileged. Rare is the day when indigents or poor citizens receive equitable treatment in their representation.

I believe that ours is the best judicial process in the world. But everyday across this country, citizens with meager resources have little or no voice in the process.

Last year's bill quieted the voices of the needy, this year's bill silences those voices. As a result of the fiscal year 1996 cut, Maryland's Legal Aid Bureau lost $1.4 million this year. If the House adopts the fiscal year 1997 levels, Maryland will lose $1.5 million more, which leaves thousands of Maryland residents without adequate legal representation.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment. The funding we will provide today ensures that our poorest citizens will have equal justice under law.

Mr. MOLLOHAN. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, each morning Members of this House with hand over heart turn to this flag and give a pledge: One nation under God, indivisible, with liberty and justice for all.

In a few moments with our votes we will decide whether justice for all is simply words to be recited, an ideal worth defending. I believe in the Pledge of Allegiance, I believe it is worth reciting, and I believe it is worth defending.

Vote ''yes'' on this amendment.

□ 1645

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding time to me. I support the Fox-Mollohan amendment, this bipartisan amendment.

I voted for the Commerce-Justice-State bill last year, reducing support for the Legal Services Corporation from $400 million to $278 million. I never in my wildest imagination thought I would be voting to reduce it even further, yet even with this amendment we are seeking to restore funds to $250 million. I hope and pray that this Congress seeks to do that.

Mr. Chairman, I believe American citizens should have access to the courts, no matter how much money they make. I think a mother should be able to seek child support in the courts, if necessary, regardless of income. I think a tenant should be able to sue for decent housing, regardless of income. I know that we got rid of what all of us wanted to get rid of, or most of us, the class-action suits funded by the taxpayers against their own governments. I can understand that issue, but we dealt with that issue last year.

What I cannot understand is why we blame Legal Services for seeking to enforce the laws we pass and the Constitution of the United States we would die defending. If we do not like the end result of the court decisions, then maybe we have to look at the laws we pass.

What Legal Services attempts to do is make sure that all citizens, the poorest, in fact, have the same right to defend themselves in court. I hope and pray, I truly pray, that we have the good sense to pass this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, I rise in support of the Mollohan-Fox amendment and in opposition to the bill's dramatic cuts to Legal Services.

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

Mr. BERMAN. Mr. Chairman, first, I think it is fair to say this fight is not about money. It is about implementing an effort by some Members of the other party to eliminate the Legal Services program.

My friend, the gentleman from Pennsylvania [Mr. GEKAS] says ''If there were $250 million in a block grant, I would support it.'' We have been waiting for a year and 3 months for the authorization bill which turned this program into a block grant program to come to the floor. It is not us, it is not the supporters of this amendment who have fought that. It is the leadership who has kept that from coming to the floor.

We talk about class warfare. Let me suggest, I understand why some apartment owners, some growers, some government officials do not want Legal Services programs, because they do not want to afford the rights that the law gives. The right move is not to eliminate the poor's access to lawyers. The right way to do it is to change the laws that we do not like that accords substantive rights to people. Surely once those rights are accorded, we would agree that everyone should have access to them.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of the Mollohan-Fox amendment, and to express my dismay with the fax that I received from the Christian Coalition urging that I oppose this amendment.

Mr. Chairman, I am a Christian and I support this amendment, because following the Christian teachings that I was taught, I believe that helping the poor is a Christian thing to do. Helping the poor access the same legal system to which people with money can access at will is, I believe, a very Christian thing to do.

I am dismayed that the Christian Coalition intimates that they speak for Christians. Clearly they do not speak for the poor or the charitable, for if they did, they would not urge us to kill this amendment.

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

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Mollohan-Fox amendment. I know that Legal Services work. My office and I work with people every day in helping poor people, especially women and children.

I ask my colleagues, if you cut Legal Services funding again, where will a poor woman in my district and in many of your districts go for help when her husband is abusing her? Where will a poor family go when they are illegally tossed out of their home? Where will the disabled people go when their Social Security or SSI benefits are improperly denied?

The answer is nowhere. You are cutting one more strand out from under the safety net for the people of this Nation. This is not the time to cut legal aid for the most vulnerable people in America.

I urge my colleagues to support the amendment and restore funding to this very important program.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina [Mr. SPRATT].

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

Mr. SPRATT. Mr. Chairman, I rise in support of the Mollohan amendment to restore funding for the Legal Services Corporation.

I helped found the Piedmont Legal Services office in my home County of York in South Carolina. I did so because I discovered early in my private practice that pro bono work wasn't enough to meet the needs of the poor. I tried to do a lot of this work myself, but I quickly reached my limit. Legal services are necessary for any but the smallest fraction of poor people to have access to legal help.

The cut to legal services proposed in the bill before us is designed to destroy LSC. Last year, Congress cut the program by over 30 percent and this bill calls for another 50 percent cut this year. These cuts clearly are on a path to zero, and no one should kid themselves that today's vote is about anything other than survival of the program. With the meager funding allowed in this bill, only about 10 percent of the eligible poor in South Carolina will be able to obtain legal services.

The bar in South Carolina has a successful pro bono program which last year drew over 3,000 volunteers who closed almost 1,000 cases. But the 44 Legal Services attorneys in South Carolina closed over 16,000 cases. And LSC funding of other programs helped close another 2,000 cases for a total of 18,000. Undoubtedly a lot of pro bono work goes unreported, but it is clear that the private bar cannot make up for LSC.

If we lose this fight today, and let Legal Services be reduced to irrelevance, the need will not go away. Within several years, I am convinced we will see our mistake, but it will take another generation to re-establish 343 local legal aid programs; to restaff their offices; to rebuild the resource centers; and to do something right for poor people and our legal system that we should never have quit doing in the first place.

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

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

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

Mr. Chairman, I rise in support of the Mollohan-Fox amendment. Mr. Chairman, every day we do indeed pledge allegiance to the flag, which ends ''with liberty and justice for all.'' Every American should have access to our judicial system, and none can have justice without that access. For millions of low-income Americans, the only chance for access to justice is through the Legal Services Corporation. Many Americans already assume and believe that only the rich benefit from our legal system.

Mr. Chairman, this cut makes that assumption and that belief a reality. I urge a ''yes'' vote on the amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Delaware [Mr. CASTLE].

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

I rise in support of the Mollohan-Fox amendment. The numbers are pretty simple. In fiscal year 1995 there was $400 for the Legal Services Corporation. In fiscal year 1996 we properly, I think, cut it to $278 million, and we added restrictions on what they could do. If the bill passes as it is today, it would be $141 million, a 65-percent reduction from fiscal year 1995. With the amendment, it is still a reduction to $250 million or a 37½-percent reduction from fiscal year 1995.

We should support this amendment. We do need Legal Services for the poor. They simply cannot afford it otherwise. I urge everyone to support the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DORNAN].

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

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

Mr. Chairman, I would agree with my distinguished colleague and friend, the gentleman from California, it is not about money. I also do not think it is about that beautiful last line in the Pledge of Allegiance, liberty and justice for all.

There are some of us that can make a compelling case that not only has Legal Services been arrogant and corrupt and done things to exacerbate illegal immigration and has actually hurt the poor by not letting people evict drug dealers from public housing, but past administrations have attempted without success to place any restrictions on LSC.

Their current President, Alexander Forger, has been particularly arrogant about his intention to resist any future congressional limitations. At a board meeting on April 11, 1995, he says this proudly; he said, ''There is a legal case, if we choose to assert it, that the committee,'' in this case a House and Senate committee, ''does not have any authority to make the decision over what cases we take.''

Mr. Chairman, under the pretense of providing the impoverished with access to the legal system, the Legal Services Corporation

has cost American taxpayers untold billions of dollars in politically motivated litigation costs—some say nearly $2 trillion! Many of these lawsuits are legal sleights of hand designed to undermine existing laws that limit welfare and other entitlements as well as prevent restrictions on LSC activities.

I will not go into the long list of cases that demonstrate the flagrant abuses of this agency. But I will tell you that in way too many cases, the LSC has an appalling and inexcusable record of all too often taking money from law-abiding, hard-working taxpayers and then giving it to the likes of convicted felons, delinquent fathers, illegal aliens, and even to drug dealers. And they do this without any accountability to the taxpayers who subsidize their outrageous behavior.

Here are just a few examples:

First, the LSC engages in litigation that actually harms the poor—such as preventing the eviction of drug dealers from public housing!

Second, the LSC promotes illegal immigration by suing for public benefits to illegal aliens and litigating on behalf of criminal aliens the Federal Government wants to deport.

Third, the LSC is too often anti-family. The program's hostility toward even the most basic family values is most evident in grantees' aggressive advocacy of abortion, support for homosexual rights, opposition to parental authority and a general disdain for the traditional family unit.

Fourth, LSC grantees spend significant resources on behalf of criminals in prison. In addition to suing prisons for disciplining criminals guilty of planning riots, escapes and other offenses, legal services lawyers have also engaged in extensive litigation demanding special and unreasonable privileges for convicts such as a constitutional right to, of all things, hot pots.

Mr. Chairman, Congress and past administrations have already attempted without success to place restrictions on LSC activities and behavior. Because money is fungible in the hands of private groups that have more than one funding source, LSC and its grantees have cleverly avoided these restrictions or any other attempt to make them accountable to the taxpayers that finance their activities. The LSC's current president, Alexander Forger, is particularly arrogant about his intention to resist future congressional limitations. At a LSC board meeting on April 11, 1995, in response to questions about the ability of House and Senate conferees to impose certain limitations on allocations of LSC funds, Forger said, ''There is a legal case—if we chose to assert it—that the Committee does not have the authority to make that decision.''

Mr. Chairman, I agree with those of my colleagues who want to ensure that the impoverished have access to the legal system. You will be hard-pressed to find a member of this Congress who feels otherwise. But while supporters of the LSC contend that the agency is the only source of legal services for the indigent, many people are not aware that sufficient private alternatives already exist to provide more effective legal assistance to the poor, such as pro bono work and non-LSC service providers. In fact, lawyers have a long and distinguished history of providing free legal services to the poor. The American Bar Association's 1993–94 directory of pro bono legal services listed over 900 programs! Of course, this does not include the hundreds of thousands of lawyers who prefer to do pro bono work on an individual basis. The ABA should recognize and encourage more of this type of charity work.

But that's not all. Since 1984, the ABA has issued a directory of literally hundreds upon hundreds of private bar involvement programs, including all legal service programs involving private attorneys, reduced-fee programs, judicare programs—in which private attorneys who take cases for the poor are reimbursed by the Government according to a set schedule of fees—private attorney referral programs, and programs in which attorneys do a specified amount of legal work for the poor under Government contract. LSC grantees did not create and do not direct the majority of these programs.

Although a complete inventory of all legal resources available to the needy does not exist, available information shows that ample resources are indeed available for the poor to turn to for legal help. Here are some specific examples:

First, Chicago Volunteer Legal Services provides legal aid to the poor without LSC funding by using seven staff attorneys and 1,500 pro bono lawyers.

Second, the Indianapolis Legal Aid Society last year received all of its $458,000 budget from private sources, primarily the United Way.

Third, in Tampa, FL, the courthouse assistance project, which receives no Government support, assists 300 low-income individuals a month right in the county courthouse. Similar programs are being set up in 14 other cities.

Fourth, in New York State, every county has set up a community dispute resolution center to handle legal disputes through mediation and arbitration. Each center receives half of its budget from the State and half from local governments and private groups. In 1994, the center handled 25,000 cases at a cost of $68 per case.

Fifth, the United Charities Legal Aid Bureau of Chicago handled 25,000 inquiries last year with a staff of only nine attorneys and a budget of less than $2 million. Its cost-per-case ratio is $80, compared to $250 for the 79-staff Legal Assistance Foundation of Chicago, which receives over 60 percent of its $10 million budget from the LSC.

Mr. Chairman, the Federal Government can no longer afford to maintain this agency, especially when so many resources already exist for the poor to turn to for legal aid when they need it. It's time to defund the left, to defund the failed Legal Services Corporation. In the words of a former hero President, ''If not us, who? If not now, when?''

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

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

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, I take that quote at face value, but as a matter of fact, would the gentleman agree that those restrictions are in place and that they have been followed? I have not heard anybody say those restrictions to be put on Legal Services have in any way been violated. Would the gentleman agree with that?

Mr. DORNAN. I would say when they are getting the cuts we are giving them, they would be smart to live up to them.

Mr. MOLLOHAN. They have.

Mr. DORNAN. Mr. Chairman, I think we have to reinvent the wheel here. I think we have to have a whole new structure to help the poor so those without the benefit of good legal counsel can get it. But I think Legal Services Corporation is part of defunding the left that has almost bankrupted this country.

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

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

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

Mr. Chairman, I am deeply opposed to the enormous funding cut this bill contains for the Legal Services Corporation, and I rise in strong support of this amendment to restore funding to Legal Services.

In 1989, the late Senator Ed Muskie chaired the Maine Commission on Legal Needs. In his preface to the Commission's report Senator Muskie wrote, ''Assurances of equal justice, appear to the poor, to be meant for others. Their experience in the pursuit of justice has been frustration, loss of dignity, and all too often denial. Understandably, their faith in our legal system has been shaken. The problem carries implications for all in our society. It concerns the most basic principles of our social and legal order.''

Mr. Chairman, this effort to eviscerate the Legal Services Corporation takes us a giant leap backward in our efforts to make ''equal justice under the law'' a reality for all Americans. Federal funds are needed to ensure that at least a minimum level of legal assistance is available to every American, regardless of their income.

In my State, Pine Tree Legal Service is the only Legal Services Corporation grantee. Pine Tree Legal provides outstanding legal support to Maine's poorest citizens. More than 230,000 Mainers—roughly 20 percent of the State's population—have incomes close to the Federal poverty guidelines. They cannot afford to retain a lawyer when they have a civil legal problem. They rely on Pine Tree Legal for help.

In 1994, Pine Tree helped more than 15,000 individuals in more than 380 Maine communities to address their civil legal problems. Because of Pine Tree's effective advocacy, families were reunited or able to remain together; women obtained protection from abuse on behalf of their children and themselves, and individuals with disabilities were given dignity and respect. Children were able to stay in school, and wage earners who lost their jobs were able to continue to support their families while they looked for new work.

The people who are represented by Pine Tree Legal generally have no

where else to turn. Although the vast majority of the private bar in Maine does pro bono work, they simply cannot meet the entire demand. Pine Tree Legal complements the efforts of the private bar.

Unfortunately, due to the extraordinary cuts to the Legal Services Corporation previously adopted by this Congress, Pine Tree Legal's staffing currently stands at its lowest level since 1969. The need for services has not declined, however, and evidence indicates that for every person Pine Tree is able to help, five are not served.

The need for public funding of basic legal services was identified by the Nixon administration when it established the Legal Services Corporation. In the past 20 years, nothing has intervened to make that need less compelling. We must ask ourselves the fundamental question: ''Can there be justice for any of us if there is not justice for all?'' I believe the answer is no, and I urge my colleagues to support this effort to restore critical funds to the Legal Services Corporation.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that I be given 1 additional minute in this debate, and that the gentleman from North Carolina [Mr. TAYLOR] be likewise given 1 additional minute. The reason I want it is I have a colloquy that I would like to enter into which will take about 1 minute.

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

There was no objection.

Ms. LOFGREN. Mr. Chairman, I have heard a lot of very excited comments today about misbehavior and horrible things that are happening with the representation of bad people across the country by legal aid societies. However, I think it is important to note that there are restrictions on the use of Federal funds that are made available. This amendment has no effect on them.

Legal aid societies who take Federal funds cannot accept juvenile or criminal law cases. They cannot do legislative or political advocacy. They cannot do lobbying. They cannot do class actions. There is no evidence that I have seen as a member of the Committee on the Judiciary, and we held hearings, that indicates that any of that is happening.

The gentleman from Indiana said earlier there are shell organizations that have been created, and that there is something illegal or wrong about this. I am sure he spoke sincerely, but I am from Santa Clara County. He did mention the Santa Clara County situation, and I am personally familiar with it. His comments were not accurate.

He mentioned a comment from a man who said, ''That is why we are lawyers, not social workers.'' That person is not a he, it is a she. Her name is Liz Shivell, and she practices law in San José. I also have copies here, and I would be happy to share them with Members, of the articles of incorporation of the Legal Aid Society of Santa Clara County and the Community Legal Services Corp. They are two separate corporations. I have copies of the boards of directors of the Community Legal Services, which is the Legal Services Corp. grantee, and the Legal Aid Society, which is a private corporation that receives not one penny of Legal Services Corp. funding.

Mr. Chairman, I also have a copy of the brochure from the LSC-funded organization that says they cannot accept the following cases, and it lists all the prohibitions that this Congress has placed on legal aid societies.

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There was some controversy in Santa Clara County when the restrictions came down because many lawyers felt that they could not ethically practice under the restrictions that Congress had imposed. So leaders in the local legal community formed a separate corporation that does the work allowed under the Federal rules, and the Legal Aid Society now does whatever it wants to do as lawyers, as separately funded lawyers.

I helped raise money for the Legal Aid Society which receives no Legal Services money, along with our district attorney who is a tough prosecutor and, I would add, also a Republican. However, he believes, our prosecutor does, as do I, that we need to be able to do such things as provide restraining orders to victims of domestic violence without asking for their financial statements. That is one of the many reasons why I support the Mollohan amendment, and I am glad to be able to offer facts in support of it.

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

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 30 seconds.

Mr. FOX of Pennsylvania. Mr. Chairman, I think it has been very clear from the discussion this afternoon that Legal Services Corporation deserves the increase that is in the Mollohan-Fox amendment. We have seen the appropriate restrictions on the use of funds by LSC to only those legal cases for the poor. We also know that it is revenue neutral. There is no further tax increase here. There is an offset, which is appropriate.

Finally we have already seen the last 2 years such a downsizing cut that we cannot survive any further cut and still represent those in our society who need the assistance the most legally. I would ask my colleagues to please support this amendment and do right by all Americans.

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

The CHAIRMAN. The gentleman from West Virginia is recognized for 1 minute.

Mr. MOLLOHAN. Mr. Chairman, I yield to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for the work that he has done, as well as the gentleman from Pennsylvania [Mr. FOX], on this amendment. I share my colleagues' desire to adequately fund the Legal Services Corp.

However, as a member of the Committee on Commerce that has jurisdiction over the Securities and Exchange Commission and our Nation's securities markets, I believe it is also essential to maintain adequate oversight over the life savings of millions of Americans. I see that the amendment will reallocate funds from a variety of agencies, including the SEC which performs that oversight function and I believe does it very well.

Is it the gentleman's intention that carryover funds received by the SEC be available to it to compensate for the reduction in its budget called for in your amendment?

Mr. MOLLOHAN. I am pleased to assure the gentlewoman that the answer is yes.

Ms. ESHOO. I am pleased about the assurance. I support the amendment, and I thank the gentleman from West Virginia. I think this is an important issue to have a part of the record.

The CHAIRMAN. The gentleman from North Carolina [Mr. TAYLOR] has 2 minutes remaining and the right to close.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I would just like to make the point that the authorizing committee authorized $250 million for this program.

Mr. TAYLOR of North Carolina. Reclaiming my time, Mr. Chairman, a former chairman of the Legal Services Corporation several years ago, seeing the multitude of abuses in the big government Legal Services Corporation, tried to reform it. He was sued with taxpayers' money by the Legal Services Corporation and never got through any of those reforms. Today he stands as a strong opponent to the big government Legal Services Corporation that the gentleman wants funded for $250 million.

I would say most of the people on this side of the aisle who have spoken to increase the funding amount to $250 million voted for the budget amendment that actually would hold it at $95 million, while we are talking about $141 million today. I would say also to the question, they will go where they go now, which is the great majority of legal services in this country is provided by non-Federal Government programs, the over 900 programs that are out there that are private programs, the millions of dollars that fund other non-Federal funded programs and pro bono programs.

The myth is these folks think legal services will come to a halt if we do not keep the Federal Government, that is, the big government that is hurting the poor more than it is helping, involved. That just is not true. We will continue to have legal services programs. In fact, the 82 percent increase that we have shown in nonlegal service funds, Federal big government funds, and the 21 percent in IOLTA funds will continue to increase, so we shall continue to have good programs for the poor, but without the big government national meddling that has embarrassed and in fact turned much of this Nation against Legal Services because of hat mismanagement.

The gentleman also suggests taking $57 million from our Federal Prison Program and our courts. That will keep more violent criminals on the street. So while he is working for a national program, a big government program, we in fact will be hurting the justice system of this country. I urge Members to vote ''no'' on the Mollohan amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am in support of the Mollohan amendment to increase funding for the Legal Services Corporation. We live in a litigious society, and all people may need legal counsel. Legal counsel is not a luxury to be available to only a portion of society, it is a necessity for all.

My colleagues on the other side of the aisle have not provided adequate funding to the Legal Services Corporation, and I applaud Mr. MOLLOHAN for bringing this amendment forward to protect the least fortunate among us.

This amendment addresses an issue of fairness. It is not fair to allow people of means to have counsel and not provide it to the poor, simply because they lack the means.

We have experienced other instances of unfair treatment of people in the history of our Nation and it would be wrong to go down that path again here.

I urge my colleagues to support the Mollohan amendment to increase funding for the Legal Services Corporation by $109 million.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment to restore funding for the Legal Services Corporation [LSC] under these Commerce, Justice, State fiscal year 1997 appropriations, H.R. 3814.

The Dole-Gingrich Republicans' proposed funding to the LSC, which provides legal services to low-income families and individuals, is yet another demonstration that they are out of touch with the American people. If they think by some wildly distorted imagination that they are, they are dreaming; but their dream is a nightmare to many Americans. Dole-Gingrich Republicans and their fat-cat supporters don't benefit from the Legal Services Corporation, so it's not surprising that they have targeted the LSC as a prime agency to starve to death by severely cutting off its funding. Since their fat-cat supporters have incomes that make them ineligible for the free or reduced-fee legal services, that could be one explanation for why this bill guts the LSC funding.

The original bill proposes funding which is $137 million—49 percent—less than the current appropriation for LSC and $199 million less than the President's request. Such drastically reduced funding as well as Republican mandated policy restrictions on the use of LSC funds, tie the hands of this valuable public service program. For example, under the Republican plan, slum landlords will have fewer effective opponents to object to being victimized; worse still, victims of domestic violence—usually women—will be denied their best and often only resource to escape an abusing partner. Family law, which includes the representation of victims of domestic violence, is the single largest category of cases handled by the 278 local legal services programs across the Nation. We need to be reminded that 1 out of every 3 of the 1.7 million cases that legal services programs handle each year concerns family law.

In 1995, legal services programs handled over 59,000 cases in which clients sought legal protection from abusive spouses, representation in their child custody proceedings to assure fairness in all matters including child support and enforcement provisions, assistance in locating services and funding for emergency and permanent housing or other benefits enabling them and their children to escape violent situations. Over 9,300 cases involved neglected, abused and dependent juveniles.

I am especially pleased that in Chicago an innovative program targeted at domestic violence has been developed by local legal services programs as part of the National Legal Services Corps, one of the first national initiatives funded through the AmericCorps national service effort.

Since its creation in 1974, the Legal Services Corporation has come to represent a chance, not a guarantee, but just a chance to receive fairness in our society and from our judicial system. Unfortunately, that change is not even a dream without adequate funding. In creating the LSC, the Congress determined that the Federal Government had an important interest in ensuring all persons have access to their system of justice in America. The concept of equal justice is fundamental to our system of government, economy, personal relations and just plain personal security and peace of mind. Without sufficient funding, legal equality will be a dream of the past. Once again, only the rich and the powerful will have access to the legal system and the poor, weak, vulnerable, and disenfranchised will slip down another rung on the cultural, economic, and justice ladder of individual liberties.

Many of my constituents rely on the LSC for a chance at fair treatment in the judicial system, and the high-priced private lawyers support the LSC because it means that they don't have to feel as guilty about charging their high hourly rates. While many lawyers in private practice do provide their legal services on a pro bono basis, but not nearly enough to provide the amount of services that are needed.

In many LSC programs, the core Federal funding provides the structure for client intake and screening referral of cases, handling emergency matters, training of pro bono lawyers, and handling of cases when no private lawyers can do so. LSC leverages and facilitates the utilization and maximization of private resources, both in-kind, pro bono services and private funding. With only 3 percent of its budget spent on administration, and with its unique ability to leverage private resources, the LSC deserves more, not fewer, resources. It is a well-run corporation that is cost effective and programmatically extraordinarily successful.

Increased funding for LSC is supported by many notable organizations. Two stellar examples are the American Bar Association [ABA] and the American Civil Liberties Union [ACLU]. The ABA has said that without the core Federal resources to train lawyers and put them in touch with needy clients, the members of the ABA couldn't continue to provide the level or quality of pro bono services that they do. The ABA credits those among the reasons for the ABA supporting the creation of the LSC over three decades ago. The ACLU has long maintained that the promise of equal protection under the law cannot be fully realized without a federally funded legal services program, and strenuously oppose the legislative restrictions sought under this appropriations bill, which would create categories of speech and litigation that unfairly discriminate against LSC employees as well as their clients.

For these reasons and more, I urge my colleagues to support this amendment to adequately fund the Legal Services Corporation.

I yield back the balance of my time.

Ms. PELOSI. Mr. Chairman, I rise to support the Mollohan amendment to restore funding to the Legal Services Corporation.

Among its services, the LSC provides crucial legal assistance for victims of domestic violence. Over 1 million women a year are victims of violence by husbands or boyfriends. Domestic violence is a problem at all income levels, and legal services clinics are often the only means by which low-income women can legally protect themselves from their batteries.

Legal Services assist victims of domestic violence in a variety of ways, including obtaining protection orders, child support, child custody, divorces from abusive spouses, and emergency housing.

San Fernando Valley Legal Services estimates that, as a result of reduction in staff because of these cuts, at least 1,000 victims of domestic violence in that area alone will be denied assistance in obtaining emergency temporary restraining orders.

This Congress has shown a strong bipartisan commitment to important implications for the future. I urge you to support the Mollohan-Fox amendment to restore funding to the Legal Services Corporation.

Mr. PAYNE of New Jersey. Mr. Chairman, as chairman of the Congressional Black Caucus, I rise to express my strong support for restoration of funding for the Legal Services Program.

As Americans, we should strive to make the words ''equal justice under the law'' not just a concept, but a reality.

Unfortunately, Americans who lack financial resources do not have equal footing in our system of justice. All over the country, thousands of people seeking legal help are being turned away because legal service programs have been forced to cut staff and to reduce the services they are able to offer.

Many of those served are abused women and their children who turn to the courts for protection. As we continue the national dialog on family values, shouldn't we be helping these families who have no where else to turn?

Legal services programs are prohibited from engaging in legislative or administrative advocacy, thus addressing concerns raised by some Members of Congress.

We are all aware of the fiscal constraints under which Congress is operating, but should

we put a price on the American principle of equal justice? Let me point out that in this comprehensive Commerce, State, Justice appropriations bill, funding for legal services represents less than one-half of 1 percent of the $29.5 billion in the Commerce, State, Justice.

I urge my colleagues to join me in restoring funds for the Legal Services Corporation.

Mr. COSTELLO. Mr. Chairman, today this House will consider legislation that represents another attack on services that directly affect the poor and vulnerable members of our society. The Committee-Justice-State appropriations bill for fiscal year 1997 cuts funding for the Legal Services, Corporation by nearly 50 percent. This is the lowest funding level in the history of the program—a program that works to protect the legal rights of citizens who otherwise could not afford legal assistance. The drastic cut in the Legal Services Corporation included in this appropriations bill curtails a much-needed program and threatens the legal rights of every poor or near-poor person in this country. I urge my colleagues not to abandon critical legal recourse for the poor and to support the Mollohan-Fox amendment which will restore $109 million to the LSC to ensure that legal help is available to those who need it the most.

The Legal Services Corporation is a good example of a Federal program that is effectively being administered at the local level. The leadership of this House claims to want to expand the role of State and local authority while shrinking the size of the Federal Government. The Legal Services Corporation is a prime example of how local control of a federal program is working. The creators of the LSC recognized that decisions about how legal services should be allocated are best made not by officials in Washington, but at a local level, by the people who understand the problems that face their communities.

The Legal Services Corporation, begun in 1974 and supported by President Nixon, has had bi-partisan support and has served millions of people since its inception. Today, the LSC provides funds to operate programs in approximately 1,100 communities nationwide. Together, these offices provide services to every county in the Nation. LSC programs provide services to more than a million clients per year, benefitting approximately 5 million individuals, the majority of them children living in poverty. Family law makes up one-third of all of the cases handled by LSC programs each year. In 1995, legal services programs handled over 9,300 cases involving abused and neglected children.

Today the Legal Services Corporation also plays an important role in providing legal representation for victims of domestic violence. Legal service programs have been successful in helping victims of domestic violence protect themselves by obtaining orders of protection and granting divorces. Legal service attorneys also work to retain child support from absent parents. By providing quality legal services to the poor, the Legal Services Corporation assures that no woman is condemned to a violent and dangerous marriage because she cannot afford a lawyer. I cannot stand by quietly and watch this body endanger women and children by limiting their access to our legal system.

Studies have shown that most poor people do not currently receive proper legal advice when confronted with legal problems. The Legal Services Corporation helps remedy this shameful inequity. Clearly, the Legal Services Corporation needs to be expanded, not scaled down on a path toward elimination as under this bill. Again, I urge my colleagues to oppose cuts in legal services and to support the Mollohan-Fox amendment.

Mrs. MALONEY. Mr. Chairman, I rise to speak to the proposed irresponsible cuts to the Legal Services Corporation.

The Legal Services Corporation acts as a founding principle of this country—equal justice under law—by supplying legal representation to those who would not otherwise be able to afford it.

Those affected by the loss of legal services are the same people the Contract With America has made a career of attacking: seniors, women, children, and low-income Americans.

This bill renders the Legal Services Corporation ineffective because it so strictly limits what they can do.

It cuts their funding and prohibits their ability to bring class action suits.

This is just another way for the Republican majority to systematically disinvest in the poor.

Mr. Chairman, we should fully fund the Legal Services Corporation.

If we don't make equal justice under the law a reality for all Americans, who will?

Mr. DIXON. Mr. Chairman, I rise in strong support of the amendment offered by Representatives MOLLOHAN and FOX. The reduction in funding for the Legal Services Corporation [LSC] included in H.R. 3814 is an affront to one of this Nation's most sacred promises to its people—the promise of equal justice under law.

It is also a very unfortunate continuation of the assault on the Nation's have nots that we have witnessed over the past 2 years. It is essential that the 50-percent cut in funding to the LSC be restored to ensure that poor Americans have some reasonable chance of access to the legal system enjoyed by the majority of Americans.

LSC has done an exemplary job for over 30 years of providing access to the legal system for lower income Americans. It has done so in a manner which reflects many of the guiding principles of Government reinvention to which the majority adheres: local control, volunteerism, public-private partnerships, and decentralization with low administrative costs and limited bureaucracy.

Yet, once again, we are forced to acquiesce to opponents of LSC who use isolated and anecdotal claims to insist that the Corporation's main activity has been to pursue a political and social agenda. It was not enough to implement broad restrictions on grantee activities, and reduce funding for LSC programs by over 30 percent, as we did the last appropriations bill. Today, the legislation before us includes a draconian 50-percent reduction in LSC funding from fiscal year 1996 which will devastate the access of poor Americans to adequate legal representation.

In the face of new political realities, legal services advocates have been willing to bend over backwards to accept far reaching restrictions on attorney activities to ensure the continued existence of a viable core program. Efforts to comply with restrictions and cope with funding reductions have apparently done little to appease the agency's critics. It appears that it was never the Corporation's involvement in specific kinds of cases that so infuriated opponents—it was just the mere existence of any Federal effort to facilitate access to legal services for the poor.

Make no mistake—the $141 million funding level provided in this bill will have severe consequences for access to the legal system for lower income Americans. Neither State and local governments nor the private bar can be expected to pick up the caseload of the LSC Program. It is completely unrealistic to assume that already hard pressed State and local governments will shift funds to legal aid programs, particularly as we in Washington continue to shift other competing responsibilities back to the States.

Likewise, it is estimated that even if the present level of pro bono services were doubled or tripled, only a fraction of the services now provided by legal services attorneys would be retained. Indeed, the LSC now leverages greater utilization of private resources, in addition to providing critical training and support for pro bono programs.

We all support increased activity on the part of the private bar to meet the legal needs of the poor. But saying it should be so, does not make it so.

In my own State of California, the impacts of further cuts in the LSC budget will devastate LSC-funded programs which account for approximately 45 percent of the funds available for civil legal services to the poor. In all parts of the State, the Corporation's programs provide the majority of legal services to low-income Californians.

In 1995, 14 California pro bono programs were LSC subgrantees in 1995. If grants are cut by the amount proposed in this legislation, almost $2 million in funds which support private attorney involvement will be lost in California alone.

I urge my colleagues to take a careful look at what we have already done to the Legal Services Corporation. We have already cut funding to the LSC by over 30 percent. We have already enacted restrictions to forbid LSC involvement in class action suits, welfare reform, prisoner representation, and a host of other activities which some Members found objectionable.

If we now accept the $141 million funding level in this bill, we drastically erode the core mission of the LSC which I believe the majority of House Members support: providing access to legal assistance for low-income Americans who may be the victims of domestic violence; who face landlord-tenant disputes; who are wrongfully denied certain benefits; or who are the victims of consumer fraud without the means to seek legal recourse that most of us take for granted. These are the core activities of the Legal Services Corporation that demand our continued support.

I urge my colleagues to support the Mollohan-Fox amendment. Funding the Legal Services Corporation at $250 million is the very least we can do to ensure some continued access to legal representation for the poor.

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of this amendment and in support of legal services for all Americans.

Regardless of party or ideology, we can all agree that legal services are beyond the grasp of many hardworking Americans, particularly those struggling to provide their families with the very basic necessities of life. Without the Legal Services Corporation, the very poor in this Nation will have nowhere to go when that

eviction notice arrives, or an abusive husband threatens a wife's life.

This bill represents a 33-percent reduction, which is above and beyond the 50-percent reduction the LSC absorbed last year.

We need to think of legal services in terms of the people who benefit. In my district, 1,800 people were served by community legal service groups last year. Most cases dealt with domestic abuse, evictions, other housing issues, and assistance for those with disabilities.

These are bread-and-butter services—not high-profile class-action suits. In fact, last year's bill fully addressed the criticisms of the Legal Services Corporation, focusing the program on what matters most—basic legal protection for the poor.

Let's not punish people twice; I urge my colleagues to support legal services and support this amendment.

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

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

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 179, not voting 7, as follows:

[Roll No. 341]

AYES—247

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Canady
Cardin
Castle
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
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOES—179

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Boehner
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
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
Dunn
Ehrlich
English
Ensign
Everett
Ewing
Fields (TX)
Forbes
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Largent
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff

NOT VOTING—7

Collins (IL)
Fazio
Lincoln
Matsui
McDade
Peterson (FL)
Young (FL)

☐ 1724

Mr. MCINTOSH and Mr. CALLAHAN changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,000,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $13,736,000, not to be available for obligation until September 30, 1997.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $372,017,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, including purchase for police-type use of not to exceed 2,706 passenger motor vehicles, of which 1,945 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles, acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,528,706,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1998; of which not less than $117,081,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be

available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) as amended (''the 1994 Act''), and the Antiterrorism and Effective Death Penalty Act of 1996 (''the Antiterrorism Act''), $153,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $56,077,000 shall be for activities authorized by section 190001(c) of the 1994 Act and section 811 of the Antiterrorism Act; $76,423,000 shall be for activities authorized by section 190001(b) of the 1994 Act, of which $20,240,000 shall be for activities authorized by section 103 of the Brady Handgun Violence Prevention Act (Public Law 103–159), as amended; $4,000,000 shall be for training and investigative assistance authorized by section 210501 of the 1994 Act; $9,500,000 shall be for grants to States, as authorized by section 811(b) of the Antiterrorism Act; $5,500,000 shall be for establishing DNA quality-assurance and proficiency-testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210501 of the 1994 Act; and $1,500,000 shall be for investigative support for Senior Citizens Against Marketing Scams, as authorized by section 250005 of the 1994 Act.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $55,676,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,158 passenger motor vehicles, of which 1,032 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $733,038,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 1998; and of which not to exceed $50,000 shall be available for official reception and representation expenses.

□ 1730

AMENDMENT OFFERED BY MR. RADANOVICH

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

The Clerk read as follows:

Amendment offered by Mr. RADANOVICH: Page 17, line 8, after the dollar amount, insert the following: ''(increased by $109,000,000)''.

Page 99, line 14, after the dollar amount, insert the following: ''(reduced by $109,000,000)''.

Page 99, line 15, after the dollar amount, insert the following: ''(reduced by $109,000,000)''.

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

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

There was no objection.

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

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

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. RADANOVICH] will be recognized for 5 minutes in support of this amendment.

Who seeks time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, just earlier today the House voted to increase funding for the Legal Services Corporation by $109 million. My amendment would take this $109 million increase from the LSC and transfer it to salaries and expenditures for the Drug Enforcement Administration.

Mr. Chairman, the question this amendment poses is simple. Would Members rather further line the pockets of lawyers with $109 million of taxpayers' dollars or would they rather see this $109 million spent fighting drugs? In my mind the answer is simple. These taxpayers' dollars would be much better spent fighting the war on drugs.

Today's proponents of increasing funding for the Legal Services Corporation have spoken about restrictions placed upon the LSC in last year's appropriations bill. They claim that these restrictions have placed new limits upon the LSC and have forced it to act more responsibly. But these proponents have failed to note that the LSC is not a Federal agency of the Federal Government, so Congress has no way of enforcing these restrictions. So in effect, Congress is providing funding for the LSC, but we have no real control over this organization.

The Legal Services Corporation is a portrait of Government mismanagement. It has wreaked havoc in rural communities by bringing numerous frivolous lawsuits against America's farmers. The Federal Government can no longer afford to maintain a reckless and irresponsible agency that engages in politically motivated litigation at the expense of all the poor and all the taxpayers.

The LSC has hampered the country's fight against illegal drug use. It has worked to prevent the eviction of drug dealers from public housing. In contrast, the DEA has worked on behalf of the public, not against it, to get drug dealers out of the public household and off the streets.

Recent polls have shown an increase in illicit drug use by Americans during the past several years. I am certain that the American people would prefer to see their taxpayer dollars spent fighting the threat that illegal drugs pose to their children. They do not want to see even more of their tax dollars go toward public funding of lawyers.

Mr. Chairman, I urge my colleagues to vote sensibly, vote to take the funds away from the irresponsible Legal Services Corporation and use these funds to fight drug abuse.

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

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

Mr. MOLLOHAN. Mr. Chairman, I do not recall the gentleman participating in the debate on the previous amendment. Did the gentleman?

Mr. RADANOVICH. Mr. Chairman, reclaiming my time, I would respond to the gentleman that I did not.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman would continue to yield, I think those arguments which were made during the last debate would probably be better focused at that because that is where the issue was formed about whether the body wanted to increase funding for Legal Services up, incidentally, to the $250 million mark that is contained in the authorization, which is not law but it is contained in the authorization.

Mr. Chairman, I just would like to point out that that is where that debate occurred, and I am wondering why is the gentleman now participating in the same debate?

Mr. RADANOVICH. Mr. Chairman, what we have a responsibility to do is represent the interests in our district, and the LSC is not well thought of, and when they begin penalizing farmers for providing housing and bringing up frivolous lawsuits that are politically motivated, then I do not think any increase in that order is in good order and I think the money is better spent in drug enforcement.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will continue yielding, getting back into the substance of the debate, I just wonder if the gentleman is aware that last year it was actually this subcommittee, under the leadership of the gentleman from Kentucky, Chairman ROGERS, that placed in the Commerce-Justice-State appropriations bill restrictions upon the Legal Services Corporation that the Legal Services Corporation is living under.

Again, we have already had that debate, and the body just voted to take from the offsets that we have.

Mr. RADANOVICH. Mr. Chairman, reclaiming my time, the gentleman has his time and he is welcome to respond to this.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. RADANOVICH. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, during the debate to which the gentleman from West Virginia [Mr. MOLLOHAN] refers, it was made very clear that many legal services corporations that did not want to abide by the new rules were forming shell corporations to get around that, so they could still involve themselves in social issues rather than really dealing with the problems of the poor.

That is a fact, and I wanted to clarify that point. I think the gentleman for yielding.

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

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

Mr. Chairman, in the debate, which was really on the Legal Services Corporation amendment, I actually tried to get the gentleman from Indiana [Mr. BURTON] to yield. If he is available I would be pleased to engage him in the discussion. I would be pleased to engage the gentleman from California likewise during my time on this issue.

I want to thank the gentleman from California for yielding. I know some of the folks came around and told him not to yield, but I think it is really in the best interest of debate in order for him to do so.

Why now is the gentleman offering this amendment and making these points when the debate occurred here just a while ago on this issue?

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

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

Mr. RADANOVICH. Mr. Chairman, I would respond to the gentleman, because that amendment passed.

I guess the bottom line is that we have a disagreement on whether or not a corporation such as LSC, that has recklessly spent that money, should be further funded beyond this point.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, there were some legitimate concerns raised about the activities that the Legal Services Corporation was engaged in in the past.

I would suggest to the gentleman the clear victory last year. The gentleman from Kentucky [Mr. ROGERS] put real restrictions in the bill. Is the gentleman familiar with the restrictions put in the bill last year?

And I yield to the gentleman to answer that question.

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for continuing to yield, and, yes, I would rather see fruit come from that bill rather than further fund them in areas where we have no proof that they backed off some of the politically motivated stuff they are doing right now.

Mr. MOLLOHAN. Does the gentleman acknowledge, or is the gentleman aware of the restrictions put in last year that address some of the concerns he mentioned when he spoke in favor of his amendment?

Mr. RADANOVICH. Mr. Chairman, I am not aware of any of the benefits experienced yet of those restrictions. Until I see benefits resulting from those changes in the law, then I do not support an increase in funding for LSC.

Mr. MOLLOHAN. Is the gentleman familiar with the restrictions put there?

Mr. RADANOVICH. That is my response, Mr. Chairman. Until we see some benefit from the changes in this thing, I think it is totally ridiculous to be funding LSC.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would suggest to the gentleman that the legal services corporations are abiding by these restrictions.

Now, Mr. Chairman, the gentleman from Indiana, in his debate on the floor, when he would not yield to me on his time——

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

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

Mr. BURTON of Indiana. Mr. Chairman, I did not yield to the gentleman only because I did not have the time, or I would have been happy to do so.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I appreciate that.

The gentleman from Indiana indicated that legal services corporations would set up separate entities. My response to the gentleman from Indiana is that this is America. Anybody can set up corporations anywhere for a legal purpose, which may or may not have been done. But let us focus here. This is funding for the Legal Services Corporation, created, I believe, in 1974 for this purpose. This is funding to them.

They are not, at least based upon what I heard in the gentleman's debate, they are not engaged in activities that would violate these restrictions. We are talking about funding entities, the Legal Services Corporation, that are abiding by these restrictions.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, I can give the gentleman at least two examples where they were deliberately setting up shell organizations to circumvent the intent of the rules passed by the gentleman from Kentucky.

May I give the gentleman examples?

Mr. MOLLOHAN. Mr. Chairman, the gentleman gave them in debate.

Mr. BURTON of Indiana. Well, I want to give them in a little more detail, if the gentleman wants that.

Mr. MOLLOHAN. Mr. Chairman, let me reclaim my time and let me stipulate that some entities are set up. That gets back to this point. Any group, which for a lawful purpose sets up activities outside of these corporations, can do that. We cannot stop them from doing that here.

But let me ask the gentleman, is there a commingling of funds?

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman will continue to yield, they are doing it deliberately to circumvent the law and the rules passed by the gentleman from Kentucky. That is the problem.

□ 1745

Mr. MOLLOHAN. Mr. Chairman, we have had this debate.

Now let me get back to the gentleman from California. He is taking the $109 million that we took in offsets. Had he intended to offer this amendment prior to the legal services amendment?

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, it was not my intention to try to do that because this legislation passed.

The CHAIRMAN. The time of the gentleman from West Virginia [Mr. MOLLOHAN] has expired.

The question is on the amendment offered by the gentleman from California [Mr. RADANOVICH].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 254, not voting 10, as follows:

[Roll No. 342]

AYES—169

Allard	Cooley	Hilleary
Archer	Cox	Hobson
Armey	Crane	Hoekstra
Bachus	Crapo	Hostettler
Baker (CA)	Cremeans	Hunter
Baker (LA)	Cubin	Hutchinson
Ballenger	Cunningham	Inglis
Barr	Deal	Istook
Barrett (NE)	Dickey	Johnson, Sam
Bartlett	Doolittle	Jones
Barton	Dornan	Kasich
Bass	Dreier	Kim
Bateman	Duncan	Kingston
Bereuter	Ehrlich	Knollenberg
Bilirakis	English	Kolbe
Bliley	Ensign	Largent
Boehner	Everett	Laughlin
Bonilla	Ewing	Lewis (KY)
Bono	Fields (TX)	Lightfoot
Brownback	Funderburk	Linder
Bryant (TN)	Gallegly	Livingston
Bunn	Ganske	Lucas
Bunning	Gilchrest	Manzullo
Burr	Gillmor	Martini
Burton	Goodling	McCrery
Buyer	Goss	McHugh
Callahan	Graham	McInnis
Calvert	Greene (UT)	McIntosh
Campbell	Gutknecht	McKeon
Chabot	Hall (TX)	Metcalf
Chambliss	Hancock	Mica
Chenoweth	Hansen	Miller (FL)
Christensen	Hastert	Molinari
Chrysler	Hastings (WA)	Montgomery
Clinger	Hayes	Moorhead
Coble	Hayworth	Myers
Coburn	Hefley	Neumann
Collins (GA)	Heineman	Ney
Combest	Herger	Norwood

Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Quillen
Radanovich
Riggs
Roberts
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Weldon (FL)
Weller
White
Wicker
Wolf
Zeliff

NOES—254

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Canady
Cardin
Castle
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
Dunn
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodlatte
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Zimmer

NOT VOTING—10

Collins (IL)
DeLay
Fazio
Gekas
Lincoln
Matsui
McDade
Myrick
Roth
Young (FL)

□ 1803

Messrs. DINGELL, SAXTON, and LOBIONDO changed their vote from ''aye'' to ''no.''

Mr. ALLARD, Mr. BARTON of Texas, Ms. GREENE of Utah, Mr. SMITH of Texas, and Mr. SPENCE 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. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 342, I inadvertently pushed the ''nay'' button. I meant to vote ''yes'' and I would like the RECORD to reflect this statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities authorized by sections 180104 and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 814 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and for the purchase of passenger motor vehicles for police-type use, as otherwise authorized in this title, $243,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: *Provided,* That $71,000,000 shall be derived by transfer from Community Oriented Policing Services, Violent Crime Reduction Programs, for the purpose of providing State and local police officers with equipment, conveyances, overtime and other expenses associated with their participation on drug task forces.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 2,691, of which 1,711 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,667,614,000, of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training, and $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; *Provided,* That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 1997: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year; *Provided further,* That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further,* That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis: *Provided further,* That the Land Border Fee Pilot Project scheduled to end September 30, 1996, is extended to September 30, 1999 for projects on both the northern and southern borders of the United States, except that no pilot program may implement a universal land border crossing toll.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130002, 130005, 130006, 130007, and 190001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, and section 813 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), $500,168,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $95,784,000 shall be for expeditious deportation of denied asylum applicants, $287,857,000 shall be for improving border controls, and $116,527,000 shall be for detention and deportation proceedings: *Provided,* That amounts not required for asylum processing provided under the expeditious deportation of denied asylum applicants shall also be available for other deportation program activities.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $9,841,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 836, of which 572 are for replacement only), and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,817,816,000: *Provided,* That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further,* That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further,* That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further,* That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further,* That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1998: *Provided further,* That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to

make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further,* That notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and 7 additional option years for the confinement of Federal prisoners: *Provided further,* That the National Institute of Corrections hereafter shall be included in the FPS Salaries and Expenses budget, in the Contract Confinement program and shall continue to perform its current functions under 18 U.S.C. 4351, et seq., with the exception of its grant program and shall collect reimbursement for services whenever possible: *Provided further,* That any unexpended balances available to the ''National Institute of Corrections'' account shall be credited to and merged with this appropriation, to remain available until expended.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. 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. SCHROEDER: Page 21, line 9, after the dollar amount, insert the following: ''(reduced by $14,000,000)''.

Page 95, line 25, after the dollar amount, insert the following: ''(increased by $13,000,000)''.

Mr. ROGERS. 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 equally divided.

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

There was no objection.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 10 minutes in support of her amendment, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment, I think, is absolutely essential if we are serious about justice. I truly believe that this body has been guilty of giving people rights but not giving them a remedy, and if we do not give them a remedy, we really have not given them a right.

Now, what am I talking about?

This amendment very simply adds enough money to the Equal Employment Opportunity Commission that they at least will not have to furlough anybody. It does not bring it anywhere near what the President requested, it just brings it up from the slashing that was done by the committee by adding $13 million so we will not have to furlough anybody.

Now, why is that important?

Mr. Chairman, in 1990 the Equal Employment Commission had an average of 51 cases per person. In 1995 that was up to 122.7 cases per person. So we have loaded and loaded and loaded cases on.

Second, we have added all sorts of things to their work load. Since 1990 we have passed the Americans With Disabilities Act that the EEOC is to enforce, the Civil Rights Act of 1991, and many other things that we have deferred to them. At the end of 1995 this agency had a backlog of 96,000 cases. These are people waiting to be treated equally. This goes to the core of what we are talking about.

If we do not pass my amendment, what we will be doing is forcing that agency to cut the personnel that is needed to tend these cases. If we do not pass this amendment, my colleagues are going to be going along with the management of Mitsubishi. Remember Mitsubishi who said, ''In your face,'' put the people in the bus, they paid them to go, they paid them to go to the EEOC, and they paid them to be out there and just defy people to really enforce the law. That is shocking in Amercia.

But if this Congress allows this cut, we are going to be saying that is OK, that we are going to yield to that kind of corporate pressure.

So I end as I begin. We will have given people rights, but they do not mean anything because there would not be anybody there to get them a remedy.

So I really hope Members think about this and add this $13 million to this so we at least hold it equally.

The Equal Employment Opportunity Commission is basically all salaries, it is all personnel, and we need these people to be able to work off this backlog. I bet there is not a Member in this room who has not had people complain about the slow attendance to attention to sexual harassment cases, to equal opportunity cases, to disability cases because of this huge, huge backlog.

So, Mr. Chairman, I know it is late and people want to be done with this, but if we do not at least hold it equal, and again I remind my colleagues this does not even bring it up to what the administration asked for, I think it will be shameful.

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

Who seeks time in opposition?

Mr. ROGERS. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 10 minutes in opposition to the amendment.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

Mr. Chairman, the amendment would take $14 million out of vitally needed resources to open new prisons. The bill already reduces the amount requested for prisons by $70 million because we take into account slippages of activation of new prisons and carryover that the Bureau of Prisons has estimated.

In addition, the Mollohan amendment that just passed reduced the Bureau of Prisons by another $45 million. There is simply no more there.

The Bureau of Prisons will open five new prisons this coming year. We built five new prisons. They are waiting to be opened. Unless we approve the salaries and expenses portion out of which my colleague is taking this money, we cannot open those prisons. They will sit there empty.

Is that what the gentlewoman wants? I submit that she should not.

These five new prisons, for example, a high security; that is, maximum security facility in Beaumont, TX; a medical center in Butner, NC; medium and minimum security prisons in Edgefield, SC; detention facility in Seattle, WA; and a minimum and low security prison in Elkton, OH. Those new prisons will provide over 6,000 new prison beds that are vital to relieve the terrible overcrowding that exists in the present prisons, not to mention the heavy influx of new prisoners that are expected in 1997.

□ 1815

The activations of some or all of these prisons would be jeopardized by the gentlewoman's amendment.

Furthermore, the funding level of the EEOC is maintained at 1996 levels, like all other regulatory agencies in this bill. It is not treated differently. There are all sorts of regulatory agencies in this bill that decide people's rights and obligations. We could start with the SEC, the FCC, all of the Justice regulatory agencies. And portions of the Federal courts that are also in this bill.

Yes, we do not have enough money to finance a good portion or all of these agencies, including the EEOC. But I say to the Members, we treated them fairly. We kept them at level funding in 1996, like all other regulatory agencies in the bill. Other agencies have been reduced below 1996 in order to provide increases for fighting crime and illegal aliens on our borders, and drugs. But we held EEOC harmless from those reductions.

For that reason, Mr. Chairman, I urge a ''no'' vote on this amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. First of all, Mr. Chairman, let me thank the chairman for his comments, but let me also point out two things. My understanding is this can come easily out of that category because some of the prisons are not finished yet, so they do not need all the personnel that they thought they would when the budget was set up.

Mr. ROGERS. Reclaiming my time, that is just not correct. We already have reduced the amount they requested by $70 million, as I said, for that very reason. Some of the prisons were slipping on the opening time. We are accounting for that. We reduced

their budget by $70 million below what they wanted. We cannot take any more. The Mollohan amendment already takes $45 million. The gentlewoman would take another $14 million. We simply cannot accept that. We do not have the money.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will continue to yield, I would disagree with the gentleman, but let me go one step further. The reason I feel the EEOC is very different from other regulatory agencies is we have piled a bigger and bigger workload on them. If we are going to pile a bigger workload on a regulatory agency but treat it the same as SEC when it has a 96,000 case backlog, that is wrong. This goes right to the core of citizenship.

Mr. ROGERS. Reclaiming my time, Mr. Chairman, they have made tremendous progress in their backlog reduction. I commend them for that. They are working hard. I think if we keep things as they are, that backlog is going to continue to decrease.

One, we kept EEOC at level funding, and held them harmless from cuts; two, the money would come from the Bureau of Prisons, and we would not be able to open the five new prisons that we have built, perhaps, next year.

Mr. Chairman, I urge a ''no'' vote, and I reserve the balance of my time.

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

Ms. WATERS. Mr. Chairman, I thank the gentlewoman from Colorado for yielding to me.

Mr. Chairman, this amendment is about putting the money where our mouths have been. If we ask any Member of Congress whether or not they are opposed to sexism, racism, ageism, and discrimination against the disabled, they will all say yes. But rhetoric is one thing. If in fact Members are against all of these things, they must ensure that we have the kind of agency that can investigate the complaint, that can take this cases.

We have heard the gentlewoman from Colorado say as of 1995 there are 96,000 cases backlogged. The only way we are going to reduce that caseload is by providing the necessary resources to do the work.

The offset makes good sense. The prisons are opening later than anticipated, so they will not need as much money to staff the new prisons as quickly as was believed in the past. So if the money is not needed, why put money over there when it will not be utilized, it will not be used? Put the money into EEOC. Make sure that we address the problems of racism, sexism, ageism, and take care of the disabled.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

Mrs. CLAYTON. Mr. Chairman, this amendment makes abundantly good sense for very good and practical reasons. If indeed we believe in our laws, we must have a structure for the enforcement. The EEOC is the structure that we have committed ourselves to for the enforcement of all the rights now that we have put on the books.

To put laws to protect workers in the workplace, to put laws to protect against discrimination, to put laws against age discrimination and not have any mechanism for enforcement is to say to the American people, ''We really were not serious when we put those laws on,'' or to take the structure away from them. So this amendment allows for us to keep our commitment, making sure it is, indeed, enforced.

Beyond that, it is also a fiscally responsible way of enforcing our laws. What rights do we have? We have the rights to go into courts. We can ameliorate these, or we can fine-tune these for dispute resolutions. It is the EEOC that does that.

So not only for good constitutional reasons, but also for very practical reasons, I ask Members to support this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas, Ms. SHEILA 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, the good news is, and I thank the gentlewoman from Colorado for yielding time to me, the good news is there is a crack in the logjam. The bad news is that without this amendment offered by the gentlewoman from Colorado, we will have a reversing of the progress that has been made by the EEOC by furloughing employees when they are most needed.

They are most needed for cases involving discrimination against those who are physically challenged. They are most needed for age discrimination cases. They are most needed for race discrimination cases. They are most needed for sexual harassment cases, and in particular, let us not try to hide behind confusion.

We know that one of the major cases in this Nation has just gotten before the EEOC. In fact, they have been forceful and effective. That is the Mitsubishi case. We should not be afraid of this case, there are such cases in this Nation, businesses that have not remedied voluntarily charges of sexual harassment against women in the workplace.

Why are we not undermining the EEOC when we most need them? It is clearly important that people in America find that their Government is concerned about equal opportunity, and that the Government has the real resources to fight discrimination.

Mr. Chairman, I would simply say this is a good amendment. It does not make us soft on crime, it makes the workplaces of America free of discrimination the way it should be!

Mrs. SCHROEDER. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, who at one time headed the EEOC.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 4 minutes.

Ms. NORTON. Mr. Chairman, I thank the gentlewoman for yielding time to me, and for cosponsoring this amendment with me.

What we are trying to do here is very straightforward. The President sees an emergency at the EEOC. The backlog is out of control. He asked for $35 million. We have asked for only $13 million.

The chairman of the subcommittee says that EEOC was left at level funding. The problem is they were left at level funding in 1996, they were left at level funding in 1995, and they are being left at level funding now. The law does not give them the right to leave complaints level, however.

Mr. Chairman, we learned of the emergency conditions at the EEOC as a result of the investigation by some women Members on both sides of the aisle of the Mitsubishi case, which broke into the open when the company, for the first time that I know, in history, led a retaliation against its own employees by paying for people to protest the mere filing of complaints.

Mr. Chairman, what we learned was that the number of employees had actually decreased since I left the commission, or to quote Chairman Casellas, ''The EEOC has not received any significant increase in funding since the late 1970's when it was chaired by Delegate Norton.''

When I left the EEOC there were 3,390 employees. Now there are 2,813 employees. They will have a furlough, the Chairman says, that is what is left of them. Now they will be cutting staff, closing offices, and turning down cases. We are talking about everybody's district, because these complaints come from everybody's district. We are talking about setting back the Chairman's—Gilbert Casellas, EEOC Chair—very commendable effort to put alternative dispute resolution into place.

When I was at the EEOC we used that, and that is how I got rid of the backlog. This new Chair has come forward and is making great strides, and we are tying his hands behind him. When I was at the EEOC I had many more employees, and yet I did not have the large number of sexual harassment complaints, thousands and thousands of such complaints; I did not have the Americans With Disabilities Act. That act has almost nothing in common with other EEOC complaints, and EEOC must develop a brand new methodology. I did not have the Civil Rights Act of 1991, which essentially was a rewrite of the statute.

Mr. Chairman, we may disagree on civil rights matters. Some of us are for affirmative action, some of us oppose it. Some of us are for goals and timetables, others oppose it. But everyone

in this body believes in the right to file a complaint when there has been sexual discrimination, race discrimination, discrimination based on religion.

To vote against this increase is to vote for sexual harassment, to vote for Mitsubishi. The fastest growing complaints at EEOC are, first, sex discrimination complaints, and then retaliation complaints. The EEOC is 100,000 cases down. In a bipartisan way they now have an approach. The chairman of the subcommittee himself admits they are moving forward. The amount in this appropriation will move them backward. They are helping themselves. We must not leave them alone.

What we have done for the last several years is to defund EEOC at a time when women, very frankly, are pressing the agency beyond its capability. Do not kill the EEOC. This is the time for Members who may be voting against us on civil rights measure after civil rights measure to stand up and say, When it comes to whether or not people in my district can go down and file a complaint of age discrimination at a time of downsizing of the Government, I'll be darned, I'm going to give these folks enough money to process those complaints.

This $13 million will not hurt the Bureau of Prisons one jot or tittle. We can count on them to be behind in construction. Please help the EEOC. Vote for this small increase.

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

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, we would think that, from the debate from the other side, that we were shutting down the Equal Employment Opportunity Commission. As I have said before, we give the EEOC the same amount of money in this bill as they have this year. They are making great progress on working off their backlog. I see no reason why that will not continue with the funding that is provieded in this bill.

So they have adequate funding, while we cut practically every other agency in this bill. Ask the State Department, ask the Commerce Department, ask every agency, practically, within both of those organizations, that have been cut. They did not get requested funding, they were slashed in order for us to find money to keep agencies like the EEOC operating at uncut levels. So the EEOC has adequate funding. We made sure of that in this bill.

No, they did not get an increase, but hardly anyone else did. But we think the money is adequate to satisfy the demand placed upon the EEOC so people will get reasonably adequate coverage.

Mr. Chairman, where does the money come from if the amendment passes? Again, let me emphasize, they would take money from the Bureau of Prisons salaries and expenses account. That would keep us from possibly opening the five brand new prisons that are ready to open in 1997. They would sit there empty, gleaming behemoths, empty of the prisoners that are crowded in other prisons in this country.

□ 1830

We would be in violation perhaps of the Constitution and the Supreme Court's edicts on overcrowding if we did not occupy these prisons that we have spent hundreds of millions of dollars to build. Please do not take that money. There is hardly anything more important than relieving the overcrowded Federal prisons we have and not being able to house the new prisoners that will be entering prison this year. These are convicted murderers and drug dealers and all sorts of heinous crimes that we need space for in these prisons. I urge the Committee and all the Members to reject this amendment.

Mrs. MORELLA. Mr. Chairman, I rise to urge my colleagues to support the Schroeder amendment to increase the budget for the Equal Employment Opportunity Commission [EEOC] by $13 million.

Under this appropriations bill, the EEOC would get approximately the same amount of money that it received in the fiscal year 1996 appropriations bill. While that may seem adequate, it is not enough to allow the EEOC to continue its operations without making serious cutbacks that will hamper the effectiveness of the agency.

Each year, the Commission receives an unprecedented number of complaints from the private sector. When the present Commissioner, Gilbert Casellas, took over in 1994, there was a backlog of more than 100,000 cases. There still is a backlog, because EEOC is understaffed and underfunded. Keeping the agency's funding at the same level as last year will force an agencywide furlough and may necessitate the closing of some field offices, increasing the already overwhelming backlog of cases.

From October 1994 through the first half of this year, the EEOC resolved 518 lawsuits and achieved a number of highly visible successes. The agency was responsible for the largest sexual harassment settlement—$18.25 million—against Del Laboratories of Long Island, NY. In 1995, the EEOC prevailed in its first trial involving a male being subjected to harassment by a female. The court ordered Domino's to pay damages of $237,000 to a male worker who had been harassed by his immediate supervisor.

Recently, the EEOC has authorized participation in a class action sexual harassment lawsuit against Mitsubishi Motors Manufacturing of America which has the potential to be the largest sexual harassment litigation case in U.S. history. However, if EEOC is inadequately funded, the agency will be unable to pursue the case against Mitsubishi, and thousands of other cases will fall by the wayside, unresolved.

I urge my colleagues to support the Schroeder amendment which will allow the EEOC to continue to address the problems of discrimination and sexual harassment that still exist in the American marketplace.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] will be postponed.

Are there further amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended, $25,224,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities, leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $395,700,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to ''Buildings and Facilities'' in this Act or any other Act may be transferred to ''Salaries and Expenses'', Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed $36,570,000 shall be available for the renovation and construction of United States Marshals Service prisoner-holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only), and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,042,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be

capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $100,000,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

AMENDMENT OFFERED BY MR. SCHUMER

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

The Clerk read as follows:

Amendment offered by Mr. SCHUMER:

Page 25, line 17, after the dollar amount, insert the following: ''(increased by $20,000,000)''.

Page 84, line 21, after the dollar amount, insert the following: ''(reduced by $20,000,000)''.

Mr. SCHUMER. Mr. Chairman, before I proceed, we may have a substitute within a few minutes coming from the gentleman from Kentucky, which has been agreed to; but awaiting that substitute, I will explain what this amendment does and then it will be obvious what the substitute does.

This amendment is a very straightforward one, Mr. Chairman. When we passed the terrorism bill into law 3 months ago, we authorized $20 million in funds for research and development of new technology that would help us in our fight against terrorism. The amendment which I am offering with my friend, the gentleman from New Mexico [Mr. SCHIFF], simply implements that plan in this appropriations measure.

When I first planned this amendment, Mr. Chairman, I had no idea we would be debating in the shadow of a tragedy like the crash of TWA Flight 800. We still do not know for sure what caused that disaster but the speculation about possible terrorism only strengthens the principal reason to support this amendment. Simply put, America faces an increasing threat from terrorism within our borders and we are not as well prepared as we should be.

The World Trade Center bombing showed us how easy it is to launch a terrorist attack in our country and the tragedy in Oklahoma City reminded us that a terrorist can strike in any city on any day. The recent attack in Saudi Arabia proved that even when you are anticipating an attack, terrorists can still strike.

Whatever the cause of last week's crash off Long Island, the speculation underscores once more how vulnerable we are. Whether this was a bombing or an accident, we cannot shut our eyes and hope this threat will go away. There will be a next time, and we must be ready.

In everything that we do to fight terrorism, technology is a crucial tool. The current investigation of Flight 800's crash involves sonar, chemical testing of residue, and computer simulations programmed to match the patterns of debris on the ocean floor.

We can be using that same sophisticated technology to stop terrorism before it happens. We simply must decide to make funding for research and development a priority and then stick to that promise.

Here are just a few examples of technology we could help develop with this money:

New bomb detection systems that could be deployed in airports, government buildings and other high threat facilities.

Specially strengthened cargo holds on airplanes that could partially or even completely contain the percussive impact of an explosion. Imagine, having an airplane be safe from any explosion that might go off in its cargo bay.

More sensitive sensors and registers to measure and specifically identify chemical or biological agents that could be used by terrorists.

It is not that far away. We can, if we put a little money and a little effort in, actually come up with detection systems that would stop the worst tools that terrorists use against us, and technology to enter buildings silently so that SWAT teams can quickly and silently deal with hostage situations.

Any one of these advances would give us fantastic new tools to fight terrorism. Experts believe all of them might be feasible if we are willing to devote some resources to them.

Mr. Chairman, I suspect someone might say that $20 million is too much money to spend on this research, but let us get a little perspective on this. Every year the Pentagon spends about $35 billion, that is billion with a B, to fund R&D technology to fight enemies in other countries. Under this amendment we still will not even spend $25 million on technology to protect us from terrorists.

Someone else might say that the bill before us already provides $50 million for research and that is true, but none of that money is specifically dedicated to antiterrorism. About 40 percent is earmarked for some other purpose. And much of it will go to policy studies that, while valuable, have nothing to do with technology or terrorism.

In short, Mr. Chairman, we need a concerted national effort to develop antiterrorism technology, not a token effort. We need a Manhattan project, not Mr. Wizard's junior high school fair.

The new terrorism law was only the first step in our efforts to make Americans safer. We should make sure that we do something with that proposal. The terrorism bill set aside $20 million and this bill should set aside $20 million. That would be my ideal.

For that reason I would urge my colleagues to support the Schumer-Schiff amendment and keep our promises on the terrorism bill.

AMENDMENT OFFERED BY MR. ROGERS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SCHUMER

Mr. ROGERS. Mr. Chairman, I rise in opposition to the gentleman's amendment, I offer an amendment as a substitute for the amendment, and I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment offered by Mr. ROGERS as a substitute for the amendment offered by Mr. SCHUMER:

On page 25, line 20, at the end of the paragraph and before the period, insert the following: '': Provided, That of the amount made available from the local law enforcement block grant for technology programs, $10,000,000 shall be available for programs under section 820 and section 821 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132).''

Mr. ROGERS. Mr. Chairman, what the substitute does and it has been discussed with the gentleman from New York [Mr. SCHUMER] and the gentleman from New Mexico [Mr. SCHIFF], is provide $10 million rather than $20 million for counterterrorism technology and take it out of the $20 million that is already available for technology programs under the local law enforcement block grant that is already in the bill. This is a sensible way to do it.

Obviously there is a recognized need for this money. Both the fiscal year 1996 bill and this bill already include, as I said, a $20 million increase for National Institute of Justice programs from the local law enforcement block grant program. That is a 67-percent increase, by the way, for NIJ technology programs.

As the gentleman is aware, this $20 million was an unexpected windfall for the NIJ as a result of the manner in which the law enforcement block grant formula was drafted. This money is available for a variety of technology initiatives, including terrorism-related technology. We ensure in this substitute by providing language, that $10 million of these funds will be used for terrorism. We will ensure that the money is available.

Mr. Chairman, this substitute would provide that $10 million out of the $20 million that is available for technology programs from the local law enforcement block grant program will be available for counterterrorism. We agree to it and think it is a good idea.

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

Mr. ROGERS. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, as I understand the gentleman's amendment, there is $50 million for this OJP block grant account, some of it is earmarked, but out of $20 million that is not earmarked, statutorily we require that $10 million go to this antiterrorism effort; is that correct?

Mr. ROGERS. The gentleman is correct.

Mr. SCHUMER. If the gentleman will continue to yield, that would mean that nothing could get in the way of this $10 million, I presume?

Mr. ROGERS. I think it is pretty plain.

Mr. SCHUMER. I thank the gentleman.

One other thing I would ask the gentleman, just given his knowledge, given the fact that the Senate will allocate a larger amount of money, it is pretty certain that in the conference we would get at least this $10 million if the Senate on this specific account allocates a larger amount of money for this; is that a good guess? I am not asking the gentleman for a commitment.

Mr. ROGERS. Let me get this straight. Is the gentleman asking me to guess what the Senate is going to do on this?

Mr. SCHUMER. No. I am asking what the gentleman is going to do in conference if the Senate puts a higher amount in there.

Mr. ROGERS. We will do the right thing.

Mr. SCHUMER. I trust the gentleman will do the right thing, and I appreciate that.

Mr. Chairman, I would just like to say that this is an amendment that the gentleman from New Mexico and I worked on and the fact that we can come to an amiable agreement. I want to thank the gentleman from Kentucky and the gentleman from West Virginia for helping facilitate that.

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

Mr. ROGERS. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentleman for yielding. I want to say I have worked with the gentleman from new York and with the chairman too. He has been very gracious in this matter and I appreciate it.

I wonder if the chairman would just say again, the $10 million the chairman is proposing for antiterrorism research and development, that is going to come out of the $30 million that is not earmarked in the NIJ budget?

Mr. ROGERS. The gentleman is correct.

Mr. SCHIFF. But that means that some other programs that NIJ had funded might not be funded, then? Because $30 million was their last year's budget.

Mr. ROGERS. They have a huge increase. This will not be a problem. There is $20 million in the bill for technology programs and $10 million related to anti-terrorism. This amendment would simply ensure that $10 million of that must go for this purpose.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to join this very polite and bipartisan debate in favor of more technology spent on law enforcement, in this case specifically to fight terrorism. I would commend the bill's sponsor for the plus-up in NIJ technology programs. I think that moves us in the right direction. I would point out to my colleagues that the NIJ now commits substantial funding to something that is very important: making defense technology available for law enforcement purposes.

It has probably occurred to the sponsors of this bipartisan compromise amendment that there is much to learn from the defense sector that might impact positively on our fight against urban terrorism. That is why numbers of us on the Committee on National Security joined together to introduce legislation that is partially addressed by an amendment earlier today offered by the gentleman from New York [Mr. SCHUMER] and partially addressed by this amendment.

Let me say that the gentleman from New York just talked about the disparity between funds spent on defense R&D, approximately $35 billion, with a B, versus funds spent on efforts for R&D in the law enforcement sector, which he pointed out are in the millions of dollars. I hope that we will share more of that $35 billion in defense R&D money, which I fully support, with the law enforcement effort and would point out that many of the things that the gentleman from New York [Mr. SCHUMER] listed as possible derivatives of the expenditure of law enforcement R&D moneys, may be effectively provided for by technologies developed in the defense sector.

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I think the gentlewoman is exactly right. Some of this money would well be used to take all the research, the formidable research that is done under the Defense Department and translate it into civilian uses which could make us all safer.

Ms. HARMAN. Hear, hear. Reclaiming my time, I would say that I applaud what he said and point out to my colleagues that we have established over the past few years law technology centers around the country. There are five of them. One of them is in New York. Another of them is in southern California located in El Segundo, CA, in my district. What these centers do is to canvas what defense technologies are available and then figure out whether there are law enforcement applications that would be useful and help generate a market for the development of those technologies for law enforcement.

□ 1845

I have been calling this a win-win-win. It is a win for the defense sector, which has new markets to sell into. It is a win for law enforcement, which has much better tools. And it is a win for the public, which is much safer.

So I think this compromise, bipartisan amendment puts us $10 million closer to better solutions. Maybe it is also a small gesture to the families of those who tragically lost their lives on the TWA plane to Paris, those lives may not have been lost in vain. This Congress appreciates the magnitude of the loss, and we are working as hard as we can to prevent another one.

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

Mr. Chairman, I rise for two reasons. First of all, I did not get a chance earlier and I wanted to say now that I express my commendation to the gentleman from Kentucky, Chairman ROGERS, to the gentleman from West Virginia, Mr. MOLLOHAN, to all the members of the appropriations subcommittee for the fine job they did with respect to this appropriations bill. Although I do not think it has been discussed at length, there is significant funding for agencies like the FBI, the DEA and for the U.S. attorneys who prosecute criminal offenses.

As a former career prosecutor, I have to say I had an enduring frustration with legislative bodies that would pass new law after new law against crime and tougher penalties and all that but would not provide the resources to enforce those laws. So it would sound like great rhetoric and you could go back to your constituents and say: Look what I have done to fight crime. And it had little meaning if there was not enough money put behind the system to bring an effect to those few criminal statutes and higher penalties.

The subcommittee of the gentleman from Kentucky, Chairman ROGERS, I think, has very strenuously labored to recognize that problem to meet the goals of adequate funding for law enforcement. With that having been said generally, I want to say on the specifics, I think that we are now of one mind to try to direct $10 million toward specifically antiterrorism research. Of all the law enforcement duties of the Federal Government, it seems to me that antiterrorism is among the highest because clearly that is an area that needs Federal intervention and cannot simply be done city by city and State by State.

I want to say to Chairman ROGERS that I personally will support the amendment that he has offered.

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

Mr. SCHIFF. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I want to commend the gentleman for his leadership on the issue. He worked hard on this in the antiterrorism proposal, the authorization, and the compromise that we have reached here is

not as much money as we would want but it is real money and it is there. It will give us a good start. I want to thank the gentleman for his leadership on it.

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

Mr. Chairman, tragedy hit close to home last week for my family when one of our neighbors on our block fell victim to the crash of TWA flight 800. Let us be clear, we do not know whether or not terrorism was the cause, but, either way, the crash is one more wake-up call that terrorism can happen in America. We must all take care not to politicize this tragedy, but we must also not forget that we made a promise to the American people when we enacted the antiterrorism bill to develop more advanced bomb detection systems, stronger cargo holds on airplanes, more sensitive sensors to identify biological and chemical agents, and new technology that will allow our swat teams to enter buildings silently and deal with hostage situations more quickly.

The Schumer-Schiff amendment makes sure we have some of the funding that is necessary to fulfill this promise. If we can afford the space station or star wars, I know we can afford $10 million more to protect ourselves against a real danger within our shores, terrorism.

This amendment alone is not the answer to terrorism. We need to do much more. My colleagues from New York and New Mexico have been fighting for more money and for this cause all year, but this amendment is one large step in the right direction. Let us not wait for the next wake-up call, the next tragedy without enacting it. I strongly support the Schumer-Schiff amendment and I commend both of the gentleman for their hard work on this amendment.

Mr. KASICH. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I just wanted to take a moment to compliment the Members that are on the floor here today because I think it is becoming painfully obvious in 1996, something that has been obvious to a number of us for many, many years, that unfortunately we are engaged in a war against people around this globe who are simply interested in targeting Americans, who are simply interested in spreading terror to make political statements, trying to break down society frankly as we understand it, know it, and love it in the United States of America.

I think, frankly, the frightening message to Americans is that we in fact, innocent men, women, and children in this country, are targets of some of these terrorists. I think that what is critically important for those who have looked at these issues, and I do not know that we have many Members that we would describe as experts, but when we talk to the experts, obviously the key to stopping terrorism is to get it right at its root, where it exists.

I think that being aware of the fact that we are in this war and in this battle can remove some of the fear and replace the fear with a steely resolve that America will not tolerate this kind of brutal violence against its citizens and that the citizens of the civilized world, the leaders of the civilized world are going to have to band together, take very tough action to let the terrorist outlaws around the world know that they are not safe. They are not safe anywhere because civilized people on this globe cannot tolerate this kind of wanton violence.

This is just one small step. I think we have taken a number of steps over the last several years to fund the kind of programs we need to fund in order to have the kind of surveillance and intelligence that we need.

I want to compliment the gentleman from New York [Mr. SCHUMER], my friend. I want to compliment the gentleman from New Mexico [Mr. SCHIFF] and also the gentleman from Kentucky [Mr. ROGERS] for their interest in this. Frankly, I think this Congress needs to do its own assessment of all the various agencies involved in counterterrorism. Are we in fact doing as well as we can be doing?

I have questions in my mind and I am sure many Members have questions in their minds about this, but I do not think there is anything that is a higher priority for our country than to win the war or to wage the war, maybe we can never win the war, but to wage the war against terrorism for all the innocent people that frankly need to be stood up for.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the Schiff-Schumer amendment.

Good technology is an important key to a successful counterterrorism policy.

Look at how the Wall Street Journal characterized our antiterrorism effort in their headlines yesterday:

Despite Tough Words, Antiterrorism Effort in U.S. is Still Flawed—Political, Legal Constraints, Old Technology Hinder FBI as Threat Grows.

This amendment today is about correcting one of those flaws—old technology.

The money in the Schiff amendment is crucial to the United States effort to research and develop explosive detection and weapons detection devices that can be applied to prevent terrorism from occuring.

We have to be smarter than the terrorists. We have the technological capability to outsmart them. There are several technologies in the pipeline on explosive detection and weapons detection that are more than promising—they are probable.

But we need to get money to NIJ to speed up the process of getting them to a point where law enforcement officers can use them.

The Schiff-Schroeder amendment puts money that the Congress has already authorized for counter-terrorism research into the hands of our law enforcement technology experts. This amendment would tell them to accelerate the good work they are doing on explosive detection and weapons detection. This is a race for a vaccine—a vaccine against terrorism.

This Congress has done a remarkable job of beefing up law enforcement technology. It has been one area where partisanship has not infiltrated. I'm proud to have worked with Mr. SCHIFF, Mr. MCCOLLUM, and Mr. BOEHLERT, and Mr. SCHUMER to craft this bipartisan initiative to update law enforcement with the best technology available. This amendment is part of that effort. It's good for America's safety. Please support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is bipartisanship at its best. We have had a very somber week, and it would be certainly inappropriate for any of us to come to this House and this time to seek opportunity. This legislation and amendment proposed by the gentleman from New York [Mr. SCHUMER] and the gentleman from New Mexico [Mr. SCHIFF] answers and begins to answer an effort to make our country safe and our citizens safer.

I rise in support of this amendment in order to ensure that we begin what has to be a long progress or a long journey, and that journey includes securing large and open areas where citizens find themselves open and unprotected. The monies that will be allowed will help us have new bomb detection systems that can be used in high-threat facilities. That includes airports and Federal buildings, especially strengthening cargo holds on airplanes.

It makes more sensitive sensors to measure and identify chemical or biological agents that could be used by terrorists. It also provides in the technology to interbuild them silently so that SWAT teams can deal with hostage situations quietly and silently. It is appropriate as we look at appropriating for the Department of Justice that we also ensure that it has the highest level of technology, as we have begun to recognize that the important role of this government is to provide for the safety of its citizens, wherever they might be.

Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for his efforts on behalf of this amendment. I would hope that we would find this amendment again being the first step to what has to be a very, very long journey, more technology and more dollars to wage the fight against terrorism, both in this Nation but as well around the world.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS] as a substitute for the amendment offered

by the gentleman from New York [Mr. SCHUMER].

The amendment offered as a substitute for the amendment was agreed to.

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

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $315,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the ''Justice Assistance'' account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (''the 1968 Act''); and the Victims of Child Abuse Act of 1990, as amended (''the 1990 Act''); $2,119,900,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $571,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a ''unit of local government'' as well as a ''State'', for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided,* That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further,* That notwithstanding any other provision of this title, the Attorney General may transfer up to $18,000,000 of this amount for drug courts pursuant to title V of the 1994 Act, consistent with the reprogramming procedures outlined in section 605 of this Act: *Provided further,* That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; of which $50,000,000 shall be for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; of which $245,000,000 shall be available as authorized by section 1001 of title I of the 1968 Act, to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistant Programs; of which $330,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which $680,000,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which $170,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which $1,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which $145,000,000 shall be for Grants to Combat Violence Against Women to States, units of local government and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; of which $33,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which $8,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants as authorized by section 40295 of the 1994 Act; of which $1,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act; of which $550,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which $1,750,000 shall be for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; of which $35,000,000 shall be for grants for residential substance abuse treatment for State prisoners as authorized by section 1001(a)(17) of the 1968 Act; of which $3,000,000 shall be for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; of which $1,000,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which $900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which $500,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which $5,000,000 shall be for State Courts Assistance Grants, as authorized by section 210602 of the 1994 Act; of which $200,000 shall be for a National Baseline Study on Campus Sexual Assault, as authorized by section 40506(e) of the 1994 Act; and of which $2,000,000 shall be for public awareness programs addressing marketing seams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act: *Provided further,* That funds made available in fiscal year 1997 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further,* That any 1996 balances for these programs shall be transferred to and merged with this appropriation: *Provided further,* That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

AMENDMENT OFFERED BY MR. SCOTT

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

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 26, line 20, after the dollar amount, insert ''(reduced by $497,500,000)''.

Page 28, line 6, after the dollar amount, insert the following: ''(reduced by $497,500,000)''.

Page 33, line 10, after the dollar amount, insert the following: ''(increased by $497,500,000)''.

Page 33, line 22, after the dollar amount, insert the following: ''(increased by $497,500,000)''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and the time be equally divided.

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

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, this amendment transfers $497,500,000 from the Prison Grant Program under this bill to the Incentive Grants for local delinquency prevention programs, also funded under the bill. It is drawn so that it will not affect money for State criminal alien incarceration or money for the cooperative agreement program funded under this section.

Mr. Chairman, this Nation spends tens of billions of dollars every year addressing crime after it has already been committed. In the last 15 years, the number of inmates in State and Federal prisons more than tripled, from 319,000 in 1980 to over one million in 1994. During the same period, the population in local jails increased 165 percent, while the United States population increased just 15 percent.

As a result of these sharp increases in incarceration, the United States has become the most prolific incarcerator in the world. The average incarceration rate, internationally, is about 100 percent 100,000 population. The United States already locks up over 500 per 100,000 population, and in inner cities, the rate goes over 3,000 per 100,000. Yet, the crime rate has not abated and crime remains one of the top concerns of the American public.

□ 1900

We now have experience as well as research that shows that increasing incarceration after a point has no effect on reducing crime. We have long passed that point. At the same time we have simple evidence from research and experience showing that prevention programs aimed at at-risk youth and children significantly reduces crime. Yet, compared to the tens of billions we spend on crime after the fact, we spend very little focused on preventing young people from becoming criminals in the first place.

Recently, the Subcommittee on Crime of the Committee on the Judiciary went around the country holding hearings on how to reduce juvenile crime. The Congressional Black Caucus crime and youth braintrusts held a whole day of hearings on the subject. I attended all of those hearings. During those hearings, witness after witness, including law enforcement officials, talked about an impending crime wave over the next decade due to the expected increases in the number of teenagers, and many indicated that our best hope for reducing the crime was to focus on at-risk youth and children while they are young and before they become serious criminals.

Mr. Chairman, I am not saying that we ought to incarcerate any less than we do today. Based on our current policies, if we do nothing to our incarceration levels, we will continue to lock up more people per every 100,000 population than any other country on Earth. I am saying that, having more than tripled the incarceration in this country in the last 15 years, at great expense to the taxpayer and with little effect on crime, that we are already incarcerating high enough levels to get all of the crime reduction benefits we can hope to get from incarceration and, in spite of the emotional sound bite appeal of more and more incarceration, more and more incarceration just will not reduce crime.

The amount of money in this amendment will be a drop in the bucket in terms of financing incarceration. It amounts to about $1 million per congressional district if divided equally around the country. Now, the State of Virginia has already committed itself to spend $11 billion, about $1 billion per congressional district, over the next 10 years as a result of new policies. This amendment, therefore, would be less than 1 percent of what Virginia will be spending.

As we have already shown, that incarceration will not reduce crime, but that money would have a great effect if it is spent on prevention programs. Dropout prevention, afterschool programs, summer recreation, drug abuse programs, even the much vilified midnight basketball program all have been shown to save much more money than they cost in later prison and welfare expenditures. Those, by the way, who trash midnight basketball fail to point out that it is a program which uses participation in an organized basketball league as a hook to get young people into education courses, drug avoidance counseling and job training, and they also fail to point out, as a recent Rand Corp. study confirmed, that when midnight basketball programs are established, the crime rate goes down dramatically in that neighborhood.

With an average of about $1 million per congressional district targeted toward at-risk youth, each congressional district could provide about 1,500 latchkey children with afterschool care for a year, or 2,000 children with a summer camp program, or 600 drug addicted youth with drug treatment, or fund five $200,000 juvenile mentoring programs, which is what many of the at-risk funds are used for now, or any combination of these programs which have been proven to reduce crime.

We can do all of these things, which will reduce crime, or we can waste the money by throwing it into the bottomless pit of prison construction, which will do nothing to reduce crime.

I ask, Mr. Chairman, for support for this amendment and put the interest of crime victims and taxpayers ahead of political expediency.

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

The CHAIRMAN. Does the gentleman from Kentucky [Mr. ROGERS] seek time in opposition?

Mr. ROGERS. Yes, Mr. Chairman, I do.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky [Mr. ROGERS] for 10 minutes.

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

Mr. Chairman, I rise in opposition to the gentleman's amendment, which would eliminate $497.5 million from the State prison grant program to increase funding for juvenile justice programs.

I would point out to the Members that the State prison grant program is a formula program. Every State would receive moneys under the prison grant program. This is a half a billion dollars that States will not get if this amendment is successful.

While the gentleman's intent to increase funds to address youth violence is a laudable one, the bill we have before us already provides a $30.5 million increase over what the administration requested to provide additional grants to States that are implementing get tough prosecution policies for juveniles who commit violent crimes. The bill already is a ''macho man'' on violent crime, I would say to the gentleman from Virginia.

The Scott amendment would increase that amount $497.5 million at the expense of the State prison grant program, which would be eliminated and which would have provided funds to States to ensure that violent offenders, including violent juvenile offenders, are locked up.

Last year this Congress passed a significant reform to the State prison grant program, which the gentleman from Florida [Mr. MCCOLLUM] pursued, which would ensure that funds would be available to States that are getting tough on crime and keeping violent criminals locked up. This program was designed to address the frightening fact that violent criminals in State prisons serve an average of only 38 percent of their actual sentence. Convicted murderers are given an average prison sentence of 20 years in length, but they serve only 8½ years. And for rape the sentence is 13 years, but the time served is only 5 years on average.

States are enacting laws that require violent criminals to serve longer sentences and in some cases at least 85 percent of their sentences. They deserve the support of this Congress to ensure that adequate bed space is available to maintain those policies. The State prison grant program provides that support, and the gentleman's amendment would take it away completely.

The prison grant program is one of the most effective deterrents to crime. It provides the assurance that if an individual commits a crime they will serve time. Without the prison grant program, the result of increased law enforcement and prosecution will not be real.

Mr. Chairman, I urge a ''no'' vote on the Scott amendment.

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

Mr. ROGERS. I would be happy to yield to the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime and also the author of this law that we passed last year.

Mr. MCCOLLUM. Chairman, I thank the gentleman for yielding, and I want to concur in everything that he said.

As much as I respect the gentleman from Virginia [Mr. SCOTT], who is a member of my subcommittee, and he and I talk a lot about these issues, I do not agree with this amendment at all. He is robbing Peter to pay Paul.

The prison grant program we passed, and that the gentleman is funding, I think very adequately with some $680 million in this bill, is absolutely essential to stop that revolving door the gentleman just described, where all too often we get criminals into the system who commit these violent crimes and they serve only a fraction of their sentence, then go back out again and commit more violent crimes.

Half of this grant money goes to an incentive program that says, State, if you pass a law that requires the repeat violent offender to serve at least 85 percent of his or her sentence, then you will be eligible to get the prison grant money, this extra incentive grant money, from the Federal Government to help you build and have the space to house them, because we want States to move in that direction. And many are doing that, thank goodness.

I say to my colleagues, when that happens, when they start serving 85 percent of their sentences and we take these violent repeat offenders and lock them up and throw away the keys, the murder rate and the violent crime rate in this country is going to go down far more than it is today because it is these people committing these violent crimes.

The latest statistics show there are an average of 700 violent crimes per 100,000 in our population every year. Even though we have marginally seen the violent crime rate go down over the last 3 or 4 years, only marginally, that 700 per 100,000 per year is way too high. It is far greater than it was 30 years

ago when it was 200 violent crimes per every 100,000 of our population. The primary reason it is so is because of this violent repeat offender that the special provisions of the prison grant program are designed to correct.

States should move to require the abolition of parole and to make those who commit these violent crimes serve most of their sentences, lock them up, get them off the streets, and crime would inevitably be less.

With all due respect, I cannot support the analysis that Mr. SCOTT has made in support of his amendment. He wants to gut the truth in sentencing grant program that is in the chairman's bill. I am all for helping the juvenile justice system along. In fact, I am working on an authorization bill now to complement the chairman's bill here today, but, by golly, we cannot do it if we are robbing Peter to pay Paul.

We have to do both things. We cannot do just one. What Mr. SCOTT would do would be to eliminate the incarceration of these violent repeat offenders, or the money for that, and that is just not right, and I join the chairman in opposing this amendment, and I thank him for yielding.

Mr. ROGERS. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership in this area. He is the author of the Truth in Sentencing Act, which we passed in this bill last year and which is the parent of the State prison grant program. It is perfect because it takes Federal dollars and says to each State if they will jail their violent criminals up to 85 percent of the sentence they get, we will give them money with which to build prisons and buy the beds to keep them in jail. We will pay the bill.

That is an effective way to get at violent crime, and I think it is going to have tremendous payoff down the way.

Mr. MCCOLLUM. Mr. Chairman, if the gentleman will continue to yield, it is indeed happening that way. My State of Florida has recently changed their laws, and States all over the country are doing this. This would be absolutely the wrong time to cut the legs out from under this program. States are making that move.

Mr. ROGERS. Mr. Chairman, I would also point out that the Scott amendment, taking a half billion dollars out of this program, is money all of our States would no longer have available to them. We could not fund the Truth in Sentencing Act that the Congress passed last year if this amendment passes.

No. 2, we have already got $180 million plus in our bill for juvenile justice programs. That is $30.5 million more than President Clinton requested. And so there is plenty of money in this bill available for juvenile justice programs that the gentleman from Virginia wants and that we all want.

I just do not want the gentleman to gut a very effective violent crime fighting program that we fund in this bill, that will get the violent criminals, adults as well as juveniles, around the country, off the streets. I urge the defeat of the amendment.

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

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

Mr. Chairman, I would just like to make a couple of comments. The gentleman from Kentucky has indicated the States will not get the money. The money will go back to the States. The money will be spent. Instead of prisons, it will be spent on juvenile justice prevention.

The gentleman from Florida [Mr. MCCOLLUM], the chair of the Subcommittee on Crime, has done an outstanding job in having hearings across the country, and I want to congratulate him for the unique hearings that he has had. He has had several attorneys general, heads of crime agencies within the States come to testify about what needs to be done, and I want to congratulate him for having those open hearings.

The gentleman is exactly right, the purpose of the amendment is to gut the truth in sentencing provision. I like to call it not the truth in sentencing but the half truth in sentencing provision, because when we have truth in sentencing, the half truth is we cannot let people out early, but the whole truth is we cannot hold people longer either.

The most heinous violent criminals are held by denying parole time after time after time. When everybody gets the average sentence, they are all let out at the same time: the heinous criminals, those that we know are going to be recidivist and those that are low risk all get out at the same time.

I would say that the gentleman from Kentucky said that there is plenty of ''macho man'' in this bill, and that is the point. It is all ''macho'' but no effect. This amendment will not delete the prison construction. If they are serving 38 percent of the time now, if this amendment passes or fails, they will serve 38 percent later. There is just not enough money in this amendment to make any difference in State prison construction.

We talk about the revolving door and people unaccountable. The fact is that 10 percent of young African-American males are in jail today, more in jail than in college. We need to do something about crime. Waiting for incarceration to make a difference means we have to wait for the crime to be committed, wait for people to get caught, prosecuted, convicted, sentenced, serve the time they are to serve and then add some more time.

□ 1915

This amendment would deal with them before they commit the crime in the first place. All of the studies show that it is a much more effective way of dealing with crime than waiting for it to occur. I hope that we will adopt the amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am today in support of the Scott Amendment. There is an old adage—an ounce of prevention is worth a pound of cure.

Statistics indicate its costs around $30,000 a year to house an inmate in a correctional facility. Those same statistics show that it costs $3,000 a year to educate a child. We need to invest in our children before they become adversely involved in our criminal justice system rather than after.

The very fact that a legislative body, such as this one, would cut funding for education, and then block grant funds to the States to build more prisons flies in the face of good, moral, judgment and sound fiscal management.

The at-risk youth programs of the Department of Justice, provide communities with the means to involve those at-risk youth in tutoring and mentoring programs for schools in high crime communities and summer recreational programs for at-risk youth before they have the misfortune of stumbling into a criminal justice system that is incapable of rehabilitating them.

The Scott amendment takes a commonsense, front-end-solution approach to providing programs for our Nation's youth. I urge my colleagues to support the Scott amendment.

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

Mr. ROGERS. Mr. Chairman, I urge a ''no'' vote, and I yield back the balance of my time.

The CHAIRMAN. The questions is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

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

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The Clerk will read.

The Clerk read as follows:

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement ''Weed and Seed'' program activities, $28,500,000 which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreement, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in ''Weed and Seed'' designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the ''Weed and Seed'' program strategy: *Provided,* That funds designated by Congress through language for other Department of Justice appropriation accounts for ''Weed and Seed'' program activities shall be mandated and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further,* That the Attorney General may direct the use of other Department of Justice funds and personnel in support of ''Weed and Seed'' program activities only after the Attorney General notifies the Communities on

Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (''the 1994 Act'') (including administrative costs), $14,400,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: *Provided,* That of this amount, $10,000,000 shall be available for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the 1994 Act: *Provided further,* That of this amount, $71,000,000 shall be transferred to the Drug Enforcement Administration for the purpose of providing State and local police officers with equipment, conveyances, overtime and other expenses associated with their participation on drug task forces: *Provided further,* That of this amount, $30,500,000 shall be for additional grants authorized by part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, to remain available until expended, for the purpose of providing additional formula grants under part B, for innovative local law enforcement and community policing programs to States that provide assurances to the Administrator that the State has in effect (or will have in effect not later than 1 year after date of application) policies and programs, that ensure that juveniles who commit an act after attaining 14 years of age, that would be a serious violent crime if committed by an adult, are treated as adults for purpose of prosecution: *Provided further,* That not to exceed 130 permanent positions and 130 full-time equivalent workyears and $14,602,000 shall be expended for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $145,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $11,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs: *Provided,* That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by sections 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,200,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation authorization Act, Fiscal Year 1980 (Pub. L. 96–132, 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided,* That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any persons to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided,* That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly-advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided,* That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Section 524(c)(8)(E) of title 28, United States Code, is amended by striking the year in the date therein contained and replacing the same with ''1996''.

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

Mr. Chairman, we have Members who have amendments that have been filed in this portion of the bill that are not the floor at the moment, having been called to other duties. I hope that they would be allowed to offer their amendments at the appropriate time.

The CHAIRMAN. This may be the appropriate time.

Mr. ROGERS. Mr. Chairman, I know that. I am trying to do a little song and dance while we wait for them to get to the floor.

Mr. Chairman, I wonder if the Chair could inform the Members what the procedure is for the evening. The Chair has been rolling votes. I would assume that at some point in time we will be resuming the votes and taking those rollcalls that have been reserved; is that correct?

The CHAIRMAN. At some point the Committee will resume those proceeding as unfinished business

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Can the Chair inform the Members how late the session will be going this evening?

The CHAIRMAN. No, the Chair cannot.

The Clerk will read.

The Clerk read as follows:

SEC. 109. (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6), by striking everything after ''total less than $15,000;'' and inserting in lieu thereof: ''$500 for each quarter in which disbursements total $15,000 or more but less than $75,000; $750 for each quarter in which disbursements total $75,000 or more but less than $150,000; $1,250 for each quarter in which disbursements total $150,000 or more but less than $225,000; $1,500 for each quarter in which disbursements total $225,000 or more but less than $300,000; $3,750 for each quarter in which disbursements total $300,000 or more but less than $1,000,000; $5,000 for each quarter in which disbursements total $1,000,000 or more but less than $2,000,000; $7,500 for each quarter in which disbursements total $2,000,000 or more but less than $3,000,000; $8,000 for each quarter in which disbursements total $3,000,000 or more but less than $5,000,000; $10,000 for each quarter in which disbursements total $5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.''.

(b) Section 589a of title 28, United States Code, is amended to read as follows:

''§ 589a. United States Trustee System Fund

''(a) There is hereby established in the Treasury of the United States a special fund to be known as the 'United States Trustee System Fund' (hereinafter in this section referred to as the 'Fund'). Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

''(1) salaries and related employee benefits;

''(2) travel and transportation;

''(3) rental of space;

''(4) communication, utilities, and miscellaneous computer charges;

''(5) security investigations and audits;

''(6) supplies, books, and other materials for legal research;

''(7) furniture and equipment;

''(8) miscellaneous services, including those obtained by contract; and

''(9) printing.

''(b) For the purpose of recovering the cost of services of the United States Trustee System, there shall be deposited as offsetting collections to the appropriation 'United States Trustee System Fund', to remain available until expended, the following—

''(1) 23.08 percent of the fees collected under section 1930(a)(1) of this title;

''(2) one-half of the fees collected under section 1930(a)(3) of this title;

''(3) one-half of the fees collected under section 1930(a)(4) of this title;

''(4) one-half of the fees collected under section 1930(a)(5) of this title;

''(5) 100 percent of the fees collected under section 1930(a)(6) of this title;

''(6) three-fourths of the fees collected under the last sentence of section 1930(a) of this title;

''(7) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts; and

''(8) excess fees collected under section 586(e)(2) of this title.

''(c) Amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

''(d) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of expenditures made under this section.

''(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).''.

(c) Notwithstanding any other provision of law or of this Act, the amendments to 28 U.S.C. 589a made by subsection (b) of this section shall take effect upon enactment of this Act.

SEC. 110. Public Law 103–414 (108 Stat. 4279) is amended by inserting at its conclusion a new title IV, as follows:

''TITLE IV—TELECOMMUNICATIONS CARRIER COMPLIANCE PAYMENTS

''SEC. 401. DEPARTMENT OF JUSTICE TELECOMMUNICATIONS CARRIER COMPLIANCE FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established in the United States Treasury a fund to be known as the Department of Justice Telecommunications Carrier Compliance Fund (hereafter referred to as 'the Fund'), which shall be available without fiscal year limitation to the Attorney General for making payments to telecommunications carriers, equipment manufacturers, and providers of telecommunications support services pursuant to section 109 of this Act.

''(b) DEPOSITS TO THE FUND.—Notwithstanding any other provision of law, any agency of the United States with law enforcement or intelligence responsibilities may deposit as offsetting collections to the Fund any unobligated balances that are available until expended, upon compliance with any Congressional notification requirements for reprogrammings of funds applicable to the appropriation from which the deposit is to be made.

''(c) TERMINATION.—

''(1) The Attorney General may terminate the Fund at such time as the Attorney General determines that the Fund is no longer necessary.

''(2) Any balance in the Fund at the time of its termination shall be deposited in the General Fund of the Treasury.

''(3) A decision of the Attorney General to terminate the Fund shall not be subject to judicial review.

''(d) AVAILABILITY OF FUNDS FOR EXPENDITURE.—Funds shall only be available for obligation after submission of an implementation plan as set forth in subsection (e), to the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate and shall be treated as a reprogramming of funds under section 605 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

''(e) IMPLEMENTATION PLAN.—The implementation plan shall include:

''(1) law enforcement assistance capability features including an explanation of how proposed interface and assistance capability requirements exceed or differ from the law enforcement assistance currently provided by carriers;

''(2) the actual and maximum number of simultaneous surveillances/intercepts that law enforcement agencies expect to perform (capacity requirements), as well as the ''historical baseline electronic surveillance activity'' on which the proposed capacity requirements are based;

''(3) a detailed county by county listing of proposed actual and maximum capacity requirements;

''(4) the proposed network switch and other assistance capability features requested by law enforcement that would be required to be installed by telecommunications carriers;

''(5) a complete estimate of the full costs of development and deployment of the assistance capability features, the full costs of the proposed actual and maximum capacities requested by law enforcement, the full cost of training telecommunications carrier personnel in the use of such capabilities and capacities, and to what extent funding of $500,000,000 will be sufficient to fully reimburse telecommunications carriers for the reasonable cost of compliance with this Act; and

''(6) a complete estimate of the full and reasonable costs associated with the modification to be performed by telecommunications carriers of their network equipment and facilities installed or deployed after January 1, 1995, which are not proposed for reimbursement.

''(f) ANNUAL REPORT TO THE CONGRESS.—The Attorney General shall submit to the Congress each year a report specifically detailing all deposits and expenditures made pursuant to his Act in each fiscal year. This report shall be submitted to each member of the Committees on the Judiciary and Appropriations of both the House of Representatives and the Senate, and to the Speaker and minority leader of the House of Representatives and to the majority and minority leaders of the Senate, no later than 60 days after the end of each fiscal year.''

AMENDMENT OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARR of Georgia: Page 41, beginning on line 24, strike ''Funds'' and everything that follows through ''to the Committees'' on page 42, line 1, and insert the following: ''Funds shall not be available for obligation unless an implementation plan as set forth in subsection (e) is submitted to each member of the Committees''.

Page 42, line 3 strike ''and shall'' and insert ''and the Congress does not, within the 60 days after the date of such submission, by law block or prevent the obligation of such funds. Such funds shall''.

Page 42, line 8, insert before the period the following: ''and this section''.

Mr. BARR of Georgia [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 Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, I would like to first of all thank both the chairman and the ranking member and members on both sides of the aisle that have worked on this amendment, which I believe is acceptable to both sides and which simply is really, Mr. Chairman, more in the nature of a perfecting amendment than anything else.

It simply addresses, Mr. Chairman, language which would apply to title IV, the telecommunications carrier compliance payments, which has to do, Mr. Chairman, with CALEA, the Compliance with Law Enforcement Act, Communications Assistance Law Enforcement Act which was passed by this body in the last Congress.

The language, Mr. Chairman, that this amendment proposes, which we have worked out and which I again, Mr. Chairman, believe is acceptable to both sides, simply elaborates on language currently contained in subsection (d) of this provision of this section.

It simply makes very clear that the implementation plan for the fund that would be set up in order to fund the CALEA, C-A-L-E-A, Mr. Chairman, the fund shall not be made available until the implementation plan, Mr. Chairman, has been very clearly laid out to the Congress of the United States, not only generally speaking but to the appropriate committees and committee memberships so that these committees, namely the Committee on the Judiciary and the Committee on Appropriations, Mr. Chairman, will have a chance to review it and ensure that the provisions that the Department of Justice is seeking to fund, the funding mechanism that it is seeking to set up and the funds that would thereafter be used according to the terms of the language that is currently in this legislation, really set forth the parameters within which the companies, the telecommunications carriers and equipment manufacturers know that they must operate.

It lays out for the people of the United States through their representatives on the appropriate committees of the Congress the general scope of what the Government believes is necessary in order to effectuate the purposes already set forward in CALEA and which would be carried out pursuant to this fund.

The legislation simply provides a 60-day period within which the Congress shall be able to consider the implementation plan and after, therefore, if no

objections are raised, then it would go into effect and the Department of Justice would be able to move forward with the plan.

Mr. Chairman, I thank the distinguished chairman of this committee and the subcommittee.

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

Mr. BARR of Georgia. I yield to the gentleman from Kentucky.

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

I compliment the gentleman for his perseverance on this issue. He knows this issue better than anyone else does. He has been very helpful in constructing the portions of the bill that relate to digital telephony. We have no objection to the amendment that he has offered. In fact, we commend him for it. We urge its adoption.

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

Mr. BARR of Georgia. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have just seen this language. Will the gentleman explain the purpose of this language? Why do you want to do this?

Mr. BARR of Georgia. Mr. Chairman, the purpose of the language is to clarify that the implementation plan which would set out the parameter within which the funds under CALEA would be used shall be made specifically available to the membership of the Committee on the Judiciary and the Committee on Appropriations, and that the Congress would have 60 days within which to raise any objection to it. If within those 60 days the Congress does not act, then the implementation plan, again as laid out already in the legislation, would go into effect and the funds would be available to implement the plan.

Mr. MOLLOHAN. Mr. Chairman, if the gentleman will continue to yield, what is the gentleman wanting to achieve by this?

Mr. BARR of Georgia. Mr. Chairman, really the only thing that this amendment provides over and above the existing language of the legislation is somewhat greater accountability and specificity in the plan that would be set forward, and to make sure that it is specifically available to Members of the Congress so that they have full opportunity to review it, raise any questions about it, consult with the FBI and the DOJ. If there are any questions that the Members of Congress, particularly on these two committees which have very clear interest, the Committee on the Judiciary, substantively, and the Committee on Appropriations, because of the large amount of funding that would go into this fund, that they have full and fair opportunity to review it.

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

Mr. BARR of Georgia. Mr. Chairman, I urge my colleagues on both sides of the aisle to adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. BARR].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Department of Justice Appropriations Act, 1997''.

AMENDMENT OFFERED BY MS. MOLINARI

Ms. MOLINARI. 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 Ms. MOLINARI: In title I, at the end of the item relating to ''GENERAL PROVISIONS—DEPARTMENT OF JUSTICE'', insert the following new section:

SEC. . It is the sense of the Congress that the Drug Enforcement Administration, together with other appropriate Federal agencies, should take such actions as may be necessary to end the illegal importation into the United States of Rohypnol (flunitrazepam), a drug frequently distributed with the intent to facilitate sexual assault and rape.

Ms. MOLINARI. Mr. Chairman, this amendment is just a very straightforward sense-of-Congress resolution that the Drug Enforcement Agency and other Federal agencies should take whatever action necessary to end the illegal importation of a drug called Rohypnol.

Today Congress acknowledges a drug problem that strikes its victims twice, by rendering them unconscious—for as much as 24 hours—allowing their attacker to rape and brutalize them. Second, the victim is so impaired that they cannot even remember anything about the attack. They are defenseless during the attack and after the attack they are equally as helpless to prosecute their attacker.

The drug called Rohypnol, also known as roofies, roachies, or Mexican Valium, is not manufactured or sold in the United States, but is very available. So available that in a recent story by a national news program more than 30 women were raped in Ft. Lauderdale after this drug was slipped into their drink. Of course, this only accounts for reported rapes where a toxicology study was performed. There might be many others and we do not know. But what we do know is that this drug, which may not be sold or manufactured in the United States, is a serious threat to women.

The drug is tasteless, odorless, and colorless, so its victims never know what has happened until after it's too late. In addition, it is 10 times more powerful than Valium.

This sense-of-Congress resolution is a small, but first step toward combating the importation and dissemination of Rohypnol. It says to all Americans, including any potential users, the government treats this drug as a serious threat to the safety of women, and will take any necessary actions to prevent its use. We recognize that Rohypnol is more than just a strong sleeping pill—it's a weapon used to commit rape.

Rape is just one use of Rohypnol. On the street, it is combined with drugs such as cocaine and heroin which induce a quick high. The user then ingests Rohypnol to bring them down. Drug addicts do not need another drug to combat their addiction, they need treatment and where applicable, incarceration.

This appropriations bill directs $197.5 million for the Violence Against Women Act—a 12-percent increase from last year and nearly a 700-percent increase from the previous Congress. I am proud to be one of the original supporters of this initiative, and I am proud to say that this year's total funding far exceeds any prior appropriation—Chairmen LIVINGSTON, ROGERS, and PORTER are to be commended for their hard work. But a new problem is on the horizon and moving quickly toward us. We must stand up now, recognize the threat is real, and do all that we can do to keep it out and prosecute those who bring it into our country for criminal purposes.

Mr. Chairman, let me also conclude by commending the gentleman from New York, Chairman SOLOMON, who has taken the initiative to combat this drug by increasing the penalties for someone who uses this drug or any other controlled substance in the commission of a rape or sexual battery.

Again, in closing, I urge my colleagues to adopt this very important small step toward sending a sense of Congress to Federal agencies that something must be done and something must be done quickly.

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

Ms. MOLINARI. I yield to the gentleman from Kentucky.

Mr. ROGERS. Let me commend the gentlewoman for bringing this matter to the attention of the Congress, a matter of great importance to so many around our country, and the gentlewoman again, as she has in the past, has put her finger on a very severe problem in this country, and I hope that her efforts will be rewarded.

Ms. MOLINARI. Mr. Chairman, I thank the gentleman from Kentucky for using his leadership on this committee and his leadership in Congress to make sure that when areas of grave concern are brought to his attention that he acts immediately and swiftly, and without that immediate action none of these problems would be resolved, nevertheless brought to the public's attention.

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York.

It is so terribly important.

My colleagues, there is something happening in this country for the first time. As my colleagues know, for years we have been haunted with this serious problem of drug abuse, illegal drug abuse in this country, but primarily in the past it has only affected those people that were bringing it on themselves, those people using the drugs.

Today an entire new generation of young women and children are being threatened now with a drug that is being used as a weapon against them. It is a terrible thing.

I have introduced legislation, and on Thursday at 1 o'clock we will be holding a press conference, the gentlewoman from New York [Ms. MOLINARI] and myself and a number of others who sponsor this legislation, concerning legislation we are introducing mandating severe penalties for anyone, anyone convicted of using controlled substances, not just this terrible drug Rohypnol, but any controlled substance, whether legal or illegal, for using that as weapon to commit rape or even for the intent of committing rape. And it includes, again, the drug rohypnol. For the first time, this drug is being used as a weapon against unsuspecting women and children.

Let me just tell my colleagues how bad this is. As my colleagues know, illegal drug use in this country is increasing. Fifty percent among young adults in the last 4 years. But let me tell my colleagues what is happening even worse. For 12- and 13-year-olds in this country, the increase in marijuana use alone has gone up 137 percent. Those are 12- and 13-year-olds. For the ages 14 and 15, it has increased 200 percent in marijuana use and other illegal drugs. That is how serious it is.

And, as my colleagues know, illegal drug use causes 75 percent of all of the violent crime against women and children in this country today, and that has been bad enough, but now these unsuspecting young children, young kids 12, 13, 14, 15 years old, along with young adult women are first plied with alcohol, and then marijuana, and then they have this drug like Rohypnol slipped into a drink. It renders them unconscious, but awake, and they have to lie there and helplessly watch what is happening to them. Last week I testified before Senator COVERDELL and his subcommittee on this issue, and I heard firsthand testimony about the terrible things that have happened to these young women. It was absolutely heartrending.

Mr. Chairman, to help put an end to these terrible atrocities we are introducing legislation requiring a 20-year mandatory minimum sentence for anyone who is convicted of committing rape while using these kinds of controlled substances as a weapon.

Mr. Chairman, that has got to stop and that is exactly what my legislation will do. For the first conviction, they get 20 years with no parole, 20 years mandatory sentence, and if they are convicted the second time, it is life imprisonment.

This amendment is supported by Senator COVERDELL and Senator BIDEN over in the other body, the ranking member of the Judiciary Committee. We need to pass this legislation, and we need to do it now to stop this new generation of victims from taking place.

So I thank the gentlewoman for her amendment. It is a great amendment, and we look forward to the press conference that we will hold on the revision of our legislation that is going to be introduced on Thursday.

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

I rise in strong support of the Molinari-Solomon amendment.

We have heard in this Chamber tonight talk about terrorism. We have heard talk about crime prevention in the communities as opposed to other alternatives. Well, we have to talk about both of those issues when we refer to this legislation.

This is a form of domestic terrorism. It is terrorism when people are held at bay, held at bay as young females in middle school and high school and in college, held at bay because they go out on a date, and the first thing they know is they do not know what is going on. But the next morning they do know, but they cannot remember fully because of this powerful drug.

What is crime prevention? Sure, people say it is midnight basketball. I say it is strong law that is crime prevention. We have to make a strong statement on this. Those sanctions of 20 years, that is not excessive. We have to bring fear into the hearts of the criminals and fear in the hearts of the potential criminals.

Every day we are creating victims, and that is what we have to keep in mind. We have to be concerned about the victims in this country and those victims that are helpless, those victims that are vulnerable, those children, those teenagers, the elderly, we have to take care of that. We are the ones that make law across these States.

This drug Rohypnol is a powerful tranquilizer known as the ''date rape drug'' because it is used by rapists to incapacitate their victims. This drug is illegal in the United States, yet it comes to here in this country from Mexico and other Latin American States. It is 10 times more potent than Valium, and it is odorless, colorless and tasteless.

I commend the gentlewoman from New York [Ms. MOLINARI] and the gentleman from New York [Mr. SOLOMON] for their leadership in this important issue. I look forward to working together with them in this legislation.

Federal law enforcement agencies need to move quickly and take strong action to prevent the illegal importation of this drug. There is an ever increasing number of unsuspecting women being victimized by rape, by criminals who use this powerful sedative. The drug enforcement agency, the DEA, has reported that Rohypnol has become a problem in 26 Southeastern and Southwestern States. This drug has been growing in popularity among young people because of its low cost. There are growing numbers of middle school, high school, and college students abusing this drug for many reasons. If we fail to act now, I fear that this drug will continue to spread and place a larger number of women in danger.

Again I would like to commend the gentlewoman from New York [Ms. MOLINARI] and my colleague, the gentleman from New York [Mr. SOLOMON], for their efforts on this behalf, and I urge my colleagues to vote for this amendment.

Mr. SHAW. Mr. Chairman, I rise in support today of Ms. MOLINARI's amendment affirming the opposition of this Congress to the pernicious drug commonly known as roofies or the rape drug. In my district, Ft. Lauderdale, already more than 30 women have been raped after this drug was slipped into their drink. Ten times more powerful than Valium, this colorless, odorless, and tasteless depressant has the effect of rendering an unknowing victim susceptible to suggestion and thus vulnerable to sexual assault or rape. Because amnesia is one of roofies major side effects, victims may have the frightening experience of not being able to completely recall what happened to them.

Roofies are illegally trafficked in from Mexico and Colombia and are quickly becoming a critical problem in the Southern States, from California all the way to Florida. Particularly in my own State of Florida, high school students not realizing the addictive nature and adverse side effects of the drug are buying the widely available roofies on the streets for as little as $2.50.

Mr. Speaker, we must take a stand against the illegal importation of roofies. We must not continue to let our women and teenage children be so appallingly vulnerable to sexual assault. I urge you to please support Ms. MOLINARI's amendment.

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

The amendment was agreed to.

Ms. NORTON. Mr. Chairman, I ask unanimous consent to offer an amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The amendment is not timely. The Chair is assuming the gentlewoman from the District of Columbia [Ms. NORTON] is asking unanimous consent to return to a previous section.

Ms. NORTON. I am, Mr. Chairman.

May I move to strike the last word then, Mr. Chairman?

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. NORTON. Mr. Chairman, I had published an amendment that would allow an exception to our policy of using Federal funds for abortion for women who are incarcerated. I ask for that exception because under no circumstances do these women have access to any personal funds or to any State and local funds. Even though they were not incarcerated, they might obtain an abortion through their own jurisdiction. I asked for this exception because the average annual growth in the Federal prisons has been significantly greater than in State prisons. Annually it has been almost 10 percent

a year, and it is amazing when the Federal sector now outpaces the State sector where, after all, most of the criminal law is, the increase in female inmates has significantly outpaced those of male inmates.

I am talking about voluntary abortions only. I myself am writing a bill that would make it easier for women in prison to have their children adopted. Now, with voluntary abortions before this was lifted during this Congress, there was counseling, there was the right of staff objections. These are the least responsible parents by the documented evidence that they are in prison. Theirs are the most vulnerable offspring, and the story of what happens to both women and children when the children are born in prison is one of the great horror stories of America.

Most of these women are in prison because of the use of drugs and alcohol. More than half committed an offense, the offense for which they are incarcerated, under the influence of drugs or alcohol, and almost 40 percent were using crack.

The problem was spiraling out of control because of the huge growth of numbers. The number of inmates in the Federal prison in the last decade grew by 75 percent. Women grew at twice that rate while only 10 percent of the prison population; their jump was 137 percent.

What I am asking is for an exception comparable to that we have made for rape or incest. Otherwise what we have here is forced childbirth.

The rate of infection, HIV infection for women in prison, actually exceeds the rate of infection for men in prison. This is truly an astonishing development. To be sure, women in prison forfeit their rights, they forfeit their rights to, every right to which they are entitled. But they also forfeit their rights to decent prenatal care, the right to a diet that would nourish the embryo.

Mr. Chairman, we have denied the right of choice to Federal workers who, after all, have other alternatives, to women in the military who have other alternatives, but when we deny it here, we act in a barbaric fashion. We force childbirth on a woman who is incarcerated.

Taxpayers should pay for these abortions for the same reason that taxpayers must pay for everything else these women get in prison. They pay for food, they pay for shelter, and we should not have to pay for that either, but since they are incarcerated we have no choice, and we should have no choice as well but not to compound the tragedy involved in their being in prison and pregnant by forcing childbirth on them in a democratic and humane society.

This is not only the bed they have made to lie in. Far more is at stake, given the rising number of women who are now in our Federal prisons. I ask for this exception in the name of humanity.

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

Mr. Chairman, abortion on demand is child abuse and in no way can be construed as humane or compassionate. A child's worth is not determined by who his or her mother happens to be, and the value of a baby is not diminished one iota because mom happens to be an inmate.

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As a matter of fact, her God-given value is not diminished, either. The Norton amendment which would have been offered tonight and will not be offered because that point in the legislation has passed. This would have forced taxpayers to subsidize violence against children; in this case, the child of an inmate.

Mr. Chairman, many Americans are either uninformed or living in a state of denial on the general issue of abortion, especially as it relates to the gruesome reality of abortion. Abortion methods include dismembering innocent children with razor blade tip suction devices or injections of chemical poisons designed to kill the baby. If the abortion President, Bill Clinton, has his way, both partial birth abortions will remain legal and available for taxpayer subsidy as well as the newest form of baby poison, RU–486.

Mr. Chairman, abortion on demand treats pregnancy as a sexually transmitted disease. The growing child is viewed as a tumor, as a wart, a piece of trash to be destroyed. Earlier today my dad underwent some major surgery to remove cancer from his stomach. Every member of my family has been deep in prayer all day and over the last week, hoping that the surgeon removes every vestige of that horrible disease. My dad's courage—and I just say this parenthetically—his faith in God throughout all of this has been absolutely inspiring, and he is now in intensive care.

But the whole ordeal reminds me anew that the role of medicine is to heal. The role of medicine is to heal and to nurture, to cure a disease, to excise life-threatening tumors. It is not to destroy innocent unborn babies as if they were cancer.

Mr. Chairman, if you have ever watched an unborn child's image on an ultrasound or sonogram screen, you cannot help but be awed by the miracle of human life, by the preciousness of a child's being, and moved to pity by the helplessness and vulnerability of that child, by the fragility of those tiny fingers and toes. To see an unborn child turning, twisting, kicking and sucking his or her thumb while still in utero shatters the myth that abortion merely removes tissue or the products of conception.

Peel away the euphemisms that sanitize abortion and the cruelty to children, and yes, the cruelty to their mothers as well, becomes readily apparent to anyone with an open mind. The entire smoke screen of choice turns the baby into property, a thing, a commodity, and not a someone. The whole rhetoric of choice dehumanizes our brothers and sisters in the womb and puts them in the same category as cars, TV sets, stereos, and toasters. The whole rhetoric of choice reduces unborn babies to objects. The feminists had it right: Do not treat women as objects. The unborn are not objects, either, that can be killed by chemical injections or by dismemberment.

Finally, Mr. Chairman, Mother Teresa was right when she said the greatest destroyer of peace today is abortion because it is a war against the child, a direct killing of an innocent child. Any country that accepts abortion, as she goes on to say, is not teaching its people to love, but to use violence to get what they want. That is why the greatest destroyer of love and peace is abortion, and she pleads and says, ''Please don't kill the baby''.

Last year the Norton amendment was voted down by 281 members. It probably would have had the same fate tonight. It will not be considered by the House because of the lateness in arriving, but just let me say this amendment and others like that use taxpayer funds to subsidize the killing of unborn babies always ought to be defeated.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to point out to the membership that there is no amendment pending at this time.

Ms. WOOLSEY. Mr. Chairman, I ask unanimous consent that the gentlewoman from the District of Columbia [Ms. NORTON] be allowed to present her amendment.

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

Mr. SMITH of New Jersey. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to make a prediction. When historians write books on the Gingrich Congress, they are going to write chapter upon chapter about the new majority's assault on reproductive choice.

In the first session of the Gingrich Congress, the House of Representatives voted 21 times to compromise a woman's right to choose; 21 votes to undermine a constitutionally guaranteed right, in just 1 year.

This is a new appropriations season and the march continues. But this time the anti-choice forces are making sure that not only will they maintain what they gained last year, but they want to expand on every one of their gains, including prohibition of abortion services in Federal prisons.

There are really two main reasons why passage of the amendment of the gentlewoman from the District of Columbia [Ms. NORTON] was important. First, this is a pro-choice vote. If Members say they are pro-choice, how can they in good conscience not vote for the Norton amendment, an amendment which affirms reproductive choice for women in prison?

I know that speaking on behalf of women in prison may be unpopular. Obviously these are women who have committed crimes. They are serving their punishment. They are incarcerated. But the Norton amendment is not only about women in prison, it is about fundamental protection for Roe versus Wade. If Members are truly pro-choice, then they cannot support the language in this bill, language that will make the right to choose ring hollow for one more group of American women.

Second, Mr. Chairman, I want to talk about the women who need abortion services in prison. Many women prisoners are victims of physical and sexual abuse. In fact, many of them may have had that drug, that date rape drug that the gentleman was referring to in the last amendment. These women have almost no access to prenatal care. They are isolated from family and friends and they face almost certain loss of custody of their child once the child is born. To require that imprisoned women bring unwanted children into wretched circumstances is wrong because we are not considering who will support these children once they are born, wrong because women in prison are not able to care for these children, wrong because denying women in prison abortion services undermines the fundamental principle of reproductive choice.

I urge all of my colleagues to consider the Norton amendment, to pay attention to it, to accept the issue as an affirmation of the right to choose because, Mr. Chairman, it is the right thing to do.

Mrs. SCHROEDER. Mr. Chairman, I ask unanimous consent that the gentlewoman from the District of Columbia [Ms. NORTON] be allowed to offer her amendment.

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

Mr. SMITH of New Jersey. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ROGERS. Mr. Chairman, what is pending before the body?

The CHAIRMAN. There is an amendment pending before the Committee at this point.

Mr. ROGERS. Mr. Chairman, may we be able to move on and do pending business?

The CHAIRMAN. The Chair suggested, a couple of speakers previous to this, that that would be a good idea. The Chair will recognize the gentlewoman from Colorado [Mrs. SCHROEDER], if recognition is sought. After that the Chair will intend to recognize the gentleman from Florida for the purposes of his colloquy.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, how sad I am that now for the third time we have seen Members on this floor denying the gentlewoman from the District of Columbia the right to offer her amendment. I think this Gingrich Congress is going to go down as one of the most anti-women Congresses we have ever seen.

The gentlewoman was in the dining room trying to pay her bill before she ran up here. Is that a crime? My guess is if she were a guy, they would allow this to happen. But the gentlewoman sits down there trying to pay her bill and please, sometimes the service is not the fastest downstairs, because she is a very honorable woman, and she gets up here and everybody goes, ha, ha, ha, you are just 2 seconds too late. That is it. Have a nice day.

What is the consequence? The consequence is that women in prison will not be allowed to have abortions. Let me tell the Members, women in prison very often have been the subject of abuse. They could be drug victims, they could be HIV-positive, they could have the same kind of physical problems that women outside of prison have.

I do not know how to break it to you guys, but pregnancy is not necessarily a 9-month cruise. You do not just lay around the swimming pool eating bonbons. This could be a physically life-threatening situation. But to not even allow it in the cases of rape and incest, and to be so gleeful, and to have now denied for the third time the gentlewoman's right to come forward and offer this amendment in this chaotic situation where we are bundling things and moving things and all sorts of things, makes me really very sad.

I have to say, shame, shame on this body. This is unbelievable. I would never stand up and do this to another Member. We talk about how uncivilized this place is. This is the ultimate of how uncivilized we have become, that we think everybody has to sit here, and I sat here for 3 hours, for 3 hours, they kept saying, your amendment is up any minute, your amendment is up any minute. The gentlewoman sat here with me, because she was very active on our amendment, to try and make sure that the EEOC was at least staffed up to this year's level because they are so far behind.

What we continue to say around here is rights are okay for the men, but for women we say we are for rights but we are not interested in remedies. Women have to be here 24 hours a day because if they miss one glitch, we cannot wait to roll over them like a tank.

So I really want the record to show that three times tonight we have stood up for an issue that nobody wants to particularly stand up for: women in prison. But we have said, why are we going to federally mandate motherhood to women in prison no matter what the circumstances, no matter what her physical circumstance, no matter whether she was the subject of incest or drugs or rape; no matter what, we have now federally mandated motherhood for that women?

Ms. NORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I do want the RECORD to show that the gentlewoman from New York [Ms. MOLINARI] was on her feet and I was on my feet, and I believe the chairman believed that he could come back to me, because I motioned to the chairman that I was here as the last item, and I am talking about the Speaker now, as the last item in Justice, and the gentlewoman from New York [Ms. MOLINARI] was called on.

If I had been called on this, objection to my even offering my amendment could have been raised. I do not think it was my error, I think it was the error of the Speaker.

Mrs. SCHROEDER. I am so glad the gentlewoman said that, Mr. Chairman. I was with the gentlewoman having dinner downstairs. I heard her say, have the cloakroom call me. She had staff on alert. She had the phones going so she could be called up here the moment she was to be here. That is why I was stunned to walk on this floor and find out that this had happened.

I just want to say to people who continue to think it is real cute to object to her being able to bring this up: This is wrong. This is how women in this body are treated by the other Members. We are not equal. You would not do this to male colleagues, and you bloody well know it, and you would not do it to issues that dealt with male citizens, and you bloody well know it.

I think it is really very sad that you think it is so cute to continue to object when you have now done it three times, three times, to the gentlewoman, and she now has stated she was here, and you continue to roll over her. I do not know what else we can do. We wear bright colors. We hope you can see us. We know there are not many of us. But this is, indeed, a very sad night.

ANNOUNCEMENT BY THE CHAIRMAN

Mr. CHAIRMAN. The Chair would simply point out that throughout the process of this bill the bill has been read section by section. That process has not changed unless there has been an unanimous-consent request to go to a specific point in the bill, and that unanimous-consent request has been agreed to by both sides.

The Chair has attempted to be very fair to every Member of both sides, and will continue to do so.

The Chair recognizes the gentleman from Florida [Mr. DEUTSCH].

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

Mr. Chairman, I had an amendment at the desk in title I. The reason that I was offering this amendment is to increase the funds available in the missing children's program account by $2.417 million, and reducing the State Department's internal organizations and conferences by the same amount.

I was seeking this shifting of funds to establish the Jimmy Ryce Law Enforcement Training Center, which will launch the most comprehensive intensive training program on missing and exploited children in American history, touching every State in 18 months.

This very targeted initiative is undertaken in the memory of Jimmy Ryce, a 9-year-old boy from my district who was abducted sodomized, and killed by a sexual predator last September. Jimmy's parents, Donna and Horton Ryce, poured their hearts and souls into their child's investigation. Some of the most frustrating, heartwrenching moments for the Ryces came from a lack of resources coordination between national and local law enforcement.

In a letter the Ryces wrote to every Member of Congress this winter, they explained it this way:

> During the 3 months we looked for Jimmy, we discovered that well-intentioned law enforcement officers spent a lot of the critical first days and weeks to figure out what would be done and what resources outside the local community were available to help.

In working with the Ryce family, the National Center for Missing and Exploited Children, the Justice Department, and members of the South Florida delegation, we developed a coordinated plan to provide hands-on training for State and local law enforcement on how best to use national resources.

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This money will be channeled to the National Center for Missing and Exploited Children, the FBI's National Crime Information Center and Child Abduction and Serial Killer Unit, the Morgan P. Hardiman Task Force on Missing and Exploited Children, and the Office on Juvenile Justice and Delinquency Prevention who will work in partnership to create a single, massive, targeted national training program in 1997 and 1998.

Over the last several decades, Congress has made it a national priority to help States in the safe recovery of endangered children. But until the Federal Government equips law enforcement with the tools necessary to understand and utilize these national resources, we will continue to undermine the Federal role in missing children investigations as well as our chance for the safe recovery of endangered children.

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

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

Mr. ROGERS. Mr. Chairman, the gentleman has gone a long way to bring to the attention of this body and the subcommittee the problem of missing and exploited children. As the gentleman has indicated, Congress has made it a national priority to help States in the safe recovery of endangered children, and in addition to the $6 million in funds already provided as an earmark under the justice assistance account for the missing children's program in this bill, the Office of Juvenile Justice and Delinquency Prevention has established a Federal agency task force for Missing and Exploited Children and provides research, training, and technical assistance to prosecutors, law enforcement, and child protective services personnel. In addition, the Criminal Division and the FBI also dedicate significant resources to this problem, including forensic expertise, violent crime analysis, behavioral science profiling, trial preparation, and prosecutorial strategies.

But as the gentleman points out, additional training is still necessary to ensure that State and local law enforcement authorities have the ability to respond to this problem using the Federal and national resources available to them. This can be done through a combination of additional funding earmarked directly for the Missing Children Program and increasing efforts within resources already available to the FBI and the Office of Juvenile Justice and Delinquency.

I will assure the gentleman that I will work during the conference on this bill to provide additional resources for this important program. I commend him for his work.

Mr. DEUTSCH. Mr. Chairman, I appreciate the pledge of the gentleman from Kentucky. I look forward to working through the conference.

The CHAIRMAN. The time of the gentleman from Florida [Mr. DEUTSCH] has expired.

(By unanimous consent, Mr. DEUTSCH was allowed to proceed for 5 additional minutes.)

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to express my strong support for increasing funds for the National Center for Missing and Exploited Children. Mr. Chairman, 3 years ago, 12-year-old Polly Klaas was kidnapped from her bedroom in Petaluma, CA. That is where I live, that is part of my district. She was later found brutally murdered.

While it is too late to help Polly, it is not too late to help others like her. Since Polly's death, thousands more children have been abducted and many are still missing. Today we have an opportunity to help these children by creating a National Training Center for the Recovery of Missing and Exploited Children, and by improving reporting procedures that the Deutsch amendment has incorporated in the bill it will improve the likelihood that these children will be returned safely to their families.

For Polly, for 9-year-old Jimmy Ryce, it is too late. But for the thousands of children that are still missing, by our support of this important amendment we will have made a great difference.

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

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

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

Mr. RAMSTAD. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Deutsch amendment to provide additional funding for a national training initiative to improve the law enforcement response in cases of missing and exploited children.

As the author of the Jacob Wetterling Crimes Against Children Act, which became law in 1994, I feel a special burden for children who are vulnerable to crime.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. The Wetterling Act is a critical resource for law enforcement for investigating child abduction and molestation cases. But more needs to be done.

The subject of this amendment, the Jimmy Ryce Law Enforcement Training Act, has three crucial components that will provide needed training to law enforcement in missing and exploited children cases.

Adequate funding is absolutely critical for each of these initiatives. I understand a promise has been made to fight for increased funding for this initiative in conference committee, and I am very grateful to Chairman Rogers for his commitment.

Mr. Chairman, I look forward to continued progress on making our communities a safer place for our kids to grow up.

Mr. BARCIA. Mr. Chairman, I move to strike the last word, and I would like to engage in a colloquy with the chairman regarding the Boys and Girls Clubs of America.

Mr. Chairman, in the fiscal 1996 appropriation bill, an $11 million earmark was provided for the Boys and Girls Clubs of America for the establishment of clubs in public housing facilities and other areas of need in cooperation with State and local law enforcement. This earmark was in addition to $4.35 million also included under Byrne discretionary grants.

The Boys and Girls Clubs of America have provided outstanding leadership in constructively providing and offering meaningful activities for our young people. If we are going to effectively deal with the challenges and temptations our young people face, we need to increasingly depend upon volunteer-based organizations like the Boys and Girls Clubs of America. Government cannot do it alone.

As I understand the history of this provision, Mr. Chairman, the intent was for that amount to be the first installment on a multiyear program.

I am great supporter of Boys and Girls Clubs generally and of this effort to bring constructive activity to additional young people in particular.

While the bill before us today includes $4.35 million for Boys and Girls Clubs under the Byrne discretionary grant program, it does not include the additional $11 million earmark under the local law enforcement block grant. Can the gentleman provide me with assurances that the conferees on this appropriations bill can provide similar positive consideration when the other body completes its action?

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

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

Mr. ROGERS. I appreciate the gentleman's concerns and I assure him that we will provide similar favorable consideration when we conference this bill with the Senate, as we provided last year, for additional funding for the Boys and Girls Clubs of America.

Mr. BARCIA. I want to thank the chairman for his leadership on this issue and especially the Boys and Girls Clubs of America. I thank the chairman for this additional show of support from the Congress.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the committee be allowed to go back to section 103 to allow the gentlewoman from the District of Columbia [Ms. NORTON] to offer the amendment which she was prepared to offer, and that debate on the amendment be limited to 10 minutes, 5 minutes for each side.

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

There was no objection.

The CHAIRMAN. The Clerk will redesignate section 103.

The Clerk redesignated section 103.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. NORTON: In title I, under the heading ''GENERAL PROVISIONS—DEPARTMENT OF JUSTICE'', strike section 103.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

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

First, I want to thank the body for the courtesies that are being shown me on the issues I have raised. Above all, I want to indicate to the Chairman that I did not mean to impugn his fairness. He is a man whose reputation for fairness is unmarred in this body, and I think there was honest confusion. Moreover, I should have been here. Even though I was here before the end of the Justice section, I should have been here absolutely on time and I apologize to the body that I was not here. I would hope only that the issue that I raised would not be sacrificed because of my own tardiness.

I appreciate that my friends on the other side have given me the opportunity to offer the amendment. Unanimous consent is one of the few privileges that remains almost sacrosanct in this form in this body. It is an indication of the civility that remains in this body, although it is not always apparent. I had never intended to ask for a rollcall vote.

As has been indicated, I offered this amendment last year. For me it is a matter of principle just as those who do not support choice find it a matter of principle. For me it is deeply felt because my own district is one that is riddled with AIDS, crack, and alcohol, which is destroying parts not only of my own district but destroying parts of my own black community. It is devastating women of every race.

Mr. Chairman, I wished simply to offer the amendment in order to press upon us all that women now have a higher rate of incarceration, growth rate of incarceration, then men in Federal prisons for the first time in our history, that AIDS among them is significantly greater even than AIDS among men, an astonishing fact.

Mr. Chairman, I want to say to my friends on the other side of the aisle, I appreciate the opportunity to offer this amendment. I will look for opportunities to respond in kind.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. SMITH of New Jersey. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 5 minutes.

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

Mr. Chairman, just so the record clearly reflects what is happening here, there were some bogus assertions made earlier that somehow the pro-life side was trying to box the gentlewoman from the District of Columbia from offering her amendment. Yet the simple fact of the matter is that we all have to abide by the rules here. There was a clear window of time here. Mrs. NORTON's amendment was clearly in order but she physically was not here to offer.

Many Members have done that over the years. I've been here for 16 years there have been times that bills have moved so fast that members have missed their opportunity. When that happens they have sought unanimous consent to bring it up, sometimes consent is granted, sometimes not. They did not then claim foul, though. If one knows what the rules are then its incumbent on a member to get here on time, and many Members have found this to be the case. But, really, if you're late getting here, don't turn around and cry foul.

I want the record to show clearly that right now by bringing this amendment up out of order we are providing special treatment, to the gentlelady. Last year when the Norton amendment was offered it was defeated with 281 noes. I think the outcome was very predictable and would have been predictable if we had indeed had a rollcall vote.

Mr. Chairman, the issue is one of whether or not we will provide funding in prisons and also for women detained by the Marshals Service and the Immigration and Naturalization Service, the INS. This language that the chairman has wisely put into the bill provides for abortion funding only in cases of rape or endangerment to the life of the mother section 103. It is a carryover from last year. I believe it is very good legislation.

Finally, and I said this earlier in this debate, why do we seek to proscribe funding for abortion? It is very simple. Many of us have come to the inescapable conclusion based on all of the available documentation that is out there that abortion kills babies, plain and simple. It dismembers babies' bodies. It results in the injection of chemical poisoning. I hope that a comprehensive debate on abortion occurs in this country, that this sense of denial that so many Americans are living with regarding abortion gets stripped away. The partial-birth abortion ban and the fight that occurred on this floor regarding that hideous procedure where the so-called doctor stabs the child's head with a scissors then hooks up a suction device to suck the brains out of the baby.

Many people began to see abortion not as freedom but cruelty to children. The other methods are equally gruesome. It just happens in utero.

You do not see the baby get dismembered unless you do what Dr. Nathanson did and utilize a sonogram and watch, as he did in his movie ''The Silent Scream,'' a child actually getting picked apart by a loop-shaped knife which is as sharp as a razor blade.

Abortion kills babies. That is why we fight it. We also believe very strongly—and I know many women who have had abortions, many women—I believe that they are exploited, they are victims, they are covictims with the baby. Our real concern and love and compassion is for them. Reconciliation for those who have had abortions and efforts to try to prevent those who might be in a vulnerable situation from going forward with that irreversible decision to have her baby killed.

Mr. Chairman, I am glad we had this short debate and we are able to accommodate the gentlewoman from the District. Let me make it very clear however that had she been here at the right time when the reading of the appropriate paragraph occurred, she would have easily offered her amendment. Still, I am glad to be accommodative in providing this opportunity again for her to offer her amendment.

I urge Members to defeat it and yield back the balance of my time.

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

Mrs. MORELLA. Mr. Chairman, I rise in support of the Norton amendment which would remove the ban on access to abortion services for incarcerated women, except in cases of rape or life endangerment.

There are currently almost 6,000 women incarcerated in Federal Bureau of Prisons facilities, the majority—68 percent—of whom are serving sentences for drug offenses. Most of the women are young, have been frequently unemployed, and many have been victims of physical or sexual abuses. According to a recent survey, 6 percent of women in prisons and 4 percent of women in jail were pregnant when admitted. Limited prenatal care, isolation from family and friends, and the certain loss of custody of the infant upon birth present unusual circumstances that exacerbate an already difficult situation if the pregnancy is unintended.

Because Federal prisons are totally dependent on health care services provided by the Bureau of Prisons, this ban, in effect, prevents these women from exercising their constitutional right to abortion. Most women prisoners were poor when they entered prison, and they do not earn any meaningful compensation from prison jobs. This ban then closes off their only opportunity to receive such services, and thereby denies then their rights under the Constitution.

I urge my colleagues to support the Norton amendment.

Mrs. MALONEY. Mr. Chairman, I rise in support of the Norton amendment.

A member of the new majority says that they plan to outlaw abortion, ''procedure by procedure.'' Today's votes prove they are sticking by their word.

If the Radical right has its way, passage of the Commerce/State/Justice bill will include the 30th and 31st votes on choice in this Congress. The Norton amendment seeks to correct one of these attacks on American women.

Federal prisoners must rely on the Bureau of Prisons for all of their health care. So, if this ban passes, it would prevent these women from seeking needed reproductive health care.

In this bill, the new majority has attacked women who are often poor, uneducated, isolated, and beaten down. Most women prisoners are victims of physical or sexual abuse. Most women, if pregnant in prison, became pregnant from rape or abuse before they entered prison. Most women prisoners are poor and cannot rely on anyone for financial assistance.

These women already face limited prenatal care, isolation from family and friends, a bleak future, and the certain loss of custody of the infant.

The ban on reproductive health services for women in prison closes off their only opportunity to receive such care, it denies them their constitutional rights, but most importantly, it denies them their dignity.

Mr. Chairman, don't intensify an already difficult situation; support the Norton amendment.

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The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $21,449,000, of which $2,500,000 shall remain available until expended: *Provided,* That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $272,000,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $28,604,000, to remain available until expended: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $328,500,000: *Provided,* That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1995, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further,* That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

AMENDMENT OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. 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. HOSTETTLER: In title II, strike the item relating to ''DEPARTMENT OF COMMERCE—ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS''.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided on the issue.

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

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. HOSTETTLER] will be recognized for 10 minutes in support of his amendment. Who seeks time in opposition?

Mr. ROGERS. Mr. Chairman, I seek the time in opposition and I yield half of that time to the gentleman from West Virginia [Mr. MOLLOHAN] and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. Chairman, I rise today to offer an amendment to eliminate funding for the Economic Development Administration.

The Economic Development Administration, known as the EDA, which is a part of the Department of Commerce, was created in 1965 to assist in the development of depressed areas an encouraged increased employment through loans and grants to State and local communities.

Although the original intent sounds reasonable, it is not reality. EDA money has been used for many projects that have nothing to do with jobs or economic development for depressed areas.

As we struggle to balance the budget, it is critical that we terminate funding for EDA, an irreparable program that wastes millions of precious Federal dollars every year. We simply cannot afford to continue funding this program.

Throughout the history of the EDA, there can be found any number of examples of Federal spending for unreasonable projects. The Inspector General audited a number of EDA projects and found fault with almost every one.

Some examples of taxpayers dollars being wasted include: $800,000 for a golf course that washed away, $5,000,000 was awarded in 1976 to an economic development district that built a cash reserve of almost $2 million and wasted and misused over $1 million; and $850,000 was awarded in 1987 to help fund a $1 million 3-year industrial park expansion. Eight years later the project was barely started but $670,000 of the money had been spent.

The EDA has proven itself to be a failure at meeting its objective. This program has become a $348 million drain on scarce and valuable Federal resources. Reform of the program is not the answer. Eliminating funding is the answer.

If you support eliminating the Department of Commerce, you should support this amendment. The fact is when EDA was created, 12 percent of the Nation was eligible, today it is estimated 90 percent of the Nation is eligible.

There has been a tendency to base projects more on political influence rather than true need. The 17 States represented by the members of the relevant House and Senate subcommittees received $1.10 per capita in EDA grants in 1994, compared to 68 cents for the rest of the Nation.

EDA's programs are very costly and too slow. An analysis of The Emergency Jobs Act of 1983 revealed that only 84 previously unemployed people received jobs under the program at a cost of $307,000 per job—seven times the cost of a job created in the private sector.

A study conducted by the General Accounting Office failed to establish a strong link between a positive economic effect in a community and an agency's economic development assistance.

Even proponents of this program admit the problems I have mentioned exist. As a solution to the waste of Federal funds and other problems with the EDA, they have offered up reform efforts as the answer. However, a year later, we are still spending the same amount of money and no reform has taken place to address these concerns.

To quote the Commerce Department's Inspector General regarding reform legislation, ''H.R. 2145 simply reenacts substantial portions of the Public Works and Economic Development Act of 1965, and changes the program delivery mechanism by reverting to a regional commission structure similar to the one discontinued nearly 15 years ago with the repeal of the former Title V of the 1965 act. We are concerned that the bill does not directly address the types of deficiencies we have noted over the years with respect to EDA, particularly issues of overly broad eligibility criteria and problems stemming from inadequate programmatic oversight.''

It is obvious the EDA has failed at its intended mission. Due to the budgetary constraints and the lack of a justifiable Federal role in these programs, it makes good sense to zero out this agency within the Department of Commerce.

I ask for your vote to strike EDA funding in the fiscal year 1997 Commerce-State-Justice appropriations bill.

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

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

Mr. Chairman, this amendment would eliminate the Economic Development Administration, and I urge a ''no'' vote.

We debated this issue on this bill last year and the year before and the year before that. Last year 310 members, representing a majority of both Republicans and Democrats, voted resoundingly to support the work of this agency.

I urge the House to turn back this effort to eliminate the EDA for the same reasons we have done for the last several years.

First, we have drastically cut this agency back and forced it to target its dollars on projects in truly distressed communities. Right now EDA funding is 21-percent below last year because of the work of this committee and this House. We proposed not one penny more in this bill, and in fact we provide less than the Administration requested. We also tell EDA it must continue targeting its money at the most distressed communities, in line with the reforms the House has already passed.

Second, if we do not vote this amendment down, we will deprive hard-hit communities in every State of the vital assistance these programs provide. EDA helps our poorest urban and rural communities to provide for themselves and to raise their standards of livings.

EDA also helps communities recover from sudden and severe jobs losses, like factory shutdowns or other disasters. And if your district has suffered from cutbacks in the defense industry, EDA is the major Federal program responsible for helping communities recover from those closed bases. EDA helps fund projects on military bases scheduled for closure so that communities and workers can reuse the base for another purpose.

We have cut EDA by almost $100 million from where it was in 1995. We have cut the bureaucracy by over 35 percent. The agency has been streamlined and downsized, and the development and selection of projects has been moved out of Washington, back towards the local and State levels.

We have worked closely with the authorizers to achieve those reforms, and they are working. The EDA is helping our truly needy areas to attract the private investments that lead to permanent jobs.

Mr. Chairman, I urge a ''no'' vote on the amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, the Economic Development Administration was created in 1965 to promote the recovery of economically distressed areas. The EDA must not be doing its job very well because 31 years later, 90 percent of the country is eligible for EDA grants.

Does that mean that 90 percent of the country is seriously economically distressed, or does it mean that the EDA is no longer running according to its original noble goals? Regardless of the answer, something must be wrong with the EDA.

We are being asked today to spend over $300 million on projects that do not live up to the scrutiny placed on them by the Commerce Department Inspector General. We have reports of rampant fraud and abuse with EDA funds, and this is nothing new. This is something that has been going on for at least a decade. We keep getting the reports over and over again. We keep getting the reports of the misuse of funds on the part of the EDA.

Almost everyone that looks at the EDA except this body says that the EDA is a waste and is one of the chief means of funneling pork into Members' districts. I am not surprised that over 300 people voted against doing away with the EDA last year. I have been down here time and time again, trying to get rid of the EDA year after year, and the votes are strong anyway. Why not? It is pork for your districts, and that is why we support the EDA.

The EDA has shown that as long as we continue to fund them at these levels, they will continue to abuse taxpayer funds. Mr. Chairman, it is time we take away the EDA's gold card.

Mr. MOLLOHAN. Mr. Chairman, I rise in strong opposition to this amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Chairman, several years ago a book was written entitled, ''We've Been Down So Long, It Looks Like Up.'' It described much of Appalachia during the 1970's and 1980's. It described much of rural America that is benefiting from the Economic Development Administration.

The previous speaker talked about 90 percent of the country being eligible for EDA. That is a figment. That is a fiction. The bill that we have repeatedly passed in this House from the Committee on Transportation and Infrastructure revamps the whole EDA program, but we have never been able to get it enacted into law. But the program is administered so that not 90 percent but a vastly smaller number of the country, only those most distressed areas are actually eligible and benefit from the program.

Several years ago when I chaired the Economic Development Subcommittee and Investigations and Oversight Subcommittee, we conducted hearings on the effectiveness of the EDA program. In the first 15 years of EDA, $4.7 billion was invested. That leveraged $9 billion in non-Federal funds, creating 1.5 million jobs, and from those jobs every year $6.5 billion in taxes are being paid to Federal, State and local governments.

Every year the taxes generated by EDA are greater than the total investment in this program in 31 years. Those jobs are still there, they are real, people are still working.

Take the Fort Holabird Industrial Park in Baltimore, abandoned by the military, re-created into an industrial park, $11 million from the city and a total investment of $42 million, an EDA grant of $11 million, 4,000 new jobs created, 1,000 jobs retained. Take the Mohawk Valley Economic Development District in New York, 1,600 jobs created at a cost per job of $1,500. Good jobs, real jobs.

Let us keep EDA. It is a locally controlled program.

□ 2030

Mr. ROGERS. 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.

I would like to ask the body this question: Are there any areas in their districts that are depressed? Is there any section of their district that they would consider in poverty; in need of jobs? If the answer is ''yes,'' then I would like them to find an answer to the following question: What is the Federal Government's role in economic development?

I want to give my colleagues three ideas about the Federal Government's role in economic development and include in that a vastly reformed Economic Development Administration where there is no pork.

No. 1, the Federal Government's role is to create an environment conducive for economic productivity in the private sector. We would agree with that.

No. 2, the Federal Government should enhance the competitive nature of the market economy. Nobody would deny that.

And No. 3, our role in that mix is to act as a team player with the community, with superintendents of schools, for example, to create a job base.

EDA ensures a market economy. Vote against the amendment.

Mr. HOSTETTLER. Mr. Chairman, may I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. HOSTETTLER] has 4 minutes remaining, the gentleman from Kentucky [Mr. ROGERS] has 2 minutes remaining, and the gentleman from West Virginia [Mr. MOLLOHAN] has 3 minutes remaining.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I rise in strong opposition to the gentleman's amendment to eliminate funding from the economic development assistance program.

I know of no other agency, no other program of the Federal Government more critical to the needs of communities around this Nation than the Economic Development Administration.

EDA programs target funds to areas in need of assistance and responds to the special needs of each individual town and city. EDA has programs which benefit communities in almost every stage of the development process.

For those communities experiencing structural economic changes, such as my community, EDA provides flexible assistance to help them design and implement their own local recovery strategies.

This is a local effort, Mr. Chairman. It is nothing that is going to hurt the Federal Government. They can keep up this initiative. We need to stop killing proven programs that have met a need. We need to keep the EDA going, and I ask this Congress to vote against this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. WICKER].

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

Mr. WICKER. Mr. Chairman, I rise in opposition to the amendment. My friend from Colorado said this program is pork for our districts. That is not accurate. This program is jobs and infrastructure and economic development for our districts.

Most of EDA's funds go toward important grants and low-cost loans. Let me give my colleagues one success story. When the Canadian-owned Norbord Company invested $88 million in a new Mississippi plant last year, it was an EDA grant for a water supply system that made that new plant possible.

Now that water system is helping to keep more than 250 workers employed in good jobs, generating tax revenues and contributing to the local and national economies.

EDA helps economically distressed communities build a solid base on which sustainable economic development can be established and maintained. I urge my colleagues to support this valuable government program and defeat the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. WISE], my good friend and colleague, to close for our part.

Mr. WISE. Mr. Chairman, I thank the gentleman from West Virginia for yielding me this time.

EDA. We are talking water systems, we are talking sewer systems, we are talking industrial parks, we are talking of job creation, we are talking technical assistance; we are talking, if you have the misfortune of having a defense base close down, we are talking defense conversion assistance, something a lot of Members have had to draw upon here.

I am proud this is a bipartisan effort to fight for EDA because it is to let people know that EDA generates more than $3 in private sector dollars for every $1 of Federal money that goes into it.

I have heard the concern about EDA not applying to low-income areas. Ladies and gentlemen, in the public works part of EDA 100 percent of the money has gone to low-income, high-unemployment areas and 94 percent of the money has gone into areas as defined under our much tougher authorization bill that unfortunately has not passed the other body but has passed here a number of years.

In terms of audits, I am fascinated, since in the first half of 1996 the IG reviewed 292 independent audits of EDA projects and questioned only 10. I want to read to my colleagues, though. I asked a lot of constituents to tell me what they thought of EDA, and the chairman of the Eastern West Virginia Regional Airport Authority in Martinsburg wrote,

Without the $2 million in Economic Development Administration funding, the creation of our airport industrial park would not have been possible. As it is, Phase I is now under construction, and we anticipate that in Phase I as many as 3,000 high-income jobs will be created. Phase II may see that number swell as high as 5,000 jobs in total.

The average public works expenditure per job created by EDA is $1,922, which compares very favorably with the private sector. In fact, it is better. So all this stuff about 300,000—and, incidentally, those projects the gentleman mentioned a while back, they were under previous administrations by Presidents who were not favorable, ironically, to the EDA. That has not been the case under the tighter standards of the past few years.

So I would urge Members on a bipartisan basis to reject this ill-timed amendment. We want economic growth in this country, not economic retreat. EDA is one of the few agencies providing that.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has the right to close; therefore, the gentleman from Indiana [Mr. HOSTETTLER] is recognized to utilize the remainder of his time.

Mr. HOSTETTLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, the Hostettler amendment is simple—it seeks to eliminate all funding for the Economic Development Administration [EDA]. The EDA, an agency within the Department of Commerce, has long been a source of contention. In fact, the Nixon, Reagan, and Bush Administrations all attempted to abolish EDA on the grounds that the agency was limited in scope and its initiatives should be funded by State and local governments.

EDA's programs, while well-intentioned, are at best duplicative and at worst downright wasteful. Four separate Departments—along with the ARC, TVA, and SBA—fund similar development programs.

And there is no evidence to show that EDA's programs on the whole are a good investment. An April 1996 GAO report was unable to find any study that established a strong causal linkage between a positive economic effect in a community and Federal economic development assistance. In other words, GAO was unable to find any study to justify the core mission of EDA.

What we do know and what has been documented in the Inspector General's semiannual reports to Congress is the high volume of wasteful and misused funds in EDA projects. Some lowlights: A 1993 audit of a New York grant revealed over $12 million in questionable costs. In this case, $10.2 million was used to build a hockey rink for the U.S. Olympic hockey team that the team never used and city officials admitted created no new jobs. The audit is also replete with accounts of sweetheart deals and corrupt public officials.

A 1993 audit of an Oklahoma grant questioned the entire $2.4 million of Federal reimbursement. These funds were supposed to be used to provide water and sewer facilities so that a local company could construct a deboning plant. I quote from the report. "The EDA public improvements increasing water and sewer capacity had no impact in the creation of plant jobs * * * and all of the 300 jobs could have been created without the EDA-funded improvements."

Like most Government spending programs, EDA has its committed advocates in Congress. They will tell you that the Federal Government is better equipped to create jobs than the private sector. They will acknowledge the waste and abuse in EDA's programs, yet they will insist that EDA has been reformed. They will argue that EDA is needed to correct economic displacement caused by base closures even though less than a tenth of all EDA money goes to defense adjustment assistance, and a good deal of that money is wasted as well.

What the EDA proponents will not answer is this: As we struggle to balance the budget in a responsible manner, how can we continue to spend taxpayer money on an agency that has such a dubious track record? I encourage my colleagues to ignore the red herrings and stand up for the American taxpayer. Support the Hostettler amendment and fold the tent at the EDA.

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

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

Ladies and gentleman, it is kind of disheartening when we look at what has happened to the deficits in this country. We do have a $5 trillion deficit that has accumulated over the years. If we had let things continue the way they were, with President Clinton's projected 5-year budgets, we would have increased that to $1 trillion more. That would have raised the annual debt service from, say $250 billion up to almost $300. That is $50 billion less that we do not have to help truly needy people.

My district has benefited by the EDA over the years. We have fought hard to try to get money there. Got a village by the name of Ticondoroga, or rather the town of Moriah, that just got a $1 million grant, and that is going to help. But the truth of the matter is we have to tighten our belts somewhere.

We have to bring these programs together and to merge them. If we do not do that, that debt is going to continue to grow. We have the Farmers Home Administration, the Rural Development Agency, the Community Development Block Grants, and a number of other Federal programs that can do the same things as the EDA. In the States many of my colleagues come from, and New York State where I come from, there are a number of programs out there that are duplicative and do the same thing. Where are we going to cut?

Look at the vote on the Legal Services Corporation a little while ago. That was so disheartening. We added money back instead of cutting. Where are we going to balance the budget? Do may colleagues not worry about their children and their grandchildren? I worry about my four grandchildren. I do not know how in the world or what kind of country they are going to live in if we do not have the guts around here to tighten our belts a little bit like the American people are doing.

I support this amendment. It does not mean we are going to knock off all these programs. They are going to be there because we are merging and bringing these programs together in other forms. If we eliminate the Department of Commerce, that saves 36,000 jobs and pensions that go with them.

These are the things we have to do, ladies and gentleman. I urge my colleagues to support the amendment. As much as I understand there are some good programs in it, there is an awful lot of waste there, too. Like one program that costs $307,000 per newly created job. $307,000? That is a shame.

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

Mr. Chairman, in the beginning, I would just like to address a point that was made earlier with regard to base closure. In an August 2 update to the subcommittee earlier, the Office of the Inspector General stated that although EDA was complying with congressional mandates in administering a program with regard to base closures, they had two preliminary concerns that had been expressed to the agency.

First of all, the project's ability to mitigate the effect of military base closures or convert defense technology to civilian applications appeared limited.

Second, a disproportionate share of the projects were concentrated in a few States, which speaks to the point I made earlier with regard to the number of dollars that go to States that are represented on the relevant House and Senate subcommittees.

In closing, I would just like to say this. There has been a lot of touting with regard to economic development and these monies used for that, but the fact is, Mr. Chairman, where do these monies come from? They are tax dollars that have to be taken either from other companies who would like to create jobs in their particular district, or from individuals who are trying to raise a family on what is becoming a more and more limited income as a result of the size and intrusiveness of the Federal Government.

I guess the point is this. If Members think economic development should be done by the public sector, then they do

not want to support this amendment. But if they think real jobs are created in the private sector, long-lasting jobs, not, for example, 800,000 golf courses that get washed away, but if Members think real long-term job growth happens in the private sector, then we need to let businesses and individuals keep more of the money they earn that they use to create jobs and wealth in this country.

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

Mr. HOSTETTLER. I yield to the gentleman from Maryland.

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

One quick example. There was a defense contractor in my district that made harnesses for F–14 jets. They shut down, 200 jobs out. Leveraging EDA loans we created a high-technology center which now employs about 200 people that does the same kind of thing in the private sector.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 1 minute for the purpose of closing.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure of the House, who has reformed EDA.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to this amendment.

Now, the criticisms that we are hearing about EDA are accurate. They are accurate but they are in the past tense. We have reformed this agency. We heard tonight about 90 percent of the country being eligible. That is the way is was, but that is not the way it is based on the instructions given to EDA from both the authorizers and the appropriating committee. Only distressed communities are getting the money. It is not 90 percent. Only about 45 percent are even considered, and the actual money is flowing to only about 20 percent. The most needy. This is job creation.

With regard to the issue of local businesses and governments participating, we now have a 50 percent match requirement. So this is not the Federal Government handing out dollar bills, it is the Federal Government saying we will match you, but you put up your local money.

Defeat this amendment, Save the EDA.

Mr. OLVER. Mr. Chairman, I rise in opposition to the Hostettler amendment and in strong support of targeted economic development.

My largely rural district in central and western Massachusetts has endured some major economic shifts, including a significant portion of New England's losses in the paper industries.

My communities need new jobs, but they do not always have the resources to begin economic growth in a new direction.

That's where the EDA comes in.

Economic development seed money—often grants of relatively modest amounts—can make a world of difference to a sluggish local economy.

The EDA injects economic life into an area by: Creating industrial parks by funding utilities construction; or providing hard to come by capital for revolving small business loans; or by funding the regional economic planning necessary for small communities to coordinate their job-creating efforts.

And the EDA is the only Federal agency that helps implement strategies to adjust to defense downsizing, turning abandoned military bases into hubs for new businesses.

My district has benefited greatly from these types of critical investment.

The development of Summit Industrial Park in Gardner, MA, and economic dislocation lending to small businesses by the Franklin County Community Development Corporation are two examples of current EDA-funded projects in my area.

These projects are partnerships, with the State and local governments contributing their fair share.

Termination of the EDA would do little to balance the budget.

Three hundred and forty-nine million dollars in this bill is one-fiftieth of 1 percent of the total Federal budget for fiscal year 1997.

What terminating the EDA would do is kill a great catalyst for economic renewal, and the best hope many of my constituents have for a future paycheck.

I urge a no vote on the Hostettler amendment.

Mr. HINCHEY. Mr. Chairman, I rise in opposition to this amendment which would eliminate funding for the Economic Development Administration.

The EDA is a lean, efficient Government agency that promotes economic development in distressed communities throughout the Nation.

The agency helps communities improve their infrastructure, adjust to the impact of defense downsizing, and recover from natural disasters such as floods and earthquakes.

EDA is also an agency that has effectively reinvented itself during the last several years by streamlining its regulations, reducing staff levels and overhead expenses, and strengthening the public-private partnership to create jobs and promote local economic development.

In my district, the agency is a proven success in creating jobs and revitalizing an economy, which has been devastated by the impact of defense downsizing.

EDA has funded the Small Business Resource Center in Kingston, NY, for example, a program that assists small business start-ups and provides technical and market information to local businesses seeking to expand.

Since its opening just over a year ago, the resource center has helped many small businesses in the area improve their operations and their profitability.

The center has also facilitated the start up of 15 new businesses in just 12 months.

EDA's support for the resource center has helped Ulster County recover from the impact of defense downsizing, and in that regard the agency is somewhat unique at the Federal level.

It is the only agency that maintains a major program solely dedicated to assisting communities that have suffered due to defense cutbacks.

The Defense Adjustment Assistance Program assists economically-distressed communities build a solid base on which sustainable economic development can be established and maintained.

This helps explain how EDA has saved almost 10 thousand jobs in the State of New York in less than 4 years.

Is this really the best economic development strategy that the sponsors of this amendment can come up with?

I urge my colleagues to join me and Chairman ROGERS in opposing this unwise amendment.

Mr. PACKARD. Mr. Chairman, I rise in strong support of the bipartisan effort to retain the Economic Development Administration and in opposition to the amendment to eliminate funding for the EDA.

We certainly need to downsize government and focus our resources on the priorities which help our people and the communities in which they live. So while all agencies must help us tighten their belts and move toward a balanced budget, I would argue the EDA is more than worthy of our continued support at an appropriate level of funding.

I represent a coal mining district that has been severely impacted by the Federal Clean Air Act. We are desperately trying to diversify our economy, and in that effort the EDA has been extremely helpful by investing in basic infrastructure which brings in new industry and jobs.

The State of illinois has received funds through the EDA for nearly 150 projects since fiscal year 1992. It is the EDA that helps to provide essential services such as sewer lines and water towers to communities with substantial and persistent economic needs. In addition, these projects have helped to create thousands of greatly needed jobs in my State.

Last year 309 members of this body agreed that the EDA deserved appropriate funding, albeit at a 21 percent cut from the 1995 level. The EDA is scheduled to receive that same amount this year. I again purpose that we can, and should, continue to show support for the EDA by opposing any measure eliminating its funding.

Mr. CRAMER. Mr. Chairman, I rise in support of the Economic Development Administration [EDA]. The EDA has been continually active throughout the country, especially in my district. Through public works, technical assistance, planning, community investments, and revolving loan fund programs, EDA has established local partnerships that have provided critical infrastructure development and other economic incentives that have stimulated local growth, created jobs and generated revenues.

EDA's Trade Adjustment Assistance Program for Firms and Industries [TAA] has been an effective tool in helping U.S. firms and industries injured by international trade. By stemming firms' losses in sales and employment and by restoring growth, the program preserved and created a total of over 62,000 jobs in 500 companies studied.

Without EDA's National Technical Assistance program, many successful innovative economic development projects and activities would never be undertaken. This program stimulates technology development and transfer and helps U.S. manufacturers and industries develop new products and processes and utilize appropriate product and production technologies.

The Economic Development Administration's role in disaster recovery is to provide assistance to communities to achieve long-term economic recovery through the strategic investment of local resources. In the last 3 years, at least 13 States have been victims of natural disasters that EDA has assisted in rebuilding their communities and revitalizing their local economies.

EDA operates the largest Federal program for defense adjustment. The Department of Defense's Office of Economic Adjustment does an excellent job of supporting base reuse and community planning, only EDA can support the implementation of these plans. Over the next few years, communities affected by BRAC will be approaching EDA for critical base reuse funds.

Under EDA's Economic Adjustment Program, communities are provided with unique flexibility to design local strategies that achieve economic change and stability, and multicomponent projects to implement those strategies. This program serves a unique role in the nation's response to post-disaster economic recovery, base closure and defense industry downsizing as well as prolonged, persistent economic deterioration.

The administration's Infrastructure and Development Facilities Program aids economically distressed communities. It assists with construction of projects that improve opportunities for the establishment and expansion of commercial and industrial plants and facilities among other things. Since 1965 when EDA was created, this program has created more than 1.5 million jobs across the country.

I urge my colleagues opposition to amendments threatening EDA's funding.

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to any amendment that would terminate and/or cut funding for the Economic Development Administration—the EDA.

Mr. Chairman, this year's recommended funding level for the EDA is but $328.5 million. This is identical to the funding for fiscal year 1996—reflecting a 20-percent cut in EDA funding since fiscal 1995.

This is surely representative of EDA's fair share of reduced Federal spending we are called upon to make.

One of the most important features of EDA funding is that it provides vital funding to communities that have had, and are still experiencing, base closures and defense downsizing.

If it were not for the EDA, defense conversion funds, set at $95 million in fiscal year 1997, where bases have been closed and Defense industry jobs lost—communities would not have the money to pick themselves up and dust themselves off—and get back on their feet again.

While West Virginia has had no base closures, and so Defense conversion funds do not assist my constituents, I know that many States depend upon the EDA's Defense conversions for economic development assistance, and I want them to have this $95 million set aside for that purpose.

EDA funds also go to local development districts and university centers, and to areas that have been devastated by spring floods, and winter blizzards, and earthquakes, and hurricanes and tornadoes.

But such funds are also spent on communities faced with both chronic and sudden economic downturns that result in massive job losses.

Over the past 30 years, EDA has created almost 40,000 economic development projects, generated more than $2 billion of private sector capital through revolving loan funds, supported more than 7,000 businesses, and leveraged $3 for every Federal dollar invested. That doesn't sound like golden fleece awards to me.

My colleagues, listen to what is being said around you by Members of this body about how much EDA means to their economically distressed areas, and defeat any amendment to kill or reduce the EDA program, just as you defeated their twins last year.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

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

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

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] will be postponed.

Mr. ROGERS. 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. GOSS) having assumed the chair, Mr. GUNDERSON, 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. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, 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. 3814, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 3814, in the Committee of the Whole, pursuant to House Resolution 479 and the order of the House of July 17, 1996: First, the remainder of the bill be considered as read; and second no amendment shall be in order except for the following amendments, which shall be considered as read, shall not be subject to amendment 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, and equally divided and controlled by the proponent and a Member opposed:

Amendment No. 10 by Mr. HOSTETTLER for 10 minutes;

An amendment by Mrs. JACKSON-LEE (regarding the National Telecommunications and Information Administration) for 15 minutes;

Amendment No. 11 by Mrs. MINK for 10 minutes;

An amendment by Mr. ROGERS (regarding NOAA) for 10 minutes;

An amendment by Mr. ENGEL (regarding public broadcasting grants) for 10 minutes;

Amendment No. 20 by Mr. BROWN of California for 20 minutes;

An amendment by Mr. ALLARD (regarding the Technology Administration) for 10 minutes;

An amendment by Mr. GOSS (regarding EDA) for 10 minutes;

An amendment by Mr. PORTER (regarding Asia Broadcasting) for 20 minutes;

An amendment by Mr. OBEY (regarding ABM Treaty) for 15 minutes;

Amendment No. 19 by Mr. TRAFICANT for 5 minutes;

Amendment No. 28 by Mr. GUTKNECHT for 20 minutes;

An amendment by Mr. DEUTSCH (regarding COPS) for 10 minutes;

An amendment by Mr. ENSIGN (regarding sexually explicit material in prisons) for 10 minutes;

Amendment No. 5 by Mr. FRANK of Massachusetts for 20 minutes;

Amendment No. 6 by Mr. FRANK of Massachusetts for 20 minutes;

Amendment No. 16 by Mr. GANSKE for 20 minutes;

Amendment No. 17 by Mr. GEKAS for 10 minutes;

Amendment No. 33 by Mrs. NORTON for 20 minutes;

An amendment by Mrs. FOWLER (regarding COPS) for 10 minutes;

An amendment by Mr. COLLINS of Georgia (regarding Federal Prison Industries) for 15 minutes;

An amendment by Mr. HUTCHINSON (regarding deaths in prisons) for 10 minutes; and

An amendment by Mr. MILLER of Florida for 10 minutes.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2391

Mr. SOLOMON. Mr. Speaker, my name was inadvertently placed on H.R. 2391 as a cosponsor. I ask unanimous consent to remove my name as a cosponsor of H.R. 2391.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 479 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. 3814.

□ 2049

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. 3814) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When of the Committee of the Whole rose earlier today, a demand for the recorded vote on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER] had been postponed and the bill had been read through page 49, line 2.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 479, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 38 offered by the gentlewoman from Colorado [Mrs. SCHROEDER]; an amendment offered by the gentleman from Virginia [Mr. SCOTT]; and amendment No. 9 offered by the gentleman from Indiana [Mr. HOSTETTLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. SCHROEDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER], 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 159, noes 265, not voting 9, as follows:

[Roll No. 343]

AYES—159

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dixon
Doggett
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Radanovich
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates
Zimmer

NOES—265

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
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
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Young (AK)
Zeliff

NOT VOTING—9

Collins (IL)
Ehrlich
Fazio
Lewis (CA)
Lincoln
Matsui
McDade
Spratt
Young (FL)

☐ 2108

Messrs. KIM, WISE, and RAHALL changed their vote from ''aye'' to ''no.''

Mr. PAYNE of New Jersey and Mr. SCHUMER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT], on which further proceedings were postponed and on which the noes prevailed by a 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 99, noes 326, not voting 8, as follows:

[Roll No. 344]

AYES—99

Abercrombie
Barrett (WI)
Becerra
Beilenson
Bishop
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
Cummings
de la Garza
DeFazio
Dellums
Dingell
Dixon
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Gibbons
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (RI)
Kildee
Klink
LaFalce
Lantos
LaTourette
Lewis (GA)
Lofgren
Markey
Martinez
McDermott
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Mink
Moran
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Quinn
Rangel
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Shays
Sisisky
Slaughter
Stark
Stokes
Studds
Tejeda
Thompson
Torres
Towns
Vento
Waters
Watt (NC)
Williams
Woolsey
Wynn
Yates

NOES—326

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skaggs
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)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—8

Collins (IL)
Fazio
Gilman
Lewis (CA)
Lincoln
Matsui
McDade
Young (FL)

☐ 2116

Messrs. NADLER, MILLER of California, and BALDACCI changed their vote from ''aye'' to ''no.''

Mr. BROWN of Ohio changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER], 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 328, not voting 6, as follows:

[Roll No. 345]

AYES—99

Allard
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bereuter
Bilirakis
Bliley
Boehner
Brownback
Bunning
Burton
Chabot
Chenoweth
Christensen
Chrysler
Coble
Combest
Cooley
Cox
Crane
Crapo
Cubin
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Ensign
Fawell
Fields (TX)
Foley
Goss
Greene (UT)
Gutknecht
Hancock
Hastert
Hayworth
Hefley
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Kasich
Kim
Klug
Kolbe
Largent
Leach
Manzullo
McCollum
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moorhead
Myrick
Nethercutt
Neumann
Paxon
Petri
Pombo
Porter
Pryce
Radanovich
Ramstad
Rohrabacher
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Solomon
Souder
Stearns
Stockman
Stump
Tate
Thornberry
Tiahrt
Walker
Weller
White
Wolf
Zeliff
Zimmer

NOES—328

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blumenauer
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
McCarthy
McCrery
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez

Vento	Watt (NC)	Wilson
Visclosky	Watts (OK)	Wise
Volkmer	Waxman	Woolsey
Vucanovich	Weldon (FL)	Wynn
Walsh	Weldon (PA)	Yates
Wamp	Whitfield	Young (AK)
Ward	Wicker	
Waters	Williams	

NOT VOTING—6

Collins (IL)	Lincoln	McDade
Fazio	Matsui	Young (FL)

□ 2124

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ROGERS. Mr. Chairman, I move to strike the last word. Mr. Chairman, let me make an announcement. There will be no more recorded votes tonight. However, we will be proceeding with several amendments and then roll the votes until tomorrow, and we are asking the authors and speakers who would like to be heard on these six amendments to stay around tonight and let us work. Then we will roll the votes until tomorrow, should any votes be required.

The following amendments will be taken up tonight, and we are asking all speakers and authors to remain on hand; the amendment to be offered by the gentleman from Florida [Mr. GOSS], the EDA amendment to be offered by the gentlewoman from Hawaii [Mrs. MINK]; the amendment to be offered by the gentleman from New York [Mr. ENGEL]; the amendment to be offered by the gentleman from Florida [Mr. MILLER]; the amendment to be offered by the gentleman from Illinois [Mr. PORTER]; and the amendment to be offered by the gentleman from Ohio [Mr. TRAFICANT].

Those amendments will be offered tonight. Any votes will be rolled until tomorrow.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as read.

The text of the remainder of the bill is as follows:

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,000,000: *Provided,* That of the total amount provided, $3,000,000 shall be available for obligation and expenditure only for projects jointly developed, implemented and administered with the Small Business Administration.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1998.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by sections 1, 2, and 4 of Public Law 91–412 (15 U.S.C. 1525–1527) and, notwithstanding section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912), charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,617,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $205,100,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $15,000,000 to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further,* That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $10,250,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further,* That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,490,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided,* That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further,* That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further,* That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, $100,000,000, to remain available until expended: *Provided,* That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further,* That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $268,000,000, to remain available until expended, of which not to exceed $1,625,000 may be transferred to the ''Working Capital Fund''.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $89,900,000, to remain available until expended, of which not to exceed $300,000 may be transferred to the ''Working Capital Fund''.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $110,500,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the ''Working Capital Fund'': *Provided,* That none of the funds made available under this heading may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further,* That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 200 commissioned officers on the active list as of April 1, 1997, and no commissioned officers on the active list as of September 30, 1997; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,738,200,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further,* That

the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1997, so as to result in a final general fund appropriation estimated at not more than $1,735,200,000: *Provided further,* That any such additional fees received in excess of $3,000,000 in fiscal year 1997 shall not be available for obligation until October 1, 1997: *Provided further,* That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further,* That in addition, $66,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'': *Provided further,* That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further,* That of the $1,837,176,000 provided for in direct obligations under this heading (of which $1,735,200,000 is appropriated from the general fund, $71,276,000 is provided by transfer, and $30,700,000 is derived from unobligated balances and deobligations from prior years), $180,975,000 shall be for the National Ocean Service, $292,907,000 shall be for the National Marine Fisheries Service, $231,826,000 shall be for Oceanic and Atmospheric Research, $633,010,000 shall be for the National Weather Service, $431,582,000 shall be for the National Environmental Satellite, Data, and Information Service, $66,876,000 shall be for Program Support.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $7,800,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $36,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $6,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $200,000, to be derived from receipts collected pursuant to subsections (b) and (f) of section 10 of the Fishermen's Protective Act of 1967 (22 U.S.C. 1980), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost of guaranteed loans, $250,000, as authorized by the Merchant Marine Act of 1936, 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 none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $27,400,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $19,445,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $10,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided,* That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further,* That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided,* That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments, or regulations which create new individual fishing quota, individual transferable quota, or new individual transferable effort allocation programs, or to implement any such plans, amendments, or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until offsetting fees to pay for the cost of administering such plans, amendments, or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.

SEC. 209. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal

Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 210. There is hereby established the Bureau of the Census Working Capital Fund, which shall be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such services and projects as the Director of the Census Bureau determines may be performed more advantageously when centralized: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the divisions and offices of the Bureau: *Provided further*, That a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the Working Capital Fund as of the close of the last completed fiscal year, shall be prepared each year: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Working Capital Fund may be credited with advances and reimbursements from applicable appropriations of the Bureau and from funds of other agencies or entities for services furnished pursuant to law: *Provided further*, That any inventories, equipment, and other assets pertaining to the services to be provided by such funds, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the Working Capital Fund: *Provided further*, That the Working Capital Fund shall provide for centralized services at rates which will return in full all expenses of operation, including depreciation of fund plant and equipment, amortization of automated data processing software and hardware systems, and an amount necessary to maintain a reasonable operating reserve as determined by the Director.

This title may be cited as the ''Department of Commerce and Related Agencies Appropriations Act, 1997''.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $27,157,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $2,490,000, of which $260,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $15,013,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $11,114,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,550,956,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,390,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); $297,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $66,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $125,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $48,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,495,000; of which $1,800,000 shall remain available through September 30, 1998, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $21,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,300,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,300,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

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

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

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

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be

available for official reception and representation expenses of the Judicial Conference of the United States: *Provided,* That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 612(l) of title 28, United States Code, shall be amended as follows: strike ''1997'', and insert in lieu thereof ''1998''.

This title may be cited as ''The Judiciary Appropriations Act, 1997''.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration; $1,705,000,000: *Provided,* That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $150,000,000 of fees may be collected during fiscal year 1997 under the authority of section 140(a)(1) of that Act: *Provided further,* That all fees collected under the preceding proviso shall be deposited in fiscal year 1997 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: *Provided further,* That in fiscal year 1998, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,230,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717); and in addition not to exceed $1,223,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553), as amended; and in addition, as authorized by section 5 of such Act, $450,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

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

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $352,300,000.

CAPITAL INVESTMENT FUND

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

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections: *Provided,* That notwithstanding any other provision of law, (1) the Office of Inspector General of the United States Information Agency is hereby merged with the Office of Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,490,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,332,000, to remain available until September 30, 1998.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $370,000,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)): *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $5,800,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $663,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,001,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $126,491,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $875,000,000: *Provided,* That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further,* That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1997: *Provided further,* That certification under section 401(b) of Public Law 103–236 for fiscal year 1997 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further,* That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That of the funds appropriated in this paragraph, $80,000,000 may be made available only on a quarterly basis and only after the Secretary of State certifies on a quarterly basis that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the

biennium 1996–1997 adopted in December, 1995: *Provided further,* That notwithstanding section 402 of this Act, not to exceed $10,000,000 may be transferred from the funds made available under this heading to the ''International Conferences and Contingencies'' account for assessed contributions to new or provisional international organizations: *Provided further,* That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $332,400,000, of which $50,000,000 is for payment of arrearages accumulated in 1995, and which shall be available only upon certification by the Secretary of State that at least two of the following have been achieved: (1) savings of at least $100,000,000 will be achieved in the biennial expenses of the following United Nations divisions and activities—the United Nations Conference on Trade and Development, the Regional Economic Commissions, the Department of Public Information, and the Department of Conference Services, travel and overtime; (2) the number of professional and general service staff employed by the United Nations Secretariat at the conclusion of the 1996–1997 biennium will be at least ten percent below the number of such positions on January 1, 1996; and (3) the United Nations has adopted a budget outline for the 1998–1999 biennium that is below $2,608,000,000; as part of a five-year program to achieve major cost-saving reforms in the United Nations and specialized agencies: *Provided,* That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further,* That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

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

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

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

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $18,490,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,463,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,490,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $10,450,000: *Provided,* That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $8,000,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $38,495,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of such Act of 1948 (22 U.S.C. 1471), and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)); $439,300,000: *Provided,* That not to exceed $1,400,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085): *Provided further,* That not to exceed $7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, student advising and counseling, and publication programs as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e): *Provided further,* That not to exceed $1,100,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

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

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $185,000,000, to remain available until expended as authorized by section 105 of such Act of 1961 (22 U.S.C. 2455).

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1997, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1997, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, the Radio Broadcasting to Cuba Act, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities, including the purchase, installation, rent, construction, or improvement of facilities and equipment for radio transmission and reception to Cuba; $335,700,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1474(3)), not to exceed $35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed $39,000

may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of such Act of 1948 (22 U.S.C. 1475e), to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

RADIO CONSTRUCTION

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), $39,000,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

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

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

SEC. 404. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 405. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 406. None of the Funds made available by this Act or any other Act may be made available to support the negotiating activities of the Standing Consultative Commission (SCC) or to implement agreements, amendments, or understandings to the Anti-Ballistic Missile Treaty of 1972 (hereafter referred to as the ''ABM Treaty'') reached after January 1, 1996 by the Standing Consultative Commission or pursuant to United States-Russian bilateral discussions regarding the establishment of a demarcation between theater missile defense systems and anti-ballistic missile systems for the purposes of the ABM Treaty or multilateralization of the ABM Treaty unless the President certifies to the Congress that any amendments, agreements, or understandings reached pursuant to these activities or discussions will be submitted to the Senate for its advice and consent.

This title may be cited as the ''Department of State and Related Agencies Appropriations Act, 1997''.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies, as authorized by the Merchant Marine Act, 1936, as amended, $148,430,000, to remain available until expended.

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $63,000,000, to remain available until expended: *Provided,* That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $62,300,000: *Provided,* That reimbursements may be made to this appropriation from receipts to the ''Federal Ship Financing Fund'' for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI)

PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $37,450,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,450,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

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

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

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

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

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,740,000: *Provided,* That not to exceed $50,000 may be used to employ consultants: *Provided further,* That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further,* That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $2,196,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

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

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $232,740,000: *Provided,* That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,619,000, of which not to exceed $300,000 shall remain available until September 30, 1998, for research and policy studies: *Provided,* That $126,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1997 so as to result in a final fiscal year 1997 appropriation estimated at $59,219,000: *Provided further,* That any offsetting collections received in excess of $126,400,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997: *Provided further,* That none of the funds appropriated by this Act shall be used to deny or delay action on a license, license transfer or assignment, or license renewal for any religious or religiously affiliated entity on the basis that its recruitment or hiring of full or part time employees for any position at a broadcast facility licensed to such entity is or was limited to persons of a particular religion or having particular religious knowledge, training, or interests: *Provided further,* That the preceding proviso shall not apply with respect to any appeal from a decision of any administrative law judge rendered on September 15, 1995.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $11,000,000: *Provided,* That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $85,930,000: *Provided,* That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further,* That notwithstanding any other provision of law, not to exceed $58,905,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further,* That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1997, so as to result in a final fiscal year 1997 appropriation from the General Fund estimated at not more than $27,025,000, to remain available until expended: *Provided further,* That any fees received in excess of $58,905,000 in fiscal year 1997 shall remain available until expended, but shall not be available for obligation until October 1, 1997: *Provided further,* That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $141,000,000, of which $134,575,000 is for basic field programs and required independent audits; $1,125,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; and $5,300,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) CONTINUATION OF COMPETITIVE SELECTION PROCESS.—None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity except through a competitive selection process conducted in accordance with regulations promulgated by the Corporation in accordance with the criteria set forth in subsections (c), (d), and (e) of section 503 of Public Law 104–134 (110 Stat. 1321–130 et seq.).

(b) INAPPLICABILITY OF NONCOMPETITIVE PROCEDURES.—For purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND RESTRICTIONS.—None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of—

(1) sections 501, 502, 505, 506, and 507 of Public Law 104–134 (101 Stat. 1321–127 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions as set forth in such sections, except that all references in such sections to 1995 and 1996 shall be deemed to refer instead to 1996 and 1997, respectively; and

(2) section 504 of Public Law 104–134 (101 Stat. 1321–132 et seq.), and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such section, except that—

(A) subsection (c) of such section 504 shall not apply;

(B) paragraph (3) of section 508(b) of Public Law 104–134 (101 Stat. 1321–147) shall apply with respect to the requirements of subsection (a)(13) of such section 504, except that all references in such section 508(b) to the date of enactment shall be deemed to refer to April 26, 1996; and

(C) subsection (a)(11) of such section 504 shall not be construed to prohibit a recipient from using funds derived from a source other than the Corporation to provide related legal assistance to—

(i) an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; or

(ii) an alien whose child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty.

(b) DEFINITIONS.—For purposes of subsection (a)(2)(C):

(1) The term ''battered or subjected to extreme cruelty'' has the meaning given such term under regulations issued pursuant to subtitle G of the Violence Against Women Act of 1994 (Pub. L. 103–322; 108 Stat. 1953).

(2) The term ''related legal assistance'' means legal assistance directly related to the prevention of, or obtaining of relief from, the battery or cruelty described in such subsection.

SEC. 503. (a) CONTINUATION OF AUDIT REQUIREMENTS.—The requirements of section 509 of Public Law 104–134 (101 Stat. 1321–146 et seq.), other than subsection (l) of such section, shall apply during fiscal year 1997.

(b) REQUIREMENT OF ANNUAL AUDIT.—An annual audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act shall be conducted during fiscal year 1997 in accordance with the requirements referred to in subsection (a).

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $975,000.

NATIONAL BANKRUPTCY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Bankruptcy Review Commission, as authorized by the Bankruptcy Reform Act of 1994, $500,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $277,021,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including (1) such incidental expenses as meals taken in the course of such attendance, (2) any travel and transportation to or from such meetings, and (3) any other related lodging or subsistence: *Provided,* That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b))

shall increase from one-fiftieth of one percentum to one-thirty-third of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: *Provided further,* That immediately upon enactment of this Act or September 1, 1996, whichever occurs later, every national securities association shall pay to the Commission a fee at a rate of one-eight-hundredth of one percentum for each $1,000,000 of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange (other than bonds, debentures, and other evidences of indebtedness) subject to prompt last sale reporting pursuant to the rules of the Commission or a registered national securities association, excluding any sales for which a fee is paid under section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee), and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover the costs to the Government of the supervision and regulation of securities markets and securities professionals: *Provided further,* That the fee due from every national securities association shall be paid (1) on or before March 15, 1997, with respect to transactions occurring during the period beginning immediately upon enactment of this Act or September 1, 1996, whichever occurs later, and ending at the close of December 31, 1996; and (2) on or before September 30, 1997, with respect to transactions and sales occurring during the period beginning on January 1, 1997, and ending at the close of August 31, 1997: *Provided further,* That the total amount appropriated for fiscal year 1997 under this heading shall be reduced as all such offsetting fees are deposited to this appropriation so as to result in a final total fiscal year 1997 appropriation from the General Fund estimated at not more than $83,047,000: *Provided further,* That any such fees collected in excess of $193,974,000 shall remain available until expended but shall not be available for obligation until October 1, 1997.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $214,419,000, of which $94,218,000 shall be available for the non-credit programs of the Small Business Administration, including $3,000,000 which shall only be available for obligation and expenditure for projects jointly developed, implemented and administered with the Minority Business Development Agency of the Department of Commerce: *Provided,* That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further,* That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $8,900,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $2,792,000, and for the cost of guaranteed loans, $161,876,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1998: *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 during fiscal year 1997, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $93,485,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $105,432,000, to remain available until expended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $100,578,000, including not to exceed $500,000 for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums may be transferred to and merged with appropriations for Salaries and Expenses and Office of Inspector General.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the ''Surety Bond Guarantees Revolving Fund'', authorized by the Small Business Investment Act, as amended, $3,730,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 504. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

TITLE VI—GENERAL PROVISIONS

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

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

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

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1997, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

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

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

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

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was

operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities,

(2) Recovering and repatriating American remains,

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MIA's.

(4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

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

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

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

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

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

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading ''Fleet Modernization, Shipbuilding and Conversion'' may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. None of the funds made available in this Act may be used for ''USIA Television Marti Program'' under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This Act may be cited as the ''Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997.''.

The CHAIRMAN. No further amendments shall be in order except the following amendments, which shall be considered read, shall not be subject to amendment or to a demand for division of the question, and shall be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Amendment No. 10 by the gentleman from Indiana [Mr. HOSTETTLER], for 10 minutes.

An amendment by the gentlewoman from Texas [Ms. JACKSON-LEE], regarding the National Telecommunications and Information Administration, for 15 minutes;

Amendment No. 11 by the gentlewoman from Hawaii [Mrs. MINK], for 10 minutes;

An amendment by the gentleman from Kentucky [Mr. ROGERS], regarding NOAA, for 10 minutes;

An amendment by the gentleman from New York [Mr. ENGEL], regarding Public Broadcasting grants, for 10 minutes;

An amendment No. 20 by the gentleman from California [Mr. BROWN], for 20 minutes;

An amendment by the gentleman from Colorado [Mr. ALLARD], regarding the Technology Administration, for 10 minutes;

An amendment by the gentleman from Florida [Mr. GOSS], regarding EDA, for 10 minutes;

An amendment by the gentleman from Illinois [Mr. PORTER], regarding Asia Broadcasting, for 20 minutes;

An amendment by the gentleman from Wisconsin [Mr. OBEY], regarding the ABM Treaty, for 15 minutes;

An amendment No. 19 by the gentleman from Ohio [Mr. TRAFICANT], for 5 minutes;

Amendment No. 28 by the gentleman from Minnesota [Mr. GUTKNECHT], for 20 minutes;

An amendment by the gentleman from Florida [Mr. DEUTSCH], regarding COPS, for 10 minutes;

An amendment by the gentleman from Nevada [Mr. ENSIGN], regarding sexually explicit material in prisons, for 10 minutes;

Amendment No. 5 by the gentleman from Massachusetts [Mr. FRANK], for 20 minutes;

Amendment No. 6 by the gentleman from Massachusetts [Mr. FRANK], for 20 minutes;

Amendment No. 16 by the gentleman from Iowa [Mr. GANSKE], for 20 minutes;

Amendment No. 17 by the gentleman from Pennsylvania [Mr. GEKAS], for 10 minutes;

Amendment No. 33 by the gentlewoman from the District of Columbia [Ms. NORTON], for 20 minutes;

An amendment by the gentlewoman from Florida [Mrs. FOWLER], regarding COPS, for 10 minutes;

An amendment by the gentleman from Georgia [Mr. COLLINS], regarding Federal prison industries, for 15 minutes;

An amendment by the gentleman from Arkansas [Mr. HUTCHINSON], regarding deaths in prisons, for 10 minutes; and

An amendment by the gentleman from Florida [Mr. MILLER], for 10 minutes.

□ 2130

Pursuant to the announcement just made by the gentleman from Kentucky, there are six amendments which will be considered yet this evening.

Does the gentleman from Kentucky intend to suggest one amendment over another or does he wish it simply be subject to recognition by the Chair?

Mr. ROGERS. Mr. Chairman, I would prefer the latter, that we would call them up as we see fit, as they become ready. Let me reiterate, though, that the only six amendments that we plan to bring up tonight are the ones that I read off: The gentleman from Florida [Mr. GOSS], the gentlewoman from Hawaii [Mrs. MINK], the gentleman from Florida [Mr. MILLER], the gentleman from New York [Mr. ENGEL], the gentleman from Illinois [Mr. PORTER], and the gentleman from Ohio [Mr. TRAFICANT]. No votes will be taken tonight. If any votes are required, we will roll them until tomorrow. All other amendments other than these six will be brought up tomorrow, so Members can feel free, if they do not want to participate in these six amendments, to go to their offices or retire.

AMENDMENT OFFERED BY MR. GOSS

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

Mr. CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOSS: Page 48, line 7, after the dollar amount, insert the following: ''(reduced by $98,550,000)''.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida [Mr. GOSS] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

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

Mr. Chairman, this amendment cuts 30 percent from the Economic Development Administration assistance programs. This would provide the American taxpayer with $98.5 million dollars in discretionary savings. Citizens Against Government Waste has endorsed this amendment.

As we work to balance the budget, I think it is imperative that we prioritize our limited resources. When considering further funding for any program or agency, we must ask ourselves some very basic questions. Is this a Federal responsibility? Does it

work? Can we afford it? As noted during debate on the Hostettler amendment, I contend the EDA failed on all three counts.

The EDA's programs do not provide a good return on investment. An April 1996 GAO report could not find a single study that showed a causal relationship between Federal economic development assistance and a community's economic growth, not a single instance in a GAO April 1996 report.

The EDA's programs are too costly and too slow to do much good. An analysis of the Emergency Jobs Act of 1983 revealed that only 84 previously unemployed people received jobs under the program at a cost of $307,000 per job, which is frankly about 7 times the cost of a job created in the private sector, and indefensible.

Inspector General reports demonstrate the volume of EDA grants and programs. Through an EDA grant in New York, the Federal Government helped to construct an Olympic hockey rink that the team never used, created no new jobs and was so replete with sweetheart deals and corruption that the county executive was convicted in Federal court on three felony counts. All of this for a cost of $10.2 million of the taxpayers dollars.

While EDA's impact has been dubious at best, funding in this bill has been maintained at last year's level. My amendment is simple. I seek a responsible cut for EDA to ensure that we target our resources on what are truly vital and effective programs while phasing out the low-priority ones.

EDA boosters have claimed money is needed to offset job losses caused by base closures. Under my amendment, more than enough money would remain for this purpose. I understand that less than one-tenth of their money has gone for that purpose. There have been claims that money is needed for natural disasters. Again, more than enough money would remain for this function under my amendment.

The House voted last year to eliminate EDA as part of our congressional budget resolution. The agency has gone without authorization since 1982. Let me repeat that. This has not been authorized since 1982. Over 100 Members have cosponsored legislation to eliminate the Commerce Department and EDA as well, of course.

Given these facts, I certainly think a 30-percent cut is appropriate and reasonable toward an eventual phaseout. This is a responsible cut consistent with our efforts to balance the budget and streamline wasteful agencies and programs. The EDA needs to be scaled back. I encourage a ''yes'' vote on my amendment.

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

The CHAIRMAN. Who seeks time in opposition?

Mr. ROGERS. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 5 minutes.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes of that 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN], and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, there is a very basic reason why this House by a vote of 328–99 just rejected an amendment to eliminate funding from EDA. Let me point out that this is an increase in support for EDA over last year. Why? Because EDA is an agency who has as its mission preserving existing jobs and creating additional jobs in areas of distress. Let me point out that we are cutting back military installations all over this country to save dollars. EDA has 27 percent of its total budget allocated to help these distressed communities recover from this devastating blow.

Mr. Chairman, the favorite four-letter word of many of us in this Chamber, and it is a word you can use in polite company, that favorite four-letter word is jobs. EDA, the Economic Development Administration, is an agency that has proven year after year that it is working with communities in partnership to help preserve jobs, to help create new jobs, and it very much deserves our support.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong opposition to this amendment. The Economic Development Administration is extremely effective in helping distressed communities attract industries and jobs.

One stellar example of this effectiveness can be found in my own Congressional District. Henry County, Virginia, used an EDA grant to prepare a site for an industrial park. The EDA grant was matched by $740,000 in state and local money and attracted private sector investment of $68 million. As a result, 550 people now work at the site in 6 different businesses. The site would be an empty lot today if not for that initial commitment from the EDA.

Mr. Chairman, my district is not unique. The EDA is targeted, effective and locally-driven. The EDA works in partnership with local leaders and the private sector to foster economic growth for our citizens in distressed areas. Since its inception, the EDA has helped to create and retain nearly 3 million private sector jobs. Clearly, the EDA is an important, cost-effective agency—one that we should support, not cut.

I urge my colleagues to oppose the amendment.

Mr. GOSS. Mr. Chairman, I yield 1 minute to the distinguished gentleman form Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I will give you the four-letter word that the EDA stands for, and that is pork. That is pork, my friends. The reason that there is such support for it, there is no other program we fund that gives you the opportunity to take home to your constituents the pork that can show them what a great job you are doing for them than the EDA.

In 1991 the Economic Development Administration received $209 million. In the years that have followed the EDA has averaged about double that amount. This year the Committee on Appropriations is scaling down the EDA by giving it only $348 million.

Is this what Congress calls balancing the budget? Is promulgating a wasteful and mismanaged agency like the EDA considered fiscally responsible? Surely this was not what was intended when the EDA was created to assist the most economically distressed communities in the Nation.

By cutting the EDA by 30 percent, it will be forced to focus its attention on the truly needy areas of the country. Okay, so the complete cutout of it was not acceptable to this body, but certainly the 30 percent cut in this climate of trying to balance the budget is reasonable. I encourage Members to support the Goss amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, last year the House sent a message that we believe in the Economic Development Administration's success in stimulating the economies of cities and towns all cross this country. By an overwhelming margin of 310 to 115, the House voted for investing in our economy and creating more jobs and against shortsighted cuts.

Over the years the EDA has helped create or retain more than 2.9 million jobs. In my own State, a minor investment in equipment for a biotechnology incubator has resulted in the creation of more than 20 companies and 2,000 jobs. These jobs pay income taxes to the States as well as the Federal Government, helping to boost revenues and create jobs.

Building on examples like that, the EDA has achieved an outstanding record of leveraging its funds to attract private dollars at a ratio of 3-to-1. In addition, the EDA has managed to keep overhead below 8 percent, guaranteeing that $12 of every $13 appropriated is invested in the States. I oppose this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I oppose a one-third cut in the EDA. First of all, you can cut it back so that it is not effective at all, and that is what this amendment would do. This bill is also

less than what the President requested. The EDA has taken already a 13-percent reduction in force in its headquarters staff, for an effective total of a 20-percent reduction already in its employees.

But I would ask, would you deny communities across the country the kind of successful projects, for instance, such as the Putnam County feasibility study to look at the feasibility of building a multimillion-dollar airport or the Randolph County Wood Technology Institute, already listed by one company as a major reason for moving to Randolph County? Or the water system extension in Hardy County that permitted hundreds of new jobs in poultry processing to be created? Or the grant to the Martinsburg Eastern Regional Airport that will create hundreds of jobs in a jet production facility? Would you deny those to future communities that are looking to create jobs? I think not. That is why this cut of this magnitude should not be passed.

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

Mr. Chairman, we are not denying those jobs. Those are jobs that are worthwhile. They will stand on their own merit and there will be plenty of money in this program under this amendment should it pass and it should.

I have been told that this is about need. Here I am looking at a community where the average per capita income is $37,500, they got a grant for $750,000 for a storm sewer system. I think they could afford it themselves.

I am taking a look at a GAO report that says, ''In our review of the literature available, we were unavailable to find any study that established a strong causal linkage between a positive economic effect and an agency's economic development assistance.''

Here we have got an IG report that says with regard to base closings that ''base closures or convert defense technology to civilian applications appeared limited'' and a disproportionate share were in a few areas. What we have got is a program that does not work very well. It is time to prioritize it. It is time to understand it. It is time to start phasing it back.

□ 2145

That is all we seek to do. We do not seek to remove any good jobs. We all are for good jobs. I urge support of this amendment.

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

Mr. ROGERS. Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I would say something about the GAO report. They themselves have concluded that the standards they set for EDA were impossible to meet because no other Federal agency or department in the Federal Government could meet those standards. Can poor communities, poor families build industrial parks? The answer to that is no. We target these resources not only to closed bases, but we target these resources to defense contractors that have left communities. Almost all the increase in these dollars over the past few years have gone to defense adjustment assistance programs where communities need these monies. We vote to cut defense, we vote to close bases. We as a Federal Government should be a part of the team that helps enhance job creation. I urge a ''no'' vote on this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

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

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

The CHAIRMAN. Pursuant to House Resolution 479, further proceedings on the amendment offered by the gentleman from Florida [Mr. GOSS] will be postponed.

AMENDMENT OFFERED BY MR. PORTER

Mr. ROGERS. 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. PORTER: Page 88, line 6, insert before the period the following: '': *Provided*, That, of the amount provided under this heading, $9,300,000 may be made available for grants for the operating costs of Radio Free Asia under section 309 of the United States International Broadcasting Act of 1994''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois [Mr. PORTER] and a Member opposed each will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

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

Mr. Chairman, for all the time I have been in Congress I have been a very strong supporter of the Voice of America and the surrogate radios. Two years ago, the Congress authorized the creation of Radio Free Asia, Asia Pacific Radio that would broadcast messages of hope and truth and freedom to the repressive societies in China, Burma, the Chinese in Tibet, in Laos, Cambodia, North Korea, and Vietnam.

We funded Radio Free Asia for $5 million in 1995, in 1996, and we now have agreed to a funding level of up to $9.3 million in the amendment that I have offered. While there is a great deal of discussion about how Radio Free Asia will be organized and will conduct its business, there has been, I think, great progress made in the selection of Richard Richter as its chair and progress in pulling together a staff that I think will be very, very worthy of the surrogate radios that we have seen broadcasting in the past.

I would say that this Congress and most particularly this administration has done very little to address the ongoing human rights abuses in that part of the world and that a surrogate radio, Radio Free Asia, Asia Pacific Radio, will go a great deal of the way toward preserving hope for those people who believe in freedom and democracy and human rights and the rule of law in a part of the world where all too often authoritarian regimes prevail. I would commend the adoption of this amendment to the House.

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

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

Mr. ROGERS. Mr. Chairman, I think the gentleman has offered an excellent amendment. We are in favor of the amendment. I urge its adoption and commend the gentleman for his careerlong work on this project.

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

Mr. PORTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, let me just say I really commend the gentleman for bringing this here. Mr. Chairman, we all know the great success of surrogate broadcasting to the former Soviet bloc by Radio Liberty and Radio Free Europe. It was so effective, just ask any freedom fighter in that part of the world, and they will say that democracy would not be breaking out all over Europe today if it were not for Radio Free Europe.

We still have these oppressive regimes like the military dictatorship in Burma, the totalitarian Communist regimes in North Korea, Indochina, and Mainland China. Literally billions of people are still oppressed and largely cut off from the outside world. We need this legislation, and my heart goes out to the gentleman for offering this amendment. It is badly needed.

Mr. PORTER. Mr. Chairman, I rise in strong support of this amendment by the gentleman from Illinois [Mr. PORTER] to increase funding for Radio Free Asia for up to $9.3 million.

Mr. Chairman, we all know the great success of surrogate broadcasting to the former Soviet bloc by Radio Liberty and Radio Free Europe.

There just isn't a freedom fighter in that part of the world who won't tell you how instrumental those radios were in keeping the flame of freedom burning in the hearts of the peoples of those former captive nations.

Unfortunately, we still have captive nations and many of them are in Asia.

From the harsh military dictatorship in Burma to the totalitarian Communist regimes in North Korea, Indochina, and mainland China, literally billions of people are still oppressed and largely cut off from the outside world.

Surrogate broadcasting in the form of Radio Free Asia is the beacon of hope that these people need and that their rulers fear.

That is why Congress created it with bipartisan support in 1994.

With the radio scheduled to come on line in the near future, now is no time to shortchange its funding.

That is why we need the Porter amendment.

Mr. Chairman, we've heard a lot of talk recently about engagement with certain Asian countries.

Well, this is real engagement—direct contact with the broad masses of Asia, without government interference.

It will go a long way toward bringing freedom to that part of the world, and that is why I lend my strong support to this amendment.

Mr. Chairman, I include the following ''Dear Colleague'' for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 1996.

THE FRUITS OF ENGAGEMENT, CONT'D

DEAR COLLEAGUE: Last month, defenders of the status quo insisted that the only way to stem Communist China's proliferation activities was to continue ''engaging'' them. Meanwhile, the ''engaged'' Communist Chinese were at that very moment ''engaged'' with the terrorist nation of Syria in yet another perfidious arms transaction. There is something very, very wrong with this picture.

Sincerely,

GERALD B. SOLOMON.

CIA SUSPECTS CHINESE FIRM OF SYRIA MISSILE AID

(By Bill Gertz)

The Chinese manufacturer of M–11 missiles sent a shipment of military cargo to Syria last month that the CIA believes may have contained missile-related components, agency sources said.

The CIA detected the delivery to Syria early in June from the China Precision Machinery Import-Export Corp., described as ''China's premier missile sales firm.''

The suspect military delivery raises questions about China's pledge to the United States in 1994 not to export missiles or missile components that would violate the Missile Technology Control Regime.

It also follows China's recent export of nuclear-weapons technology to Pakistan in violation of U.S. anti-proliferation laws, which was disclosed by The Washington Times in February.

The Syrian company that received the Chinese cargo was identified as the Scientific Studies and Research Center, which conducts work on Syria's ballistic missiles, weapons of mass destruction and advanced conventional arms programs, the CIA said in a classified report circulated to senior U.S. officials.

The Syrian center is in charge of programs to build Scud C ballistic missiles and a program to upgrade anti-ship missiles.

U.S. intelligence agencies said the Syrian center has received help from the China Precision Machinery Import-Export Corp. in recent years for both missile programs.

''The involvement of CPMIEC and the Syrian end user suggests the shipments [last month] are missile-related,'' one source said.

The exact nature of the equipment was not identified, but it was described as ''special and dangerous,'' the source said.

CIA and State Department spokesmen declined to comment.

Chinese officials promised the State Department in 1994 not to export M–11s or their technology in exchange for a U.S. agreement to lift sanctions against Chinese Precision Machinery and the Pakistani Defense Ministry, which were involved in M–11-related transfers.

The missile-control agreement bars transfers of missiles and technology for systems that travel farther than 186 miles and carry warheads heavier than 1,100 pounds. Transfers of both the Chinese M–11 and Syria's Scud C are banned under the accord.

Syria has purchased Scud C missiles in the past from North Korea and is working on developing production capabilities for them according to U.S. officials.

The delivery of Chinese missiles or components to Syria, if confirmed, would trigger sanctions against China because Syria is classified by the State Department as a state sponsor of international terrorism.

William C. Triplett, a China specialist and former Republican counsel for the Senate Foreign Relations Committee, said the administration does not need hard evidence to impose sanctions because the sales involved Syria.

A 1994 amendment to the Arms Export Control Act, sponsored by Sen. Larry Pressler, South Dakota Republican, says the president may presume a transfer violates the 31-nation missile-control agreement if it goes to a nation that supports terrorism.

''If it goes to a terrorist country, we consider that a much more significant event than if it goes some other place,'' Mr. Triplett said.

China Precision Machinery already is under intense scrutiny within the U.S. government over the earlier M–11 sales to Pakistan.

U.S. intelligence agencies concluded earlier this year that Chinese M–11s are operational in Pakistan, but the State Department is challenging the intelligence conclusion to avoid having to impose sanctions on China.

U.S.-China relations have been strained over Beijing's proliferation activities, as well as disputes concerning human rights and widespread copyright infringement.

In May, the Clinton administration decided not to impose sanctions on China for violating U.S. anti-proliferation laws with sales of nuclear weapons technology to Pakistan because Chinese officials claimed they did not know the sale took place.

China Precision Machinery has been slapped with U.S. economic sanctions twice in the past. The Bush administration in 1991 sanction the company, which is part of the official Chinese government defense-industrial complex, for selling missile technology to Pakistan. Sanctions also were imposed in 1993, again for the transfer of M–11 technology.

Kenneth Timmerman, director of the consulting firm Middle East Data Project, said the Syria center that received the June shipments from China is a major agency involved in weapons research, procurement and production.

Mr. Timmerman said that North Korea and China have helped to build two missile-production centers in Syria and that Syrian missile technicians have been trained in China.

Israel's government said in 1993 that Chinese technicians were working in Syria to develop production facilities for missile guidance systems, according to Mr. Timmerman.

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

Mr. PORTER. I yield to the gentleman from New York.

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

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman for his longstanding effort on behalf of Radio Free Asia. I want to thank the gentleman from Kentucky [Mr. ROGERS], the chairman of the committee, for accepting the amendment.

This is an extremely important project to help democratize some of the oppressive governments in the Asian Area, and I urge my colleagues to fully support the measure. I thank the gentleman for yielding.

Mr. Chairman, while the Berlin Wall fell, Chinese tanks rolled over the students calling for freedom in China. Nothing could describe the need for Radio Free Asia [RFA].

Like its cousins which Soviet emigres reported was so successful, Radio Free Asia promises to bring the rarest commodity to Asia's closed societies—information and free debate.

I strongly support the Porter amendment to increase funding for Radio Free Asia. This is program that deserves full support and I appreciate the gentleman from Illinois's effort to secure broadcasting into countries in Asia.

The House-passed authorizing bill conference report from my committee would have funded FRA at the $10 million level. This amendment nearly reaches that goal.

Unfortunately, Asia is still home to many closed societies. This broadcasting program can penetrate into those countries, giving them access to information and free debate. We owe the students of Tianammen this effort. I urge Members to fully support the Porter amendment.

Mr. PORTER. Mr. Chairman, reclaiming my time, I would say to the gentleman, who is the chairman of the Committee on International Affairs, that his leadership in providing authority for this very important program has been absolutely outstanding. I thank him for his ongoing commitment to human rights all across this globe.

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

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

Mr. MOLLOHAN. Mr. Chairman, we are in agreement with the chairman with regard to this amendment, understanding that this amendment relates to funding only. It increases, I believe, from $5 million to $9.3 million funding for this account. That does not mean, I hope, the committee is any less concerned about the expenditure of these funds and the development of a rational feasibility plan prior to the expenditure of the funds.

This concern is spoken to in the report at page 118, and I would just note that the International Broadcasting Act of 1994 mandated that the new Broadcasting Board of Governors submit to Congress a plan concerning the feasibility of establishing an independent Radio Free Asia.

In addition, we have requested an operating plan, an implementation plan. The committee has not yet received that and we certainly expect to see that, understand how this program will be implemented, what are the cost estimates projected into the outyears prior to the expenditure of this increased funding that the gentleman from Illinois [Mr. PORTER] has worked so hard on.

Mr. Chairman, I will commend the gentleman. He has been excellent on the subject. He is knowledgeable and very concerned. My concern really goes to the expenditure of the funds in a responsible way, and I look forward to working with him and with the chairman as this process moves forward.

Mr. PORTER. Reclaiming my time, I would say to the gentleman that we are well aware of the language in the report and the committee's desire to see a plan that would show how the funds are going to be expended over the next 5 years. The amendment, of course, addresses the expenditure of funds through the Board for International Broadcasting as funds are normally expended, but I have been assured by Radio Free Asia that their plan for expenditures will be forthcoming and I am sure the committee will look at it.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New Jersey. Mr. Chairman, first of all, I want to commend the gentleman for his outstanding amendment and the gentleman from Kentucky, Chairman HAL ROGERS, for his good work in accepting it, my friend from West Virginia, as well, for accepting this language. I urge a ''yes'' vote, and I think that is a given now since there is a consensus.

Just let me say that throughout human history, the most important battles have not been those whose object was to control territory. The battles that really matter have always been about values and ideas. When the history of our century is written, it will be in large part the story of a long struggle for the soul of the world, the struggle between the values of the free would on the one hand and those of communism, fascism, and other forms of totalitarianism on the other.

Throughout most of the world, the values of the free world have been victorious, not only because we had better values but because we were not afraid to stand up for them.

Some say we no longer need the presence of surrogate broadcasting now that the cold war is over, but just let me remain Members, and everyone is increasingly aware of this, that in Asia there is a major problem with human rights. We have, unfortunately, reneged in our responsibility on these issues. MFN has been conferred for another year without linkage. Radio Free Asia, it seems to me, is the least we can do.

H.R. 1561, the authorization bill, was vetoed by the President, provided $10 million per year. So this is well within the range what we have already done on the floor of the House, and that legislation again was vetoed. But this will not be and this will become law and I commend the gentleman for his amendment.

Mr. Chairman, I urge a ''yes'' vote on this amendment to save Radio Free Asia.

Throughout human history the most important battles have not been those whose object was to control territory. The battles that really matter have always been about values and ideas. When the history of our century is written, it will be in large part the story of a long struggle for the soul of the world—a struggle between the values of the free world on the one hand, and those of communism, fascism, and other forms of totalitarianism on the other, Throughout most of the world, the values of the free world have been victorious—not only because we had better values, but because we were not afraid to stand up for them.

Some say that we no longer need a presence in the world now that the cold war is over. I think this view is misguided, for several reasons.

First, there are places in the world where the values of freedom have not yet been victorious. These places include the few remaining Communist countries, such as Cuba, China, Vietnam, and North Korea, as well as an increasing number of countries governed by ''rogue regimes,'' such as Burma, Iraq, and Libya. This is why we still need Radio Free Europe, Radio Liberty, and freedom broadcasting to Cuba. And this is why we need Radio Free Asia.

Mr. Chairman, the repeated cuts, rescissions, delays, and consistent underfunding of Radio Free Asia since Congress ordered its creation in 1994 appear to be evidence that this important profreedom program is being subjected to the old Washington two-step: If you don't like a program but don't have the votes to kill it, first you render it ineffective. Then you can kill it by pointing out how ineffective it is.

In H.R. 1561—the Foreign Relations Authorization Act, passed by the House and Senate but vetoed by President Clinton—we authorized $10 million for a no-year account for fiscal year 1996 and fiscal year 1997, as in fiscal year 1995. This was based on the estimates of those who conceived Radio Free Asia—distinguished human rights advocates such as Ambassador Charles Lichtenstein, who was our principal Deputy Ambassador to the United Nations under Jeane Kirkpatrick—that it would take at least $30 million to get Radio Free Asia up and running. Because it was fairly clear that the process would take at least 2 years, only $10 million was authorized for a no-year account in fiscal year 1995. The idea was that over the 3 years it would take to establish Radio Free Asia, the necessary $30 million would accumulate in the account. Through a series of rescissions and reductions, this start-up amount has been reduced to less than $10 million—which will be insufficient to establish Radio Free Asia as an effective voice against tyranny in the region.

The Clinton administration, which has taken deep cuts in international broadcasting over the last 3 years, nevertheless recognizes that Radio Free Asia needs at least $14.4 million—that is, $10 million in fiscal year 1997 in addition to the $4.4 million already appropriated in a no-year account from fiscal year 1996—in order to survive its crucial first year of operations.

The bill before us cuts this amount in half, to $5 million. The subcommittee report points out that the Board of Broadcasting Governors should have filed a more detailed report by now about its plans for Radio Free Asia. I agree with this criticism. But let's not blame the victim. If we must impose punishment for the failure to file a better report, let's find a way to impose it on the bureaucrats who should have filed the report—not on the innocent and freedom-loving people of China, Vietnam, Burma, and other countries who have been waiting 2 years already for Radio Free Asia to get up and running.

In order to avoid killing this important human rights program without increasing the Federal budget deficit, it was necessary to find a $5 million offset from another program. This has been done by taking a tiny reduction—less than three-tenths of 1 percent—in the State Department's largest operating account, the $1.7 billion Diplomatic and Consular Services. Don't be fooled by the title of this account: it is simply the State Department's way of describing its largest salaries and expenses account.

The State Department's operating accounts have remained essentially level since fiscal year 1994, at a time when other international relations activities have taken far deeper cuts. During these same 3 years, our freedom broadcasting programs have been cut over 20 percent. So the choice is simple: will we kill a voice for freedom in Asia in order to fund a few more bureaucrats?

Mr. Chairman, the free world needs Radio Free Asia, and so do the enslaved peoples of the last outposts of the evil empire. I urge a ''yes'' vote on this amendment.

Mr. PORTER. Reclaiming my time, let me say that the gentleman from New Jersey [Mr. SMITH] has been an absolute exemplary leader on human rights in the House and a supporter of the surrogate radios. I certainly thank him for support this evening.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from California.

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois [Mr. PORTER]. I commend the chairman and the ranking member of the committee for their cooperation on this.

Mr. Chairman, I rise today in support of the amendment offered by Representative PORTER to increase the funding for international broadcasting to $9.3 million. This funding is urgently needed for the Asia Pacific Network/Radio Free Asia.

We have seen the success of Radio Free Europe and Radio Liberty in broadcasting the message of freedom and democratic principles to people fighting for freedom. Radio Free Asia which has been designed to emulate Radio Free Europe/Radio Liberty's success, is now critical to the efforts of those in Asia struggling against authoritarian leaders.

In 1991, Radio Free Asia was endorsed by President Bush's Task Force on U.S. Government International Broadcasting. In 1992, it was endorsed by the Congressional Commission on Broadcasting to the People's Republic of China, which recommended the establishment of a new broadcasting service. President Clinton identified Radio Free Asia as a centerpiece of his new China policy when he delinked trade from human rights in 1994. Unfortunately, the real commitment to establishing this important service has been lacking.

Some may ask why we need APN/RFA when we have the Voice of America. The answer is independence. VOA is an official broadcasting service of the United States Government. In terms of its editorial orientation, VOA serves as an instrument to project U.S. policy at a particular time. Given that the State Department's goal is generally the maintenance of bilateral relations between the United States and any other country, it is unrealistic to expect the State Department to encourage, or even to support, a surrogate radio station which may be viewed with disapproval by the other country.

Working within our overall objectives of promoting democratic freedoms, human rights, and open markets, APN/Radio Free Asia must have the independence to broadcast its own message. This independence is beneficial both to the radio, which is freed from political interference in its message; it is also beneficial to the State Department, which can disavow any connection to the broadcasts coming from APN/RFA.

The fiscal year 1997 Commerce-Justice-State bill would have cut funding for APN/RFA by 50 percent to $5 million. This major cut would seriously undermine the program. I understand the concerns of Chairman ROGERS and Ranking Member MOLLOHAN.

However, in all fairness, I would like to note for the Record that the members of the Broadcasting Board of Governors were not sworn in until September 1995. At that time, they immediately hired a distinguished China scholar, Orville Schell, to undertake a preliminary report on APN/RFA, which was submitted, on time, in November 1995. At that time, the Board started the search for a director. They chose Richard Richter, who started on March 12. He then hired a distinguished journalist, Dan Southerland, who was brought on to focus on content. Mr. Southerland started during the second week of July. APN/RFA's budget has now been completed and is being reviewed by OMB. The target date for starting to broadcast is September 22. Things are on track at APN/RFA. Cutting the funding now will pull the rug out from under the program.

We, as a Nation, can and must help those fighting for freedom in Asia. I do not believe that many of my colleagues fully understand the lock on information which China's dictators maintain. The vast majority of people in China still only hear what China's government wants them to hear, they only see what the government wants them to see, they only read what the government allows them to read. It is through this stranglehold on information that the Chinese government is so successful in fueling growing nationalism. There are no independent voices in China. Those who speak out are arrested, exiled or killed.

Radio Free Asia is an important instrument to help to break the Chinese government' stranglehold on news. It can provide an effective and peaceful mechanism to provide news of reform in China and of freedom around the world. It can promote democratic reforms, human rights and basic freedom. I thank Mr. ROGERS and Mr. MOLLOHAN for their support of the Porter amendment.

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

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. 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 112, after line 11, 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 each will be recognized for 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. Anybody places a fraudulent ''made in America'' label on any import, they shall ineligible to receive any contract or subcontract made with funds under this bill.

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

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

Mr. ROGERS. Mr. Chairman, I think the gentleman offers a very good amendment. We are delighted to accept it and urge its adoption.

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

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

Mr. MOLLOHAN. Mr. Chairman, I add to the chairman's sentiments.

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 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. 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. MINK of Hawaii: In title II, under the item relating to ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION—OPERATIONS, RESEARCH, AND FACILITIES'', after the first, second, sixth, and seventh dollar amounts insert ''(increased by $760,500)''.

In title IV, under the item relating to ''United States Information Agency—national endowment for democracy'', after the dollar amount insert ''(reduced by $760,500)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Hawaii [Mrs. MINK] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to take note of an omission in this appropriation bill which I consider very serious, not simply to my constituents or to my State but to this Nation as a whole. So I am taking this time again to raise an issue which we raised last year when the committee also zero funded this program.

However, in the conference committee, the full level funding of nearly $740,000 was restored for this program. It is my hope again to enable this program to continue. It is for the purpose of saving two very endangered species that are located off the shores of the Pacific area, not simply in my State.

It has to do with the Hawaiian monk seal, which is the only endangered marine mammal located entirely in U.S. waters. It was last seen recently on my shores where a pup was born. It is extremely precious. There are three monk seals in the world. One was in the Caribbean; it no longer exists. It is totally extinct. There is another in the Mediterranean and that is very likely soon to be extinct. So the Hawaiian monk seal is a very, very important, extremely threatened species.

The National Marine Fisheries Service has been working on this program for 16 years and it would be a tragedy to have this program discontinued. I hope that attention will be brought on this matter. Although it is not funded in this bill, when the matter goes to conference, I have every confidence that the matter would be restored.

Cooperative studies are ongoing with the National Geographic Society, the University of Minnesota, as well as the University of Hawaii, and great efforts are being pursued in order to save these two species. We have the green turtle in Hawaiian waters as well, which is also equally endangered.

Mr. Chairman, I yield 1½ minutes to my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentlemen from Kentucky [Mr. ROGERS] for taking up this bill. I want to emphasize in the time given to me, this cannot be done without the Federal Government. This is not the responsibility of a State. The monk seal is the only species of its kind in U.S. waters, and it is up to us as stewards in this environment, in this ocean environment to take up this cause.

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So it is very, very important. The same with the green sea turtle. This also affects not only Hawaii, but areas around Florida as well as other sites throughout the world.

My principal emphasis here is that this extinction is a very real possibility, and yet the National Marine Fisheries Service has done extraordinarily

great service for this Nation in terms of the stewardship to which I referred. It is bringing back the species. It is now into the thousands, coming back up as far as the monk seal is concerned.

With the investigations of biology, ecology, and life history of these species being examined by the National Marine Fisheries, with the chairman's good efforts on our behalf, I think that we will find that the whole Nation will be the beneficiary and we will have done by these species what is required of us as a human species looking out in our capacity and responsibility for species throughout the world.

Mrs. MINK of Hawaii. Mr. Chairman, reclaiming my time, I thank my colleague for his comments.

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

Mrs. MINK of Hawaii. I yield to the gentleman from Kentucky [Mr. ROGERS], the chairman of the subcommittee, for a colloquy.

Mr. ROGERS. Mr. Chairman, I appreciate the work of the gentlewoman from Hawaii and the gentleman from Hawaii and commend them for their concern for these two programs.

As the gentlewoman knows, we were under very severe funding constraints this year; however, although we are unable to restore funding for these programs today, I can assure the gentlewoman that as we proceed to conference I will work with her to identify funding for these two programs as best we can.

Mrs. MINK of Hawaii. Mr. Chairman, I want to thank the chairman for his comments and I ask unanimous consent to withdraw my amendment at this time.

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

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. 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. ENGEL: Page 51, line 25, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 53, line 6, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from New York [Mr. ENGEL] and a Member opposed will each control 5 minutes.

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

Mr. ENGEL. Mr. Chairman, I rise today to offer an amendment to restore funding for the Public Telecommunications Facilities Program. I say to my colleagues if they are for public broadcasting they should to be for this amendment. The bill before us allocates $10 million for this program, which is a $5 million cut from last year. My amendment would retain the current level of funding for public telecommunications by restoring $5 million to the program.

Let me say that program was halved last year, $14 million was cut, and now it is proposed to cut an additional $5 million. Public broadcasting simply cannot continue to exist with these kinds of cuts.

CBO has scored my amendment and has determined that the budget authority and the outlays are budgetary neutral.

Mr. Chairman, I am offering this amendment because I feel this is yet another attempt to continue the assault on public broadcasting that has occurred in large part during this Congress. Last year there were efforts by some in the majority to zero out funding for the Corporation for Public Broadcasting. We were able to prevent that from happening, but CPB still received major cuts. The cuts in the facilities program are further evidence of the contempt that some in the majority have for public broadcasting. However, the American people see and know the positive results in the quality and integrity of public broadcasting. If support for public broads and the facilities program are severely cut or eliminated, the quality of programming and the educational value they provide will suffer as a result.

Public broadcasting and the facilities program are private-public partnerships that work. This is a success story that demonstrates what the government and the private sector can accomplish when they work together. The facilities program is a matching grants plan for public radio and television stations. It helps stations purchase equipment to extend their signals to unserved areas; by the way, many of whom are rural areas, as well as replacing outdated hardware, such as transmitters, master control rooms or towers. Many of these stations, as I mentioned, are in rural areas and do not have the resources without these grants to upgrade their systems or receive signals.

This program has been an unqualified success because it has helped extend public TV and public radio stations to most of this country. It has been estimated that 10 million Americans still do not receive a reliable public television signal and approximately 25 million Americans do not receive a reliable public radio signal.

On hundred forty-two public telecommunications grants that were rewarded in fiscal year 1995 went to noncommercial telecommunications awards in 44 States, extending public radio signals to 2.8 million previously unserved persons and public TV to 500,000 unserved persons. PTFP is the sole program in the Federal Government that assists in the maintenance of the vast public broadcasting inventory which now exceeds an estimated 1 billion in value. Cutting this public telecommunications facilities program will only weaken the ability of the public broadcasting community to continue providing a technically reliable service to the public while simultaneously limiting the ability of public radio and TV to reach unserved and underserved audiences, especially in rural areas but in urban areas as well.

Weakening this program will represent the loss of a considerable investment that has already been made in public broadcasting's infrastructure, an infrastructure that is nearly universal and ready to be augmented by new technologies. Since its inception, public telecommunications has invested $500 million in public telecommunications facilities that deliver informational, cultural and educational programming to the American people. That is a significant investment in a system that is now nearly universal, reaching communities as diverse as Point Barrow, Alaska; Jackson, Mississippi; and Los Angeles, California.

This universality provides an amazing potential for communication among Americans as we move further into the information age. We must not let it deteriorate by further cutting this program.

In addition, maintenance of this system is especially important as we develop the information highway. Public radio and television have an important role in linking schools, libraries, health care facilities, governments and other public information producers. These are areas that will not be filed by the void that would be left if public broadcasting services do not survive. It does not make sense to allow the existing framework of equipment and services that are currently available to hard-to-reach areas to fall into disrepair while the information highway is in development.

It is a small program but an important one. Investing in our infrastructure is vital to serve those customers who rely on public broadcasting for information and education and it must be maintained if we are to move forward in today's world. Let us stop the assault on public broadcasting and let us invest in our future.

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

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

Mr. ROGERS. Mr. Chairman, I want to accept the gentleman's amendment.

Mr. ENGEL. Mr. Chairman, then I will certainly yield to the chairman.

Mr. ROGERS. Mr. Chairman, we can cut this short. I want to commend the gentleman. I have no objection to the gentleman's amendment.

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

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

Mr. MOLLOHAN. Mr. Chairman, if I might say, the gentleman has stated his position well, and I would like to associate myself with his comments in support of this program, and I am pleased the chairman is going to accept the amendment.

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

The CHAIRMAN. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. 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. MILLER of Florida: Page 56, line 9, insert ''including $1,000,000 for red tide research,'' after ''National Ocean Service,''.

Mr. CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from Florida [Mr. MILLER] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. MILLER].

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

Mr. Chairman, this amendment is simply to take $1 million out of the National Ocean Service Program and specifically target it for red tide research.

At this time I want to ask if I may engage the chairman of the subcommittee with a colloquy on the subject of red tide research.

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

Mr. MILLER of Florida. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the efforts of the gentleman from Florida as well as the gentleman from New York [Mr. FORBES] and their subcommittee to bring this issue to the attention of the House.

As the gentleman knows, we are under tremendous fiscal constraints this year; however, he raises a very important issue, and I assure the gentleman that I will continue to work with him as we move the bill through the process to further address this very important issue the gentleman has so ably brought before us.

Mr. MILLER of Florida. Mr. Chairman, reclaiming my time, I thank the chairman.

I want to discuss this for a minute, if I may. This is a very important issue for those of us in Florida. This red tide is of importance to many coastal areas around the United States.

Red tide is known as a nuisance problem because it gives people headaches, makes people nauseous when they are around it, but because we see the dead fish washing up on the beach, it concerns the tourism of our area. But now it has come to the attention of scientists that red tide is now a killer of endangered species.

A direct link was established by the University of Miami this summer. Their study concluded that red tide was definitely the cause of death of over 150 manatees along the coast of Florida this past spring. The manatee is a harmless sea cow which roams the Florida waterways searching for warm water and food. However, this food, once tainted with large amounts of red tide algae, can cause respiratory damage and a breakdown of the nervous system. Eventually the red tide causes the manatees to suffocate.

We have always known that red tidal algae can cause death in fish and birds, and after particularly long periods of red tide the beaches are littered with dead fish. The manatee which traditionally roams the inner waterways are usually immune from the toxins which occur in the open ocean. However, this past spring the west coast of Florida experienced a severe case of red tide. It was during this time that an excessive amount of manatees began to die. This spring alone there were 304 manatees found dead. That is 198 more than any previous record, and it amounts to an 11 percent reduction in the population of manatees in the United States.

At this rate the entire population of manatees in the United States will be wiped out in a little over 9 years. A loss such as this cannot be tolerated especially if we can come up with a way to help address that problem.

That is why I have requested that this amendment today allocate special money for red tide research. There are several programs currently in the Commerce-Justice appropriation bill that provide incentives for research into causes and effects of red tide, and I want to thank the chairman for his assistance in getting language in the bill which would direct the proper officials at NOAA to consider the problem of red tide.

However, since we now realize the direct links between the deaths of manatees and the growth of red tide, we must be proactive in our quest to save an important and valued endangered species. By increasing the funding for red tide, we address many issues. We can help find the cause of these algae blooms not only for red tide, but also the associated brown tide, a big concern of my colleagues from New York and from California, and we can perhaps develop a network for working together on this problem.

I am sure the manatees are not the only species endangered from these toxins. We now know red tide is a real threat to an endangered species. We have less than 2,300 manatees today and we have no time to waste to address this problem.

I appreciate the chairman's efforts to find more resources for harmful algae bloom research. With his assurance that we can look for ways to bring more resources to this problem when we go to conference with the Senate, I intend to withdraw this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, I thank my distinguished colleague and friend from Florida for recognizing me.

Forty years ago, if we were talking about red tide, it would be a foreign affairs or a national defense issue. Now it is very much a domestic issue. Members may not think they care, but sooner or later they will probably be in Florida or at the seashore somewhere and they may experience part of the problems of the killer red tides that we are trying to deal with.

We have learned a lot. We need to know a lot more. It is not just the manatees, although they are critically endangered and critically ill because of the tide. It is dolphins, it is all kinds of fish, shellfish, which create health hazards.

We have economy problems for beach front communities and fishing communities. We have tourist problems. This is a good area for an investment in quality of life.

Mr. Chairman, I urge that we support this.

Mr. MILLER of Florida. Mr. Chairman, I ask unanimous consent to withdraw the amendment at the suggestion of the chairman.

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

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for 5 minutes.

There was no objection.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I wish to engage the chairman of the committee in a colloquy with regard to the women's demonstration program within the Small Business Administration.

I strongly support this program which has established 54 nonprofit business centers in 28 states since it began in 1988. Since then, these business centers have provided training and technical assistance to more than 60,000 women hoping to start their own businesses. Each business center tailors itself to the particular needs of the community and assures that women have the resources they need to plan, organize and expand their business.

□ 2215

This level of business development is vital to our national economic well-being, offering more opportunities to women than corporations where the glass ceiling is still prevalent.

These business centers have proven to be a good investment as well, averaging one new business and four new jobs for every 10,000 Federal dollars invested. Because of the unique funding structure of this program, 35 sites are now entirely self-sufficient, providing needed assistance without Federal funding. Three years after a business center is established, it must become

by law financially self-sufficient. Therefore, the program creates independent support sites that successfully foster the growth of women-owned businesses and job opportunities for thousands.

Despite the advances that women have made in the small business arena, women-owned businesses continue to face unique challenges when seeking capital, competing for government grants, and getting the technical assistance they need to succeed. A program focused solely on clearing these hurdles for women on businesses is a vital enterprise.

I understand, Mr. Chairman, that the gentleman from Kentucky [Mr. ROGERS] is well familiar with this program.

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

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, let me assure the gentlewoman that the goals of the women's demonstration program are certainly worthy and deserve our support.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I would also like to point out that despite the great gains women have made in their ownership and operation of small businesses, 52 percent of women-owned businesses are financed by credit cards; only 11 percent of men's businesses are funded that way.

Therefore, we must continue to mentor women and offer them individualized counseling that takes them through the workings of the business world step by step. The one-size-fits-all, one-time business plan offered by other programs will not ensure that these female entrepreneurs get the help they need on the road to success.

Women who have benefited from the expertise offered at Connecticut's one business center have commented on how hungry they were for information and how relevant and practical the information they have received from the center has been. Over and over these women have told the business center, I could not have done it without you.

On that note, I want to express my hope that the women's demonstration program which received a $2.8 million reduction in this year's Commerce, Justice, and State appropriation bill, will be fully funded as the bill moves through conference with the Senate.

Mr. ROGERS. Mr. Chairman, if the gentlewoman will continue to yield, given the very strong support this program has within the Senate and the worthy goals of the women's demonstration program, I am committed to working with the gentlewoman to ensure that this program receives the necessary funding as the bill moves through conference with the Senate.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for his time and consideration regarding this program. I greatly appreciate his commitment.

Mr. ROGERS. 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. HUTCHINSON) having assumed the chair, Mr. GUNDERSON, 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. 3814) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1996, to the Federal Register for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1996.*

APPOINTMENT TO NATIONAL COMMISSION ON ADVANCEMENT OF FEDERAL LAW ENFORCEMENT

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 801(c)(1) of public law 104–132, the chair announces the speaker's appointment to the National Commission on the Advancement of Federal Law Enforcement the following member on the part of the House: Ms. Victoria Toensing, Washington, DC.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

[Mr. SHADEGG addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

[Mr. DORNAN addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. EHLERS] is recognized for 5 minutes.

[Mr. EHLERS addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

[Mr. ENGLISH of Pennsylvania addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

[Mr. SHAYS addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

[Mr. LEACH addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereinafter in the Extensions of Remarks.]

CYPRUS—22 YEARS OF DIVISION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. BILIRAKIS] is recognized for half the time until the hour of midnight as the designee of the majority leader.

Mr. BILIRAKIS. Mr. Speaker, here we are again, year after year, doing this special order marking the 22 years of division of the Republic of Cyprus as the result of an unlawful invasion 22 years go by the Turkish military.

I am saddened by this so-called anniversary but, of course, we are all hopeful that this will be the year that the division of Cyprus is finally resolved. And I guess year after year after year we are always hopeful that this will be the year. And, of course, it never turns out to be that way. And then here we are again, the esteemed gentleman from New York [Mr. GILMAN], the esteemed gentleman from Illinois [Mr. PORTER], the esteemed gentleman from Pennsylvania [Mr. KLINK], so many others, doing this. We will continue to do it because we feel that possibly we may penetrate the consciousness of the people responsible.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks regarding the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida [Mr. BILIRAKIS]?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, today's Special Order on Cyprus comes on the 22d anniversary of the brutal invasion by Turkish troops. I commend my friend the gentleman from Florida [Mr. BILIRAKIS] for organizing this Special Order. Today, the international community is still confronted with the fact that in excess of 30,000 Turkish military personnel remain on the island of Cyprus to enforce an illegal partition and to protect a self-proclaimed government that has been recognized by only one other country—Turkey itself.

Those of us in the Congress who have supported a negotiated settlement to the dispute which has led to the division of Cyprus are painfully aware of the complexities of the issue, the injustices committed, and particularly the suffering over these many long years of the Cypriot people on both sides of the Green line.

Indeed, Cyprus has become a codeword for stale-mate and intractability in international diplomacy.

This year, new governments in Greece and Turkey had led to hopes and expectations that a fresh start in improving relations between the two countries could be made, and lead to the mutual confidence that could produce a settlement for Cyprus.

Those hopes were dashed when Turkish war ships attempted to challenge Greek sovereignty over Imia. Because of concerns over increasing instability in the Aegean we placed a hold on the transfer of three U.S. naval frigates to Turkey.

I hope that our hold will send a strong signal to Ankara that the patience of the Congress has just about run out, and that we want to see movement on getting Turkish troops out of Cyprus, among other things.

I am distressed that the Clinton administration seems more interested in coddling Turkey's military than in finding a solution for Cyprus.

Last year, we were hopeful that the Administration under the guidance of former Assistant Secretary Richard Holbrooke would take on the Cyprus question, just as Holbrooke had taken on the job of finding peace in Bosnia. Regrettably Mr. Holbrooke has left the Administration, but it is hoped that one of our other talented diplomats could produce a breakthrough in the region.

The shape of a possible settlement is out there. I believe that both President Clerides and Mr. Denktash are men who can rise above the recent enmity that has developed between the two communities, and find a way to reunite the island based on mutual good-will and confidence.

Regrettably, following the elections this past December, the Turkish government appears to be in a weakened position and thus less able to reign-in recalcitrant elements among Turkey's political and military establishment. Recent developments in Turkey have led to an Islamist government coming to power in Ankara. The willingness of that government to engage in dialog and compromise on the Cyprus question is not yet clear. But the fortunes of the people of Cyprus must not be held hostage to internal Turkish political problems.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. I hope and pray that both sides of the problem will reach within themselves to find the resolve to settle this persistent problem. The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N. sponsored talks. The international community and the U.N. should recognize this as we re-evaluate our tactics in the light of the most recent failure to move beyond the current situation.

Twenty-two years is a long time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

☐ 2230

Mr. BILIRAKIS. Mr. Speaker, nobody deserves more credit than the gentleman from New York [Mr. GILMAN] on the issue of human rights all over the world, and I really thank the gentleman.

Mr. Speaker, Cyprus is roughly the same size as the State of Connecticut with approximately 660,000 inhabitants. Turkish and Greek Cypriots lived together on the island side by side for almost five centuries. However, the landscape, Cyprus, was dramatically changed when Turkey invaded the island in 1974. On July 20 of that year Turkish forces, some 6,000 troops and 40 tanks, landed on the north coast of Cyprus and captured almost 40 percent of the island, and the international community has strongly condemned the military invasion from the beginning. On the very day of the invasion the United Nations adopted Resolution 353, which called upon all states to respect the sovereignty, independence, and territorial integrity of Cyprus and demanded an immediate end to military intervention in the Republic of Cyprus. However, Turkey ignored the edict of the international community and launched a second offensive in August, 1974.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. PORTER] at this time.

Mr. PORTER. I very much thank the gentleman from Florida for arranging this special order on Cyprus and commend him for his great leadership in attempting to once again bring us together to address this very, very serious matter.

Mr. Speaker, I come to the floor today, as I have many times before, to commemorate the sad anniversary of the tragic separation of Cyprus by Turkish troops. This past Saturday, July 20, marks the 22d year of the separation.

On July 20 1974, over 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and heavy fighting took place between them and the Cypriot National Guard. Turkish troops pressed on to the capital city of Nicosia, where they engaged in heavy street fighting with Cypriot National Guardsmen and Cypriot irregulars. Throughout the battles, the Turkish air force bombed and strafed Greek-Cypriot positions and attacked the Nicosia airport. By the time a cease fire had been arranged on August 16, Turkish forces had taken the northern third of the country.

Throughout the battles subsequent occupation, tales of atrocities, abductions, rapes, and executions were heard. It was only as those abducted or taken prisoner of war began to filter back to their homes after the cease fire that it became apparent that hundreds were missing.

The Congressional Human Rights Caucus, which I have co-chaired with the gentleman from California [Mr. LANTOS] for over a decade, has held numerous briefings on this issue. Always, we hear wrenching testimony of violations and subsequent coverups by the Turks. The coverup continues to this very day.

Over 1,600 Greek Cypriots and 5 Americans are still among the missing, and a generation has grown up in Cyprus not knowing unity and peace. Over 35,000 Turkish troops occupy the northern third of this beautiful country, despite the fact that this military occupation is recognized to be illegal and in violation of numerous United Nations resolutions.

Since we stood here on this same date 1 year ago, Congress and the administration have repeatedly indicated that a Cyprus solution is long over due. The House has passed a resolution, of which I was an original cosponsor, reaffirming that the status quo on Cyprus is unacceptable and calling for the demilitarization of Cyprus. In addition, the House reduced economic assistance to Turkey for fiscal year 1996 from the administration request of $100 million to $33.5 million because of their ongoing human rights violations, including their illegal military occupation of Cyprus. The administration has repeatedly said that 1996 is to be the year of the ''big push'' on Cyprus.

But, Mr. Speaker, we are over half way through 1966 and a Cyprus solution still seems a distant reality. We talk, and talk, and talk some more about what needs to be done to bring peace and unity to this tiny, beautiful Mediterranean country. According to a recent Washington Times article, the Cyprus problem has been reviewed at least 150 times during the past 22 years to no avail. I would argue that 150 is a very conservative estimate.

But, Mr. Speaker, most significantly talks are scheduled to begin in 1998 regarding Cyprus' entry into the European Union. Their approach should galvanize serious negotiations now that lead Greek and Turkish Cypriots of goodwill to find the keys to unlock a lasting peace and reunite a divided country.

Mr. Speaker, we cannot suffer another round of failed talks between the parties. I would urge not only an extra strong push by the administration to raise this issue to the highest priority, but that our military talk directly with their counterparts in the Turkish military to gain their cooperation in finding a way to begin withdrawing Turkish troops as a first step toward unification.

Obviously, Mr. Speaker, our country cannot and, in fact, must not involve itself in the negotiations themselves. But we can and should do everything possible to encourage the parties to find common ground and to establish an environment in which agreement can take place.

Mr. Speaker, let us all hope that next year, at this time, we no longer have the need to gather once again on the House floor to reiterate our deep frustration at the ongoing Turkish military occupation of Cyprus. Twenty-two years is much too long to see a divided island and divided people. It is my deepest hope, that the next special order on Cyprus will be to commemorate and celebrate a new found lasting peace and unity in Cyprus.

I thank my good friend and colleague, the gentleman from Florida [Mr. BILIRAKIS], for calling this special order and for bringing us together in this ongoing effort to solve this very, very difficult problem.

Mr. BILIRAKIS. Long before I got here you were very much interested in this issue, and you are the chairman of the Human Rights Caucus, ranking member of that caucus for many, many years, and I know your interest in human rights, and this is a human rights issue. It is an issue of right versus wrong, but also very much so human rights, and I know that it is something that you have been greatly concerned with.

As a result, Mr. Speaker, of Turkey's illegal invasion, 1,619 people are missing. Among these missing, five are U.S. citizens. In addition, more than 200,000 Cypriots were forcibly driven from their homes and are now refugees, a people without a home. To date, Turkey continues its illegal occupation of the northern portion of Cyprus, maintaining more than 35,000 troops and some 80,000 settlers there. Clearly, this occupation continues to serve as a wedge among Cyprus, Turkey, and Greece. In fact, relations among these three countries have recently deteriorated from the dispute over the island of Imia, as Mr. GILMAN mentioned, this past January, to the shooting of an unarmed Greek teenager by the Turkish occupation army in Cyprus this June.

These incidents, Mr. Speaker, are just a few of the many hostile actions taken by Turkey and are indicative of Turkey's aggressive behavior towards Cyprus and Greece.

Mr. Speaker, I would yield to the gentleman from Pennsylvania, my fellow Greek American, Mr. KLINK.

Mr. KLINK. I thank the gentleman from Florida, Mr. BILIRAKIS for yielding to me, and like Mr. PORTER and Mr. GILMAN, I have the desire that the next time we stand to talk about Cyprus it will be because the right thing has been done and that the international community, European Union and others have forced the hand of the Turks to finally do what is right.

Mr. Speaker, since we stood here 1 year ago, many things have happened that have changed that part of the Aegean where Cyprus is or the island of Imia is, and not many of them have been good. In fact, on March 1 of this year Turkish Cypriot leader Rauf Denktash finally made the comment that those Greek Cypriots that the gentleman from Florida [Mr. BILIRAKIS] referred to who were captured during Turkey's 1974 invasion of Cyprus were murdered, were murdered, he said, by Turkish Cypriot paramilitary forces, which would be, I would remind you, in violation of the Geneva accords.

When he was asked about the fate of the Greek Cypriots, and we assume also the five Americans who are listed as missing, including, I would mention, one 17-year-old boy from Michigan who was taken away from his family with his American passport in his hand, and Denktash told a Greek Cypriot television station; this is a direct quote, Mr. Speaker; what happened, he said, was this:

''As the Turkish army moved and captured Greek Cypriots, unfortunately they were handed to our fighters;'' an aside here, Mr. Speaker, he was speaking of the Turkish Cypriot militia; he said, ''Among whom were people that had lost family over the years. Instead of taking them to the police station or the prison camps, they were killed.''

Well, President Clerides of Cyprus said if the Turkish side claims that the missing are dead, then we demand to know the circumstances of their death, and we want to know where they were buried. Their families deserve to know. The world deserves to know. As of yet we do not know. We have not had an answer.

This comment, I would remind you, was made March 1 of this year. A Cyprus government spokesman said the government was considering whether or not to press for the prosecution of these acts as war crimes, saying if prisoners of war were executed in cold blood, that would violate the Geneva Convention on the treatment of prisoners of war. He also disputed the claims of the Turkish Cypriot leaders that prisoners taken to Turkey were all accounted for. He said even among the people taken to Turkey and registered by the International Red Cross some of them never came back and questioned whether or not Denktash was now attempting to exonerate the Turkish Army which, under the Geneva Convention, bore the sole responsibility for prisoners of war.

Now, strong condemnation of the Turkish admission came from leaders across Europe. They said again that the main responsibility for the disappearance of these persons still lies with the Turkish Army, a fact that has been verified by international organizations.

I will remind you that over hundreds of years it has been Turkey that has been the provocateurs. The incident of the invasion of Cyprus 22 years ago does not stand alone in the annals of history of this part of the world. My

own family's name, as they lived on the island of Kalymnos, which is where Mr. BILIRAKIS's family also came from, was changed to Giavasis by the Turks, as they had control of Greece for hundreds of years, and it was always the Turks who came as the provocateurs, and they showed us again, I mentioned at the beginning of my statement, that during the past year many things have occurred. Well, it was not only having to do with Cyprus, but the Turks moved to make a claim on a tiny island by the name of Imia, small island, uninhabited except for some goats or for some sheep.

Many people say, ''Well, why fight about it?'' Well, I would argue that there were parts of south Texas that are virtually uninhabited except by jack rabbits and snakes and scorpions, but if the Mexicans tried to occupy that, we would be at war.

This island is Greek. This island was controlled, as part of the Dodecanese, by Italy by the Lausanne peace treaty of 1923, and subsequently the Italians granted this to Greek sovereignty in the Paris Peace Treaty of 1947 following World War II.

There is no question about this, and yet in the past year the Turks once again being the provocateurs, having been successful for 22 years at occupying Cyprus, at raping, at pillaging, at creating hundreds of people who are refugees in their own land, were not happy. They moved in a provocative way toward the island of Imia, and it is up to the United States and to the Congress and to the President to not allow this to occur, to not stand idly by. It is up to the European Union to not look at this as happening to Greece, that Greece is one country alone, but this is an attack upon the European Union just as the movement against Cyprus was a movement against all the Aegean.

□ 2245

If you go to islands like Khios, you will find out that tens of thousands of natives of the island of Khios were massacred 175 years ago by the Turks. When the Turks moved against Cyprus in 1974, tens of thousands of those living on the island 150 years after the massacre left because they were afraid of what was going to happen.

That island still bears the scars of Turkish violence towards them, of the 3,000 Greeks who were burned to death when they fled to a church on Khios, and the Turks burned the church down around them. And you can see the bloody imprints of the faces and hands of children, of small Greek children, still today, on the floor, on the marble floors of this church, as they have rebuilt it. You can see the charred bones. They have been kept there for Greeks to be able to remember these hostilities that were brought against them by the Ottoman Empire.

So what we are looking at today is not something that can be blamed on the fact that Turkey has tough economic times. Of course, Greece has tough economic times. They are one of the poorest of the European Union. Yet they are forced year after year to spend 6 to 7 percent of their gross national product on defense, because they stand alone against the Turks, and the world and the European Union has not forced the Turks to find a solution on the island of Cyprus.

Mr. Speaker, I will be very thankful tonight to the many Members who have stayed here on the floor because they have justice in their heart. It would be very easy for Members and for the staff here in the House Chamber to go home, but the fact of the matter is that, while we may be a little bit tired tonight, while we may not like working long hours, we are talking about hours. To the Greek Cypriots it is years.

I thank my friends on both sides of the aisle who have had justice and the feeling for their fellow humankind in their hearts for these years that have time after time come to this floor to speak on behalf of not constituents of theirs, but for people of a nation who have been wronged.

I thank my dear friend, the gentleman from Florida, MIKE BILIRAKIS, again for leading us, and for being the voice of reason of Greeks around the world, and I hope that before the next year's anniversary comes we have some kind of positive solution to the problems of Cyprus.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman. Obviously, that is the hope we all have. I cannot say how proud I am to be working with the gentleman on this issue, as well as so many others.

Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I first want to commend the gentleman from Florida [Mr. BILIRAKIS], for his leadership in organizing this special order, and for his leadership on all of these vital issues of importance, not only to our country but to the country of Greece and to the country of Cyprus.

Mr. Speaker, I rise today to call attention to the 22nd anniversary of the Turkish invasion and occupation of the Republic of Cyprus. July 20, 1996, marks 22 long years of Turkish military presence in Cyprus. This anniversary serves as a reminder that continued efforts on the part of the United States are essential in trying to establish a lasting, peaceful solution to the Cyprus dispute.

On July 20, 1974, 6,000 Turkish troops launched the invasion of Cyprus, an invasion that would ultimately conclude with the occupation of 40 percent of the island and its 660,000 inhabitants. Moreover, the installation of Turkish troops on Cyprus wrote an end to centuries of peaceful cohabitation between the Cypriot and Turkish Cypriot communities.

Since then thousands of Cypriots have lost their lives over the years as a result of horrific acts imposed upon them by the Turkish military. Today Turkey maintains more than 35,000 troops in northern Cyprus, further straining the unstable and tumultuous environment of the region.

I commend President Clinton for designating 1996 as the year of Cyprus. Indeed, I wrote to the President earlier this year urging him to seek a permanent, peaceful settlement of the Cyprus dispute. I am encouraged by the recent developments as a result of the administration's efforts in Cyprus last week. The recent visit of U.S. presidential envoy Richard Beattie and Ambassador Albright was a positive one. Discussions aimed at reducing military tensions between the parties are expected to begin in the near future. It is extremely important that the administration continue to work with the parties to reduce tensions and move the peace process forward.

The 22nd anniversary of the Turkish invasion of Cyprus comes at a time when other formerly embattled nations are at last finding common ground upon which to reach a lasting peace. The U.S. has the ability to play a critical role in helping the people of Cyprus and stabilizing relations in the eastern Mediterranean.

Mr. Speaker, the settlement of the Cyprus dispute should be the highest priority for the United States. I urge the support of my colleagues in moving this important initiative forward, and once again commend the gentleman from Florida [Mr. BILIRAKIS], for his leadership, his endurance, and his great commitment to the cause of peace, both here and in Cyprus.

Mr. Speaker, I include for the RECORD a letter from President Clinton regarding U.S. efforts towards peace in Cyprus:

The letter referred to is as follows:

THE WHITE HOUSE,
Washington, DC, July 17, 1996.

Hon. JACK REED,
House of Representatives,
Washington, DC.

DEAR JACK: Thank you for your letter concerning our Cyprus initiative. I value your expressions of support for our efforts to end the division of that island.

We have long appreciated the adverse effect that the Cyprus problem has on relations between Greece and Turkey. A negotiated solution would remove a serious source of tensions between the two countries. We made this point to Presidents Demirel and Stephanopoulos, Prime Minister Simitis and Foreign Minister Gonensay during their recent visits to Washington. We solicited and received their support for our planned efforts to work toward an eventual negotiated settlement.

I completed my series of personal consultations with regional leaders when I hosted President Clerides at the White House on June 17. I reaffirmed to him my commitment to assist in the search for a Cyprus solution. After meeting President Clerides, I announced that I would send my Special Emissary, Richard Beattie, to the region this month to begin discussions on the key issues involved in a comprehensive settlement, with special emphasis on security. I expect cooperation from all the parties when Mr. Beattie and his delegation arrive in Turkey, Greece and Cyprus.

As we undertake our efforts to advance a solution, you can be assured of my commitment to continued U.S. leadership on what I consider one of our highest priorities in Europe.

Sincerely,

BILL CLINTON.

Mr. BILIRAKIS. I thank the gentleman for joining us in this very important special order, Mr. Speaker.

Mr. Speaker, I yield to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, Mr. BILIRAKIS, for arranging this colloquy. I thank my colleagues on both sides of the aisle for our common participation on what is basic American policy. We hope it will reach fruition and implementation.

Mr. Speaker, this past weekend marked the 22d anniversary of the Turkish invasion of Cyprus. Once again, this body marks an annual remembrance of the suffering of the Cypriot people and the division of Cyprus.

Following a long investigation, the European Commission of Human Rights concluded that there were ''very strong indications'' of killings ''committed on a substantial scale'' by the Turkish Army during its invasion. Actions by Turks and Turkish Cypriots included wholesale and repeated rapes of women of all ages, systematic torture, savage and humiliating treatment of hundreds of people, including children, women, pensioners, during their detention by the Turkish forces, as well as looting and robbery on an extensive scale by Turkish troops and Turkish Cypriots.

It is because of these atrocities that the world has held the Turkish occupation of one-third of Cyprus in scorn and contempt. Turkey is the only country in the world that recognizes the ''Turkish Republic of Northern Cyprus.'' The government of Turkey must accept that its actions in Cyprus are simply wrong, and its continued presence as an occupying force is illegitimate.

While Turkey may see the status quo as an acceptable alternative, the world, and its American ally, does not see it as an acceptable alternative. Turkey's intransigence is a threat to the North Atlantic Treaty Organization and to stability in the Mediterranean.

We all hope that recent tensions in Cyprus, including the shooting of a Greek Cypriot guardsman by Turkish soldiers and rock-throwing by Turkish troops at other Greek Cypriots, is only a rough spot in the road to peace and a return to normal. These tragic deaths should bring everybody to their senses on this matter.

Recent diplomatic activity is encouraging, and I hope that the administration will be successful in its efforts. But the United States must also be very clear, that it has never accepted, it never will accept, a continuation of the Turkish occupation of part of Cyprus. It violates the United Nations charter, it violates the rule of law, it violates international law, and it violates human rights.

Mr. BILIRAKIS. I thank the gentleman for joining us this evening, this late evening, Mr. Speaker.

Mr. Speaker, Turkey also deployed, in addition to all of these other transgressions that we have heard here tonight, nearly 100 American-made tanks on northern Cyprus this past January; I repeat, nearly 100 American-made tanks on northern Cyprus, this is the occupied territory, this past January, in direct violation of agreements between Turkey and the United States.

We have to ask ourselves, finally we have to ask ourselves, what are we doing in protest of these violations? Rhetoric after rhetoric after rhetoric, and nothing is being done. I am not just referring to the administration, but I am referring to the Congress, even though we have had a couple of votes in the last couple of years particularly focusing on human rights violations which would be sending a message to Turkey.

Turkey's recent actions have caused me, as I am sure I speak for all members in this House, great concern. I am still particularly troubled about the claims Turkey made over Imia. It has been mentioned twice already tonight two or three times.

I have followed this dispute closely, and in fact recently returned from Greece, where I had the opportunity to visit not only my ancestral homeland, Kalymnos, the island the ancestors of the gentleman from Pennsylvania [Mr. KLINK] also come from, but also this disputed island of Imia.

I was accompanied by the gentleman from Florida, Mr. PORTER GOSS, and the gentleman from Chicago, Illinois, Mr. BOBBY RUSH. As we sailed through the Dodecanese Islands, a group of 12 islands down in that southern part of the Aegean, I wanted my colleagues to understand that Imia is Greek. Indeed, it has always been considered, and, as the gentleman from Pennsylvania [Mr. KLINK] said, as Greek by those living nearby and by the international community.

Despite these recent tensions, I am confident that they will not hinder, I am hopeful they will not hinder the administration's push to resolve the Cyprus issue. Cyprus is the only country in Europe, the only country in Europe with 37 percent of its land under the occupation of an invading force. Resolving the division of Cyprus will not only reunite Cypriots, but will also help lay the foundation for better relations between Greece and Turkey.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. MENENDEZ] who was also in Cyprus on my last trip there.

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

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman for yielding, and also for his leadership in bringing us together on the commemoration of what many of my colleagues have already stated is an incredible 32 years of invasion, of separation of families, of a division of a country in an artificial means, and at the same time of a continuous occupation. And as the gentleman just pointed out, 37 percent of the island remains under occupation by Turkish troops, which, in defiance of United Nations resolutions, now number 35,000. This makes Cyprus one of the most militarized areas in the world, considering its overall size.

The fact of the matter is that despite the tragic history, we hope there is reason to be optimistic. We believe the Cyprus problem is resolvable. The Clinton administration announced a new initiative to reunite Cyprus, and last week Ambassador Madeleine Albright and special envoy Dick Beattie arrived in Cyprus to kick off what they have termed as the big push, and that is exactly what our Cyprus policy needs.

It is time to dispose of all of the arguments and excuses which have postponed progress on the Cyprus problem. There is never a perfect time, and certainly this is a time to go ahead and have a solution.

Mr. Speaker, I empathize with this issue because I believe, having visited Cyprus nearly a year ago, when the gentleman from Florida was there himself, having crossed the green line, a line that divides, artificially, northern Cyprus and the rest of it from the Greek side to the Turkish side, having brought constituents of mine, the Zambas family from my district, who for the first time after all of these years got to return to what to them in essence is their homeland, their homeland, to be able to see their roots, to be able to go to what was their church, to see their village, their neighborhoods.

The interesting part of that trip was the tremendous resistance that we got first of all in trying to cross, although if you hear the Turkish authorities on the other side, they claim that it is easy to go back and forth across the green line. It is not. As a Member of the United States Congress, with the United States Embassy in Cyprus behind us in an effort to get a few people to cross to see what their homeland was, we were told it was going to be easy, but it was very difficult. In addition to that we ended up with a whole group of people with us as a security force well beyond our numbers. It made it every step of the way.

What was interesting was that when the Americans of Greek Cypriot descent got together with the Turkish Cypriots, those who were native Turkish Cypriots on the northern side, and started communicating with each other, they were fine. It was only those people, the Turkish authorities who were not originally Cypriots, who came from Turkey to settle in the area, that created difficulties and division between what is naturally two people, and left to those two people, Greek and Turkish Cypriots who believe in one Cyprus and an opportunity to co-exist with each other, this problem could be resolved.

In closing, Mr. Speaker, let me just simply say that having seen that chemistry between the people, having seen this artificial division in person, having seen the beauty of the country and its enormous possibilities and its importance to the United States in terms of security in that part of the world, and its importance to others of our allies in terms of their security in that part of the world, and the opportunity that Cyprus has geographically in being a gateway to the West from that part of the world, the United States must put its full diplomatic effort and every tool of peaceful diplomacy it has at work to come to a solution.

That includes having our military, which is intricately involved with the Turkish military, to have an enormous say, even though it is a democratic government, but it has a tremendous influence in that government, to come to a solution on the Cyprus question. It can be done. The people of Cyprus, Greek and Turkish alike, want a solution, and the fact of the matter is the United States has the wherewithal, I believe, in this matter to be an honest and efficient participant in bringing peace with justice in Cyprus.

I close by reading a brief poem that was written by Cypriot Nese Yasin, which I feel probably best characterizes the sentiments of the Cypriot people.

It says ''My father says love your country. My country is divided into two. Which part should I love?''

□ 2300

Hopefully a year from now that question will no longer need to be posed, Mr. Chairman, and I thank you for the opportunity to participate with you in this historic moment.

Mr. BILIRAKIS. I certainly agree with the gentleman. His points are very well taken and you are right, we have the power, we have the wherewithal to do what needs to be done there. It is so very frustrating that we are not really trying. There is an awful lot of rhetoric, an awful lot of words to the effect that we will try, we are going to continue to try. We can do it if we really want to. All we have to do is put our mind to it and basically roll up our sleeves and put our energy behind our words.

Mr. MENENDEZ. We are committed to working with the gentleman to make sure that happens.

Mr. BILIRAKIS. Mr. Speaker, the green line that the gentleman just refers to divides northern and southern Cyprus. It not only divides a nation but it divides a people. I might add since the Berlin Wall went down, it is the only wall left in the entire world that divides a people, and we sit back and talk about it, do not do anything about it. The invasion and subsequent illegal occupation of Cyprus by Turkey left thousands, thousands without a home, and because it is late the gentlewoman wants to get home, I know where I would like to go in a few minutes, I will yield at this point to the gentlewoman from New York [Mrs. MALONEY], who has just been a wonderful partner on all of the issues involving Greece and Cyprus.

Mrs. MALONEY. Mr. Speaker, once again as I have every year that I have been a Member of Congress, it is my distinct honor and great privilege to stand with the gentleman from Florida and commemorate the tragic invasion and occupation of Cyprus. I am sure Mr. BILIRAKIS will agree with me when I state that a lot has transpired in the year since we stood in this well to discuss the fate of this beautiful island.

First, I am pleased of the success that the gentleman and I had in the formation of the Congressional Caucus on Hellenic Issues. This has become a large and active organization. We now have 50 Members from both parties from all regions of the country and from all political ideologies. Democrats, Republicans, liberals, and conservatives have all joined together to pursue our common objectives of justice, human rights and stronger ties between the United States and its strong democratic allies, Cyprus and Greece. The Hellenic Caucus has organized important and informative meetings with Greek President Stephanopoulos and Ambassador Tsilas, with Cypriot President Clerides, as well as a touching and very special meeting with this Eminence Archbishop Iakavos, who retired this year after 37 years of service to the community.

In addition, the Hellenic Caucus members have strongly urged President Clinton to forcefully condemn hostile Turkish actions regarding the Greek Islands of Imia and Gavdos and other aggressive actions in the eastern Mediterranean. Many members of the Hellenic Caucus wrote to the Turkish foreign minister in protest of his country's attacks on the human rights foundation of Turkey which treats victims of torture.

Mr. BILIRAKIS and I joined with Senator SARBANES in a successful effort to stop the proposed sale of 12 deadly Super Cobra helicopters to Turkey. Several of us have kept up the pressure on Turkey to stop its persecution of Christians and Kurds. Hellenic Caucus members are well represented on the list of cosponsors of House Concurrent Resolution 42, which passed the House. This bill puts the United States on record in support of the demilitarization of Cyprus and highlights Congress' continuing interest in achieving a solution to the Cypriot situation.

This brings me to perhaps the greatest victory for those of us who support Cypriot and Greek causes. On June 5, by a resounding vote of 303 to 115, the House passed the Visclosky amendment, which would end United States economic aid to Turkey unless it ends its inhumane blockade of Armenia.

Mr. Speaker, we all know what Turkey's response was to this House action. Turkey announced that it would rather forgo our generous assistance than end the suffering caused by this cruel and callous blockade. Tragically, it is the same intransigence that has marked Turkey's attitude on the Cyprus issue.

Let us not forget the facts: 22 years ago, Turkey brutally invaded Cyprus. 200,000 Greek Cypriots were expelled from their homes, their property was confiscated. Worst of all, 1,614 Cypriots and 5 American citizens were seized by Turkish troops and remain missing to this day.

Mr. Speaker, it has become somewhat of a cliche to refer to these so-called missing, but to me this phrase has a distinctly human face. I have met many, many times with constituents of mine in the Astoria neighborhoods whose family members are still among the missing. I have seen the great pain on the faces of the families of Chris Loizoi, Andrew Kassapis, and George Anastasiou. I resolved never to give up my quest to see that the fates of their family members are accounted for. Human decency demands that we use all the means at our disposal, including special orders like this one in this great Hall of democracy, to hold Turkey accountable for all of the missing. The simple cause of justice demands that Turkey pull back from the third of Cyprus that it now illegally occupies with 35,000 troops who are armed to the teeth.

Mr. Speaker, last week President Clinton dispatched our able U.N. Ambassador Madeleine Albright to Cyprus, Greece, and Turkey to restart talks on resolving the dispute. I wish my friend the Ambassador the best of luck in this extremely important mission, and I look forward to hearing her report and that of the Special Envoy Richard Beatty—22 years of brutality, human rights buses and illegal occupation is far, far too long.

I commend my colleagues who are speaking this evening for taking the time to go on the record in opposition to war and suffering and in favor of peace and justice. All of us owe it to those who have endured a terrible fate on this beautiful island to speak up and speak out. Tonight we say to the people of Cyprus and the families of the missing we will never forget you. We will always continue working for peace and justice on Cyprus.

I want to conclude by thanking my dear friend Congressman BILIRAKIS for his extreme effort on the Cyprus issue and on all Greek causes. He not only supports it with his rhetoric, with his legislation, with his heart, but also with his physical time. He is the only Member of Congress that has initiated a voyage to the island if Imia, who has gone into the enclaves on Cyprus and has attended almost every CECA conference in Cyprus. I thank you for your strong, strong commitment to these issues, your hard work and for organizing this special order tonight. My constituents thank you. The families of the missing thank you.

Mr. BILIRAKIS. Well, I thank the gentlewoman. She has just been great

to work with, and I am just proud again to be a cochair of the Hellenic Caucus with the gentlewoman.

Mr. Speaker, while chairing hearings of the Congressional Human Rights Caucus in 1992, I had the opportunity to hear first-hand the heart-wrenching stories of people who had relatives abducted during and after the illegal Turkish invasion. Throughout these hearings, a common theme emerged: The families want concrete answers regarding the fates of their loved ones.

Mr. Denktash, the Turkish Cypriot leader, made a recent statement referred to by the gentleman from Pennsylvania [Mr. KLINK] on a Greek Cypriot television station that the missing in Cyprus were turned over to the Turkish militia and killed. While shocked by this statement I question it, given the fact that there is much evidence to the contrary. We must know conclusively what happened to the five Americans and the 1,614 Greek Cypriots that have been missing since 1974.

I have sent a letter to President Clinton urging him to do everything possible to determine once and for all the fate of the missing in Cyprus.

In addition to the missing, as the gentlewoman from New York [Mrs. MALONEY] just mentioned, I also have serious concerns about the enclaved people in Cyprus. I am pleased to have cosponsored H.R. 2223, the Freedom and Human Rights for the Enclaved People of Cyprus Act.

I would advise my colleagues that the enclaved are a group of people in a certain part of Cyprus who have refused to leave their homes. Those who have left their homes over the years have lost all of their property. These people just do not want to leave their homes and, consequently, they have stayed there and we call them ''enclaved'' because that is exactly what they are. This legislation will implement efforts to eliminate restrictions on the enclaved people of Cyprus.

Besides cosponsoring the bill, I also am very proud to say one of the finest experiences of my life, I visited this area last August accompanied by the gentleman from Ohio, MARTIN HOKE. We visited the area. We saw and heard firsthand the life experiences of these people. We were accompanied by a couple of top leaders from the Turkish side who were delegated by Mr. Denktash to accompany us. Both of these people were born, as I understand it, as I remember it, but in any case raised in a part of southern Cyprus, the nonoccupied part of Cyprus called Paphos. They speak Greek fluently. I might add that they visited these coffee houses with us. They spoke Greek so very fluently that when the people, in the process of communicating with us regarding all of their problems and sharing with us all their problems and the enslaved nature of them all, they also communicated the same thing to them because they thought that they were also Americans, or at least they thought that they were Greek Cypriots rather than Turkish Cypriots because they spoke Greek so very well.

The point was made, I think, by the gentleman from New Jersey [Mr. MENENDEZ], the fact that these people got along over the years and it was these outside forces that basically split everything up. But we visited this coffee house there, we sat down and had coffee with the people and heard their problems.

We visited a monastery, we call it Apostle Andrew, which is Apostle Andrew. It was a monastery that was the subject of pilgrimages by families over the years. The monastery had been closed for better than 20 years, had not been opened, and to the credit of the people in charge, they opened it for us. We visited, we went into the monastery, we lit candles, we drank of the holy water, and we also captured some of the holy water that came from the base of the monastery. The story goes that the Apostle Andrew struck his staff against the rocks on the side of the mountain and water came out just as fresh and as cool and as beautiful as could be.

We visited a schoolteacher by the name of Eleni Foka, we call her Kitty Eleni. That means Miss Helen Foka, F-O-K-A, a lady who is very vocal, a lady who is, based on what Mr. Denktash told me personally, is a thorn in the side. She still teaches school, I might add there. We asked her, ''Well, since you live under these types of conditions, why do not you just get up and leave? Why do not you just go over the line into the Greek Cypriot side where there is freedom at least?'' She very tearfully and very emotionally said to us, ''This is my paradise. Why should I leave it?'' That I think says it all. ''This is my paradise, why should I leave it?''

I would add that just this week I received a letter from this lady that I have had interpreted. My Greek is not good enough to be able to do too well with it, so I was able to have it interpreted. It is addressed to me and I would like to read this.

''First I would like to thank you for your great interest and love and also thank you for your visit to our enslaved village, where you saw with your own eyes our living conditions. You witnessed a very cruel reality, that we are living under 'medieval' conditions that nowhere in the civilized world can be found. We are denied the right to religion, education, movement, correspondence and so much more; in a few words, our human rights are flagrantly violated.

The barbarian Turkish invaders appear to fear no one, because none of the powerful people in the world,'' and I think we know who she is referring to when she says that, ''and no international organization compels them to respect international law and order, human rights and freedom.

''On June 3, while we are absent from the school, Turkish occupation soldiers and settlers went to my school and with wood cutting machines cut the trees and with excavators destroyed all the area.'' She sent me photographs of the area as it was destroyed. ''Their target was to demolish the school and force me to leave my occupied village, thus, closing down the school forever. They claim that the property of the Greek school belongs to them after the invasion and, therefore, they can do whatever they want. In addition, they provocatively tell me that they will turn the school into a field for them to play soccer. This is their respect for education. The photographs I am sending to you are speaking for themselves. Unfortunately, I do not have the strength and the courage to describe all that is happening.

''After your visit here,'' she is referring to our visit there,'' the conquerors, declared that they would improve our living conditions. However, the situation is becoming worse and worse. Moreover, myself and many other enslaved Greeks are being threatened, blackmailed and humiliated. Recently, for instance, some people that are not even 'policemen', visited us and asked to take pictures of us, saying that they were going to issue us their so-called ''State's'' photo IDs. They want us to denounce our ethnicity and our identity as enslaved Greeks to become Turkish citizens.

''For all of the above, we call you, our free brothers and Greeks all over the world, to help us. Our brothers, we ought not to waste precious time; 23 years of slavery are too long; we are begging you to find ways to save our country. Today is Cyprus, tomorrow is the Aegean sea, later will be Thrace; please do not delay, you can help us.

''We wish the best for you and for ourselves. We wish only freedom.

''With my best regards, your enslaved sister, Eleni Foka.''

And she goes on with a note, ''Please accept this small gift that was made by an enslaved sister in an enslaved Agia Triada Karpasias. It is made on a black background, symbolizing our black slavery, using silk which symbolizes the strength of our endurance. Please to not be late. Unfortunately, as you realized yourself during your visit, we are facing a deadline.''

Mr. Speaker, although the rights of those enclaved are intended to be protected by the 1975 Third Vienna Agreement which States that the Greek Cypriots, and I quote, that the Greek Cypriots present in the north are free to stay and they will be given every help to lead a normal life, end quotes, a recent United Nations report paints a far different picture of their fate.

According to the report, the life of the Greek Cypriots is anything but normal. In fact, according to the report, quote from that full report, ''Much of the time they live in trepidation and even fear, due to the constant Turkish Cypriot police presence in their lives.''

□ 2318

I would tell my colleagues that the focal theme of all the remarks that we received from those people at the coffeehouse and throughout that entire area was fear. They lived constantly in fear.

Mr. Speaker, the time has come to reunite Cypriots who have been separated from their brothers and sisters by an arbitrary boundary for so long. Surely it is in Turkey's best interest, surely it has to be in their best interest to resolve this conflict as expeditiously as possible. Turkey's actions are keeping it from becoming an accepted part of the European Community. Meanwhile, Cyprus is moving forward with its aspirations for membership in the European Community.

As Cyprus takes steps to improve itself, so, too, must we. We must do our utmost. We have to do our utmost to end the division of Cyprus. The administration's push to settle the Cyprus issue was slated to begin after the May 26 parliamentary elections in Cyprus, and I am hopeful those efforts will complement our own in the House.

As we in Congress focus on settling this issue, I am reminded of what Alexis Galanos, president of the Cyprus House of Representatives, has stressed, and I quote him:

Any initiative that is not focused on the respect of Cyprus' sovereignty, on respect for the rule of law, on basic freedoms and on the termination of any foreign intervention, including the termination of the policy of illegal settlers in Cyprus is bound to fail.

As many of my colleagues may know, the gentlewoman from New York [Mrs. MALONEY] and I recently formed—she referred to it proudly, as I am proud of it too—formed a Hellenic Caucus to foster and improve relations between the United States and our important ally, Greece. A principal purpose of the caucus is to educate more Members of Congress about the need to resolve the long-standing dispute on Cyprus.

I am pleased to announce, and I think she has already done so, that the caucus already has over 40 Members. I know there are many others out there who would like to join. I guess they need an invitation. We have sent out the ''Dear Colleagues'' and some of these things sometimes fall in the cracks, but we have held meetings with His Eminence, Greek Ambassador Tsilas, Greek Speaker Kaklamanis, and Hellenic President Stephanopoulos.

This important caucus gives Hellenic and Cypriot causes additional clout so that, along with grassroots efforts, we can better succeed in our constant effort to achieve justice for Cyprus. As co-chair, I look forward to working with my colleagues to ensure that justice for Cyprus is achieved.

We have a responsibility, Mr. Speaker, to use our influence to see Cyprus made whole again, to rescue the thousands of Greek Cypriots who have become refugees in the land of their birth. Unbelievable, refugees in the land of their birth.

Like those faithful Cypriots in my district, in Clearwater and Tarpon Springs, FL, and my entire district of the Tampa Bay area and elsewhere, we must stand up for the values so important to us.

We must continue to press for a just resolution to this long-standing dispute. Every year since first coming to Congress, I and so many others haveworked hard to give Cyprus the attention it deserves, and this year will be no exception.

Mr. Speaker, before I close I would like to particularly thank and express my apologies, I guess, to the reporters, to the members of the staff, to you, and to so many others who we have kept here late tonight, but this is a very important cause and I think you all understand that.

Mr. PALLONE. Mr. Speaker, I want to thank my colleagues, Mr. BILIRAKIS and Mrs. MALONEY, the co-chairs of the Congressional Caucus on Hellenic issues, for their tireless efforts on behalf of the Greek-American community and for putting together this special order to mark the 22d anniversary of Turkey's illegal invasion and occupation of Cyprus. Restoring independence and freedom to the island nation of Cyprus is, in my opinion, one of the most important foreign policy challenges the United States continues to face and I am saddened that yet another year has gone by without much progress.

I am, however, as equally determined to keep Congress actively involved in this issue until a just settlement for the Cypriot people is reached. Accordingly, I would like to commend the American delegation dispatched by the administration to Greece, Cyprus, and Turkey last week for their dedication. Headed by our Permanent Ambassador to the United Nations Madeleine Albright and the President's Special Emissary for Cyprus Richard Beattie, as well as other high level State Department officials working on the Cyprus problem, the delegation is once again offering American assistance in breaking the now 22-year-old stalemate and bringing peace to the region.

The history of this issue is well known to all of us. On July 20, 1974, 6,000 Turkish troops invaded Cyprus, stealing its independence after a campaign of pillaging, terror, and murder.

Over the next 22 years, the Turkish Government fortified its illegal occupation force, defiantly ignoring the calls from the international community—including multiple U.N. resolutions—to allow the Cypriot people to live a free and sovereign life. Today 1,619 people, including 5 American citizens, remain missing as a result of the invasion, and the Turkish occupying force stands at some 35,000 troops. A barbed wire fence, moreover, divides the island in two, prohibiting thousands of Greek Cypriots the freedom to live on and travel to some 37 percent of their own country.

Mr. Speaker, during the 22 years the Turkish Government has been fortifying its illegal occupation force and thumbing its nose at the international community, the United States has reviewed the Cyprus problem at least 150 times. And while we all hope, as we do each time the United States intensifies its focus on the Cyprus issue, that the current delegation's effort will lead to a breakthrough, we must convey to the Turks in no uncertain terms that we are prepared to return 150 more times, or as many times as it takes to secure a just resolution for the Cypriot people. It is a message the Turks have always found hard to swallow.

The Turkish Government has found this message hard to digest because agreeing to a just settlement on Cyprus is a solution rooted in the larger acceptance of international law—a principle which the Turks openly, and hostily, rebuke. Indeed, since we gathered here last year to mark this occasion, the Turks nearly introduced yet more armed conflict into an already unstable area with their unfounded claim to the Creek islet Imia in the Agean Sea. This extremely volatile claim has, in fact, elevated Turkey's disregard for international law to a new level. As Greece's foreign minister, Theodore Pangalos stated ''this is the first time that Turkey has actually laid claim to Creek territory.'' Though violence was averted through the personal intervention of President Clinton in the matter, Turkey remains opposed to Greece's offer to submit the dispute by itself to the International Court at The Hague for a peaceful, legal resolution.

It is precisely this type of intransigence—ignoring opportunities to resolve disputes in peaceful manners—that has now stretched the Cyprus problem into its 22d year. Just last year Cyprus' President extended an olive branch to the Turks and suggested that Cyprus be demilitarized as part of an effort to create a peaceful environment under which negotiations for a comprehensive solution to the dispute could be conducted. The House of Representatives strongly endorsed the idea last year, passing House Concurrent Resolution 42, echoing the Cypriot President's call to demilitarize the island. The Turks have so far rejected the idea.

In response, many of us in the House joined forces to send Turkey a strong message. As was the case during consideration of the fiscal year 1996 budget, we were successful again this year in passing amendments to the fiscal year 1997 foreign appropriations bill that cuts aid to Turkey in response to its continued illegal occupation of Cyprus, its inhumane blockade of Armenia, its campaign of oppression against its own Kurdish population and its general disregard of human rights.

As these measures indicate, we are steadfastly committed to once again seeing a free an independent Cyprus. We will continue to ensure Congress plays an active role in pressuring Turkey to abide by all relevant U.N. resolutions and insist that any solution to the Cyprus problem must be based on the establishment of a single sovereign state with a single citizenship.

Mr. Speaker, over the last 2 years the United States has used its influence to help further the causes of peace and freedom in some of the world's most intractable, bitter disputes, such as in the Middle East, Bosnia, and Northern Ireland. Let us hope that in the coming year our work will allow us to add Cyprus to that list so that when we gather next, it will be to celebrate the island's liberation instead of to mark yet another year of division.

Mr. VISCLOSKY. Mr. Speaker, I rise today to mark the 22d anniversary of Turkey's invasion, and subsequent occupation, of Cyprus.

Having gained its independence from Great Britain in 1960, Cyprus enjoyed a proud, albeit short, period of political independence. On July 20, 1974, this independence was shattered when 6,000 Turkish troops and 40 tanks

invaded the north coast of Cyprus and proceeded to occupy nearly 40 percent of the island.

The ensuing fighting killed thousands of Cypriots and forced hundreds of thousands from their homes. Today, there are 1,619 people still missing, 5 of whom are United States citizens.

Twenty-two years after the invasion, 35,000 Turkish troops continue to occupy Cyprus in violation of international law. A barbed wire fence cuts across the island, separating families from their property and splitting this once beautiful country in half.

Despite efforts by the United States and the United Nations to bring about an acceptable resolution to this situation, Turkey continues to stonewall negotiations. It has continuously refused to either return or pay restitution for any of the land that is captured, and sporadic fighting on the island continues to this day.

The occupation of Cyprus is one of the reasons that I offered an amendment to the fiscal year 1997 Foreign Operations appropriations bill to cut $25 million in United States economic aid to Turkey. This amendment, which the House overwhelmingly approved by a vote of 301 to 118, sends a clear message to Turkey that its illegal and immoral occupation of Cyprus will not be tolerated by this country.

Mr. Speaker, I am proud to join with my colleagues in standing up against Turkish tyranny in Cyprus. I would especially like to extend my thanks to the gentleman from Florida, Mr. BILIRAKIS, for his tireless work to ensure that the people of Cyprus are not forgotten. Twenty-two years is a long time to wait, but it is my sincerest hope that our actions will help persuade Turkey to end its unlawful occupation of Cyprus and return the island to its rightful owners.

Mr. KENNEDY of Massachusetts, Mr. Speaker, July 20, 1996 marked the 22d year of Turkey's illegal invasion and continued occupation of the Island of Cyprus. On July 20, 1974, 6,000 Turkish troops attacked the island, destroying nearly five centuries of peaceful coexistence between Turkish and Greek Cypriots.

As a result, almost 40 percent of the island came under Turkish rule—even though Turkish Cypriots make up less than 20 percent of the total population of that island. And the Turks employed deliberately cruel and harsh measures to intimidate the Greek Cypriots. There are reports of extensive killings, rape of women of all ages, torture, looting, and robberies.

Despite countless efforts by the Greek communities and the United Nations to settle this dispute, a solution has not been found. Turkey is the only nation that recognizes the Turkish claim to the island—yet the Greeks are still held victims of the Turkish invasion. The current situation is one of gridlock.

This situation cannot be allowed to continue. We must have peace on the Island of Cyprus. And peace requires that foreign troops withdraw from their occupation of Cyprus.

Cyprus has been a divided country since 1974—22 years too long. I urge all of my colleagues to focus their attention on finding a just and lasting solution for the Island of Cyprus.

Mr. BONIOR. Mr. Speaker, we should all be thankful for our distinguished colleagues, Mr. BILIRAKIS and Mrs. MALONEY, cochairs of the Hellenic Issues Caucus, for organizing this observance of a sad and frustrating anniversary.

Today, there are 35,000 Turkish troops on the island of Cyprus who occupy one-third of the island. Since their invasion 20 years ago, those troops have patrolled the Green Line, a barbed wire fence that cuts across Cyprus, separating thousands of Greek Cypriots from the towns and communities in which their families have lived for generations.

Mr. Speaker, ending the military occupation of Cyprus is among the greatest challenges the international community faces today. But we must have the cooperation of Turkey to make progress and bring unity and freedom to Cypriots on the island.

For it was on July 20, 1974, that Turkish troops invaded the island of Cyprus and began a military occupation. Thousands of people were killed, more than 200,000 people were expelled from their homes, and today, more than 1,600 remain missing—including 5 Americans.

The Turkish Government must know that the division and occupation of Cyprus will continue to be an obstacle to better relations with the United States.

Until Turkey begins to remove its troops from Cyprus, we have no business sending aid to Turkey. That is why I strongly supported the limitation on aid to Turkey in the foreign operations appropriations bill passed last month.

Mr. Speaker, there are encouraging developments to report. Our Ambassador to the United Nations, Madeleine Albright, traveled last week to Greece, Turkey, and Cyprus to begin talks aimed at demilitarizing and reuniting the island. Joining her was President Clinton's special envoy for Cyprus, Richard Beattie.

Ambassador Albright secured a commitment from the parties to begin a dialog on reducing the military forces along the Green Line. Talks between the military commanders of the Cypriot national guard and the Turkish forces occupying northern Cyprus would be the first ever held.

We should all wish them well as this initiative by the United States may represent our best opportunity to resolve this difficult and agonizing problem. Let us hope and pray that this anniversary will be the final time we join together with Cyprus as an occupied island.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like first to thank my colleagues from Florida and New York for their continued diligence in recognizing the illegal invasion and occupation of the Island of Cyprus.

Their work in founding the Congressional Caucus on Hellenci Issues and commitment to initiating this special order provide an essential forum in speaking out against the atrocious crimes Cyprus has endured under the hands of Turkey, while honoring our close relationship with the nation of Greece and commitment to our constituents of Hellenic descent.

In beginning their struggle for freedom from the Ottoman Empire in March 1821, the nation of Greece embarked on a fragile struggle to embody democratic ideals of their most famous philosopher, Plato envisioned.

The Turkish invasion of Cyprus over two decades ago marks the return to an occupied state, a situation unprecedented since the 19th century and clearly unacceptable in the 20th.

We can no longer remain silent on this issue. We must not ignore the injustice occurring in Cyprus.

The reasoning behind Turkey's actions echo those used by the fathers of genocide in the past.

And the situation warrants the attention we have always provided our closest allies.

The famous philosophers of Greece provided our democratic nation with the ideas upon which it now stands, I hope we can return the gift in restoring those ideals to where they most belong.

I join my colleagues in calling for peace and a prompt resolution of the current situation.

Mrs. LOWEY. Mr. Speaker, I rise this evening to pay tribute to a dubious anniversary. As we sit here, after 22 years of Turkish occupation of Cyprus, it is especially appropriate to recognize the struggle for the freedom of all Cypriots that has been waged for more than two decades.

It was over two decades ago that 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus, and more than 200,000 Cypriots were driven from their homes and forced to live under foreign occupation. Over two decades ago, and still Turkey has more than 35,000 troops on the island. Over two decades ago, and we still don't know what became of the 1,614 Greek Cypriot and 5 American citizens missing since the Turkish invasion.

That is why I'm pleased that we have this opportunity today. Today we remember what happened in Cyprus 22 years ago and we pledge to fight to end the occupation. We must continue to fight against injustice in Cyprus. We must continue to provide aid to Cyprus to help that country deal with the terrible problems caused by more than two decades of Turkish occupation. And, above all, we must continue to keep the plight of the Cypriots on the minds of everyone around the world.

Mr. LEVIN. Mr. Speaker, I would like to thank the distinguished gentlemen from Florida, Mr. BILIRAKIS, for organizing this special order in commemoration of a very sad day in history. I refer to the anniversary of the 22-year occupation of the island of Cyprus by Turkey.

In 1974, Turkey shocked the world and invaded Cyprus. As a result of this invasion, 200,000 Cypriots have been made refugees and over 1,619 people, including 5 Americans, were missing without explanation until just recently. In March, Turkish-Cypriot leader Rauf Danktash admitted in a televised interview that those missing since the invasion were slaughtered.

After 22 years and numerous attempts to resolve the matter by the United Nations, the United States, and other countries, 37 percent of the island is still illegally occupied by 35,000 Turkish troops and over 80,000 transplanted ''colonists'' from Turkey—almost outnumbering the original Turkish Cypriots.

During this time, the Turkish Cypriots have engaged in an effort to cleanse the cultural heritage of the occupied territory. The names of villages and towns have been given Turkish names and Greek churches have been looted, desecrated, or converted to mosques or, in some instances, stables. In addition, the two portions of the country are divided by barbed wire fence known as the ''Green Line.''

For years, negotiations to end the stalemate and resolve the issues between the two countries have been stonewalled by the Turkish-Cypriot leadership who refuse to negotiate in good faith.

This fact has only been compounded by the steady escalation of aggression by Turkey against Greece and Cyprus over the past year. During this time, Turkey has initiated a number of very serious provocations including the January attempt to annex Imia, an island in the Aegean which is internationally recognized as Greek territory. In addition, overflights of Greek territories by Turkish combat aircraft has escalated from an average of 21 per year from 1988–1992, to an incredibly provocative 852 per year.

On Cyprus last month, Turkish soldiers shot an unarmed Greek teenager and then prevented U.N. peacekeepers from rescuing the boy by firing upon them.

Finally, in a direct violation of agreements between the United States and Turkey on the use of American made and leased equipment, the Turkish Government has begun using U.S.-made military equipment in their campaign of intimidation. In January of this year, Turkish Armed Forces landed nearly 100 American-made tanks on occupied Cyprus.

The United States cannot continue to let this egregious behavior to go on without a strong response.

I am pleased by the President's decision to send special envoy, Richard Beattie to Cyprus to help bring an end to the island's partition. This the first attempt in nearly 5 years undertaken by the United States to mediate the dispute. It is my hope this endeavor will be more fruitful than the last and finally bring an end to this terrible incident.

In the meantime, the United States needs to take a firm stand against these provocations and urge the Turkish Government to cease its acts of aggression against its neighbor and to agree to resolve the issue of Cyprus. If the situation is not dissolved soon, we stand the very real chance of an even larger conflict in south central Europe and the possibility of it rekindling the flames of war throughout the Balkans.

Mr. ACKERMAN. Mr. Speaker, I rise today to commemorate the 22nd Anniversary of Turkey's illegal occupation of the island of Cyprus on July 20, 1974. The Turkish military invasion resulted in an involuntary division of this once harmonious Mediterranean state. Greek residents in northern Cyprus have since suffered innumerable restrictions on freedom and human rights at the hands of their Turkish invaders and more than 35,000 Turkish troops continue to occupy the northern portion.

The effects of this invasion has included the deaths of more than 6,000 Greek-Cypriots, the displacement of over 200,000 refugees from towns and communities once occupied by their ancestors, and the capture of thousands more. Sadly, 1619 people, including five Americans, are still missing today.

The current situation in Cyprus is of great importance to the United States and specifically the Greek-American community. Members of Congress have finally begun taking steps to ensure that this illegal and inhumane state of affairs is resolved peacefully. The Clinton Administration has also turned its attention to Cyprus, demonstrating with Congress a joint commitment to demilitarizing this divided island.

Today, we not only commemorate the anniversary of this invasion, but remind America that the injustices created by Turkey's military aggression are as pervasive today as they were 22 years ago. The enclaved Greek population, living within the Turkish occupied zone, live without many of the rights and privileges implicit within a democratic society, and will continue to do so until Turkey's military presence is no more.

I commend Mr. BILIRAKIS in holding this very important Special Order, and I ask my colleagues to join me in remembering the Turkish invasion of Cyprus as well as continue to support efforts being made to end this wrongful occupation, so that we may one day commemorate the restoration of Cyprus to a peaceful, harmonious and united nation.

Mr. TORRICELLI. Mr. Speaker, I rise today to draw this country's attention to Turkey's continued occupation of Cyprus. This gross violation of human rights is now in its twenty-second year, and gives no indication of abating in the near future. It is for this reason that I speak today, in an effort to heighten the international community's awareness of the situation and bring some relief to the people of Cyprus.

July 20, 1974 is a day that will forever be embedded in the hearts of the Cyprus people. Since then, Cyprus has been divided nearly in half as Turkish troops maintain control of almost forty percent of the island. Families have been torn apart and loved ones separated from one another by the brutal line which rends the country in two.

A list of some of the more blatant abuses comes easily to mind. The occupying forces have evicted people from their homes and confiscated Cypriot property in order to give it to Turkish citizens. Citizens who disappeared during the occupation have yet to be accounted for. These and other offenses have been directed against a population which has no recourse for justice except to gain the sympathetic ears of states like ours.

Rather than heed, or even acknowledge, the international community's requests to resolve the situation in Cyprus, Turkey has chosen to flagrantly ignore calls for moderation. Suppression of Cyprus' cultural heritage has become the order of the day as the Turkish government seeks to change the face of the Cypriot population. Villages and towns in the occupied area of the island now bear Turkish names. Churches that have not been looted or destroyed have been converted into mosques or stables.

Little respect has been shown by the Turkish government toward the Cypriot community, a situation that any concerned individual should find unconscionable. It is time for the international community to band together in condemnation of the Turkish Government's policy. The people of Cyprus look to us to make it be known to Turkey that this behavior shall not pass unnoticed nor unsanctioned.

Mr. MANTON. Mr. Speaker, this Saturday, July 20, will mark the twenty-second anniversary of Turkey's illegal invasion of Cyprus. I rise today to join my colleagues and thank Mr. BILIRAKIS for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1,619 people, including five Americans, last seen alive in the occupied areas of Cyprus have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish government to provide answers for the families of the missing. We cannot forget their suffering continues.

Mr. Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Unfortunately, the northern portion of Cyprus is still illegally occupied by 35,000 Turkish troops.

In December of 1993, in an effort to facilitate a peaceful resolution, President Clerides submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, Cyprus would disband its national guard; transfer the national guard's military equipment to the United Nations peacekeeping force; and the money saved from defense spending for development projects that would benefit both communities. Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for peaceful resolution of the problem. Once again the Turkish side rejected Cyprus' efforts toward ending the tragic unacceptable status quo.

I am proud to join my colleagues as a cosponsor of H. Con. Res. 42, which calls for the demilitarization of Cyprus. In addition, I am a cosponsor of H.R. 2223, the Freedom of Human Rights for the enclaved people of Cyprus Act. This legislation would establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus. I urge my colleagues to join me as a cosponsor of these very important pieces of legislation.

The United States Government has always supported a just and lasting solution to the Cyprus problem. It is important for the Congress to continue to firmly support the people of Cyprus by pressing Turkey to end its illegal occupation and to work constructively for a resolution in accordance with the relevant U.N. Resolutions and agreements between the two sides. In addition, after the meeting with President Clerides of Cyprus on June 17 of this year, President Clinton promised to send his emissary, Richard Beattie to discuss issues involved in a comprehensive settlement, with special emphasis on security. I hope this planned discussion will bring closer a resolution to the issue of Turkish occupation in Cyprus.

A just and lasting solution to the problem will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, as well as constitute a significant step toward peace in the unstable eastern Mediterranean region.

It is my hope that this will be the last year Members must join to discuss the longstanding problems of the people of Cyprus and that next year we may join to celebrate the end of this conflict. Until that happens, the Turkish government must know we in the United States will continue to recognize this anniversary by speaking out for the rights of the missing.

Mr. MARTINEZ. Mr. Speaker, I would first like to commend the distinguished gentleman from Florida for organizing this special order on Cyprus. MIKE BILIRAKIS has truly been a tireless champion for the peaceful resolution of the Cypriot problem.

Mr. Speaker, I join my colleagues tonight in observing the 22d anniversary of Turkey's illegal invasion and continued occupation of the

island of cyprus. On July 20, 1974, Turkey unleashed its army on the Cypriot people. Turkey's violent and bloody invasion of this Mediterranean island state has been rightfully condemned by the United Nations and all peace loving nations of the world.

This anniversary should weigh heavily on the conscience of all civilized people of the world who share in the belief that states must eschew the destructive path of naked aggression and abide by the rules of international law. It is time for the world to tell Turkey that the status quo in Cyprus is unacceptable.

Mr. Speaker, the status quo must be broken. The paralysis in U.N. sponsored negotiations must be broken. And the intercommunal strife that has torn Cypriots apart must be settled peacefully. But none of these worthy objectives can occur as long as Turkey continues to violate international law and flout U.N. resolutions condemning its oppressive occupation of one-third of Cypriot territory.

It is indeed a sad testament to the intransigence of Turkey's position that 22 years after its invasion of northern Cyprus, it still maintains over 30,000 troops on the island. The Ankara government must come to the realization that its troops in northern Cyprus stand as an obstacle to a just and permanent resolution of the Cypriot problem.

President Glafcos Clerides deserves to be commended for his honesty, flexibility and good faith efforts to broach the great divide that needlessly separates Greek Cypriots from Turkish Cypriots. I would also like to commend the efforts of our special Presidential envoy for Cyprus, Richard Beattie, who has actively been soliciting the good will and support of the international community to bring to an end what has thus far proven to be one of the most intractable problems in Europe.

Mr. SCHUMER. Mr. Speaker, I would like to applaud and express my gratitude to my fellow colleagues for conducting this special order to acknowledge the 22d anniversary of the Turkish occupation of Cyprus.

This year the Members of the House meet again to remember this sad day and to denounce the atrocities taking place in Cyprus. There are still 1,619 people missing as a result of the occupation. Five of these missing persons are American citizens. This is an outrage.

In the time since the Turks have taken over Cyprus the situation there has steadily worsened. The widespread violence and violations of human rights can not be ignored. Action must be taken to amend these horrible travesties.

For some time I have been interested in the situation in Cyprus. I have supported legislation which would require an investigation into the whereabouts of the United States citizens and others missing from Cyprus. Another bill I have supported would prohibit all United States military and economic assistance for Turkey until the Turkish Government takes responsibility for its actions in Cyprus and complies with its obligations under international law. I have also cosponsored a concurrent resolution supporting a settlement of the dispute regarding Cyprus. I hope there will soon be a resolution to the problems in Cyprus once and for all.

Ms. ROS-LEHTINEN. Mr. Speaker, the island of Cyprus was invaded by a foreign army on July 20, 1974.

As we remember this sad anniversary, we must renew our determination to do whatever is in our power to achieve the restoration of a united Cyprus, free from foreign military control of one-third of its territory.

For 22 years now, the people of the Republic of Cyprus have lived with a foreign army in their country in violation of all international norms.

Two hundred thousand Greek Cypriots were forced from their homes in the northern third of the island by the invading army. The invaders engaged in massive violations of the human rights of the Cypriot people, including murder, rape, and looting, according to the European Human Rights Commission report in 1976.

The world community is in agreement that the State of Cyprus must remain a single sovereignty and international personality, with a single citizenship, and with its independence and territorial integrity preserved.

The continued presence of 30,000 foreign troops in Cyprus prevents the people of that island from reaching a settlement of these political differences.

These troops must be withdrawn as soon as possible.

Demilitarization of the Republic of Cyprus would meet the security concerns of all parties involved and would enhance prospects for a peaceful and lasting solution that would benefit all the people of Cyprus.

This can only be achieved if the invading army withdraws from Cyprus and returns to its own territory—where it belongs.

The great tragedy of the foreign invasion of Cyprus is that the people of that island have lived together for centuries, and can work out their differences as fellow Cypriots.

They did not need a foreign army and an outside government to come into their country and seek to impose a foreign solution to their problems.

A continuation of a divided Cyprus is not in the interest of any of the Cypriots.

Since the invasion and occupation of the northern third of the island in 1974, the people living in the free two-thirds have seen their economy soar and per capita incomes increase from $1,500 in 1973 to over $10,000 today. The free people of Cyprus are negotiating with the European Union to join the Union as full and respected members of modern European society.

Meanwhile, in the occupied territories, living standards have stagnated—an inevitable consequence of the lack of real freedom and justice.

That all Cypriots will one day again live in freedom under a just and democratic government, free from foreign military domination and control, is the goal that we must have.

Today, as we remember the events of 22d years ago, I reiterate my firm support for that goal.

Mr. FAZIO. Mr. Speaker, I am glad to have the opportunity to participate in the special order on Cyprus and I commend the gentleman from Florida [Mr. BILIRAKIS] for calling this special order.

This month marks the 22 year of Turkey's illegal invasion and occupation of the island of Cyprus. In an area that has seen the collapse of communism, the fall of the Berlin Wall, the dismantling of apartheid in South Africa, and even a tentative peace between Israel and its neighbors, the sovereign Republic of Cyprus continues to remain occupied by over 35,000 Turkish troops.

In my years in Congress, I have long supported an end to Turkey's violent occupation of Cyprus. In this Congress, I cosponsored a House resolution calling for an end to Turkey's occupation of Cyprus and for the demilitarization of the island. I am pleased that this resolution was passed by the House last September.

There can be no peaceful democratic settlement of the Cyprus question as long as Turkish troops continue their occupation. Moreover, the relationship between our NATO allies, Turkey and Greece, will not improve significantly as long as the Cyprus dispute continues. Turkey must withdraw its troops from Cyprus.

My colleagues, as Representative BILIRAKIS has eloquently demonstrated, Turkey's occupation of Cyprus represents over two decades of unanswered questions, over two decades of division, over two decades of human rights violations, and over two decades of cultural destruction.

The United States has not only a strategic interest in the eastern Mediterranean, but more importantly, we have a humanitarian interest in seeking peace in Cyprus. I look forward to continuing the dialog that we have shared tonight to ensure that peace in Cyprus is one day a reality.

Ms. FURSE. Mr. Speaker, I rise to address the need for a peaceful resolution of the situation in Cyprus.

The 18 percent Turkish-Cypriot and over 80 percent Greek-Cypriot population of [Cyprus lived in harmony on Cyprus for centuries. Twenty-two years ago this month, Turkish troops invaded Cyprus and continue their occupation of the northern portion of Cyprus today. A barbed-wire fence cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

Last month, I was among the 91 Members of Congress signing letters to President Clinton expressing strong support for this administration's efforts to promote a just and viable solution to the long-standing Cyprus dispute.

A resolution calling for demilitarization in Cyprus had already been adopted by voice vote in the House. Our letter to President Clinton stated that this solution must be based on the principles adopted in United Nations Security Council Resolution 939 and in our Cyprus Demilitarization Resolution. Both state that a solution must be based on a State of Cyprus with a single sovereignty and international personality. It must comprise two politically equal communities in bicommunal and bizonal federation.

Meetings with high-level United States administration officials have taken place in Turkey, Greece, and Cyprus. In addition, President Clinton has met with the President of Turkey and the President and Prime Minister of Greece. I would also note the very important work that has been done by my friend, Ambassador John McDonald and Louise Diamond of the Institute for Multi-Track Diplomary in facilitating numerous contacts between Cypriots on both sides of the dispute.

I believe we are in the process of solving this long-standing problem, and I stress the need to do so nonviolently. I look forward to continuing to work with my colleagues on this very important issue.

Mr. ZIMMER. Mr. Speaker, I thank my colleague, Mr. BILIRAKIS , for once again arranging this special order on Cyprus. I join my colleagues in calling for a swift and peaceful end to the illegal occupation of nearly 40 percent of Cyprus by Turkey.

That occupation has persisted since Turkey invaded Cyprus in July 1974. And, for 22 years, Turkey has ignored or rejected every effort to end that occupation and to resolve the agony it has created.

There are 1,614 Greek Cypriots who were abducted by Turkish troops in that 1974 invasion and who remain missing today. I was appalled by comments made by Turkish Cypriot leader Rauf Danktash that these people must be presumed dead, and that some were killed by vengeful Turkish Cypriot irregulars who were under command of none other than Danktash himself.

Given these revelations, the United Nations ought to conduct an immediate and thorough investigation to learn once and for all the fate of the persons reported as missing, including five Americans.

Ms. PELOSI. Mr. Speaker, I rise today to join with my colleagues in marking the 22d year of Turkey's illegal invasion and partition of the Republic of Cyprus. I commend Mr. BILIRAKIS for his diligence on this issue and thank him for calling this special order.

This anniversary is not a happy occasion, Mr. Speaker, but it is one which serves to remind us of the continuing strife that the people of Cyprus have faced day-in and day-out for over two decades.

In 1974, using United States military equipment, Turkey invaded the Republic of Cyprus, killing 4,000 Greek Cypriots and capturing over 1,600 others, including 5 United States citizens. Though the Turkish Government has been condemned by this Congress and the international community time and time again, it has not halted its unjustified occupation. Today, Cyprus remains cruelly divided. A barbed-wire fence known as the green line cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

The human rights violations by the Turkish Government on the people of Cyprus also continue. The freedoms of religion and assembly are frequently stifled, and intimidation by the military is ongoing and ever present.

Mr. Speaker, it is appropriate today for us to reiterate our commitment to a resolution of the Cypriot situation, and to commend Greek Cypriots for their dedication to a peaceful settlement of the island's armed conflict. A peaceful resolution of this conflict is long overdue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAXTON (at the request of Mr. ARMEY) for today until 4 p.m., on account of family illness.

Mrs. COLLINS of Illinois (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of personal business.

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today from 1 p.m. until 2:30 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. CLINGER, for 5 minutes each day, on July 25 and 29.

Mr. EHLERS, for 5 minutes each day, today and on July 24 and 25.

Mr. ENGLISH of Pennsylvania, for 5 minutes, today.

Mr. SHAYS, for 5 minutes each day, today and on July 24.

Mr. LEACH, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, on July 24 and 26.

(The following Member (at the request of Mr. KLINK) to revise and extend her remarks and include extraneous material:)

Ms. NORTON, 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. KLINK) and to include extraneous matter:)

Mr. SKELTON.

Mr. JACOBS.

Mr. CONDIT.

Mr. KENNEDY of Massachusetts.

Mr. LAFALCE.

Mr. MINK of Hawaii.

Mr. PALLONE.

Mr. DEUTSCH.

Mr. RAHALL.

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. LEWIS of California.

Mr. TALENT.

Mr. ROTH.

Mr. BUYER.

Mr. GEKAS.

Mr. GALLEGLY.

Mr. CLINGER.

Mr. SOLOMON.

Mr. GILMAN.

(The following Members (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. CONDIT.

Mr. KIM.

Mr. MORAN.

Mr. FILNER.

Mr. KLINK.

Mr. ENGLISH of Pennsylvania.

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. 497. An act, to create the National Gambling Impact and Policy Commission.

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

H.R. 3107. An act to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items from enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 23 minutes p.m.) the House adjourned until Wednesday, July 24, 1996, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the 1st and 2d quarters of 1996 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James McCormick	2/6	2/8	Hong Kong		0.00						0.00
	2/8	2/10	Thailand		434.00						434.00
	2/10	2/12	Malaysia		406.00						406.00
	2/12	2/14	Indonesia		450.00						450.00
	2/14	2/16	Singapore		506.00						506.00
	2/16	2/18	Cambodia		417.75		110.00				527.75

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	2/6	2/18			.00		4,850.95				4,850.95
Sean Peterson	3/22	3/30	Argentina		1,660.00		2,521.95				4,181.95
Committee total					3,873.75		7,482.90				11,356.65

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES A. LEACH, Chairman, July 11, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	3/31	4/04	Japan		1,695.00		4,264.95				5,959.95
Shana Dale	3/31	4/04	Japan		1,695.00		4,264.95				5,959.95
Harlan Watson	5/26	6/02	Switzerland		620.00		4,888.55				5,508.55
			Germany		136.00						136.00
			England		576.00						576.00
David D. Clement	5/24	6/06	Italy		1,420.00		3,556.25		926.17		5,092.42
			France		1,216.00						1,216.00
			England		864.00						864.00
Barry C. Beringer	6/22	6/26	Germany		950.00		725.25				1,675.25
Mason Wiggins	6/23	6/29	Germany		1,450.00		862.25				2,312.25
Committee total					10,622.00		18,562.20		926.17		30,110.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER, Chairman, June 17, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. E. Clay Shaw, Jr.	4/7	4/9	Chile		581.00		(3)				581.00
	4/9	4/11	Argentina		548.00		(3)				548.00
	4/11	4/14	Brazil		597.00		(3)				597.00
Hon. Nancy L. Johnson	4/7	4/9	Chile		581.00		(3)				581.00
	4/9	4/11	Argentina		548.00		(3)				548.00
	4/11	4/14	Brazil		597.00		(3)				597.00
Committee total					3,452.00						3,452.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, July 26, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4281. A letter from the Secretary of Defense, transmitting a report on the United States-People's Republic of China Joint Defense Conversion Commission [JDCC] for the period August 10, 1995–February 9, 1996, pursuant to Public Law 104–106, section 1343(a) (110 Stat. 487); to the Committee on National Security.

4282. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 96–59), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4283. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the report on the program recommendations of the Riyadh Accountability Review Board (Riyadh Board), pursuant to 22 U.S.C. 4834(d)(1); to the Committee on International Relations.

4284. A letter from the Secretary of Transportation, transmitting, the semiannual report on activities of the inspector general for the period ended March 31, 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform and Oversight.

4285. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Implementation of FAC 90–39 and Miscellaneous Changes [APD 2800.12A, CHGE 72] (RIN: 3090–AF97) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4286. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—Amendment of FIRMR Provisions Relating to GSA's Role In Screening Excess and Exchange/Sale Federal Information Processing (FIP) Equipment [FIRMR Amendment 8] (RIN: 3090–AF32) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4287. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Motions and Appeals in Immigration Proceedings [EOIR No. 102F; AG Order No. 2020–96] (RIN: 1125–AA01) received July 23, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit (Revenue Ruling RR–237026–95) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96–37) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous—Closing Agreements (Revenue Procedure 96–41) received July 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4291. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Tax Year 1996 Information Returns for Submission to the Internal Revenue Service (Revenue Procedure 96–36) received July 22, 1996, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Ways and Means.

4292. A letter from the Labor Member, Railroad Retirement Board, transmitting a letter in writing, dated June 6, 1996, stating: ''On March 19, 1996, the Chairman and Management Member of the Railroad Retirement Board submitted for consideration by the Congress a draft bill restricting the statute of limitations that applies to the creditability of compensation under the Railroad Retirement Act, as Labor Member of the Railroad Retirement Board, on behalf of Rail Labor, I must oppose that draft bill'' (written dissent enclosed, dated April 25, 1996); jointly, the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE; Committee on National Security. H.R. 3237. A bill to provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, and for other purposes; with an amendment (Rept. 104–620 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 2823. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes (Rept. 104–665 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. 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 an amendment (Rept. 104–669, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. S. 531. An act to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to particiate in that case after taking senior status, and for other purposes (Rept. 104–697). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 3237 referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1886. A bill for the relief of John Wesley Davis; with an amendment (Rept. 104–696). Referred to the Committee of the Whole House.

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. FRISA (for himself, Mr. BLILEY, Mr. DINGELL, Mr. BILIRAKIS, Mr. TOWNS, Mr. GREENWOOD, Mr. STUDDS, and Ms. ESHOO):

H.R. 3867. A bill to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes; to the Committee on Commerce.

By Mr. SCHAEFER:

H.R. 3868. A bill to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996; to the Committee on Commerce.

By Mr. HORN (for himself, Mrs. MALONEY, Mr. BASS, Mr. CLINGER, Mr. EHLERS, Mr. FLANAGAN, Mr. FOX, Mr. SHAYS, Mr. STEARNS, and Mr. TATE):

H.R. 3869. A bill to amend the Federal Advisory Committee Act to direct the Director of the Office of Management and Budget to conduct a negotiated rulemaking for the purpose of establishing electronic data reporting standards for the electronic interchange of certain data that is required to be reported under existing Federal law; to the Committee on Government Reform and Oversight, and in addition to the Committee on 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. GILMAN:

H.R. 3870. A bill to authorize the Agency for International Development to offer voluntary separation incentive payments to employees of that agency; to the Committee on Government Reform and Oversight, and in addition to the Committee on International Relations, 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. TOWNS (for himself, Mr. GREENWOOD, and Mr. FRANKS of Connecticut):

H.R. 3871. A bill to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. CLINGER, and Mr. HORN):

H.R. 3872. A bill to amend the Inspector General Act of 1978 to establish an office of inspector general in the Executive Office of the President; to the Committee on Government Reform and Oversight.

By Mr. BROWN of California (for himself, Mr. YATES, Mr. DELLUMS, Mr. BEILENSON, Ms. ESHOO, Ms. ROYBAL-ALLARD, Mr. ZIMMER, Mr. WILSON, Mr. WAXMAN, Mr. BECERRA, Ms. WOOLSEY, Mr. BERMAN, Ms. LOFGREN, Mr. FILNER, Mr. CLAY, Mr. HINCHEY, Ms. NORTON, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FALEOMAVAEGA, and Ms. SLAUGHTER):

H.R. 3873. A bill to establish a National Forest Preserve consisting of certain Federal lands in the Sequoia National Forest in the State of California to protect and preserve remaining Giant Sequoia ecosystems and to provide increased recreational opportunities in connection with such ecosystems; to the Committee on Resources.

By Mr. CANADY:

H.R. 3874. A bill to reauthorize the U.S. Commission on Civil Rights, and for other purposes; to the Committee on the Judiciary.

By Mr. COOLEY:

H.R. 3875. A bill to redesignate the dam located at mile 153.6 on the Rogue River in Jackson County, OR, and commonly known as the Lost Creek Dam Lake Project, as the ''William L. Jess Dam and Intake Structure''; to the Committee on Transportation and Infrastructure.

By Mr. CUNNINGHAM:

H.R. 3876. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000; and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. DICKEY (for himself, Mr. HUTCHINSON, Mrs. LINCOLN, and Mr. THORNTON):

H.R. 3877. A bill to designate the U.S. post office building in Camden, AR, as the ''Honorable David H. Pryor Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey (for himself, Mr. MEEHAN, Mr. ZIMMER, Mr. MARTINI, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. FOLEY, Mr. KLUG, Mr. KENNEDY of Massachusetts, and Mr. BARRETT of Wisconsin):

H.R. 3878. A bill to privatize the Federal Power Marketing Administrations and certain facilities of the Tennessee Valley Authority and, in the interim, to provide for a transition to market-based rates for such power, and for other purposes; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and 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. GALLEGLY (for himself, Mr. YOUNG of Alaska, Mr. UNDERWOOD, and Mr. FALEOMAVAEGA):

H.R. 3879. A bill to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives; to the Committee on Resources.

By Mr. OBERSTAR:

H.R. 3880. A bill to provide for the establishment of the Voyageurs National Park Intergovernmental Council, to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes; to the Committee on Resources.

By Mr. STEARNS (for himself, Mr. WOLF, Mr. MCHUGH, Mr. GIBBONS, Mr. MONTGOMERY, and Mr. ROHRABACHER):

H.R. 3881. A bill to establish the Bipartisan Commission on the Future of Medicare to make findings and issue recommendations on the future of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. STEARNS:

H.R. 3882. A bill to require the Secretary of the Navy to transfer jurisdiction over a portion of Cecil Field Naval Air Station, FL, to the Secretary of Veterans Affairs for use as a national cemetery and for development of a long-term care or nursing home facility for veterans; to the Committee on National Security, and in addition to the Committee on Veterans' Affairs, 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. TORRICELLI:

H.R. 3883. A bill to grant the United States a copyright to the flag of the United States

and to impose criminal penalties for the destruction of a copyrighted flag; to the Committee on the Judiciary.

By Mr. HEFNER:

H.J. Res. 186. Joint resolution proposing an amendment to the Constitution of the United States restoring the right of Americans to pray in public institutions, including public school graduation ceremonies and athletic events; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 95: Mr. FOX.
H.R. 96: Mr. FOX.
H.R. 98: Ms. PRYCE.
H.R. 351: Mrs. CUBIN.
H.R. 491: Mr. FRANKS of New Jersey and Mr. YOUNG of Alaska.
H.R. 513: Mr. STEARNS.
H.R. 777: Mr. GREEN of Texas, Mr. CALVERT, Mr. DE LA GARZA, and Mrs. MEYERS of Kansas.
H.R. 778: Mr. GREEN of Texas, Mr. CALVERT, Mr. DE LA GARZA, and Mrs. MEYERS of Kansas..
H.R. 790: Mr. CRAMER.
H.R. 791: Mr. STEARNS.
H.R. 953: Mr. SPRATT and Mr. TORRICELLI.
H.R. 1000: Mr. MARTINEZ.
H.R. 1003: Mrs. SEASTRAND.
H.R. 1010: Mr. TORRES.
H.R. 1161: Mr. WICKER, Mr. STENHOLM, and Mr. WYNN.
H.R. 1222: Mr. STEARNS.
H.R. 1291: Mr. STEARNS.
H.R. 1627: Mr. DINGELL and Mr. WAXMAN.
H.R. 1749: Mr. STEARNS.
H.R. 1791: Mr. NETHERCUTT.
H.R. 2009: Mrs. MEEK of Florida, Mr. HINCHEY, Mr. ACKERMAN, Mr. YATES, Ms. LOFGREN, and Mr. FRAZER.
H.R. 2011: Mr. ORTON and Mr. GREEN of Texas.
H.R. 2270: Ms. GREENE of Utah.
H.R. 2489: Mrs. MEYERS of Kansas.
H.R. 2508: Mr. EDWARDS and Mr. NUSSLE.
H.R. 2578: Mr. YOUNG of Alaska.
H.R. 2579: Mr. BLUMENAUER.
H.R. 2789: Mr. HOUGHTON, Mr. BEREUTER, and Mr. ACKERMAN.
H.R. 2875: Mr. THOMPSON.
H.R. 3000: Mr. HASTERT.
H.R. 3077: Mr. DURBIN, Mr. LAZIO of New York, and Mrs. MORELLA.
H.R. 3111: Mr. JOHNSTON of Florida and Ms. FURSE.
H.R. 3182: Mr. OBEY.
H.R. 3199: Mrs. LINCOLN, Mr. ORTON, and Mr. BUNNING of Kentucky.
H.R. 3201: Mr. BONO, Mrs. ROUKEMA, Ms. GREENE of Utah, Mr. LAUGHLIN, Mr. NEAL of Massachusetts, Mr. EHRLICH, Mr. NEY, and Mr. ORTON.
H.R. 3211: Mr. MCKEON and Mr. MILLER of Florida.
H.R. 3252: Mr. TORRES and Mr. HINCHEY.
H.R. 3338: Mr. MYERS of Indiana, Mr. JACOBS, Mr. EHLERS, Ms. ROYBAL-ALLARD, Mr. ALLARD, Mr. INGLIS of South Carolina, Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. CAMP, and Mr. BOEHNER.
H.R. 3357: Ms. MCKINNEY, Mr. LIPINSKI, Ms. WOOLSEY, and Mrs. MEEK of Florida.
H.R. 3358: Ms. MCKINNEY, Mr. LIPINSKI, Ms. WOOLSEY, and Mrs. MEEK of Florida.
H.R. 3359: Ms. MCKINNEY, Mr. LIPINSKI, Ms. WOOLSEY, and Mrs. MEEK of Florida.
H.R. 3360: Ms. MCKINNEY, Mr. LIPINSKI, Ms. WOOLSEY, and Mrs. MEEK of Florida.
H.R. 3361: Ms. MCKINNEY, Mr. LIPINSKI, Ms. WOOLSEY, and Mrs. MEEK of Florida.
H.R. 3391: Mr. TAYLOR of North Carolina, Mr. LIVINGSTON, Mr. LUCAS, and Mr. SPRATT.
H.R. 3398: Mr. DEFAZIO and Mr. CALVERT.
H.R. 3410: Mr. WATTS of Oklahoma.
H.R. 3427: Mr. GREEN of Texas and Mr. SMITH of New Jersey.
H.R. 3468: Mr. SENSENBRENNER.
H.R. 3480: Mr. HOSTETTLER and Mr. BURTON of Indiana.
H.R. 3504: Mr. CALVERT, Mr. DE LA GARZA, Mr. GREEN of Texas, and Mr. THORNBERRY.
H.R. 3508: Mr. DEAL of Georgia, Mr. STOCKMAN, and Mrs. MEYERS of Kansas.
H.R. 3511: Mr. RANGEL, Mr. BERMAN, Mr. WYNN, Mr. TORRICELLI, Mr. EVANS, Mr. FOX, Mr. ANDREWS, Mr. FAZIO of California, and Ms. MILLENDER-MCDONALD.
H.R. 3521: Mr. DELLUMS and Mr. JEFFERSON.
H.R. 3551: Mr. FRELINGHUYSEN.
H.R. 3571: Mrs. LOWEY.
H.R. 3590: Mr. FAZIO of California, Mr. WYNN, and Mr. FRANK of Massachusetts.
H.R. 3601: Mr. MONTGOMERY and Mr. DOOLITTLE.
H.R. 3606: Mr. FROST.
H.R. 3646: Ms. ROYBAL-ALLARD, Mr. STUPAK, Mr. FOX, and Miss COLLINS of Michigan.
H.R. 3647: Mr. CALVERT and Ms. LOFGREN.
H.R. 3648: Mr. OWENS.
H.R. 3700: Mrs. MEYERS of Kansas, Mr. CAMPBELL, and Mr. FIELDS of Texas.
H.R. 3710: Miss. COLLINS of Michigan, Mr. WOLF, Mr. SKELTON, Mr. BARRETT of Wisconsin, Mr. KLECZKA, Mr. FILNER, and Mr. SABO.
H.R. 3714: Mr. WYNN, Mr. FORD, Mr. ORTON, and Mr. CAMP.
H.R. 3715: Mr. LIPINSKI and Mr. CUNNINGHAM.
H.R. 3724: Mr. PACKARD.
H.R. 3733: Mr. DEFAZIO, Mr. STUPAK, Mr. JEFFERSON, Mr. PASTOR, Mr. FOX, and Mr. SPRATT.
H.R. 3744: Mr. STARK, Mr. HILLIARD, Ms. SLAUGHTER, Mr. MCNULTY, Mrs. MORELLA, Mr. NETHERCUTT, and Ms. ROYBAL-ALLARD.
H.R. 3748: Mr. LEWIS of Georgia.
H.R. 3750: Mr. LAHOOD and Mr. JOHNSON of South Dakota.
H.R. 3752: Mr. STUMP, Mr. SOLOMON, Mr. TAYLOR of North Carolina, Ms. DUNN of Washington, and Mr. HUTCHINSON.
H.R. 3783: Mr. HOSTETTLER, Mr. ALLARD, Mr. CALVERT, Mrs. CHENOWETH, Mr. GILCHREST, Mr. ROSE, Mr. BARTLETT of Maryland, Mr. HEINEMAN, Mr. GUTKNECHT, Mr. MCHUGH, Mr. LUCAS, Mr. BREWSTER, Mr. BAKER of California, Mr. LATHAM, Mr. JONES, Mrs. CUBIN, Mr. WATTS of Oklahoma, Mr. RIGGS, Mr. MICA, Mr. SAXTON, Mr. LEWIS of California, Mr. LEACH, Mr. KINGSTON, Mr. DURBIN, Mr. COMBEST, Mr. COLLINS of Georgia, Mr. CHRYSLER, Mr. BARCIA of Michigan, Mr. PETERSON of Minnesota, and Mr. FUNDERBURK.
H.R. 3796: Mr. OWENS, Mr. LIPINSKI, Mr. CLYBURN, Mr. WYNN, and Miss COLLINS of Michigan.
H.R. 3798: Mr. ENSIGN and Mr. PARKER.
H.R. 3807: Mr. ACKERMAN, Ms. MCKINNEY, Mr. FORD, and Mr. FROST.
H.R. 3843: Mr. SERRANO, Mr. OWENS, Ms. MCKINNEY, Ms. DELAURO, and Ms. NORTON.
H.R. 3846: Mr. HAMILTON, Mr. GEJDENSON, Mr. HOUGHTON, Mrs. MEEK of Florida, Mr. ORTON, Mr. MCDERMOTT, Mr. COYNE, Mr. ACKERMAN, Mr. SPENCE, Mr. FRAZER, Mrs. SCHROEDER, Mr. HASTINGS of Florida, Mr. CALVERT, and Mr. CHABOT.
H.R. 3849: Mr. GUNDERSON, Mr. HUTCHINSON, Mr. SPRATT, and Mr. BARTON of Texas.
H.R. 3857: Ms. NORTON, Ms. KAPTUR, Mr. FOX, and Mr. FAZIO of California.
H.J. Res. 70: Mr. BROWN of California and Mr. ACKERMAN.
H. Con. Res. 51: Mr. CALVERT, Mr. CHRYSLER, and Mr. BOEHNER.
H. Con. Res. 83: Mr. MARTINEZ, Mr. PAYNE of New Jersey, and Mr. SAWYER.
H. Con. Res. 185: Mr. COX, Mr. HORN, and Mr. CAMPBELL.
H. Res. 359: Ms. FURSE.
H. Res. 441: Mr. VISCLOSKY and Mr. REED.
H. Res. 449: Mr. GORDON, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOLINARI, Mr. MONTGOMERY, Mrs. SEASTRAND, and Mr. SKELTON.
H. Res. 470: Mr. DUNCAN, Mrs. ROUKEMA, Mr. ENGLISH of Pennsylvania, Mr. MEEHAN, Mr. WELDON of Pennsylvania, Mrs. LOWEY, Mr. KENNEDY of Massachusetts, and Mr. BALDACCI.
H. Res. 478: Mrs. MYRICK and Ms. DUNN of Washington.
H. Res. 480: Ms. DUNN of Washington.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

[Omitted from the Record of July 22, 1996]

H.R. 3816

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 11: Page 34, after line 24, 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.

[Submitted July 23, 1996]

H.R. 2391

OFFERED BY: MR. GRAHAM

AMENDMENT NO. 1: Page 8, insert after line 15 the following:

SEC. 4. OVERTIME EXEMPTION FOR FEDERAL GOVERNMENT CONTRACTOR AND SUBCONTRACTOR EMPLOYEES.

(a) AMENDMENT.—Section 13(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)) is amended by striking the period at the end of paragraph (30) and inserting ''; or'' and by adding after paragraph (30) the following:

''(31) any employee of a contractor or subcontractor of a department, agency, instrumentality, or establishment of the Federal Government while the employee is employed on a contract with the Federal Government and is employed in a professional capacity under regulations of the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any cause of action relating to overtime compensation for the employees referred to in section 13(b)(31) of the Fair Labor Standards Act of 1938 which arose before, on, or after the date of the enactment of this Act.

H.R. 3814

OFFERED BY: MR. COLLINS OF GEORGIA

AMENDMENT NO. 42: Page 116, after line 2, insert the following:

SEC. 615. None of the funds made available by this Act may be obligated or expended to administer Federal Prison Industries except when it is made known to the Federal official having authority to obligate or expend such funds that Federal Prison Industries—

(1) considers 20 percent of the Federal market for a new product produced by Federal Prison Industries after the date of the enactment of this Act as being a reasonable share

of total purchases of such product by Federal departments and agencies; and

(2) uses, when describing in any report or study a specific product produced by Federal Prison Industries—

(A) the 7-digit classification for the product in the Standard Industrial Classification (SIC) Code published by the Office of Management and Budget (or if there is no 7-digit code classification for a product, the 5-digit code classification); and

(B) the 13-digit National Stock Number assigned to such product under the Federal Stock Classification System (including group, part number, and section), as determined by the General Services Administration.

H.R. 3814

OFFERED BY: MR. DEUTSCH

AMENDMENT NO. 43: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . Of the funds appropriated in this Act under the heading ''OFFICE OF JUSTICE PROGRAMS—state and local law enforcement assistance'', not more than ninety percent of the amount to be awarded to an entity under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits that are paid by the entity at the time of retirement or separation.

H.R. 3814

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 44: Page 116, after line 2, insert the following:

SEC. . None of the funds appropriated in this Act may be used in any way for a municipal or county jail, State or Federal prison, or other similar facility for the confinement of individuals in connection with crime or criminal proceedings, when it is made known to the Federal official having authority to obligate or expend such funds that the authorities of such jail, prison, or other facility have not reported to the Attorney General each death of any individual who dies in custody in that jail, prison, or facility.

H.R. 3814

OFFERED BY: MR. SCOTT

AMENDMENT NO. 45: Page 26, line 20, after the dollar amount, insert ''(reduced by $497,500,000)''.

Page 28, line 6, after the dollar amount, insert the following: ''(reduced by $497,500,000)''.

Page 31, line 25, after the dollar amount, insert the following: ''(increased by $497,500,000)''.

Page 32, line 13, after the dollar amount, insert the following: ''(increased by $497,500,000)''.

H.R. 3816

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT NO. 12: Page 20, line 18, insert ''(reduced by $1,000,000)'' after ''$195,000,000''.

Page 21, line 21, insert ''(increased by $1,000,000)'' after ''$24,000,000''.

H.R. 3816

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 13: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

H.R. 3816

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 94: At the appropriate place in the bill, insert the following:

SEC. . None of the funds made available to the Tennessee Valley Authority by this Act may be appropriated when it is made known to the Federal official having authority to obligate or expend such funds that the Tennessee Valley Authority is imposing a performance deposit on persons constructing docks or making other residential shoreline alterations.

H.R. 3816

OFFERED BY: MR. MARKEY

AMENDMENT NO. 15: Page 17, line 21, insert ''(reduced by $5,000,000)'' after ''$2,648,000,000''.

H.R. 3816

OFFERED BY: MR. MARKEY

AMENDMENT NO. 16: Page 22, line 22, insert ''(reduced by $15,000,000)'' after ''$5,409,310,000''.

H.R. 3816

OFFERED BY: MR. PETRI

AMENDMENT NO. 17: Page 12, line 23, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 12, line 24, after the dollar amount, insert ''(reduced by $9,500,000)''.

H.R. 3816

OFFERED BY: MR. ROEMER

AMENDMENT NO. 18: Page 17, line 21, insert ''(reduced by $10,000,000)'' after ''$2,648,000,000''.

H.R. 3816

OFFERED BY: MR. ROEMER

AMENDMENT NO. 19: Page 17, line 21, insert ''(reduced by $9,600,000)'' after ''$2,648,000,000''.

H.R. 3816

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 20: Page 17, line 21, after the dollar amount, insert the following: ''(increased by $3,420,000)''.

Page 20, line 18, after the dollar amount, insert the following: ''(reduced by $3,420,000)''.

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Senate

The Senate met at 9:30 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:

The Lord is gracious and full of compassion, slow to anger and great in mercy.

The Lord is good to all, and His tender mercies are over all His works.—Psalm 145:8–9.

Gracious God, who gives us so much more than we deserve in blessings and withholds what we deserve for our lack of faithfulness and obedience, we praise You for Your loving kindness and mercy. With a fresh realization of Your unqualified grace to us, we recognize our need to be to the people of our lives what You have been to us and to give mercy as we have received it so generously from You. We think of people who need our forgiveness, another chance, encouragement, and affirmation. Often we punish people with our purgatorial pouts, leaving them to wonder about what they can do to regain our approval. Dear Father, help us to be agents of reconciliation and renewal. May grace overcome our grudges and joy diffuse our judgments. May this be a day of new beginnings in which we are initiative in reaching out to one another in genuine friendship. We ask Your blessing and power upon this Senate, particularly today with the multiplicity of votes ahead. Guide and direct, O great God. In the name of Jesus who taught us how to love You and to love one another. Amen.

PERSONAL RESPONSIBILITY, WORK OPPORTUNITY, AND MEDICAID RESTRUCTURING ACT OF 1996

The PRESIDING OFFICER (Mr. DEWINE). The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1956) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

The Senate resumed consideration of the bill.

Pending:

Faircloth amendment No. 4905, to prohibit recruitment activities in SSI outreach programs, demonstration projects, and other administrative activities.

Harkin amendment No. 4916, to strike section 1253, relating to child nutrition requirements.

D'Amato amendment No. 4927, to require welfare recipients to participate in gainful community service.

Exon (for Simon) amendment No. 4928, to increase the number of adults and to extend the period of time in which educational training activities may be counted as work.

Feinstein/Boxer amendment No. 4929, to provide that the ban on supplemental security income benefits apply to those aliens entering the country on or after the enactment of this bill.

Chafee amendment No. 4931, to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Roth amendment No. 4932 (to amendment No. 4931), to maintain the eligibility for Medicaid for any individual who is receiving Medicaid based on their receipt of AFDC, foster care or adoption assistance, and to provide transitional Medicaid for families moving from welfare to work.

Chafee amendment No. 4933 (to amendment No. 4931), to maintain current eligibility standards for Medicaid and provide additional State flexibility.

Conrad amendment No. 4934, to eliminate the State food assistance block grant.

Santorum (for Gramm) amendment No. 4935, to deny welfare benefits to individuals convicted of illegal drug possession, use or distribution.

Graham amendment No. 4936, to modify the formula for determining a State family assistance grant to include the number of children in poverty residing in a State.

Helms amendment No. 4930, to strengthen food stamp work requirements.

Graham (for Simon) amendment No. 4938, to preserve eligibility of immigrants for programs of student assistance under the Public Health Service Act.

Shelby amendment No. 4939, to provide a refundable credit for adoption expenses and to exclude from gross income employee and military adoption assistance benefits and withdrawals from IRA's for certain adoption expenses.

Ford amendment No. 4940, to allow States the option to provide non-cash assistance to children after the 5-year time limit, as provided in conference report number 104–430 to H.R. 4, (Family Self-Sufficiency Act).

Ashcroft amendment No. 4941, to set a time limit of 24 consecutive months for TANF assistance and allows States to sanction recipients if minors do not attend school.

Ashcroft amendment No. 4942 (to amendment No. 4941), to provide that a family may not receive TANF assistance for more than 24 consecutive months at a time unless an adult in the family is working or a State exempts an adult in the family from working for reasons of hardship.

Ashcroft amendment No. 4943 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who fails to ensure that their minor dependent children attend school.

Ashcroft amendment No. 4944 (to amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who does not have, or is not working toward attaining a secondary school diploma or its recognized equivalent.

Dorgan amendment No. 4948, to strike provisions relating to the Indian child care set aside.

Ford (for Murray) amendment No. 4950, to strike section 1206, relating to the summer food service program for children.

Graham amendment No. 4952, to strike additional penalties for consecutive failure to satisfy minimum participation rates.

Exon (for Kennedy) amendment No. 4955, to permit assistance to be provided to needy or disabled legal immigrant children when sponsors cannot provide reimbursement.

Exon (for Kennedy) amendment No. 4956, to allow a 2-year implementation period under the Medicaid program for implementation of the attribution of sponsor's income and the 5-year ban.

Mr. EXON. Mr. President, I hope that the Chair at this time will advise the Senate of the procedures agreed to. As I understand the procedures, we will have a series of 24 or more rollcall

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

votes. The first rollcall will be 15 minutes and then 10 minutes on all thereafter, is that correct?

The PRESIDING OFFICER. The Senator has stated that correctly.

The able Senator from South Carolina is recognized for 1 minute.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4905

Mr. FAIRCLOTH. Mr. President, this amendment's purpose is to send a simple, clear message, which is that the taxpayers' money should not be spent to increase the number of people on welfare.

Six years ago, Congress instructed the Social Security Administration to increase participation in the SSI Program. Since then, the cost has soared and the number of enrollees has more than tripled. Now it is time to send a message that this effort should stop. Nothing is more indicative of an out-of-control welfare system than this practice of using taxpayers' dollars to increase the number of people on welfare.

I urge my colleagues to vote to waive the point of order and pass this amendment.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we oppose the amendment offered by the Senator from North Carolina. What this amendment simply does is to say that people who are on SSI, or who might qualify under SSI, under the law, do not have the right to be informed about their options.

Certainly, we do not encourage soliciting people to join the SSI Program. But the Faircloth amendment goes further than that, in our opinion. Therefore, we think the basic right of information, the people's right to know, a legitimate service to answer proper inquiries should be kept in place. We think that the amendment offered by the Senator from South Carolina goes far beyond what his supposed intent is.

Therefore, we have raised a point of order and we hope the point of order will be sustained.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 57, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—41

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Pressler
Byrd	Grassley	Roth
Coats	Gregg	Santorum
Cochran	Helms	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NAYS—57

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lugar
Bennett	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Harkin	Murray
Boxer	Hatch	Nunn
Bradley	Hatfield	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Campbell	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Cohen	Kerrey	Simon
Conrad	Kerry	Snowe
Daschle	Kohl	Specter
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 41, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to and the amendment falls.

The Senator from Iowa.

Mr. WELLSTONE. Mr. President, will the Senator yield for 5 seconds?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Will the Senator yield for just 30 seconds?

Mr. HARKIN. Yes.

Mr. DOMENICI. How much time did we use on the first amendment?

The PRESIDING OFFICER. One minute over.

Mr. DOMENICI. According to the unanimous-consent agreement, we are on 10 minutes now for the amendments, and let me just name the next four, so Senators involved will know kind of where they are. Senator HARKIN is next on child nutrition, Senator D'AMATO on work requirements, Senator SIMON on education work exemptions, and then Senator FEINSTEIN on immigration.

I thank you for yielding. I thank the Chair.

Mr. WELLSTONE. Mr. President, will the Senator yield for a 10-second unanimous-consent request?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that Laureen Lazarovici, a fellow in my office, have the privilege of the floor during consideration of this vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

AMENDMENT NO. 4916

Mr. HARKIN. Mr. President, this amendment would simply continue a small program that provides assistance to help start and expand school breakfast and summer food programs for low-income kids. This is directly related to education. When these kids come in to school, they can have breakfast in the morning; they can receive meals in the summer when school is out—but only if there is a school breakfast or summer food program locally. That is why the start-up and expansion grants are so important.

Also, I want to say that this amendment does not prevent the nutrition portion of this bill from meeting the 6-year budget instruction. The Ag Committee's portion of the bill reduces spending by $570 million more than its instruction. This program will spend only $39 million for grants over 6 years, but it is a vitally important program.

This amendment is supported by the American School Food Service Association, the Food Research and Action Center, and the Children's Defense Fund. I ask you not to cut a program that gets kids into school and gets them learning. It is directly related to education, and we do not have to cut other programs to continue this one because the Ag Committee has more than enough money to pay for it.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Indiana.

Mr. LUGAR. I rise in opposition to this amendment. It has been almost universally opposed, first of all. The issue the Senator from Iowa wishes to strike appears in President Clinton's most recent welfare reform proposal. Likewise, the reform which we try to bring about in this bill was in the minority leader's reconciliation bill. The reason is that four out of every five low-income children attend school with a breakfast program. The program has expanded very rapidly. It is not clear that expansion funds would have a marginal effect. The amendment that we are considering reduces savings by $112 million. This means, if Senator HARKIN's amendment is adopted, we will have to find the savings probably in some other nutrition programs. I find that unacceptable.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COATS). Is there a sufficient second? There is a sufficient second on the motion to table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—56

Abraham	Faircloth	McCain
Ashcroft	Frahm	McConnell
Bennett	Frist	Murkowski
Biden	Gorton	Nickles
Bond	Gramm	Nunn
Breaux	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Hatch	Shelby
Campbell	Hatfield	Simpson
Chafee	Helms	Smith
Coats	Hutchison	Snowe
Cochran	Inhofe	Specter
Cohen	Jeffords	Stevens
Coverdell	Kempthorne	Thomas
Craig	Kyl	Thompson
D'Amato	Lott	Thurmond
DeWine	Lugar	Warner
Domenici	Mack	

NAYS—43

Akaka	Glenn	Mikulski
Baucus	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Wellstone
Feingold	Leahy	Wyden
Feinstein	Levin	
Ford	Lieberman	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4916) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4927

The PRESIDING OFFICER. Under the previous order, the Senator from New York, Senator D'AMATO, is recognized for 1 minute.

Mr. D'AMATO. Mr. President, this amendment will really strengthen the work requirements in this bill. It says very clearly if we want to change welfare as we know it, this is the way to do it, because it will require that those able-bodied recipients be required to report for a job. If there is no job in the private sector available, if they are not into job training, then community service. There are parks to be cleaned and roads to be repaired and there is work in hospitals.

It was no less than Franklin Delano Roosevelt who said it best. He said if people stay on welfare for prolonged periods of time, it administers a narcotic to their spirit. This dependence on welfare undermines their humanity, makes them wards of the State.

That is Franklin Delano Roosevelt. He cared about people, working people. He wanted to see to it that people had help when they truly needed it, but he understood welfare could become entrapping and a narcotic. Community service is something that will give pride to people who need assistance.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we have no one on this side who has sought time to speak against the amendment. Therefore, I yield our time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Nebraska. We need this amendment because the bill provides that even able-bodied people could not work for up to 2 years, and there is no reason that if a private sector job is not available and if someone is not in job training or in school that an able-bodied person should not be offered and should not be required to accept a community service position.

So this is a very needed amendment. It is the same amendment which I offered along with Senator Dole last September, and I hope it gets not only a strong vote in the Senate, but I hope that this time it is retained in conference and is not dropped in conference the way it was last time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4927 by the Senator from New York and the Senator from Michigan. 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—99

Abraham	Feinstein	Lugar
Akaka	Ford	Mack
Ashcroft	Frahm	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden

NOT VOTING—1

Kassebaum

The amendment (No. 4927) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4928, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 1 minute.

Mr. SIMON. Mr. President, I ask unanimous consent to modify my amendment. It is a purely technical modification.

Mr. DOMENICI. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4928), as modified, is as follows:

Beginning on page 233, strike line 15, and all that follows through line 13 on page 235, and insert the following:

''LIMITATION ON EDUCATION ACTIVITIES COUNTED AS WORK.—For purposes of determining monthly participation rates under paragraphs (1)(B)(i) and (2)(B)(i) of subsection (b), not more than 30 percent of adults in all families and in 2-parent families determined to be engaged in work in the State for a month may meet the work activity requirement through participation in educational training.

''(5) SINGLE PARENT WITH CHILD UNDER AGE 6 DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS IF PARENT IS ENGAGED IN WORK FOR 20 HOURS PER WEEK.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient in a 1-parent family who is the parent of a child who has not attained 6 years of age is deemed to be engaged in work for a month if the recipient is engaged in work for an average of at least 20 hours per week during the month.

''(6) TEEN HEAD OF HOUSEHOLD WHO MAINTAINS SATISFACTORY SCHOOL ATTENDANCE DEEMED TO BE MEETING WORK PARTICIPATION REQUIREMENTS.—For purposes of determining monthly participation rates under subsection (b)(1)(B)(i), a recipient who is a single head of household and has not attained 20 years of age is deemed to be engaged in work for a month in a fiscal year if the recipient—

''(A) maintains satisfactory attendance at secondary school or the equivalent during the month; or

''(B) participates in education directly related to employment for at least the minimum average number of hours per week specified in the table set forth in paragraph (1).

''(d) WORK ACTIVITIES DEFINED.—As used in this section, the term 'work activities' means—

''(1) unsubsidized employment;

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

''(5) on-the-job training;

''(6) job search and job readiness assistance;

''(7) community service programs;

''(8) educational training (not to exceed 24 months with respect to any individual);''.

Mr. SIMON. Mr. President, I believe this may be adopted by voice vote. It is cosponsored by Senators MURRAY, SPECTER, JEFFORDS, and BOB KERREY. The bill without this amendment says States can get credit above the age of 50 only for vocational education. The reality is for many people learning how to read and write, getting that high school equivalency is at least equally important. This permits that possibility.

I know of no objection to the amendment. I hope it can be adopted by voice vote.

The PRESIDING OFFICER. Is there further debate?

Mr. EXON. There is no objection on this side.

Mr. DOMENICI. Mr. President, we agree to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4928), as modified, was agreed to.

Mr. SIMON. I move to reconsider the vote.

Mr. EXON. I move to table the motion.

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4929

Mr. DOMENICI. Mr. President, the next amendment is the Feinstein amendment. The Senator from Pennsylvania, Senator SANTORUM, will be responding on our side. It is an important amendment.

The PRESIDING OFFICER. The Senator from California is recognized to speak.

Mrs. FEINSTEIN. Mr. President, this bill as drafted would remove from SSI, from AFDC, and from Medicaid, everyone legally in this country that happens to be a newcomer. It is retroactive in that respect.

The amendment that Senator BOXER and I put forward would make this prospective. Every newcomer coming into the country after September 1 would not be able to count on any welfare benefits until they became a citizen, which generally takes about 5 years.

This is a huge item. In my State alone, it would affect more than 1 million people. Thousands of them are refugees. They have no sponsors. They are aged, they are blind, they are disabled, they are children. This would immediately throw them off of whatever assistance they have, with no other recourse. Los Angeles County alone estimates the cost is $500 million.

The PRESIDING OFFICER. The 1 minute has expired.

Mrs. FEINSTEIN. I thank the Chair.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, first off, this amendment would cost about a quarter of the savings in the bill. It is about a $15 billion additional cost added to this bill. But on substantive ground, this is similar to the vote we took last week on the Graham amendment. What this underlying bill did, what the Democratic substitute did, what the bill that passed here in the Senate last time did was say that sponsors have to live up to their contractual obligations. They signed a document saying they would provide for people that come to this country. People come to this country and sign a document saying they would not become wards of the State. What is happening is that millions of people are coming to this country, bringing moms and dads over. They are coming into this country and going down to the SSI office and qualifying for SSI benefits and you and the taxpayers of this country are picking up and being the retirement home for the rest of the world. That is not what this program should be about. What we do is take care of refugees. If they come, they have a 5-year period where they qualify for all of the benefits. That is more than fair. Sponsors should pay what they say they are going to pay.

Mr. DOMENICI. Mr. President, I ask for 5 seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. This is a waiver of the Budget Act. You are waiving 15 billion dollars' worth of savings. I do not believe you ought to waive the Budget Act for $15 billion.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—46

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Pell
Breaux	Hollings	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Snowe
Daschle	Lautenberg	Specter
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Feingold	Lieberman	
Feinstein	Mack	

NAYS—52

Abraham	Frahm	McConnell
Ashcroft	Frist	Murkowski
Baucus	Gorton	Nickles
Bennett	Gramm	Nunn
Bond	Grams	Pressler
Brown	Grassley	Robb
Burns	Gregg	Roth
Byrd	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	
Faircloth	McCain	

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 46, and the nays are 52. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected and the amendment falls.

AMENDMENT NO. 4933 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized for 1 minute.

Mr. CHAFEE. Mr. President, this legislation is welfare reform. We dropped out the changes in Medicaid, and we are told that this is not a Medicaid bill. Yet, this bill permits the States not only to drop eligibility levels for cash assistance—AFDC—but also for Medicaid. The States can throw a woman and small children off cash assistance and at the same time take away their Medicaid, their only chance for any medical services.

My amendment says, go ahead, if you wish, reduce eligibility levels for welfare, but Medicaid eligibility levels should remain as they are today.

Furthermore, what constitutes income in calculating Medicaid eligibility remains as it is now. In other words, if my amendment is not adopted, States will be able to count school lunches and even disaster relief toward what makes a person eligible for Medicaid.

I yield the remainder of my time to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I just say to our colleagues that if you want to continue mothers and children further to be eligible for Medicaid, you have to support this amendment. By opposing this amendment, you are saying to mothers and children in the future that you are going to be taken off, or could be taken off, Medicaid and health benefits without any further insurance. I think that is wrong.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. CHAFEE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I point out that what we have before us is the Chafee perfecting amendment. This perfecting amendment only makes a technical change in the basic Chafee amendment. I have no objection to that technical amendment. In fact, I would have been willing to accept the perfecting amendment on a voice vote. But, since he has gotten the yeas and nays, I urge everybody to vote aye on the technical change.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—97

Abraham	Frahm	McCain
Akaka	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Bradley	Gregg	Nunn
Breaux	Harkin	Pell
Bryan	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Roth
Coats	Inhofe	Santorum
Cochran	Inouye	Sarbanes
Cohen	Jeffords	Shelby
Conrad	Johnston	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feingold	Lott	Wyden
Feinstein	Lugar	
Ford	Mack	

NAYS—2

Ashcroft	Brown

NOT VOTING—1

Kassebaum

The amendment (No. 4933) was agreed to.

AMENDMENT NO. 4932 TO AMENDMENT NO. 4931

The PRESIDING OFFICER. The question now occurs on the Roth amendment No. 4932, with 2 minutes being equally divided. The Senator from Delaware [Mr. ROTH] is recognized.

Mr. ROTH. Mr. President, the purpose of my amendment is to ensure continued Medicaid coverage to all individuals currently receiving Medicaid benefits because of their eligibility through the current AFDC benefits. This will ensure that no child or adult currently receiving Medicaid benefits would lose coverage because of welfare reform.

My amendment also provides for 1 year of transitional Medicaid benefits. This guarantees that families leaving welfare will continue to receive Medicaid coverage for a full year to help in the critical transition from welfare to work. The problem with the Chafee-Breaux amendment is that it would force the States to maintain current eligibility standards indefinitely into the future. That means that someone, 5 or 10 years from now, may not qualify under a State's new welfare program but nevertheless would claim eligibility under the old program. This creates serious issues of equity.

The Governors are deeply concerned about the Chafee-Breaux approach, as it would be burdensome to administer. I urge the adoption of the Roth amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, we should oppose the Roth amendment because it negates the Chafee-Breaux amendment that was just agreed to. I yield the remainder of the time to Senator Chafee.

Mr. CHAFEE. Mr. President, if you voted yes on the Chafee amendment we just agreed to, then you should vote no on the Roth amendment. The Roth amendment allows States to drastically reduce Medicaid coverage for all groups of women and children. If the Roth amendment prevails and we strike the protections that we just adopted in my amendment, the Roth amendment grandfathers only those AFDC-eligible individuals who are enrolled in Medicaid at the time of enactment. There are no protections for those who meet the same standards after the enactment.

Second, it strikes the provisions in my amendment that reinstate the standard for calculating income. Thus, a pregnant woman or 6-year-old child with a family income below the current poverty standards will not qualify for Medicaid coverage if the State adopts a more restrictive income test, such as school lunches or food stamps.

Finally, I would say the United States has the highest percentage of children in poverty of any industrial nation in the world. I certainly hope we will not make it worse by denying these children their Medicaid coverage.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 68, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—31

Ashcroft	Grams	Murkowski
Bennett	Grassley	Nickles
Brown	Gregg	Roth
Burns	Hatch	Santorum
Coverdell	Helms	Shelby
Craig	Hutchison	Smith
Domenici	Inhofe	Stevens
Faircloth	Kempthorne	Thomas
Frahm	Lott	Thurmond
Gorton	Mack	
Gramm	McConnell	

NAYS—68

Abraham	Baucus	Bingaman
Akaka	Biden	Bond
Boxer	Frist	Mikulski
Bradley	Glenn	Moseley-Braun
Breaux	Graham	Moynihan
Bryan	Harkin	Murray
Bumpers	Hatfield	Nunn
Byrd	Heflin	Pell
Campbell	Hollings	Pressler
Chafee	Inouye	Pryor
Coats	Jeffords	Reid
Cochran	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
D'Amato	Kerry	Simon
Daschle	Kohl	Simpson
DeWine	Kyl	Snowe
Dodd	Lautenberg	Specter
Dorgan	Leahy	Thompson
Exon	Levin	Warner
Feingold	Lieberman	Wellstone
Feinstein	Lugar	Wyden
Ford	McCain	

NOT VOTING—1

Kassebaum

The amendment (No. 4932) was rejected.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BREAUX. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4931, AS AMENDED

The PRESIDING OFFICER. The question now is on agreeing to Chafee amendment No. 4931, as amended.

The amendment (No. 4931), as amended, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4934

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Conrad amendment No. 4934.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD] is recognized.

Mr. LEAHY. Mr. President, point of order. The Senate is not in order. This is an important amendment. Senator CONRAD should be heard.

The PRESIDING OFFICER. There will be order.

The Senator from North Dakota.

Mr. LEAHY. Mr. President, I make a point of order again, the Senate is still not in order.

The PRESIDING OFFICER. Senators having conversations will take their conversations to the Cloakroom.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair. Mr. President, this is a bipartisan amendment about feeding hungry people. This has always been a bipartisan priority in this Chamber. The father of the Food Assistance Program is Senator Dole, the former Republican leader, and former Senator George McGovern.

Our amendment, a bipartisan amendment, preserves the most important

feature of our Food Assistance Program. It maintains the automatic adjustment in funding to respond to economic downturns or natural disasters. A pure block grant would leave States with a fixed amount of money no matter what happens.

If we look at the example of Florida, we see very clearly what can happen. They had a flat demand for food assistance. Then we had a national recession, and demand for food assistance increased dramatically. Then there was a natural disaster, Hurricane Andrew, and the demand for food assistance exploded. Under the pure block grant, that State would have had no ability to respond to the demand for food assistance.

No block grant could have responded to this increase in need. The block grant would destroy the Food Stamp Program.

Mr. President, America is better than that. This Senate is better than that. I hope my colleagues will support the amendment.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM], is recognized for 1 minute.

Mr. SANTORUM. Mr. President, we oppose this amendment for a couple of reasons. First, the Conrad amendment requires a $1 billion cut in food stamps. This is a $1 billion reduction in food stamps to pay for this provision.

Second, we set very high standards for States to qualify to get into these block grants. They have to have a low error rate of 6 percent. There are only seven States that can qualify with that error rate.

Third, they have to have electronic benefits. Only four States qualify.

The Senator from North Dakota would lead Members to believe all these Governors and State legislatures do not know what they are getting into by opting for a block grant, that they do not see economic recessions and disasters. In fact, they understand the risks they are taking when they offer a block grant.

We want to give them the option to do it, but set a very high standard for them to get in in the first place. They have to have a good program to get in. They have an option, if things are bad, to get out—it is a one-time option—but an option to get out if things get bad. There are adequate safeguards, and if there are problems, people are able to use a one-time option to get out.

The PRESIDING OFFICER. All time has expired.

The rollcall vote has not been called for.

Mr. SANTORUM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. THOMAS] is necessarily absent. I also announce the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—53

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Jeffords	Robb
Campbell	Johnston	Rockefeller
Chafee	Kennedy	Sarbanes
Conrad	Kerrey	Simon
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	

NAYS—45

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Pressler
Coats	Gregg	Roth
Cochran	Hatch	Santorum
Cohen	Helms	Shelby
Coverdell	Hutchison	Simpson
Craig	Inhofe	Smith
D'Amato	Kempthorne	Stevens
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Faircloth	Lugar	Warner

NOT VOTING—2

Kassebaum	Thomas

The amendment (No. 4934) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4935

The PRESIDING OFFICER. Under the previous order, the question occurs on the motion to waive the Budget Act for the consideration of amendment No. 4935 offered by the Senator from Pennsylvania on behalf of the Senator from Texas [Mr. GRAMM].

The yeas and nays have been ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I believe my amendment is the pending amendment. I think the regular order is for 1 minute of debate on each side. I had hoped this amendment might be accepted by a voice vote. But I will go ahead and take my minute now.

What my amendment does is denies means-tested benefits to people who are convicted of possessing, using, or selling drugs.

In minor cases, they lose welfare for 5 years. In major cases, they lose it for life. What an individual does does not affect the eligibility of that individual's children or other family members. We have an exemption in the bill for emergency medical services, emergency disaster relief, and assistance necessary to protect public health from communicable diseases.

None of these provisions applies until date of enactment. These provisions will apply only on convictions after that date. But the bottom line is, if we are serious about our drug laws, we ought not to give people welfare benefits who are violating the Nation's drug laws. I hope my colleagues will adopt this provision and do so with a resounding vote.

Mr. EXON. Mr. President, while I appreciate the thrust of the amendment offered by the Senator from Texas, we strongly oppose it.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senate for a moment. This amendment says that anyone convicted of drug possession, distribution, or use may not obtain any Federal means-tested public benefit. It includes even misdemeanor convictions.

The Conference of Mayors and the National League of Cities are strongly opposed to the amendment. This is what they say:

> It would undermine the whole notion of providing drug treatment as an alternative sentence to a first-time drug offender if the individual requires Federal assistance to obtain the treatment.

This would make drug addicts ineligible for any of the effective drug treatment programs that are being developed by the States and the Federal Government. It would eliminate any prenatal care for mothers that get convicted of drug crimes. We have seen those programs developed in community health centers all across this country; they try to get those mothers back to work and reunited with their families. Those programs will be off limits to the people who need them most.

Under this amendment, if you are a murderer, a rapist, or a robber, you can get Federal funds; but if you are convicted even for possession of marijuana, you cannot. It is overly broad and is strongly opposed by the mayors and the National League of Cities. I hope the Senator will not get the 60 votes.

Mr. MACK. Mr. President, I rise today in opposition to amendment No. 4935 offered by Senator GRAMM. This amendment would deny Federal means-tested benefits to individuals convicted of illegal drug possession, use, or distribution. Personally, I agree with the idea of not giving Government benefits to drug dealers, however, I do not think the Federal Government should continue to tell the States how to run their welfare programs.

There are provisions in the bill to ensure that criminals are not milking the system. We keep saying that we want the States to decide what is best for their States. I believe we have already

put enough mandates on the block grants, and the denial of benefits in the Gramm amendment would just increase mandates. Let the States make those decisions.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—74

Abraham	Exon	Lugar
Ashcroft	Faircloth	McCain
Baucus	Feinstein	McConnell
Biden	Ford	Mikulski
Bond	Frahm	Murkowski
Boxer	Frist	Nickles
Breaux	Gorton	Nunn
Brown	Graham	Pressler
Bryan	Gramm	Pryor
Bumpers	Grams	Reid
Burns	Grassley	Rockefeller
Byrd	Gregg	Roth
Campbell	Harkin	Santorum
Coats	Heflin	Shelby
Cochran	Helms	Simpson
Cohen	Hutchison	Smith
Conrad	Inhofe	Snowe
Coverdell	Johnston	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerry	Thompson
Daschle	Kyl	Thurmond
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lott	

NAYS—25

Akaka	Hollings	Moynihan
Bennett	Inouye	Murray
Bingaman	Jeffords	Pell
Bradley	Kennedy	Robb
Chafee	Kerrey	Sarbanes
Feingold	Kohl	Simon
Glenn	Lautenberg	Specter
Hatch	Mack	
Hatfield	Moseley-Braun	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Mr. President, I think it would be in order to ask unanimous consent, if Senator GRAMM will agree, to vitiate the yeas and nays and adopt the amendment by voice vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question now occurs on agreeing to amendment No. 4935.

The amendment (No. 4935) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 4936, known as the Graham-Bumpers amendment, be temporarily set aside and that it be the pending business when the Democrats and Republicans return after their lunch break.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMENICI. I thank the sponsor of the amendment.

I yield the floor.

AMENDMENT NO. 4930

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table amendment No. 4930 offered by the Senator from North Carolina [Mr. HELMS], by the yeas and nays, to be preceded by 2 minutes of time divided in equal manner.

Mr. HELMS. Mr. President, I hope the time will not begin running on me until we have order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HELMS. I thank the Chair.

Mr. President, on Friday afternoon, I got wind of a little effort to try to block Senators having to take a public stand——

Mr. LEAHY. Mr. President, the Senate is not order. Could we please have order.

The PRESIDING OFFICER. Senators will take their conversations to the Cloakroom.

The Senator from North Carolina.

Mr. HELMS. I believe I will wait until we have order.

This time I thank the Chair.

In order to protect myself against a little legerdemain here between Friday afternoon and the final unanimous consent, I moved to table my own amendment and asked for the yeas and nays. I did that because I want Senators to take a stand on this amendment which requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge at the expense, of course, of taxpayers who have to work 40 hours a week or more to support their families.

The Congressional Budget Office says that this amendment will cause a lot of people to flake off the food stamp rolls because they do not want to work and they will go to work otherwise. It will save the taxpayers $2.8 billion over the next 6 years.

I repeat, this amendment requires able-bodied food stamp recipients to go to work for at least 20 hours a week if they expect to continue to receive food stamps free of charge.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the description sounds good but for the same reason that the Senate last year by a vote of 66 to 32 voted down a similar amendment, we ought to do it again.

What it does, it denies food stamps to unemployed workers when they are looking for work. You have a recession, you have a disaster such as a hurricane, or somebody has just been laid off from the factory that they worked in for 10 years, as they are looking for a new job, they cannot get food stamps. That is a time that they need it the most. We could actually have such a situation as we had in the earthquakes in California. People's businesses were destroyed, their homes were destroyed, somebody has been working for 10 or 15 years, and they would be told: Sorry, you are not working 20 hours a week; you do not get food stamps.

We defeated this by a 2-to-1 margin in the Senate, Republicans and Democrats, last year. We should do it again this year. If Senator HELMS' motion is to table his own amendment, this is one time I agree with him—we ought to do just that.

The PRESIDING OFFICER. All time has expired. The question occurs on agreeing to the motion to table amendment 4930. 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—56

Akaka	Dorgan	Leahy
Baucus	Exon	Levin
Bennett	Feingold	Lieberman
Biden	Feinstein	Lugar
Bingaman	Ford	Mack
Bond	Glenn	Mikulski
Boxer	Gorton	Moseley-Braun
Bradley	Harkin	Moynihan
Breaux	Hatfield	Murray
Bumpers	Heflin	Nunn
Byrd	Hollings	Pell
Chafee	Inouye	Pryor
Cochran	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kennedy	Sarbanes
Daschle	Kerrey	Simon
DeWine	Kerry	Snowe
Dodd	Kohl	Wellstone
Domenici	Lautenberg	

NAYS—43

Abraham	Grams	Reid
Ashcroft	Grassley	Roth
Brown	Gregg	Santorum
Bryan	Hatch	Shelby
Burns	Helms	Simpson
Campbell	Hutchison	Smith
Coats	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
Faircloth	McCain	Thurmond
Frahm	McConnell	Warner
Frist	Murkowski	Wyden
Graham	Nickles	
Gramm	Pressler	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4930) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4938

The PRESIDING OFFICER. The question now, under the previous order, occurs on amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois [Mr. SIMON]. Under the previous order, there are 2 minutes to be divided equally between sides.

The Senator from Illinois [Mr. SIMON], is recognized.

Mr. SIMON. Mr. President, if I may have the attention of my colleagues.

Mr. DOMENICI. Mr. President we have agreed to accept the amendment.

Mr. SIMON. Mr. President, this amendment simply adds the Public Health Service Act in terms of the exemption, so not only people who plan to become lawyers and engineers, but people who become nurses and physicians can be exempt. It is acceptable, as far as I know, by everyone. I am willing to take a voice vote.

The PRESIDING OFFICER. Does anyone wish to speak in opposition? If not, the question is on agreeing to amendment No. 4938 offered by the Senator from Florida on behalf of the Senator from Illinois, [Mr. SIMON].

The amendment (No. 4938) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4939

The PRESIDING OFFICER. The question now occurs on Shelby amendment No. 4939. There will be 2 minutes equally divided between sides.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, first of all, I ask unanimous consent that Senator ABRAHAM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, this is the same amendment which was adopted by the Senate on a vote of 93 to 5 on the welfare reform bill last year. It provides a $5,000 tax break for adoption expenses, and it will allow thousands of children to find a home in America.

The amendment is offset with savings in the underlying bill. There is no guarantee that the adoption legislation reported by the Finance Committee will be considered at all this year. This may be our last chance to pass this legislation which has overwhelming bipartisan support.

Again, Mr. President, 93 Senators in this Chamber voted for this exact amendment last fall under almost identical circumstances. If we do not adopt this adoption tax credit now, we might lose our chance this year. I ask we waive the Budget Act and adopt this amendment.

Mr. President, I ask unanimous consent that Senator D'AMATO be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Senator ROTH speaks in opposition.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I, like Mr. SHELBY, strongly support the use of tax incentives to promote adoption, and that is why the Finance Committee unanimously reported out of committee an adoption tax credit bill.

The distinguished majority leader has assured me that he will schedule action on the Finance Committee bill before the end of this year. Unlike the Finance Committee-passed adoption tax credit bill, Mr. SHELBY's adoption tax credit is refundable, provides no extra credit for special needs adoption, and is not paid for. I remind my colleagues that we have had tremendous problems with fraud with refundable credits. Take, for example, the earned income credit.

Furthermore, if Mr. SHELBY's amendment is adopted, we will be required to find an additional $1.5 billion over 6 years in savings from the welfare legislation.

In addition to these issues, Mr. SHELBY's amendment is not germane to the welfare bill. I believe we need incentives to promote adoption, however, now is not the time to consider such legislation. I urge my colleagues to vote against Mr. SHELBY's motion to waive the Budget Act.

I yield the remainder of my time.

Mr. MOYNIHAN. Mr. President, I concur with our chairman. The Committee on Finance reported H.R. 3286, the Adoption Promotion and Stability Act of 1996, unanimously on June 12, 1996. It is on the calendar, and the majority leader has promised prompt action on it.

As the chairman has indicated, the Finance Committee bill provides an additional credit for special needs children. This was a subject of bipartisan concern during the Finance Committee's consideration of the bill. The pending amendment fails to take special needs cases into account, and in any event the amendment is not germane to the reconciliation legislation before us.

I join Chairman ROTH in raising a point of order that the amendment of the Senator from Alabama is not germane.

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the motion to waive the Budget Act for consideration of amendment No. 4939 offered by the Senator from Alabama, [Mr. SHELBY]. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I may make an announcement. It will take me 7 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, this is the last vote before lunch. We will return at 2 o'clock. At 2 o'clock, the pending business will be the Graham-Bumpers formula change amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The yeas and nays were ordered on the Shelby amendment No. 4939.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act on the amendment No. 4939.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 78, nays 21, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—78

Abraham	Glenn	Mack
Akaka	Gorton	McCain
Ashcroft	Gramm	McConnell
Baucus	Grams	Mikulski
Bennett	Grassley	Murkowski
Biden	Harkin	Murray
Bingaman	Hatch	Nunn
Bond	Hatfield	Pell
Boxer	Heflin	Pressler
Bradley	Helms	Reid
Burns	Hollings	Robb
Campbell	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Jeffords	Shelby
Cohen	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerrey	Smith
D'Amato	Kerry	Snowe
DeWine	Kohl	Specter
Dodd	Kyl	Stevens
Dorgan	Lautenberg	Thomas
Exon	Leahy	Thompson
Faircloth	Levin	Thurmond
Ford	Lieberman	Warner
Frahm	Lott	Wellstone
Frist	Lugar	Wyden

NAYS—21

Breaux	Daschle	Johnston
Brown	Domenici	Moseley-Braun
Bryan	Feingold	Moynihan
Bumpers	Feinstein	Nickles
Byrd	Graham	Pryor
Chafee	Gregg	Rockefeller
Conrad	Inouye	Roth

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 78 and the nays are 21.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, in light of that vote, I wonder if we ought to vitiate the yeas and nays and adopt the amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

The question is on agreeing to Amendment No. 4939.

The amendment (No. 4939) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MANDATORY APPROPRIATION FOR THE SOCIAL SECURITY ADMINISTRATION

Mr. DOMENICI. Mr. President, section 2211(e)(5) of this bill provides a $300 million mandatory appropriation to the Social Security Administration.

The bill requires SSA to review the eligibility of hundreds of thousands of beneficiaries who may no longer be eligible for supplemental security income [SSI] benefits.

This mandatory appropriation is important because it is intended to give SSA the resources it needs to do this job right.

But I am concerned about the precedent of creating new entitlement spending for Federal agencies, and I understand that the House has dropped this provision from its bill because of this concern.

Last year, in the Social Security earnings test bill, we created a special process to allow the Appropriations Committee to provide additional funding for SSA to conduct continuing disability reviews—or CDR's—without forcing cuts in other discretionary spending.

For the years 1996 through 2002, this process will accommodate an additional $2.7 billion for CFR's, and all signs indicate that it is working.

Although I do not plan to strike this mandatory appropriation here on the floor, I hope that, in conference, instead of creating a new entitlement for SSA, we can build upon the CDR funding process—and give the Appropriations Committee an additional allowance to fund the work SSA must do under this bill.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. this afternoon.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:01 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SMITH).

AMENDMENT NO. 4936

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. The yeas and nays have been ordered. However, the vote will be preceded by 2 minutes of debate evenly divided in the usual manner.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this amendment speaks to fundamental fairness by providing that a poor child will be treated the same by their Federal Government wherever they happen to live and that each State will receive the same amount of money based on the number of poor children within that State. That is not only fairness; it also, in my opinion, is fundamentally required if this bill is to achieve its objective of providing States a reasonable amount of resources in which to provide for the transition from welfare to work.

I yield the remainder of my time to my colleague, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Florida is actually the architect of this amendment, and he has done an outstanding job. Thirty-eight States are going to be penalized under this bill because what we are using is the 1991 and 1994 figures. If your State made a monumental effort during those years, you may be rewarded under this bill. If you did not because you could not, you would be punished for the next 6 years. West Virginia has a $13.34 per case administrative cost, New York has $106. So because West Virginia has been provident, they are going to get punished. Because New York has been improvident, they get rewarded. That is not equitable.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am going to ask our Members to come together and do what is right for America and welfare reform. Right now we have a fair funding formula. A nongrowth State never loses from its 1994 base or its 1995 base, whichever base it chooses. The growth States are able to grow because that is essential, and we know it is fair. There are no losers in the underlying bill. The Graham-Bumpers amendment creates winners and losers. It says to California, Michigan, Minnesota, and New York, ''You are going to have to go below and actually cut the welfare in your State below the 1994 and 1995 limits.'' Mr. President, that is wrong. We came together and we made a very, very fair proposal, and it was accepted because there are no losers.

Now, Mr. President, we must keep that fairness. If we really want welfare reform, we must have fairness for all States. That is what the underlying bill is.

Please vote against the Graham-Bumpers amendment.

Mr. MCCAIN. Mr. President, the Personal Responsibility, Work Opportunity, and Medicaid Restructuring Act of 1996 (S. 1956) replaces the current AFDC Program with a new temporary assistance for needy families [TANF] block grant. The TANF block grant will distribute Federal funds to the States according to a formula which is based on recent Federal expenditures under the programs which are to be consolidated into the TANF, with supplemental funds based on population growth and low Federal expenditures per poor person in the States. By emphasizing historical funding for welfare benefits, this formula recognizes that the cost of living differs from State to State, and that certain States have historically supported generous welfare benefits through the expenditure of their own funds.

My colleagues, Senators GRAHAM and BUMPERS, have offered an amendment to S. 1956 which would significantly change the formula for the TANF block grants. Because the Graham-Bumpers formula would dramatically decrease TANF allotments in certain States and would arbitrarily and unfairly force the elimination or reduction of existing welfare benefits, I am unable to support this amendment. This vote does, however, raise the important issue of the disparities in TANF block grant allotments which the formula will create. While I recognize that differences in the cost of living and other factors necessitate some disparity in allotments, I encourage the conference committee to explore appropriate alternatives which address these disparities, further assisting States which have low Federal expenditures per poor person under the formula and which experience population growth.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4936 offered by the Senator from Florida [Mr. GRAHAM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Minnesota [Mr. GRAMS] is necessarily absent.

I also announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Illinois [Ms. MOSELEY-BRAUN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Akaka	Faircloth	Mack
Baucus	Ford	McConnell
Biden	Frahm	Nunn
Bingaman	Graham	Pell
Breaux	Heflin	Pressler
Bryan	Helms	Pryor
Bumpers	Hollings	Reid
Byrd	Inouye	Robb
Coats	Jeffords	Rockefeller
Conrad	Johnston	Simon
Daschle	Kerrey	Warner
Dorgan	Leahy	
Exon	Lugar	

NAYS—60

Abraham	DeWine	Inhofe
Ashcroft	Dodd	Kempthorne
Bennett	Domenici	Kennedy
Bond	Feingold	Kerry
Boxer	Feinstein	Kohl
Bradley	Frist	Kyl
Brown	Glenn	Lautenberg
Burns	Gorton	Levin
Campbell	Gramm	Lieberman
Chafee	Grassley	Lott
Cochran	Gregg	McCain
Cohen	Harkin	Mikulski
Coverdell	Hatch	Moynihan
Craig	Hatfield	Murkowski
D'Amato	Hutchison	Murray

Nickles	Simpson	Thomas
Roth	Smith	Thompson
Santorum	Snowe	Thurmond
Sarbanes	Specter	Wellstone
Shelby	Stevens	Wyden

NOT VOTING—3

Grams	Kassebaum	Moseley-Braun

The amendment (No. 4963) was rejected.

AMENDMENT NO. 4940

The PRESIDING OFFICER. Under the previous order, the Senate will now consider amendment No. 4940, offered by the Senator from Kentucky, [Mr. FORD]. Under that same previous order, 2 minutes of debate will be evenly divided in the usual manner.

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order.

Mr. FORD. Mr. President, this amendment gives States the option of providing noncash assistance to children once their adult parents have reached the 5-year limit. It does not affect the ban on cash assistance after 5 years. It would allow States to use their block grants to provide clothing, school supplies, medicine, and other things for the poorest children.

This amendment makes this bill identical to H.R. 4, the welfare bill passed last December. It provides State flexibility. It adds no new costs.

Mr. SANTORUM. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. The Senator will suspend. The Senate will be in order.

Mr. FORD. Mr. President, this bill adds no new costs or no new bureaucracy. It is supported by the National Governors' Association. I remind my colleagues on the other side, there are 31 Republican Governors. It is supported by the U.S. Catholic Conference, the National Conference of State Legislatures, the American Public Welfare Association.

To say we can use funds from title XX, title XX is money for homebound elderly. It has not been increased since 1991. This makes the Governors make a choice between homebound elderly and the poorest of our children. It is just bad policy.

Mr. President, let us give the Governors the flexibility they have asked for, they worked hard for. We give them responsibility. Let us not tell them how to operate.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I strongly oppose the Ford amendment as it would seriously undermine the real 5-year time limit on welfare assistance. One of the most important features of welfare reform is that recipients must understand that public assistance is temporary, not a way of life. Let us be straight about this. These benefits would go to the entire family under the Ford amendment. If you are going to give vouchers for housing, the whole family benefits. If you are giving any type of assistance, it benefits the whole family. There is no distinction between the child and the rest of the family.

Under the bill, even after the 5-year time limit, families and children would still be eligible for food stamps, Medicaid, housing assistance, WIC, and dozens more means-tested programs.

Over 5 years, a typical welfare family receives more than $50,000 in tax-free benefits. Five years is enough time to finish a high school degree or learn a skill through vocational training. It is enough for a welfare family to change course.

The PRESIDING OFFICER. The time of the Senator has expired. All time for debate on the amendment has expired.

Mr. FORD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—48

Akaka	Feinstein	McConnell
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Specter
Exon	Levin	Wellstone
Feingold	Lieberman	Wyden

NAYS—51

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Bennett	Frist	McCain
Bond	Gorton	Murkowski
Brown	Gramm	Nickles
Burns	Grams	Pressler
Campbell	Grassley	Roth
Chafee	Gregg	Santorum
Coats	Hatch	Shelby
Cochran	Hatfield	Simpson
Cohen	Helms	Smith
Coverdell	Hutchison	Snowe
Craig	Inhofe	Stevens
D'Amato	Jeffords	Thomas
DeWine	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner

NOT VOTING—1

Kassebaum

The amendment (No. 4940) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote, and I ask for the yeas and nays.

Mr. LOTT. I move to table the motion to reconsider, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the Ford amendment No. 4940.

The yeas and nays have been ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—50

Abraham	Frahm	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
D'Amato	Kempthorne	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NAYS—49

Akaka	Ford	Mikulski
Baucus	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Heflin	Nunn
Bradley	Hollings	Pell
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden
Feingold	Lieberman	
Feinstein	McConnell	

NOT VOTING—1

Kassebaum

The motion to lay on the table the motion to reconsider was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, in an effort to try to save time I would like to suggest that we consider—since we have four Ashcroft amendments, I wish that we would, if the Senator from Missouri would agree—that we could voice vote through the next two amendments and then have the real contest on the third of the Ashcroft amendments. I think that would save some time. I would like to ask if the Senator from Missouri would consider such a move in order to move things along.

Mr. ASHCROFT. Mr. President, I am happy to have the time reduced to 4 minutes on the amendment. But I think it is important that we have the votes.

The PRESIDING OFFICER. The Senate will be in order so the Chair can hear the comments of the Senator. Senators will please take their conversations out of Senate and to the cloakroom.

Mr. DOMENICI. We cannot reduce it 4 minutes. We tried it before. The closest they can come is somewhere between 7 and 8. The Senator is entitled to his votes. They have asked him to reduce them in number. If he does not care to, let us proceed with his amendments. He is absolutely entitled to do that.

Mr. ASHCROFT. I would be happy to reduce the time. But I would prefer to have the votes, and I would object to the unanimous-consent request.

Mr. EXON. Mr. President, I withdraw my kind offer.

[Laughter.]

AMENDMENT NO. 4944 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. Under the previous order, the Senate will now consider amendment No. 4944 offered by the Senator from Missouri [Mr. ASHCROFT], to his amendment No. 4941. The debate will be limited to 2 minutes equally divided.

The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, this amendment highlights the value which is at the very heart of our culture and our nature—the importance of education and learning. This amendment really says that if you are on welfare——

The PRESIDING OFFICER. Will the Senator suspend? The Senate will be in order so the Senate may hear the Senator from Missouri on his amendment.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, it is the thrust of this amendment that if you are on welfare and you have not completed your high school diploma the best way to get a job and keep a job is to achieve a level of education that our society expects of all adults, and that is a high school education.

So this amendment would allow States to require individuals to get a high school education or its equivalent. This amendment is permissive, and it states that if you are a 20- to 50-year-old welfare recipient who does not have a high school diploma, you must begin working toward attaining a high school diploma or a GED as a condition of receiving benefits. An exception is made for people who are not capable.

Job training will not equip welfare recipients to work if they have not achieved the basic and fundamental proficiency in education skills. How can we expect to train someone to work as a cashier if they cannot add, subtract, multiply, or divide?

The facts are indisputable. A person over 18 without a high school diploma averages $12,800 in earnings; with a high school diploma, averages $18,700 in earnings. Mr. President, $6,000 is the difference between dependence and independence; between welfare and work.

This is permissive to the States.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Nebraska.

Mr. EXON. Mr. President, there is no opposition to this amendment that I know of. I recommend that all Senators vote in favor of the amendment.

I would simply point out that the amendment does nothing more than what the States can already do.

I will vote for this amendment, and the one that follows. I will strongly oppose the third amendment by the Senator from Missouri.

Mr. ASHCROFT. Mr. President, in that event I would be pleased to accept a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 4944) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4943 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. The question is now on amendment No. 4943 to amendment No. 4941 offered by the Senator from Missouri.

The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

As I mentioned earlier, education is the key to breaking the intergenerational cycle of welfare dependency. This amendment would allow States to require that parents on welfare be responsible for ensuring that their minor children are in school.

It would be this simple. If you are on welfare, your children should be in school. If we care about breaking the vicious intergenerational cycle of welfare we should care about making sure that individuals who are on welfare accept the responsibility of sending their children to school. We must look to the long-term in reforming welfare. We must look at what we can do to save the future of our children. Every child in America can attend school. Every child can earn a high school diploma. It costs nothing but commitment. Too often education is ignored and trashed because it is devalued by our welfare culture. Teen dropout rates soar. They skip classes. We should not pay parents to encourage lifestyles of dependency on and off welfare and in and out of minimum-wage jobs. States should be able to give children on welfare a fighting chance.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I know of no one on this side of the aisle or on the other side of the aisle that opposes this amendment by the Senator from Missouri. I would simply state what I said on the last amendment. If the Senator insists on a rollcall vote, I recommend that all Senators vote in favor of the amendment as, like the preceding amendment, it does nothing more than what the States can already do. I hope that we could move things along, and I would point out that I will strongly oppose the next amendment offered by the Senator from Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 4943) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4942 TO AMENDMENT NO. 4941

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 4942 offered by the Senator from Missouri [Mr. ASHCROFT], to his amendment No. 4941.

The Senator from Missouri.

Mr. ASHCROFT. Mr. President, we need to change welfare from a condition in which people live to a transition from which people go; a transition from dependency to independence.

Under this bill we allow most people to spend 5 straight years on the welfare rolls. Without really going to work in 5 years, think what can happen in terms of building habits, self-esteem, skills, and motivation. If you do not use a muscle for 5 weeks, it gets weak. If you do not use it for 5 months, it atrophies. If you do not use it for 5 years, it disappears. It is forever useless.

This amendment says that 2 years in a row—24 months—is long along enough for able-bodied recipients without infants or children to be able to receive welfare without starting down a path of work. We need to change the character of welfare from the condition of welfare to a transition toward independence and work. Mr. President, 5 straight years on welfare only reinforces a dependent lifestyle that we are trying to change.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, the amendment offered by the Senator from Missouri provides that a family may not receive welfare assistance for more than 24 months consecutively, unless the adult is working, or the State has an exemption of the adult for hardship. I would support this amendment if the Senator would require States to offer work to parents. There may be many parents who are willing to work and who want

to work but cannot find a job, or perhaps they cannot find child care for their children so that they can be at work.

The underlying bill says that a mother should not be penalized if she has a child under 11, or if she cannot afford to find child care. This amendment would be inconsistent with the underlying bill. It aims right at the mother. But it hits the child.

I urge my colleagues to defeat this amendment. It goes too far.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—37

Abraham	Gramm	McCain
Ashcroft	Grams	McConnell
Bond	Grassley	Murkowski
Brown	Hatch	Nickles
Burns	Hatfield	Pressler
Coats	Helms	Roth
Cochran	Hollings	Santorum
Coverdell	Hutchison	Shelby
Craig	Inhofe	Smith
D'Amato	Kempthorne	Thompson
Faircloth	Kyl	Thurmond
Frahm	Lott	
Frist	Lugar	

NAYS—62

Akaka	Feingold	Mikulski
Baucus	Feinstein	Moseley-Braun
Bennett	Ford	Moynihan
Biden	Glenn	Murray
Bingaman	Gorton	Nunn
Boxer	Graham	Pell
Bradley	Gregg	Pryor
Breaux	Harkin	Reid
Bryan	Heflin	Robb
Bumpers	Inouye	Rockefeller
Byrd	Jeffords	Sarbanes
Campbell	Johnston	Simon
Chafee	Kennedy	Simpson
Cohen	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Lautenberg	Thomas
Dodd	Leahy	Warner
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wyden
Exon	Mack	

NOT VOTING—1

Kassebaum

The amendment (No. 4942) was rejected.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 4941, AS AMENDED

Mr. EXON. Mr. President, because the substitute has failed, what remains is—and I believe the Senator from Missouri agrees—what remains is the underlying amendment, as amended by the amendments that we adopted by voice vote.

Consequently, I suggest we now simply adopt the underlying amendment as amended by voice vote as well.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, that is consistent with my understanding of where we are. I am pleased to agree with the ranking member.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 4941), as amended, was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4950

Mr. EXON. Mr. President, Senator MURRAY is now scheduled for recognition, I believe. Is that correct? The Senator from Washington should be recognized, I suggest.

The PRESIDING OFFICER. The question now occurs on amendment No. 4950. The Senator from Washington is recognized for up to 1 minute.

Mrs. MURRAY. Mr. President, the amendment before us strikes the provision in the bill that cuts the reimbursement rate on the Summer Food Program dramatically. The bill proposes to cut 23 cents from every school lunch provided in this critical summer program. This will have a dramatic effect, especially in our rural areas.

I think we have had the debate on this floor. Everyone understands the need to have good, strong nutrition for our children in order for them to learn. The Summer Food Program is especially critical. Children are not bears. They do not hibernate. They need to eat in the summer as much as they do in the school year.

I urge my colleagues to vote for this amendment and put back in effect the important Summer Food Program. I understand the majority is willing, perhaps, to accept this on a voice vote. If that is the case, I am more than happy to oblige.

Mr. EXON. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order so we may proceed.

Mr. EXON. Mr. President, the Senate may not have heard the closing remarks by the Senator from Washington. I believe she suggested the amendment has been cleared on both sides and she will accept a voice vote.

Mr. SANTORUM. That is our understanding. The amendment has been cleared on this side. We are willing to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4950) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4952

The PRESIDING OFFICER. The question now occurs on amendment No. 4952, offered by the Senator from Florida [Mr. GRAHAM].

The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the amendment I offer strikes an amendment which was adopted in the Senate Finance Committee. The current bill as it was submitted to the committee contains a sanction against the States in the hands of the Secretary of HHS.

The Secretary, at the Secretary's discretion, can levy up to a 5-percent withholding of a State's welfare funds if the State fails to meet the work requirements. The amendment offered in the committee provides that if a State fails to meet that standard for 2 straight years, then it shall be penalized, without discretion in the hands of the Secretary, by a mandatory 5 percent. And although there is some confusion, it is assumed that this is a cumulative 5 percent, up to a total of 25 percent of the State's welfare payments.

This is strongly opposed by the State and local organizations, from the National Governors' Association, the National Conference of State Legislators, the National Association of Counties, all of whom feel it denies to the Secretary the necessary discretion.

This also will severely penalize those low-benefit States which are the most likely to be unable to meet the work requirements.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. GRAMM. Mr. President, if there is a hallmark of this bill, it is work. If there is one thing that every Democrat and every Republican boasts about in this bill, it is that it requires able-bodied men and women to work.

Last year's bill simply had a one-time penalty for not meeting the work requirements. Members of the Finance Committee were concerned that a State, or the District of Columbia, would simply take the 5-percent penalty each year rather than make a good-faith effort to meet the work requirements in this bill—even with the ability to exempt 20 percent of welfare recipients. Without this compounding provision, we have no real ability to produce a good-faith effort on the part of the States.

We have had meetings between the House and the Senate on this issue. We met with the Governors. We worked out what we believe is a compromise. I hope my colleagues will stay with this provision. If you want a work requirement, you have to enforce it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. Mr. President, I move to table the Graham amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 4952. 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—56

Abraham	Ford	Mack
Ashcroft	Frahm	McCain
Bennett	Frist	McConnell
Bond	Gorton	Murkowski
Bradley	Gramm	Nickles
Brown	Grams	Pressler
Burns	Grassley	Roth
Campbell	Gregg	Santorum
Chafee	Hatch	Shelby
Coats	Hatfield	Simpson
Cochran	Helms	Smith
Cohen	Hollings	Snowe
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kohl	Thompson
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	

NAYS—43

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Heflin	Nunn
Boxer	Inouye	Pell
Breaux	Jeffords	Pryor
Bryan	Johnston	Reid
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Lautenberg	Simon
Dodd	Leahy	Wellstone
Dorgan	Levin	Wyden
Exon	Lieberman	
Feinstein	Mikulski	

NOT VOTING—1

Kassebaum

The motion to lay on the table the amendment (No. 4952) was agreed to.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4955

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4955 offered by the Senator from Massachusetts [Mr. KENNEDY].

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for up to 1 minute.

Mr. KENNEDY. Mr. President, this amendment is about children. It is about the children of legal immigrants. It is also about deeming. What we are saying is, under this program, legal immigrant children are not going to be excluded from the range of benefits. We are saying you are deemed to the person that is going to sponsor you. If that person that sponsors you runs into hard times, we will not deny the children the benefits they would otherwise receive. That is half the legal immigrants' children.

The other half have no sponsor—no sponsor—have no one to deem to because they are the children of those who come here under the work permit. We should not exclude those individuals. They will become Americans, one; and two, more frequently than not, they are with divided households where brothers and sisters would be eligible. The cost will be $1 billion in 6 years, affecting 450,000 children that at one time or another might take advantage of the system.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Kennedy amendment. It would seriously erode fundamental welfare reform as it relates to noncitizens. The amendment does not just apply to children who are already here. The exemption applies to those who will come to the United States in the future, as well.

The bill provides for a 5-year ban on Federal means-tested benefits, including cash, medical assistance, housing, food assistance, and social services. The Kennedy amendment creates a new exception to all these benefits to aliens under age 18. It is the taxpayer, not the families and sponsors of the children, who will assume the responsibility for their needs. This is the wrong signal to send to those who would come here for opportunity, not a handout, and for the families here who pay for those benefits.

The Kennedy amendment would result in a loss of substantial savings in the bill. I urge my colleagues to vote against the Kennedy amendment and uphold the budget point of order against it.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—51

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Nunn
Bryan	Hollings	Pell
Bumpers	Inouye	Pryor
Campbell	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden

NAYS—48

Abraham	Craig	Grassley
Ashcroft	D'Amato	Gregg
Bennett	DeWine	Hatch
Bond	Domenici	Heflin
Brown	Faircloth	Helms
Burns	Frahm	Hutchison
Byrd	Frist	Inhofe
Coats	Gorton	Kempthorne
Cochran	Gramm	Kyl
Coverdell	Grams	Lott
Lugar	Pressler	Snowe
Mack	Roth	Stevens
McCain	Santorum	Thomas
McConnell	Shelby	Thompson
Murkowski	Simpson	Thurmond
Nickles	Smith	Warner

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 51, and the nays are 48. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected, and the amendment falls.

Mr. KENNEDY addressed the Chair.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

MOTION TO WAIVE THE BUDGET ACT—AMENDMENT NO. 4956

Mr. KENNEDY. Mr. President, I believe that it is in order now for the consideration of my other amendment. Am I correct that the time allocated is 1 minute and 1 minute in opposition? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, this amendment is a very simple and fundamental amendment, but it is one that is desperately important to county hospitals and to rural hospitals around the country.

The effect of this amendment would be to defer the Medicaid prohibitions of the welfare provisions for legal immigrants for 2 years so that the local hospitals are able to accommodate the provisions of this legislation. Under the provisions of the legislation, all immigrants would be prohibited from the day that they enter the United States, and all of those who are in this country, any State could knock them out in January of next year.

Probably the most important health facilities that we have in this country in many respects are not the teaching hospitals but the county hospitals that provide emergency assistance. If we put this enormous burden—and it estimated to be $287 million over the period of the next 2 years; that is the cost of it—it is going to have an impact on Americans because the county hospitals are going to deteriorate in quality; they are going to be inundated with additional kinds of cases that they are not going to be compensated for; and they are not going to be able to treat Americans fairly or equitably.

All we are asking for is a 2-year period.

This is endorsed by the American Hospital Association, the National Association of Public Health Hospitals, the National Associations of Children's Hospitals, community health centers, and the Catholic Health Association.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Delaware.

Mr. ROTH. Mr. President, the Kennedy amendment would delay Medicaid restrictions on noncitizens for 2 years. In effect, the Kennedy amendment says we need welfare reform but not quite yet. That is not good enough for those who bear the cost of these programs.

Let us not lose sight of this debate. These welfare programs were not designed to serve noncitizens. The restrictions that we have placed on noncitizens have broad bipartisan support. This is no time to turn our backs on reform. The Kennedy amendment would result in a loss of substantial savings in the bill.

So I, therefore, urge my colleagues to vote against the Kennedy amendment and uphold the budget point of order against it.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 35, nays 64, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—35

Akaka	Graham	Mikulski
Biden	Hatfield	Moseley-Braun
Bingaman	Hollings	Moynihan
Boxer	Inouye	Murray
Chafee	Jeffords	Pell
Conrad	Johnston	Robb
Daschle	Kennedy	Sarbanes
Dodd	Kerry	Simon
Exon	Kohl	Specter
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Glenn	Levin	

NAYS—64

Abraham	Faircloth	McCain
Ashcroft	Ford	McConnell
Baucus	Frahm	Murkowski
Bennett	Frist	Nickles
Bond	Gorton	Nunn
Bradley	Gramm	Pressler
Breaux	Grams	Pryor
Brown	Grassley	Reid
Bryan	Gregg	Rockefeller
Bumpers	Harkin	Roth
Burns	Hatch	Santorum
Byrd	Heflin	Shelby
Campbell	Helms	Simpson
Coats	Hutchison	Smith
Cochran	Inhofe	Snowe
Cohen	Kempthorne	Stevens
Coverdell	Kerrey	Thomas
Craig	Kyl	Thompson
D'Amato	Lieberman	Thurmond
DeWine	Lott	Warner
Domenici	Lugar	
Dorgan	Mack	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 64. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe this finishes the amendments that were on our list as of Thursday night. Those who wanted votes have had their votes. Those have been disposed of.

Yesterday, Senator EXON raised an omnibus Byrd rule point of order against a number of provisions contained in the bill. In order to preserve our rights, I moved to waive the Budget Act with respect to each point of order individually.

At this time, I now withdraw my motions to waive with respect to all but the following three provisions: No. 1, section 408(a)(2), which is known as the family cap; No. 2, section 2104, which deals with services provided by charitable organizations; and, No. 3, section 2909, which deals with abstinence education.

It is our intention to have a separate vote on each of these three. Therefore, I ask unanimous consent that it be in order for me to request the yeas and nays on the three at this point.

I ask for the yeas and nays.

Mr. EXON. Reserving right to object, I would simply say to my friend and colleague from New Mexico, I appreciate the fact he has expedited things a great deal by, I think, eliminating 22 of the 25 points of order that we raised.

Mr. DOMENICI. Correct.

Mr. EXON. I simply remind all that, for any or all of these three to be agreed to, it would require 60 votes. Is that correct?

Mr. DOMENICI. That is correct.

Mr. EXON. In view of that, and in view of the fact that time is running on, and I think we all recognize we are going to be on this bill—with closing statements from the managers and the two leaders and then final passage—it looks to me like we are going to run up toward 6 o'clock if we do not expedite things.

I am just wondering—I make the suggestion to expedite things—rather than have three separate votes, could we package these three into one vote? I remind all, the chance of these motions being agreed to, with the 60-vote point of order, is not very likely. But if there is strong feeling in the Senate on these, then the 60 votes would be there.

Will the Senator consider packaging the three into one vote?

Mr. DOMENICI. First, I thank Senator EXON for all the cooperation he has exhibited and the efforts he made to expedite matters. But we have, on our own, taken 22 of your 25 points of order and said they are well taken. So, in that respect, we have already eliminated an awful lot of votes that could have taken place.

Frankly, this is done without anybody whimpering about them on this side of the aisle. They have all agreed with my analysis and said that is good, save the three.

Conferring with the chairmen of the Finance Committee and the Agriculture Committee, I arrived at that conclusion; 22 are gone. We would like just three votes on those three waivers. I would like to do them quickly. We will only ask for 2 minutes on a side to debate the issues, since none of them have been before the Senate as a substantive matter. That is the best I can do. I hope the Senator will agree with that, I ask Senator EXON.

Mr. EXON. What you are saying is three is the minimum?

Mr. DOMENICI. Three is the minimum, but obviously we sure got rid of plenty of them.

Mr. EXON. I withdraw my objection.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that there be 4 minutes equally divided on each of these points of order—two for those in opposition and two for those who support it.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO WAIVE THE BUDGET ACT—SECTION 408(A)(2)

Mr. DOMENICI. Mr. President, the first of our waivers will be the family cap. I have already moved to waive it in the previous motion, and I now yield the time to argue in favor of the waiver to Senator GRAMM of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, only a tortured view of the Byrd rule would say that our language on the family cap does not save money. But what I want to focus on here is that this is not a controversial provision of the bill but is an integral part of the overall welfare reform measure.

As I am sure colleagues on both sides of the aisle will remember, we have had serious debate over this issue. We have gone back and forth. There have been differences. There are some people who believe—I am one of those people—that we should have a family cap and that we ought not to give people more and more money in return for having more and more children while on welfare. There are other people who believe that we should have no family cap and that the current incentives built into the system should continue.

What we have in this bill is a crafted compromise that was adopted in committee with broad support. We allow States, at their option, through their action, to opt out of the family cap if they choose. This is a broad-based compromise. It has been supported on a bipartisan basis, and for that reason, I feel very strongly that to preserve common sense in this bill in a way that is coherent and can work, we need to preserve this compromise language.

So I ask Members on both sides of the aisle to vote to waive the Byrd rule and keep this provision in place. This provision simply says the family cap exists unless the State opts out. If States decides that they want to continue to give additional cash payments

to those who have more and more children while on welfare, the States can do that.

The PRESIDING OFFICER. The Senator's 2 minutes has expired.

Mr. GRAMM. This is compromise language. I hope on a bipartisan basis that we will preserve this compromise.

Mr. EXON addressed the Chair.

Mr. EXON. Mr. President, I yield our time to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I will say, in response to the Senator from Texas, that there is bipartisan agreement, and the bipartisan agreement is that this is a bad idea: The National Governors' Association, the NGA, headed by Gov. Tommy Thompson, who I think is a leading Republican, opposes this measure. The NGA, in their letter to all Members of the Congress, say very clearly:

The NGA supports a family cap as an option rather than as a mandate to prohibit benefits to additional children born or conceived while the parent is on welfare.

What this amendment does is to require that the States affirmatively pass legislation to get out from under this mandate that people in Washington are sending down to the States. That is why the bipartisan NGA strongly opposes the provisions in the bill as it is written.

They would like the option to do that if they want to, but they certainly do not want Washington to mandate that they cannot have assistance to children of a family who are born while they are on welfare, simply because they do not want to penalize the children.

Be as tough as we want to be on the mothers and the parents, but not on the children. In addition to that, the Catholic Bishops' Conference, which has been very active, along with a number of other groups, feels very strongly this legislation should not have the mandate the bill currently has. They say very clearly that this provision would result in more poverty, hunger and illness for poor children. This is something that gets me. They say, ''We urge the Senate to reject this measure which would encourage abortions and hurt children.''

I am not sure everybody comes down on these, but I think when you have the Catholic Bishops' Conference saying, if a mother is faced with that choice, abortion becomes a real option, they think they should not be encouraged and, therefore, they do not support Washington mandating that States have to take a certain action. Let them have the option.

If we strike this provision, the State has the option to deny additional benefits to additional children if they want to, but we should not be dictating to the States on a block grant welfare program how they have to handle this situation.

I strongly urge that we not move to waive the Byrd rule.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 57, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—42

Abraham	Gorton	McConnell
Ashcroft	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Coverdell	Kempthorne	Smith
Craig	Kyl	Stevens
D'Amato	Lieberman	Thomas
Faircloth	Lott	Thompson
Frahm	Mack	Thurmond
Frist	McCain	Warner

NAYS—57

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lugar
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Hatch	Nunn
Bumpers	Hatfield	Pell
Byrd	Heflin	Pryor
Campbell	Hollings	Reid
Chafee	Inouye	Robb
Cohen	Jeffords	Rockefeller
Conrad	Johnston	Sarbanes
Daschle	Kennedy	Simon
DeWine	Kerrey	Snowe
Dodd	Kerry	Specter
Domenici	Kohl	Wellstone
Dorgan	Lautenberg	Wyden

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this question, the yeas are 42, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the point of order is sustained.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LOTT. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that immediately following the third reading of H.R. 3734, the following Senators be recognized for up to 5 minutes each for closing remarks: Senator MOYNIHAN, Senator ROTH, Senator EXON, Senator DOMENICI; I further ask that following the conclusion of these remarks, the floor managers be recognized, Senator DASCHLE to be followed by Senator LOTT, for closing remarks utilizing their leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask immediately following passage of H.R. 3734, the Senate request——

The PRESIDING OFFICER. If the majority leader will suspend.

Mr. EXON. My apologies. We thought things were cleared. They are not. We will have to object, pending a few moments. Could the Senator hold off for 5 minutes for a chance to work this out?

Mr. LOTT. Mr. President, I am willing to do that, but I thought we had an agreement whereby we could get an understanding of how much time—after all the days and hours that have gone into this bill—and we could have closing statements.

That is fine, to have final statements as to the position of the various Senators on what is in this legislation; it was with the understanding that we would also go ahead and get the agreement and go to conference.

Mr. EXON. We also thought that we had an agreement, but I am sure you have had exceptions on your side, as we have, and in the best of times they do not always work out.

I do not think it is a lengthy delay. I simply say we will try and give the Senator an answer in 5 minutes.

Mr. LOTT. Can we proceed with the next vote?

I yield the floor.

MOTION TO WAIVE THE BUDGET ACT—SECTION 2104

The PRESIDING OFFICER (Mr. THOMPSON). The question is on the motion to waive the point of order, section 2104. The yeas and nays have been ordered.

Mr. ASHCROFT. In moving to waive the Budget Act, the point of order regarding the charitable organizations, I yield 30 seconds to my colleague from Indiana.

Mr. COATS. I thank the Senator. I urge my colleagues to support the Ashcroft provision, which allows for delivery of social services through religious charities. I urge this for two compelling reasons.

First, it is much more cost effective than the current Federal bureaucratic system. Utilization of facilities that are already there, that are neighborhood based and utilizating volunteers makes delivery of those services far more efficient than the Government can do.

Second, they get better results. Survey after survey, in hearing after hearing that we have conducted in the Children and Families Subcommittee on Labor and Human Resources has proven the effectiveness in doing this. I urge my colleagues to support the Ashcroft amendment.

I yield back the balance of my time.

Mr. ASHCROFT. Mr. President, there is a real reason to employ the services of nongovernmental charitable organizations in delivering the needs of individuals who require the welfare state. Despite our good intentions, our welfare program and delivery system have been a miserable failure. Yet, America's faith-based charities and nongovernmental organizations, from the Salvation Army to the Boys and Girls Clubs of the United States have been very successful in moving people from welfare dependency to the independence of work and the dignity of self-reliance.

The legislation that we are considering is a provision that was in the Senate welfare bill that passed last year. It passed the Senate by an 87 to 12 margin. President Clinton's veto of that bill last year was not related to this measure. I spoke to the President about it personally. In his State of the Union Address, just a few weeks later, he indicated the need to enlist the help of charitable and religious organizations to provide social services to our poor and needy citizens.

Based upon the record of this Senate, which voted 87–12 in favor of such a concept last year after a thorough debate and consideration, based upon the support of the Executive, based upon the record of welfare as a failure and the need to employ and tap the resource of nongovernmental, charitable, religious, and other organizations, I urge the Senate to pass this motion to waive the Budget Act.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I speak in opposition to the amendment. I simply point out to all that, in my opinion, this is a direct violation of the church-and-state relationship.

I yield the remainder of my time to my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I think we have to look at this very carefully. It provides that States can contract for welfare delivery with charitable, religious, or private organizations. I have no objection to charitable or private organizations, but we have been very careful in this church-and-state area.

My father happened to be a Lutheran minister. I believe in the effectiveness of religion not only in our personal lives, but in giving stability to our Nation. We have been careful. For example, we permit religious schools to have some school lunch money. We permit some title I funds. We permit, under certain circumstances, assistance for disabled people that can be provided to religious organizations. But, under this, what we do is we not only say that religious organizations do not need to alter their form of internal governance—I have no objection to that—or remove icons, Scripture, or other symbols—I personally have no objection to that, though I know some who do—we permit churches and religious organizations to propagate people before they can get assistance. I think that clearly crosses the line in church/state relations. I think a hungry person should not have to be subjected to a religious lecture from a Lutheran, a Catholic, a Jew, or a Muslim before they get assistance. What if someone objects? If someone objects——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMON. I will close by saying, within a reasonable period, you appeal to the State, and the State eventually makes a decision. I think we should not waive this.

The PRESIDING OFFICER. The question is on 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 Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 32, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—67

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Mikulski
Bennett	Grams	Moynihan
Biden	Grassley	Murkowski
Bingaman	Gregg	Nickles
Bond	Hatch	Nunn
Bradley	Hatfield	Pressler
Breaux	Heflin	Roth
Brown	Helms	Santorum
Burns	Hutchison	Sarbanes
Campbell	Inhofe	Shelby
Coats	Inouye	Simpson
Cochran	Johnston	Smith
Cohen	Kempthorne	Snowe
Coverdell	Kerrey	Stevens
Craig	Kerry	Thomas
D'Amato	Kohl	Thompson
DeWine	Kyl	Thurmond
Dodd	Lieberman	Warner
Domenici	Lott	Wellstone
Faircloth	Lugar	
Frahm	Mack	

NAYS—32

Akaka	Feinstein	Moseley-Braun
Boxer	Ford	Murray
Bryan	Glenn	Pell
Bumpers	Graham	Pryor
Byrd	Harkin	Reid
Chafee	Hollings	Robb
Conrad	Jeffords	Rockefeller
Daschle	Kennedy	Simon
Dorgan	Lautenberg	Specter
Exon	Leahy	Wyden
Feingold	Levin	

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote the yeas are 67, the nays are 32. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I opposed the motion to waive the Byrd rule point of order against the language of section 2104 which would provide a specific authorization for States to contract with charitable, private, or religious organizations to provide services under this act. States, without this provision, are able to enter into such contracts provided that they are consistent with the establishment clause of the Constitution and the State constitution and statutes of the State involved. Therefore, I believe this provision is unnecessary.

I also voted against the language because it could inadvertently actually create a headache for religious organizations that currently deliver social services under Federal contract. Religious organizations currently contract to deliver social services for the Federal Government. They do so separate from their religious activities, keeping separate accounts, for instance.

Under the bill's language, neither the Federal Government nor a State may refuse to contract with an organization based on the religious character of the organization, but if a recipient of those benefits objects to the religious character of an organization from which that individual would receive assistance, the State must provide that individual with assistance from an alternative provider that is ''accessible'' to the individual. So if a religious organization is currently delivering services in a way that is consistent with the Constitution but an individual objects to that institution having the contract, that individual could precipitate an expensive bureaucratic second track for the delivery of services for that one individual. While this may not be the intent of the bill's language, it could easily lead to that.

It is ultimately the Constitution which determines under what conditions religious organizations can be contracted with by the Federal or State governments for the delivery of publicly funded social services. The statute cannot amend the Constitution. Indeed, this bill's language purports to require, in section 2104c, that programs be implemented consistent with the establishment clause of the U.S. Constitution. What the bill's language therefore unwittingly does is confuse rather than expand.

MOTION TO WAIVE THE BUDGET ACT—SECTION 2909

The PRESIDING OFFICER. The question is now on agreeing to the motion to waive section 2909. There are 4 minutes equally divided. The Senate will come to order.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe the regular order would be Senator FAIRCLOTH, and he has 2 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Regular order, please, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, in 1994, when President Clinton sent his first welfare reform bill to Congress, he said that preventing teenage pregnancy and out-of-wedlock births was a critical part of welfare reform. I hope we all could agree with the President on that point and also agree to waive the point of order against the funding for abstinence education programs.

Abstinence education programs across the country have shown very promising results in reducing teenage pregnancies and reducing the teenage pregnancy rate, and it deserves to be expanded with Federal assistance. This provision does not take funds from existing programs and will be a critical

help in meeting the bill's goal of reducing out-of-wedlock births.

Mr. President, our colleagues on the other side have asked us repeatedly to consider the children. Abstinence education is an effective means to help children avoid the trap of teenage pregnancy. I urge my colleagues to vote to waive the Budget Act on this provision.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I yield our time to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senate will come to order, please.

Mrs. MURRAY. I thank the Chair.

Mr. President, the bill before us takes $75 million from the Maternal and Child Health Block Grant Program to fund the abstinence program. I am sure that everyone here can agree abstinence is important. However, I strongly urge my colleagues not to allow us to rob the Maternal and Child Health Block Grant Program to fund this abstinence program.

The maternal and child health block grant provides critical dollars for prenatal care, newborn screening, and care for children with disabilities. It provides for vital resources like parent education, health screenings and immunization, children preventive dental visits, and sudden infant death syndrome counseling.

I am sure my colleagues will agree we should not reduce these vital resources by 13 percent. I have a chart here showing how much that will reduce each State's allocation if you are interested.

Let me read quickly to you from the Association of State and Territorial Health Officials, who say:

> State health officers object to the new set-aside on the grounds that states, not the federal government, are better able to decide what programs are necessary and effective for their communities. State health officials share the laudable goals of reducing unintended pregnancies and exposure to sexually transmitted diseases. In fact, abstinence education is an integral component of most maternal and child health programs. Ironically, due to the new administrative costs states will incur and the reduction of overall block grant funds, this set-aside will actually do harm to states' overall abstinence promotion efforts.

Mr. President, if we agree that abstinence——

Mr. EXON. Mr. President, the Senate is not in order. I can hardly hear the Senator.

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

Mr. President, if we agree abstinence programs are vital, fine; let us pay for them. But let us not steal from the critical maternal and child health programs that are so important to so many parents across this country. I urge my colleagues to vote no on the motion to waive the Budget Act.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator FAIRCLOTH has yielded me his remaining 30 seconds.

Mr. President and fellow Senators, Senator FAIRCLOTH is suggesting something here that I believe we ought to try. What he is saying is we have tried so many things with reference to teenage pregnancy, why not try a program that says to our young people: We would like to give you the advantages of abstinence.

Now, you do not have to believe in that; you do not have to be an advocate of it, but you ought to give it a try.

We have tried all kinds of things under the rubric of Planned Parenthood and yet anybody that tries to suggest and receive funding for a program that does this cannot be funded. I believe it ought to be funded, and I think we ought to waive the Budget Act. I commend the Senator for this suggestion.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is now on agreeing to waive the Budget Act.

Mr. DOMENICI. Mr. President, I am sorry; I should have gotten your attention sooner. On behalf of the majority leader, we are now prepared to enter into an agreement.

The PRESIDING OFFICER. The Senate will please come to order.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that immediately following the third reading of H.R. 3734, the following Senators be recognized for up to 5 minutes for closing remarks: Senators MOYNIHAN, ROTH, EXON, and DOMENICI. Further, I ask that following the conclusion of the remarks of the four managers, Senator DASCHLE be recognized to be followed by Senator LOTT for closing remarks utilizing leaders' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that immediately following the passage of H.R. 3734, the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO WAIVE THE BUDGET ACT—SECTION 2909

The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—52

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Biden	Grams	Nunn
Bond	Grassley	Pressler
Brown	Gregg	Roth
Burns	Hatch	Santorum
Campbell	Hatfield	Shelby
Coats	Heflin	Simpson
Cochran	Helms	Smith
Coverdell	Hutchison	Specter
Craig	Inhofe	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Exon	Lugar	Warner
Faircloth	Mack	
Frahm	McCain	

NAYS—46

Akaka	Feinstein	Mikulski
Baucus	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Harkin	Pell
Breaux	Hollings	Pryor
Bryan	Jeffords	Reid
Bumpers	Johnston	Robb
Byrd	Kennedy	Rockefeller
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Simon
Conrad	Kohl	Snowe
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Feingold	Lieberman	

NOT VOTING—2

Inouye	Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the point of order is sustained.

Mrs. MURRAY. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

POINTS OF ORDER

The PRESIDING OFFICER. The Chair informs the Senate that there are 22 points of order remaining. The Chair sustains all but the 15th point of order raised against section 409(a)(7)(C).

Mr. KEMPTHORNE. Mr. President, yet again during the 104th Congress we find ourselves debating welfare reform on the floor of the Senate. It is regrettable that we even have to take the time to debate this issue. We have already twice passed solid welfare reform plans which would give States the necessary flexibility to truly provide for the unique needs of the less fortunate in their States. Unfortunately, the President's vetoes of the two previous welfare reform proposals has left us with no real reform and has left States floundering.

Just over 10 months ago, I stood here on the Senate floor and said that welfare reform was long overdue. It still is. We all know the welfare system in

this Nation is seriously flawed. Maintaining the status quo is not only not an option, I believe it is morally wrong. We must break the cycle of poverty which our current system has perpetuated. As Franklin Delano Roosevelt once said, ''The lessons of history show conclusively that continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit.'' If we are to restore that spirit, we must give those on welfare a fighting chance—a chance I believe they want—to once again become contributing members of our society.

After debating this issue for months, I believe it is safe to say that a majority of Members of Congress recognize that the only true way to reform the welfare system is to turn it over to the States. True reform, innovative reform, will come from the States, and we should give them the opportunity to prove that they are capable of making the changes the system needs. Turning these programs over to the States will provide them with the opportunity to shape poverty-assistance programs to meet local needs. It will provide States and local officials with the change to use their own creativity and their own intimate knowledge of the people's needs to address their problems. And we do not make them go through a series of bureaucratic hoops in order to get a waiver to do so.

Mr. President, my home State of Idaho is currently in the process of applying for just such a waiver. In order to get to this point, the Governor appointed a Welfare Reform Advisory Council which met with people in communities around the State to solicit suggestions on how the current system could be reformed. From those meetings came 44 specific proposals for making welfare work. These recommendations fall into four categories: Making welfare a two-way agreement and limiting availability; mandatory work requirements and improvements to the child care system which will allow recipients with young children to work; new eligibility standards which focus on maintaining the integrity of the family structure; and improving child support enforcement.

The people of Idaho have spoken on the directions in which they wish to go with welfare reform. Unfortunately, the requirement to attain waivers is preventing these reforms from being enacted. To make matters worse, not only is the system not being reformed, but limited, vital resources are being used to apply for the waivers instead of for helping the needy. The current process is slow, time consuming, and inefficient. This is why block grants are so necessary. The people of Idaho want a system which helps the truly needy, and they have worked diligently to plan just such a system. Instead, they are given additional bureaucracy. It is time we let the States, like Idaho, implement reforms, rather than just write about them.

Idaho's concerns are not unique. Many of the States see the same problems with the current welfare system. At the same time, the best manner in which to address these concerns varies considerably across the Nation. A cookie-cutter, one-size-fits-all approach simple does not fit in a diverse nation. That is why we must finally let go of Federal control.

I believe the welfare reform debate is about one word—freedom. It is the freedom of State and local governments to decide how best to provide assistance to the needy. It is the freedom of the various levels of government to create innovative ways to meet the unique needs of the downtrodden in their city, county or State. It is the freedom to follow local customs and values rather than Federal mandates. I have said for some time that when the Government tries to establish a one-size-fits-all, cookie-cutter approach to address a perceived need, it ignores the unique circumstances which are so important in developing the best way to address that need.

I do not want anyone in this country who is struggling to make something of themselves, regardless of the State in which they reside, to be hampered in their efforts because of rules and regulations which ignore the fact that this Nation is not uniform—that people in all areas of the country have unique circumstances which simply cannot be addressed in one prescriptive Federal package. What I hope to do, what I believe this legislation does, is give current and future welfare recipients the freedom to break out of poverty.

Mr. President, this bill is also about freedom for those who are already on welfare, or who are at risk of entering the welfare rolls. Under the current system, generations have grown up without knowing the satisfaction of work and personal improvement. The value of family has been ignored, aiding the increasing rate of illegitimacy. And possibly worst of all, children have been raised without hope in a system that does more to continue poverty than to break the welfare cycle. For far too many, the system offers no incentives and no promise of a better future.

For more than 30 years, we have tried to dictate to the States how best to take care of their needy. After 30 years, it is time to accept that the experiment is a failure. And thus, it is time we let the States take control and develop their own solutions to the problem of poverty in this Nation.

Mr. HATCH. Mr. President, three times in the last year we have stood on this floor to debate welfare reform. The first time, the bill passed the Senate by a large bipartisan majority, 87 to 12.

Yet, the President has vetoed it. He has since vetoed welfare reform legislation twice more.

Today, we are standing here again. We have yet again passed legislation to reform a failed and broken welfare system, a system which has dragged the most vulnerable of our population into a pit of dependency.

We must stop this cycle. We must give these families the hope and help they deserve. This legislation would do just that.

This legislation reforms the old system into a new one. This legislation will take a system of degrading, esteem depleting handouts and transform it into a transitional system of support that helps families gain work experience, training, and self-sufficiency. This bill creates a system that gives beneficiaries a leg up and not a shove down.

In watching the Olympic long-distance cycling event a few nights ago, my heart went out to those athletes who had trained so hard, but who had hit ''the wall,'' that point in an endurance contest when the goal seems overwhelming and when it seems impossible to take another step or pedal another foot.

Mr. President, many of our welfare recipients under our current system have faced the wall. Our current system is one that simply encourages dependence; an individual's self-esteem is shattered; when a better life seems beyond reach; and it becomes easier to quit and accept the help of others.

This legislation will help American families climb over the wall of poverty. It will build self-confidence and hope for the future on a foundation of work and accomplishment.

Yet, Mr. President, welfare recipients are not the only ones who have hit the proverbial wall with our welfare system. The taxpayers have hit it too. Frankly, while they are a compassionate people, while they want to help those who are less fortunate, they also want to see personal responsibility and individual effort restored as a quid pro quo to receiving help.

Americans have become frustrated that the increasing billions of dollars we spend on the war on poverty is not reducing poverty. It is not building strong families. It is just not working.

Mr. President, the legislation before us today would create a transitional system. One that stresses temporary assistance and not a permanent handout. It requires that beneficiaries go to work and get the training and educational skills they need to get and keep a job. No longer will beneficiaries be able to get something for nothing. This system will give them the help they need to get into a job and move into self-sufficiency.

Mr. President, this bill gives the States the flexibility they need to design the best systems they can to address their unique mix of economic climate, beneficiary characteristics, and resources available. The Federal Government cannot be responsive to local conditions but the States can.

This bill moves the decisionmaking and system design authority to the States where it belongs. It doesn't simply leave Federal funds on the stump

as some have suggested. States are required to submit their plans and live up to them. They must serve their needy populations and provide them the resources necessary to move them into jobs and self-sufficiency.

This legislation is the fourth time the Senate has passed welfare reform legislation. This is yet another chance for the President to honor his pledge to ''reform welfare as we know it.'' It is another chance for all of us to throw over a system that provides no real hope, no real help, no real progress. American low-income families deserve more and so do the American taxpayers.

Mr. LEVIN. Mr. President, the present welfare system does not serve the Nation well. It does not serve families and children well. It does not serve the American taxpayer well.

This bill contains several provisions which I hope can be moderated in the conference between the House and the Senate and in discussion with the President.

Meaningful reform should protect children and establish the principle that able-bodied people work. It should tighten child support enforcement laws and be more effective in getting absent fathers to support their children. The bill before us represents a constructive effort. It is an improvement over the bill the President vetoed last year because it provides more support for child care, requires a greater maintenance of effort from the States, and does not block grant food stamp assistance. And, the Senate has improved the bill which the Finance Committee reported by passing amendments which maintain current standards for Medicaid and which eliminate excessive limits on food stamp assistance.

The funding levels in this bill are aimed at assuring that adequate child care resources will be available for children as single parents make the transition into work. Those levels are significantly improved. This strengthens the work requirement because it better assures that States can effectively move people into job training, private sector employment, and community service jobs.

I am particularly pleased that the Senate approved my amendment, offered with Senator D'AMATO, which greatly strengthens the work requirement in the bill. The original legislation required recipients to work within 2 years of receipt of benefits. My amendment adds a provision which requires that unless an able-bodied person is in a private sector job, school or job training, the State must offer, and the recipient must accept community service employment within 2 months of receipt of benefits.

I would prefer a bill which did not end the Federal safety net for children, a bill like the Daschle work first legislation which failed in the Senate narrowly and which I cosponsored. I would prefer a bill which permitted noncash voucher assistance targetted to the children of families where the adult parent is no longer eligible for assistance. I would prefer a bill which protects legal immigrants who have become disabled.

So the decision is a difficult and a close one. On balance, however, I believe that it is so critical that we reform the broken welfare system which currently serves the American taxpayer and America's children poorly, that it is necessary to move this legislation forward to the next stage.

I believe that it is particularly important that partisanship not dominate the conference between the House and Senate. I am hopeful that the congressional leadership work with the President to forge a final bipartisan welfare reform bill behind which we can all close ranks.

Mr. GLENN. Mr. President, I rise today to oppose what is called welfare reform but is really radical change and a surrender of the Nation's responsibility to our children. This measure ends our 60-year national guarantee of aid to the poor and the disadvantaged. Make no mistake, the poor and the disadvantaged to whom we refer are our children. Today one in five children live in poverty and I am not convinced that this bill will improve our problem and I fear that it will only make it worse.

I want our welfare system reformed and I voted for an alternative Democratic welfare reform plan, the Work First Act of 1996, which was based upon last year's Democratic welfare proposal. Work First promotes work while protecting children. It requires parents to take responsibility to find a job, guarantees child-care assistance and requires both parents to contribute to the support of their children. When this alternative failed, I supported many of the amendments to improve the bill and guarantee assistance to poor children.

I am concerned that there are already far too many poor children in this country. I believe that this bill will cause many more children to live in poverty. It is estimated that 130,185 children in Ohio will be denied aid in 2005 because of a mandated 5-year time limit; 52,422 babies in Ohio will be denied cash aid in 2000 because they were born to families already on welfare; 79,594 children in Ohio will be denied benefits in 2000 should assistance levels be frozen at 1994 levels. In total, at least 262,000 children in Ohio would be denied benefits when these welfare provisions are fully implemented.

Last year's Senate-passed bill would have pushed an additional 1.2 million children into poverty. In Ohio alone, 43,500 children will be pushed into poverty by the bill now before us. Mr. President, I cannot support legislation that would cause this kind of unacceptable harm.

I have been concerned from the start that simply washing our hands of the Federal responsibility for welfare and turning it over to States is no guarantee of success. This is very risky policy and we will no longer have a mechanism for guaranteeing a national safety net for our poorest families.

Perhaps if we were more concerned with moving people from welfare to work rather than just moving people off welfare we would be making a real start. However, I am not convinced that merely putting a time limit on benefits will lead to employment. I am not convinced that this legislation ends welfare as we know it, it just ends welfare.

In the end Mr. President, the changes we contemplate today will take away from those least able to afford it and will have a devastating impact on children's health, education, nutrition, and safety. Providing adequate assistance for our children will save money in the long run and be cost effective. I oppose this bill.

Mr. WELLSTONE. Mr. President, the people of Minnesota and of the Nation have made it clear that they want a welfare system that helps people make a successful transition from welfare dependency to work. I support that goal. That is why I voted for a workfare proposal with a tough, 5-year time limit on welfare benefits. That workfare proposal would move recipients quickly into jobs, requiring all able-bodied recipients to work and turning welfare offices into employment offices. It would provide adequate resources for child care, recognizing that families can't realistically transition to the workplace unless their kids are being looked after. The bill was called work first because it provided the tools needed to get welfare recipients into jobs and to keep them in the workplace.

Unfortunately, work first, the workfare proposal I voted for, did not prevail in the Senate. Instead, we in the Senate are faced with a bill that would punish innocent children. By sending an underfunded block grant to States, this bill would obliterate the already frayed safety net for children. Last year during this debate, the Office of Management and Budget estimated that 1.2 to 1.5 million children would be pushed into poverty by such a welfare reform proposal. About the same number would suffer under this year's plan. The deep cuts in food stamps in this bill would mean that many thousands of children would go hungry. I will not sit back and vote for consigning 1 million children to poverty. I will not be party to actions that mean that there will be more hungry and homeless children in the most prosperous Nation on Earth.

Unfortunately, the majority in the Senate did not agree to crucial improvements to the legislation. When I asked that we look at the effect of this legislation on poor children and revisit this legislation after 2 years if we find out that it is pushing more children into poverty, my colleagues turned me down. That was a clear signal to me that the suffering of children is not being taken as seriously as it should be

by this Congress. When several Democratic Senators tried to allow States to use their grants to provide vouchers for children's necessities like disperse and clothes after their parents reached the time limits for aid, we were turned down by the majority. When several Democratic Senators tried to place more humane limits on the aid legal immigrants could receive, we were again turned down by the majority. And although we were successful in ensuring that food stamps are not block granted, I continue to have serious concerns about a bill that cuts $28 billion from food stamps, which provide the most basic necessities.

In addition, I am very concerned that this bill will drop or deny SSI benefits to over 300,000 children during the next 6 years. This was also a concern I had with the work first bill I supported earlier. While I admit that there are some problems in the SSI Program, we can certainly address the problems through more targeted reforms and regulatory changes.

I have voted for workfare. Indeed, I voted for an amendment to strengthen the work requirements in this bill by requiring able-bodies welfare recipients to participate in community service jobs within 2 months of receiving aid. I support moving families from welfare to work. I believe we can accomplish that in a just and humane way. I do not believe, however, that the bill we have before us today is just and humane, and I will not vote to punish innocent children.

Mr. KERREY. Mr. President, I rise today to state my opposition to final passage of the Republican welfare reform legislation. I will vote against this legislation simply because although it portends welfare reform, it is about neither welfare nor reform.

Let me be clear—I am certainly not against reforming our welfare system. Indeed, I have voted for welfare reform in the past because I agree that the current system is clearly broke and in dire need of repair. But if we are going to have reform it should be meaningful and not reform for reform's sake.

For me, meaningful welfare reform means concentrating on preparing individuals to enter the work force. And by preparing individuals to enter the work force we must prepare them for all the challenges that lie ahead. It is important to note that the No. 1 reason people enroll for AFDC benefits is divorce or separation.

No doubt, the American taxpayers who pay for this system and those who are recipients of welfare programs want and deserve a better system. However, reform without the thought of consequence will do more harm than good.

Already 20 percent of our Nations children live in poverty, and undoubtedly this bill will add to that total—by the millions. And while AFDC caseload has decreased in Nebraska, child poverty continues to rise. Last year 3 percent of children in Nebraska were on AFDC, yet 11 percent of children lived in poverty.

My friend, colleague and noted expert Senator MOYNIHAN took to the floor last week to report that more than one million children will be thrown off the welfare roles should this legislation become law. He said, ''It is as if we are going to live only for this moment, and let the future be lost,'' Mr. President, surely what is before us is not true welfare reform. It is merely a way to cut the deficit on the backs of the neediest under the guise of welfare reform.

Indeed, this legislation does have its work provisions. I offered an amendment accepted by both the Republican and Democratic leadership that would allow states to contract—on a demonstration basis—with community steering committees [CSC's] to develop innovative approaches to help welfare recipients move in to the workforce. The CSC's, created by the amendment, would be locally based and include educators, business representatives, social service providers and community leaders. The main charge of the CSC's would be to identify and develop job opportunities for welfare recipients, help recipients prepare for work through job training, and to help identify existing education and training resources within the community. As well, CSC's would focus on the needs of the entire family rather than just on the needs of adult recipients.

This is the type of work provision that works—and I support—because it encourages individuals on welfare to move into the work force. It provides much needed resources so that once these individuals get into the work force, it works to ensure they stay in the work force. But this measure alone is not enough.

To keep a job, individuals—especially parents—need other things. We need to make certain that every person who is moving into the ranks of the employed has high-quality, affordable child care; otherwise, they are not going to be able to be successful in the workplace. We need a system that gives individuals the opportunity to earn reasonable wage, and to have access to health care, education and training. These are the elements of a system that works and this is the kind of system we should be working toward.

As a nation we need to focus our efforts on job creation, education and personal savings, as well as on meaningful reform to our entitlement programs. These elements, more than anything else, will help to ensure a brighter future for all working Americans.

Mr. President, the legislation before us today endeavors to move welfare mothers into the work force, but it removes valuable resources that would help the individuals achieve the goal of employment because it lessens their access to child care and health insurance.

There is a tremendous differential between the relative cost of child care for somebody who is in the ranks of the poor and people who are not poor. Above poverty, American families spend about 9 percent of their income for child care. Below poverty, it is almost 25 percent of their income. As well, as of 1993, 38 percent of working households under the poverty line are uninsured. While health care reform legislation that passed the Senate unanimously languishes, this legislation, regrettably, makes health care pressures even harder to bare.

My Democratic colleagues offered an amendment that would have converted funding formulas to help States—like Nebraska—with larger proportions of children on poverty. This provision would have provided aid to States and individuals truly in need. The Senate voted this measure down, showing the true failings of this legislation—it denies aid to those who are truly in need.

Other amendments designed to help children, but which failed, included an amendment that would have ensured health care and food stamps for children of legal immigrants, and an amendment that would have provided vouchers for children whose families have hit the 5-year term limit so that they may care for the children. But these important measures—which would have made the reform legislation more humane—failed on party-line votes.

Mr. President, the people of the state of Nebraska—indeed most Americans—are strongly in favor of welfare rules that give work a greater priority than benefits. But much of this legislation is being driven solely by the need to reduce the deficit and it has an ideological bent to it that says it has to be one way or the other. The impetus of this reform is not driven by a desire to say that the system is going to work better—it is sadly about matters of political expediency.

By pushing mothers and an alarming amount of children off the welfare roles and further onto the fringe of society, this legislation will do more harm than good. From a taxpayer standpoint, a beneficiary standpoint, and a provider standpoint, we need a welfare system that operates in a more efficient, effective and hopefully humanitarian fashion. Unfortunately, this legislation does not offer the necessary reforms to bring us that system.

I yield the floor.

Mr. KYL. Mr. President, since President Johnson declared his War on Poverty, the Federal Government, under federally designed programs, has spent more than $5 trillion on welfare programs. But, during this time, the poverty rate has increased from 14.7 to 15.3 percent.

After trillions of dollars spent on welfare over the past 30 years, we are still dealing with a system that hurts children, rather than helps them. The current system discourages work, penalizes marriage, and destroys personal responsibility and, oftentimes, self-worth.

According to the Public Agenda Foundation, 64 percent of welfare recipients agree that ''welfare encourages teenagers to have children out of wedlock,'' and 62 percent agree that it ''undermines the work ethic.''

And, there are serious negative consequences when a child is born out-of-wedlock. Children born out-of-wedlock have a substantially higher risk of being born at a very low or moderately low birth weight. Children born out of wedlock are more likely to experience low verbal cognitive attainment, as well as more child abuse, and neglect. Children born out of wedlock are more likely to have lower cognitive scores, lower educational aspirations, and a greater likelihood of becoming teenage parents themselves. Children born out of wedlock are three times more likely to be on welfare when they grow up.

Who would not be full of despair and without hope for the future when presented with such a scenario?

S. 1956 seeks to change this by allowing States to design programs that counter these trends, and to change general welfare policy so that it promotes work and marriage.

STATE BLOCK GRANTS

S. 1956 replaces the current AFDC and related child care programs with a general block grant and a child care block grant.

Limited success in reforming welfare has occurred when States and localities have been given the opportunity to go their own way. In Wisconsin, for example—and we all know that Wisconsin is waiting for approval of a waiver to continue to reform its welfare system—a successful program there diverts individuals from ever getting on welfare. Under a local initiative in the city of Riverside, CA, individuals on welfare are staying in jobs permanently. In both Wisconsin and Riverside, welfare rolls have been reduced.

Arizona is a good example of why reform is still needed. Arizona applied in July 1994 to implement a new State welfare program, EMPOWER, based on work, responsibility, and accountability. It took the U.S. Department of Health and Human Services bureaucracy a full year to approve the waiver.

A shift to block grants to States make sense. By allowing States to design their own programs, decisions will be more localized, and the costs of the Federal bureaucracy will be reduced.

NONWORK AND ILLEGITIMACY

It must be emphasized over and over that there are two fundamental driving forces behind welfare dependency that must be addressed in any welfare reform bill: nonwork and nonmarriage.

Nonwork and illegitimacy are key underlying causes of our welfare crisis and, even with the effective elimination of the Federal welfare bureaucracy, they will remain as its legacy if we choose not to address them. People will never get out of the dependency cycle if federal funds reinforce destructive behavior.

NONWORK

Let us deal with the facts: To escape poverty and get off welfare, able-bodied individuals must enter and stay in the workforce. As Teddy Roosevelt said, ''The first requisite of a good citizen in this Republic of ours is that he shall be able and willing to pull his own weight.''

Another fact: The JOBS program that passed as a part of the Family Support Act of 1988 moves a far too small number of welfare recipients into employment. Less than 10 percent of welfare recipients now participate in the JOBS program.

In order to receive all of their block grant funding, under S. 1956, States will be required to move toward what should be their primary goal: self-sufficiency among all their citizens.

S. 1956 requires that 50 percent of a caseload be engaged in work by the year 2002. There are work components of this bill that could be strengthened but it provides a good beginning toward these goals. In addition, under S. 1956 welfare recipients must be engaged in work no later than 2 years after receiving their first welfare payment. States must also lower welfare benefits on a pro rata basis for individuals who fail to show up for required work.

ILLEGITIMACY

Our Nation's illegitimacy rate has increased from 10.7 percent in 1970 to nearly 30 percent in 1991. Eighty-nine percent of children receiving AFDC benefits now live in homes in which no father is present.

It must be reemphasized what role the breakdown of the family has played in our societal and cultural decline. This is not really even a debatable point. The facts support a devastating reality. According to a 1995 U.S. Census Bureau report, the one-parent family is six times more likely to live in poverty than the two-parent family.

S. 1956 provides measures to combat illegitimacy, including providing an incentive fund for states to reduce illegitimacy rates.

In addition, Federal funds under the block grants, unless a State opts out, may not be used to provide additional assistance for mothers having additional children while on welfare. If the rules of welfare are stated clearly to a mother in the beginning, and if allowances are made for noncash essentials like diapers and other items, then such an approach is fair. If such a rule reduces out-of-wedlock births, it may turn out to be more fair than most other aspects of welfare.

Mr. President, the Congress has passed welfare reform two other times, and twice the President has vetoed the legislation. There is an urgency to the task at hand. Children's lives are being compromised—it is time to work toward a system that is recognized for the number of children that never need to be on welfare, rather than the number of children who are brought into the failed welfare state. The Senate should pass S. 1956.

Mr. COATS. Mr. President, in 1962, President Kennedy, in his budget message to Congress, noted:

> The goals of our public welfare program must be positive and constructive. It must contribute to the attack on dependency, juvenile delinquency, family breakdown, illegitimacy, ill health, and disability. It must replace the incidence of these problems, prevent their occurrence and recurrence, and strengthen and protect the vulnerable in a highly competitive world.

This statement presents the strong, initial common ground that we share: that Government has a legitimate role in supporting our most helpless and desperate families with dependent children.

Certainly, our second ground of agreement is that an appropriate welfare policy should do nothing to harm the family being supported. Families are the foundation of our Nation's values. They teach us the principles of economics, the value of relationships, and the importance of moral truths. They define our view of work, responsibility, and authority. They teach us the meaning of trust, the value of honesty, and are the wellspring of every individual's strength against alienation, failure, and despair.

During countless eras when no other organized unit of society even functioned, the family was the institution that made survival of the cultural, political, economic, and social order possible.

We should agree on what a welfare policy should protect—the family—and what it should protect against—dependence on the State. We should also agree that this Nation's current welfare policy has diverged greatly from President Kennedy's vision.

The Government has attempted to end poverty by establishing an engorged bureaucracy and writing checks, all told pouring over $5 trillion into the war on poverty. At the same time, individual dependence on the Government has increased, individual dignity has declined, and the family has been dealt a near fatal blow.

Today, there are more people living in poverty than ever before—and the only thing the Government welfare state has succeeded at doing is spawning generations of people who will be born, live, and die without ever having held a steady job, owned a home, or known the strength of a two parent family.

Individual dependence on the State has increased with every Government intervention. Indeed, the population receiving welfare payments receives checks for extraordinarily long periods of time. Under current law, 25 percent of women can expect to receive those payments for more than 8 years. The typical recipient receives payments for almost 4 years. Forty percent of recipients return to the welfare rolls at least once.

Government intervention has distorted the economic incentive system that, at least in part, motivates a person to give of his labor. Government

intervention eliminates the need to work to support oneself and one's family by providing money regardless of whether one works. Dependence on such a system is all but inevitable.

Given time, a cash payment that is not tied to a requirement to work will undermine the second motivation to work; namely, the desire to produce some benefit, whether tangible or intangible, for oneself or for society. Who can doubt that a person experiencing such a disconnection for any protracted period of time will eventually suffer a loss of individual dignity as the welfare system undermines the moral and personal responsibility of the recipient?

Today however, we are turning to the issue of solutions. Whatever the proposed solution, we must gauge its effectiveness and desirability in terms of the three common grounds discussed throughout this debate. Does our policy foster dependence on the Government or promote independent action by the individual? Does it promote the dignity of the human person or undermine it? Does it destroy the family or build it up?

I am convinced that we will only achieve successful welfare reform when we begin to emphasize personal responsibility. Unfortunately, for far too long welfare programs supported by the Federal Government have failed to acknowledge and promote personal responsibility, and many other core American values.

I would argue that the key goal of welfare reform must be to promote self-sufficiency. A beginning step toward self-sufficiency is to change people's expectations about welfare. A recent GAO study noted that a key challenge for States is to learn how to break the entitlement mentality—the view that public assistance is a guaranteed benefit. States had to start helping individuals understand that a job was in their best interests.

One successful approach to encourage greater responsibility which is being experimented with by several States is the use of personal responsibility agreements. I am proud to say that Indiana has been at the forefront of helping individuals and families achieve long-term stability and self-sufficiency through the use of personal responsibility agreements. With personal responsibility agreements, Indiana's welfare reform plan moves families away from dependence and toward work. More than 39,000 individuals and families in Indiana have signed personal responsibility agreements as of April 1996.

Indiana's agreements require that families who receive AFDC understand that welfare is temporary assistance, and not a way of life. They must develop a self-sufficiency plan and go to work as quickly as possible, recognizing sanctions will be imposed for quitting a job, refusing to accept a job or dropping out of the job program. Families must also take responsibility for their children's timely immunizations and regular school attendance. Furthermore, their AFDC benefits will be limited to the number of children in the family within the first 10 months of qualifying for AFDC. Teenage recipients must live with parents or other adults. And finally, families are limited to a 2-year period of AFDC assistance a job placement track.

The amendment proposed by Senator HARKIN and myself last Thursday makes it clear that States must develop these personal responsibility agreements, such as those required of families in both Indiana and Iowa. This amendment is necessary because under current law States who wish to enter into this agreement with their residents, must first apply to Washington for a waiver of current welfare laws. This requirement to get permission from Washington for such common sense reforms not only steals valuable time from a State's reform efforts, but also represents a completely unnecessary Government intrusion. This amendment frees States from the extended negotiations that are now necessary to receive a Federal waiver, and enables States to move forward from failed, dependence-ridden, welfare programs to programs which promote independence, self-sufficiency, and long-term economic stability.

Senator HARKIN has been a real leader in the area of personal responsibility agreements, having recognized early their success in the State of Iowa. He introduced a very similar amendment to H.R. 4 last year which was ultimately dropped in conference. This year, personal responsibility agreements are found in both the House welfare reform package, H.R. 3507, and in the President's welfare bill. The amendment adopted here last Thursday requires States to adopt this common sense reform measure which ensures that everyone who receives assistance understands from day one that the assistance is a temporary measure intended to help the family achieve self-sufficiency and independence through employment.

Personal responsibility agreements help raise people's expectations while at the same time, giving them a clear goal and positive vision for their future.

The time has come for us to reform our Nation's welfare system. A year ago we passed legislation that is nearly identical to the bill before us today. We have adjusted the bill in many ways in an effort to find the magic formula that would satisfy the opponents of real reform. We have produced a solid package that is best described as a good first step. And we are told that President Clinton may—just may—actually sign this bill.

This welfare bill makes several important changes to the existing system. It ends the Federal entitlement and places strict time limits and work requirements on welfare recipients. Most importantly, this bill turns the task of redesigning public welfare systems over to the States. We will no longer be treated to the spectacle of Governors coming to the Department of Health and Human Services to ask permission for common-sense welfare reform measures.

The lesson for this protracted political exercise is that President Clinton has abdicated leadership on welfare. In 1992, he promised to end welfare as we know it. In 1995 and 1996 he fought to preserve the status quo at every turn. Now, when pollsters and consultants tell him that signing a welfare reform bill might help his reelection campaign, the President has begun to edge his way toward the Rose Garden for a signing ceremony—a ceremony that should have been held a year ago.

Welfare reform is simply too important for this kind of gamesmanship. If President Clinton had signed this bill a year ago, we could have begun the difficult task of changing a culture of dependence and despair into a culture of self-sufficiency and hope. A year later our path has gotten longer and steeper and rockier. For tens of thousands the habit of dependence has grown stronger while hope and will to change have grown fainter. The burden of this failure falls not on Congress—we have done our job not once, not twice, but three times. The burden of failure falls squarely on the shoulders of the President. The very least he can do now is sign this bill.

Mr. KOHL. Mr. President, I want to say that I believe the chairman and ranking member of the Subcommittee have done an excellent job in putting together this bill under very difficult budgetary circumstances. They have done an exceptional job of protecting core programs that are of utmost importance to the Nation's farmers, consumers, and communities.

There is one provision in this bill that I think is of great importance and deserves special mention, and that is the language with regard to cost containment for the WIC program.

I think it's fair to say that every Member of the Senate supports the WIC program. The long-term benefits accruing to society from ensuring adequate pre-natal and neo-natal nutrition have been well documented and uncontested.

A large portion of the cost of the WIC program is associated with the purchase of infant formula for WIC recipients. Fortunately, in recent years competition between formula manufacturers bidding for WIC contracts has led to significant savings in the program, with companies offering rebates on infant formula in order to win WIC contracts. Unfortunately, the competition that led to these rebates has been greatly diminished by the recent withdrawal by one of the competitors, Wyeth Laboratories, from the WIC infant formula market. Fortunately, another formula manufacturer, Carnation, has recently entered the WIC formula market, which could help ensure competition and therefore help contain

the costs of the program. However, in many States, the price of Carnation formula is significantly cheaper than other brands of infant formula, which makes it difficult for Carnation to offer rebates as high as their competitors. However, Carnation may still be able to offer the lowest bid, if measured on a lowest net price basis.

Unfortunately, some States are awarding WIC formula contracts simply on the basis of which company offers the highest rebate, as opposed to the lowest net price bid. The detriments of this simplistic approach are two-fold. First, by focusing on highest rebate instead of lowest net price, States are spending more for infant formula than they should. Second, by biasing the WIC formula bid process toward the companies offering the highest rebate, States are effectively excluding additional competitors, such as Carnation, from the WIC formula market, and thus jeopardizing future cost containment efforts.

To address this problem, the Senate Agriculture appropriations bill includes language that requires States to award infant formula contracts to the bidder offering the lowest net price, unless the State can adequately demonstrate that the retail price of different brands of infant formula within the State are essentially the same.

I commend the managers of the bill for including this common-sense language, which I believe will help secure the long-term viability of the WIC program. It is my hope that this provision will be maintained in conference.

Mr. WARNER. Mr. President, I am pleased to rise in support of S. 1956, the Senate's latest attempt to reform the Nation's welfare system. On two occasions in the last year, the Congress has sent welfare reform legislation to the White House, and on both occasions, our efforts have only been met with the veto pen. I sincerely hope that, as the saying goes, the third time will be the charm.

S. 1956 is in many respects identical to H.R. 4, the welfare reform bill approved in the Senate with my support by a vote of 87 to 12 on September 19, 1995. Again we are proposing to block grant the AFDC [Aid to Families with Dependent Children] program, giving over the responsibility of day-to-day administration to the Nation's Governors, while requiring strict work requirements for able-bodied AFDC recipients, 5 year maximum eligibility, limitations on non-citizens, and home residency and school attendance requirements for unmarried teenage mothers.

I am proud to report that these actions are in keeping with the important steps the Commonwealth of Virginia has already taken to reform our own State welfare system. What we in Virginia have accomplished under Governor George Allen through a laborious process of gaining Federal waiver authority, the Senate is now poised to approve for the entire Nation.

In Virginia we call our welfare reform plan the Virginia Independence Program, and we have successfully been in the implementation stage since July 1, 1995. Our goals are simple and to the point: To strengthen disadvantaged families, encourage personal responsibility, and to achieve self-sufficiency.

On a quarterly basis, and as resources become available in different State locales, we are requiring all able-bodied AFDC recipients to work in exchange for their benefits. Increased income of up to 100 percent of the poverty level is allowed while working toward self-sufficiency. Those unable to find jobs immediately will participate in intensive community work experience and job training programs.

To ease the transition from dependence to self-sufficiency, we are also making available an additional 12 months of medical and child care assistance. We understand that these benefits must be provided if single parents, in particular, are going to be able to fully participate in job training and new work opportunities.

Mr. President, let me sum up by saying that the Federal Government has been fighting President Lyndon Johnson's War on Poverty for 30 years. Aggregate Government spending on welfare programs during this period has surpassed $5.4 trillion in constant 1993 dollars. Despite this enormous spending our national poverty rate remains at about the same level as 1965.

Mr. President, the welfare system we have today is badly broken and we must fix it.

I'd like to add a personal note to this debate. Yesterday, I had the good fortune to visit a true laboratory of welfare reform in Norfolk, VA. This laboratory is entitled the ''Norfolk Education and Employment Training Center'', otherwise known as NEET.

Mr. President, my visit with Norfolk city officials and the NEET employees and students truly strengthened my belief that States and local communities—not the Federal bureaucrats in Washington—are best equipped to help individuals break out of welfare.

The city of Norfolk has done a superb job overseeing the NEET Program. There is real cooperation between the city and the contracting private entity that is running the job training center. There was a genuine pride in the faces of the city workers, NEET employees, and the NEET graduates and students.

I commend the city employees who work with the NEET Center, and in particular, Ms. Suzanne Puryear, the director of the Norfolk Department of Human Services. I would also like to commend Ms. Sylvia Powell and the other fine employees at the NEET Center. There is outstanding talent in these two operations, and I believe the business community in Norfolk recognizes this.

Without getting into all of the details, I would like to note that individuals referred to the center are given opportunities to develop a number of job skills, including computer work, and if necessary, the students are assisted with studying for and earning a GED. They are also provided help with job interview preparation as well as actual job search and post-employment support.

Mr. President, there is tremendous talent among the NEET students and graduates. Arlene Wright came to NEET as a welfare recipient. Today, after some 7 months of training and a loan from NEET, Ms. Wright is the proud owner and director of the Tender Kinder Care day care center.

I also spoke with some of the students. One of the most poignant comments came from Ray Rogers. In her words, Mr. President, Ms. Rogers said that NEET is the kind of program that ''helps you pick yourself up. You learn that you can take the things that you know and apply them to a job.''

Pick yourself up. These are very powerful words. It is time that more Americans are helped to pick themselves up and not just be another statistic waiting for another Government check. If we provide opportunity and instruction at the State and local level, there will be more Ms. Wrights and Ms. Rogers and Nicole Steversons and others whom I met yesterday in Norfolk.

Mr. FEINGOLD. Mr. President, I intend to vote in favor of the pending welfare reform bill.

Last September, I voted for the Senate-passed welfare reform bill.

I did so then with substantial reservations about many of the provisions in that bill. I do so today with many of the same kinds of reservations.

I am voting for this measure for two principal reasons.

First, I believe that the current welfare system is badly broken, and we must find an alternative to the status quo. No one likes the current system, least of all the families trapped in an endless cycle of dependency, poverty, and despair. The current system is plagued by perverse incentives that discourage work. Reforming such a complex system requires taking some risks, and this bill, any welfare reform measure, entails some risks. However, some assumption of risk is necessary to change the status quo.

Second, I am concerned that continuation of a system dominated by detailed prescriptions from Federal officials in Washington may stifle the innovative approaches from State and local governments that can help change the status quo.

The basic premise behind this bill, and much of the reform movement today, is that the current system has failed and that we ought to allow the States the opportunity to try to do a better job and give them the flexibility to try new approaches to these seemingly intractable problems. This approach places a great deal of faith in the good will of State governments to implement programs designed to help, not punish, needy citizens.

Under the framework provided by this legislation, States like Wisconsin would have the opportunity to implement programs like the Wisconsin W–2 program without the necessity of securing numerous waivers from the requirements of current law. Indeed, passage of this measure will render moot much of the need for the current voluminous waiver application filed by the State of Wisconsin earlier this year which has caused much controversy. Although some aspects of the W–2 program, particularly those dealing with Medicaid services, may still require review by HHS, the block grant authority provided for under this legislation is designed to allow the broad flexibility and State control needed to implement State initiated welfare reform programs.

As a former State legislator myself, I have a good deal of respect for the desire of State and local officials to reform this system and help break the cycle of poverty for low-income families. I believe that there need to be certain underlying protections that are national in scope. For example, I believe civil rights protections must be uniform throughout our Nation to assure that the guarantees of our Federal Constitution are extended to all citizens, regardless of their place of residence. I also believe that where Federal funds are being expended, the Federal Government has an obligation to impose certain requirements that should be universal. But States should have sufficient flexibility to design how services are actually provided to allow them the opportunity to try out new ideas and approaches.

For these reasons, I voted last September for the Senate-passed welfare reform bill; at that time, however, I indicated that if the bill returned from conference with punitive, inequitable provisions, I would withdraw my support. Unfortunately, the conference returned a bill which incorporated provisions that were simply unacceptable. The bipartisan welfare reform measure that the Senate had crafted was discarded in favor of a measure based upon the House-passed bill, which was punitive in nature rather than focused upon helping families move from welfare to the workforce. I therefore voted against that measure.

I am pleased to say that the Senate, over the course of this debate, has crafted a measure which will make fundamental changes in the Federal role in the welfare area and at the same time has rejected various provisions which would be harmful to those most in need. The Senate has addressed several important issues and corrected some of the flaws in the legislation.

First, in the area of child care, the Senate bill provides more resources for child care services than contained in the bill we passed last fall. Specifically, the bill increases funding for child care services by almost $6 billion to $13.8 billion from $8 billion contained in last year's bill. The Senate also adopted Senator DODD's amendment by a vote of 96 to 0 which reinstated critical health and safety standards for licensed child care facilities.

Second, by adopting the Chafee-Breaux amendment relating to Medicaid coverage for needy children, the Senate provided a critical safety net. As we endeavor to reform cash grant programs, it is important that access to medical care is not inadvertently sacrificed. The Chafee-Breaux amendment reestablished these protections. Had Chafee-Breaux not been adopted, I would not have been able to accept this bill.

Third, the Senate bill retains a State maintenance of effort requirement at 80 percent of the 1994 contribution. That is the provision the Senate adopted last fall which was unfortunately diluted in the conference version. Restoration of this provision was also key for me. Without such a maintenance of effort requirement, Federal dollars would simply replace State contributions and States like Wisconsin which make substantial contributions to investing in welfare programs would have simply seen their dollars shifted to States which fail to make these kinds of commitments from their State treasuries.

I am also pleased that the Senate struck the language providing for imposition of a family cap which would prohibit States from providing assistance for children born while a family is on welfare. This is another example of where the conference report that the President vetoed contained language that had been rejected by the Senate. Moreover, the bill that was presented to the Senate last week contained this unfortunate language. However, this family cap language was struck by a Byrd point of order.

The Senate also wisely adopted the Conrad amendment that struck provisions that would have allowed block granting of foods stamps. Food stamps have been the mainstay of many families who have been thrown into dire circumstances because of a sudden job loss, an unexpected illness that has sidelined the family breadwinner, or other family misfortunes. Although the bill provides strong work incentives to make sure that individuals receiving these benefits are working toward self-sufficiency, it no longer allows this safety net program to be withdrawn entirely from needy families.

Mr. President, although the Senate rejected many onerous amendments and provisions, there remain provisions in the bill that I don't support.

This is not a reform bill that I would have drafted if I had been the author.

I believe the immigration provisions are too harsh and fail to provide the kind of balanced response that we strived to achieve in the immigration reform legislation now pending in conference. While I support the concept of deeming, the kind of absolute ban on assistance for many legal immigrants which is contained in this bill is not carefully tailored to preserve scarce resources while still providing humane, essential services to those individuals who have come to this country legally.

I am concerned that the Senate narrowly rejected the Ford amendment which would have allowed States to provide noncash vouchers to provide services for children when their families reached the 5-year time limit of eligibility for cash assistance. I have repeatedly voted to support allowing vouchers in such circumstances. I think it is a reasonable response to make sure that young children are not denied basic support when their parents fail to make the transition into the work force within the designated time period. I recognize that the bill allows a State to exempt 20 percent of their caseloads from the time-limit provisions, but I do not believe that this is adequate protection for the children involved.

I also fear that the level of cuts in food stamp funds may be too deep, and will hurt needy families. These cuts may need to be revisited, either in conference or in other legislation.

I remain uncertain about ultimate wisdom of terminating our 60-year Federal commitment of a guaranteed Federal safety net for young children. The Senator from New York [Mr. MOYNIHAN] has been an eloquent leader in articulating the dangers of eliminating this entitlement protection for needy children and replacing it with a patchwork quilt of State programs. Clearly, there will be States that will fail to use this opportunity to enact real welfare reform measures and instead, pursue punitive measures designed to stigmatize those who seek welfare assistance in times of need. Children in these States will be harmed by not having the Federal safety net that exists today in the AFDC program. On the other hand, if a number of the States use this opportunity to help devise effective ways to help families move out of welfare and into the work force, many children will benefit from the higher incomes and better opportunities they will have.

We are faced with a difficult choice, Mr. President. On the one hand, children are hurt by the current system; yet, many may be hurt by the loss of this Federal safety net. The bill does contain assessment provisions that will allow Congress to make changes, if necessary, if eliminating the entitlement under Federal law causes undue hardships. I think those of us who vote for this experiment need to watch carefully how it is implemented and be prepared to take action if the results fall short of what we hope will occur.

Mr. President, as I said at the outset, I am voting for this bill because we cannot continue the current system. I am hopeful that the States will seize this opportunity to develop approaches that will help welfare recipients and their families become economically self-sufficient, rather than punishing those who fall through the system. I

believe that the problems of welfare policy are so complex and difficult that it is a mistake to believe that there is only one approach that will work. This bill is intended to encourage State experimentation with approaches that will work.

In the final analysis, Mr. President, this vote challenges us to decide whether or not we want to perpetuate the status quo. In my view, the status quo is unacceptable. Therefore, I will support this legislation and the effort to bring about fundamental welfare reforms.

SOUTH DAKOTA'S WORKFARE WORKS

Mr. PRESSLER. Mr. President, as the Senate once again nears final action on a workfare bill, I am reminded of an old commonsense saying, ''Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime''. This sums up the clear, fundamental difference between today's failed liberal welfare system and the commonsense reform bill before us. The current welfare system has failed. We all know it. Instead of assisting needy Americans, the current system holds Americans down, perpetuates a cycle of dependency, increases moral decay, and cripples self-respect. Welfare was meant to be a safety net, not a way of life. The bill before us would change the system and the lives of many Americans for the better. This bill would restore the values of personal responsibility and self-sufficiency by making work, not Government benefits, the centerpiece of welfare. I am proud to be a part of the team that has brought this historic legislation to the floor.

Why does the current system not work? Generations of able-bodied families have stayed on the dole rather than work. The rationale is simple: Welfare recipients today can sit at home and make more each week than individuals working full time on the minimum wage. This disincentive to work is an insult to hardworking Americans. In essence, we have a Government program that challenges the American work ethic. South Dakotans demonstrate that a hard work ethic provides for themselves and their families. Many work long hours, seek overtime, or have two, even three jobs to make ends meet. Imagine how they must feel when their tax dollars are used to support Americans who need not work. I can tell you how they feel—upset. If we work for our wages, welfare recipients should work for benefits. That is why we need workfare.

I am pleased Chairman ROTH included my workfare amendments during the Finance Committee's markup consideration of welfare reform. These amendments would ensure that welfare recipients put in a full work week, just as other Americans do, in order to receive benefits. These entitlements would increase the number of welfare recipients who must work and avoid a liberal loophole to avoid real work.

Workfare is not a new idea. Fifteen years ago, South Dakotans wanted to address their own special needs and develop real solutions for their welfare system. South Dakota wanted workfare, not welfare. The problem is, Federal law makes it difficult to experiment with workfare, especially since the current administration has sought to protect the current, failed system. For example, in August 1993, South Dakota sought a Federal waiver to operate a workfare program. That waiver took nearly a year to approve. Today, South Dakota has a system that requires recipients to sign a social contract and imposes a tough 2-year time limit on benefits. This approach has worked. South Dakota has successfully decreased its welfare caseload by 17 percent since January 1993 and saved more than $5.6 million. South Dakota's experience is proof that workfare works.

Just as important are the success stories behind the statistics—the South Dakotans who have moved from welfare to work. Let me share two such stories about two very special ladies with unique circumstances: Marilou Manguson of Rapid City and Belinda Mayer of Sioux Falls. They deserve our praise. Marilou and her 10-year-old son were receiving AFDC and food stamps. When she applied for welfare, she was informed she would have to get a job. For 4 months, Marilou attended computer and accounting courses, and prepared every day for interviews with the South Dakota Job Service Job Club. Two weeks later she found a full time job with a government sales agency. In contrast, 20 years ago, when Marilou was on welfare, she says all one needed to do is show up to get a check. Marilou now knows the old system didn't help her. She said, ''You can't just sit at home and do nothing. You have to get out and do something for yourself.'' She's absolutely right. Today, Marilou is not receiving any welfare assistance.

When Belinda Mayer's ex-husband quit paying child support, she was left to care for a child, but was only earning $6 per hour. Belinda applied for welfare benefits so she could obtain a 2-year accounting degree from Western Dakota Technical Institute [WDTI] and, hopefully, find a better job. She continued to receive benefits while she went to school and was able to obtain child support. This May, Belinda graduated and found a job right away as a commercial service specialist with Norwest Bank in Sioux Falls. For Belinda, welfare reform is a very important issue. As she says, help should be there, ''but it should not become a crutch'' for people. Both of these women can look forward to a very stable, solid future for themselves and their families. I am very proud of their hard work and applaud their efforts.

Their success is South Dakota's success. South Dakota has reached out to enable those in times of difficulty to regain control of their lives.

These examples demonstrate that workfare is achieving success at the local level. South Dakota was fortunate to get its waiver approved to run a workfare program. Other States are still waiting for waiver approval. This waiver process reflects a basic problem: a one-size-fits-all system run by Federal bureaucrats. Welfare cannot be solved one waiver at a time. Federal bureaucrats have worked to preserve the current, failed system by being slow to approve State waivers. That must change. States should be given the flexibility to seek solutions and alternatives to welfare problems. I have more faith in South Dakotans' dedication to welfare reform than I do in Washington bureaucrats.

Clearly, we need greater State flexibility also because there is not a grand, ''one-size'' solution to ending welfare dependency. Welfare reform programs in Oglala, Fort Thompson, or Rapid City, SD may not necessarily work in Los Angeles or New Orleans. South Dakota's welfare problems are unique, and even differ greatly from our nearest neighbors. My State has three of the five poorest counties in the country. We have some of the lowest wages in the country. We also have the highest percentage of welfare recipients who are Native Americans. In some reservation areas, unemployment runs higher than 80 percent. Long distances between towns and a lack of public transportation and quality child care are further barriers to gainful employment.

To promote greater State flexibility, the bill before us would provide welfare assistance in the form of block grants to the States. Block grants would give States the freedom to craft solutions that best serve local needs. It has been proven time and again that Washington bureaucrats cannot understand unique local needs from thousands of miles away. The distance, both literally and figuratively, that separates Washington from our cities and towns prevents the most appropriate solutions from being tailored to our problems.

Workfare is not just about restoring responsibility at the individual and State level, it is about protecting children in need. The workfare bill before us would ensure that children have quality food and shelter. This bill would increase our investment in child care by $4.5 billion and increase child protection and neglect funds by $200 million over current law. What this bill eliminates is cumbersome bureaucracy and needless regulations.

The bill also would strengthen child support enforcement and give States new tools to crack down on deadbeat parents. These reforms represent the toughest child support laws ever passed by Congress. One woman in South Dakota has informed me that her ex-husband owes her thousands of dollars in overdue child support. For her and many other parents in the same difficult situation, this bill would help. The current system fosters illegitimacy and discourages marriage and

parental responsibility. Real welfare reform should promote the basic family unit, and crack down on those who deliberately walk away from meeting the needs of their children. The disincentives to a sound family structure also must be changed. More and more children are growing up without the moral guidance and financial support of parents, especially fathers. This is a tragedy of our time.

We also no longer can tolerate the blatant abuses of the system. Last year, I was shocked to learn the extent to which prisoners are able to continue to receiving welfare benefits. The workfare bill we passed last year included my amendment to crack down on prisoner welfare fraud. I am pleased this provision is in the current bill. It would put an end to cash payments to alcohol and drug addicts, which only subsidizes their habits.

Several years ago, President Clinton promised America he would change welfare as we know it. Two years ago, Congress made the same promise. Last year Congress delivered on that promise and passed workfare. Unfortunately, President Clinton vetoed that workfare bill. I hope the President will do the right thing this time and support our workfare legislation.

Again, I am proud to be part of this effort to enact workfare legislation. The workfare bill before us would end welfare dependency by requiring work and placing a time limit on benefits. We can change the welfare system and encourage people to become self-sufficient and productive members of society, once again. We can provide more protection for children. I hope my colleagues on both sides of the aisle will show the same support for workfare that we demonstrated last year. Americans deserve more than a handout for today, they deserve the hope and happiness that come through personal financial independence and the self-realization of work.

Mr. GRAMS. Mr. President, I rise today in support of the legislation before us to reform our failed welfare system. I commend the majority leader for getting this legislation to the floor—I know it has taken a concentrated effort to bring us to this point.

Since the beginning of the 104th Congress, we have been debating the state of this Nation's welfare system. Everyone understands that the system is broken. It encourages illegitimacy. It fails to recognize the importance of marriage and family. It offers no hope or opportunity for those Americans who are trapped within its layers of bureaucracy.

Of course, it was not supposed to be this way.

After signing the 1964 Welfare Act, President Lyndon Johnson proclaimed, ''We are not content to accept the endless growth of relief rolls or welfare rolls,'' and he promised the American people that ''the days of the dole in our country are numbered.'' The New York Times predicted the legislation would lead to the restoration of individual dignity and the longrun reduction of the need for Government help.

In 1964, America's taxpayers invested $947 million to support welfare recipients—an investment which President Johnson declared would eventually, quote, ''result in savings to the country and especially to the local taxpayers'' through reductions in welfare caseloads, health care costs, and the crime rate. Yet, 30 years later, none of those predictions have materialized, and the failure of the welfare system continues to devastate millions of Americans every day—both the families who receive welfare benefits and the taxpayers who subsidize them.

Despite a $5.4 trillion investment in welfare programs since 1964, at an average annual cost that had risen to $3,357 per taxpaying household by 1993:

One in three children in the United States today is born out of wedlock.

One child in seven is being raised on welfare through the Aid to Families with Dependant Children Program.

And our crime rate has increased 280 percent.

Mr. President, those are the kinds of devastating statistics which until the 104th Congress were ignored by the bureaucratic establishment in Washington. Those are the statistics this legislation will finally address. By rewriting Federal policies and working in close partnership with the States, we can create a welfare system which will effectively respond to the needs of those who depend upon it, at the same time it protects the taxpayers.

Our legislation sets in place the framework for meeting those needs by offering opportunity, self-respect, and most importantly, the ability for those who are down on their luck to take control of their own lives.

And yes, we are asking something of them in return.

The most significant change in our welfare system is that we will require able-bodied individuals to work in exchange for the assistance they receive from the American taxpayers.

Mr. President, my colleagues and I have come to the floor repeatedly this session to suggest that our present welfare system promotes dependency by discouraging recipients from working. In fact, the Government routinely makes it so easy for a welfare recipient to skip the work and continue collecting a Federal check that there's absolutely no incentive to ever get out of the house and find work. And if someone actually takes the initiative to get a job, they risk forfeiting their welfare benefits entirely.

Last year, during Senate consideration of the ''Work Opportunity Act,'' Senator SHELBY and I joined forces to ensure that welfare recipients receive benefits only after they work. After all, American taxpayers are putting in at least 40 hours on the job each week, and are sometimes forced to take an additional job or work overtime hours just to make ends meet. I believe welfare recipients should be held to the same standards, the same work ethic, to which the taxpayers are held. Those beliefs are reflected in this legislation.

Under our pay-for-performance provisions, welfare recipients will be required to work in exchange for their benefits. If an adult is not employed within 2 years, the benefits will stop. Is that enough of a push to make a difference? Yes, according to the Congressional Budget Office. It released a report this month which estimates these tough work requirements will put 1.7 million people who are currently on welfare into the work force. That is almost four times the number of welfare recipients who are working today.

To ease their transition into the job market and help single parents find accessible and affordable child care, we fold seven major Federal child-care programs into a child care and development grant, with total funding of $22 billion over 7 years.

In addition, Mr. President, our bill recognizes that locally elected officials—our State legislators and Governors—are more capable than their unelected counterparts in far-off Washington to administer effective programs on the State and local level. And so this welfare reform legislation will give States like Minnesota the flexibility to make their own rules and develop their own innovative programs, and in doing so assist those who need our help most.

But despite all the good this legislation will accomplish, I must temper my enthusiasm with my disappointment that the only way to move this bill forward was to strip away its Medicaid reform provisions. Mr. President, the administration cannot hope to resolve the problems with the Medicaid system by turning its back and pretending these problems do not exist. At some point, they will be forced to deal with a system that is too unwieldy and unable to fully serve the needy. By demanding, by threat of veto, that we tackle Medicaid another day, the administration has ensured that political gamesmanship has won out over political will.

The sensible Medicaid reforms outlined in the original reconciliation package would strengthen the system by increasing Medicaid spending from $96.1 billion in 1996 to $137.6 billion in 2002. That is an average annual rate of growth of 6.2 percent. States would be given additional flexibility in delivering care, while Federal protections would be maintained to ensure that those who need Medicaid's assistance will not be denied.

Unfortunately, those reforms will now have to wait. But I can assure you that they will be revisited—if not by this Congress and this administration, then certainly by the next.

Mr. President, the legislation before us today to overhaul our failed welfare programs is a positive step away from a system which has held nearly three

generations hostage with little hope of escape. Only through its enactment can we offer these Americans a way out, and a way up.

As Americans, we need to look within ourselves rather than continuing to look to Washington for solutions. Does anybody really believe the Federal Government embodies compassion, that it has a heart? Of course not—those are qualities found only outside Washington, in America's communities.

Mr. President, there is no one I can think of who better exemplifies heart and compassion than Corla Wilson-Hawkins, and I was fortunate to have had the opportunity to meet her. She was one of 21 recipients of the 1995 National Caring Awards for her outstanding volunteer service to her community.

Corla is known as Mama Hawk because, more than anything else, she has become a second mother to hundreds of schoolchildren in her West Side Chicago community, children who, without her guidance, might go without meals, or homes, or a loving hug.

Mama Hawk gives them all that and more, and she and the many caring Americans like her represent the good we can accomplish when ordinary folks look inward, not to the Government—and follow their hearts, not the trail of tax dollars to Washington.

Mama Hawk tells a story that illustrates how the present welfare system has permeated our culture and become as ingrained as the very problems it was originally created to solve.

These are her words:

When I first started teaching, I asked my kids, what did they want to be when they grew up? What kind of job they wanted. Most of them said they wanted to be on public aid. I was a little stunned. I said, ''Public aid—I did not realize that was a form of employment.'' They said, ''Well, our mom's on public aid. They make a lot of money and, if you have a baby, they get a raise.''

Mr. President, that is the perception—maybe even the reality—we are fighting to change through the Personal Responsibility and Work Opportunity Act of 1996. While there is more to accomplish, this bill is a good first step toward fulfilling a promise to truly end welfare as we know it.

● Mrs. KASSEBAUM. Senator ROTH, the budget reconciliation bill (S. 1795) includes a proposal that is in the jurisdiction of the Senate Committee on Labor and Human Resources. As you know, last year during debate on the welfare bill, the Child Care and Development Block Grant Amendments Act of 1995 (S. 850), which was approved unanimously by the Labor Committee on May 26, 1995, was incorporated into H.R. 4. And H.R. 4 was then included in last year's budget reconciliation bill. During the conference on last year's budget reconciliation bill, conferees from the Labor Committee and the Finance Committee reached agreement on a unified system for all Federal child care assistance, including child care assistance for low-income working families as well as for welfare families and for families at risk of becoming dependent on welfare. This consolidation and unified system for child care is a major improvement over current law.

I would also like to bring to your attention a proposal contained in the House reconciliation bill that falls within the jurisdiction of the Labor Committee. The House bill incorporates the Child Abuse Prevention and Treatment Act Amendments of 1995 (S. 919), which was unanimously approved by the Labor Committee on July 18, 1995. Although this proposal was not included in S. 1795, it will be considered during the budget reconciliation conference.

Because of the unique procedures that apply to budget reconciliation bills, the Labor Committee was not given the opportunity to mark up the child care proposal in S. 1795 and the child abuse authorizations in the House bill. I am concerned that members of the Finance Committee will be negotiating changes in these Labor Committee programs during the budget reconciliation conference without any input from the committee of jurisdiction.

Senator ROTH. Let me assure the distinguished chairman of the Senate Committee on Labor and Human Resources that I recognize that the child care and development block grant is within the jurisdiction of the Labor Committee, with the Finance Committee retaining jurisdiction over the entitlement funds for child care that flow through this program. As you know, the Finance Committee's entitlement funds must be used to provide child care services to families receiving assistance under the new TANF block grant, families transitioning from welfare to work, and families at risk of becoming dependent upon welfare. I also recognize that the Labor Committee has jurisdiction over the Child Abuse Prevention and Treatment Act.

Mrs. KASSEBAUM. I thank the distinguished Chairman of the Finance Committee. Mr. President, I request that a copy of a letter sent to Chairman ROTH by myself, Senator KENNEDY, Senator COATS, and Senator DODD and a copy of S. 850, the Child Care and Development Block Grant Amendments Act of 1995, as approved by the Senate Committee on Labor and Human Resources, be made a part of the RECORD. The text of S. 919, the Child Abuse Prevention and Treatment Act Amendments, as approved by the Senate appears in the CONGRESSIONAL RECORD of Friday, July 19, 1996.

The material follows:

U.S. SENATE, COMMITTEE ON
LABOR AND HUMAN RESOURCES,
Washington, DC, June 24, 1996.

Hon. WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR BILL: It is our understanding that the Committee on Finance intends to mark-up reconciliation language based on S. 1795, the ''Personal Responsibility and Work Opportunity Act of 1996.'' We presume that the Committee on Finance intends to include provisions in Title VIII on child care and provisions in Title VII on child abuse and neglect that were part of last year's conference agreement on welfare reform. Because this language will be reported by the Finance Committee to the Senate Committee on the Budget as part of budget reconciliation, it will have special status during floor consideration of the legislation. One of the conditions of that special status is that extraneous provisions are not in order. Section 313(b)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the ''Byrd Rule,'' creates a point of order against extraneous provisions that are ''. . . not in the jurisdiction of the Committee with jurisdiction over said title or provision.''

We are making recommendations to the Committee on Finance in an effort to facilitate the reconciliation process. However, we strongly believe that it must be made clear that the budget procedures in no way alter existing jurisdiction over child care and child abuse/neglect. In order to make this clear, we expect to engage in a colloquy when the reconciliation bill comes to the floor, rather than using the Byrd rule to preserve the committee's jurisdiction.

Titles VII and VIII of S. 1795 include extraneous provisions in the form of changes in authorizations under the jurisdiction of the Senate Committee on Labor and Human Resources. Last year, during the development and consideration of the welfare provisions in the Balanced Budget Act of 1996 and the welfare reform bill, members of the Labor Committee were active participants. The child care and child abuse and neglect provisions in the Senate-passed welfare reform bill were, in fact, Labor Committee-passed bills and were included in the conference negotiations for both the Balanced Budget Act of 1996 and the welfare reform legislation. Both of these Labor Committee bills were passed with strong bipartisan support. To meet the requirements of the Congressional Budget and Impoundment Control Act, the Labor Committee's child abuse and neglect provisions were dropped from the conference report for the Balanced Budget Act of 1996, but were included in the welfare reform legislation.

Members of the Senate Committee on Labor and Human Resources were conferees on the Balanced Budget Act of 1996, due to the inclusion of the child care provisions and House inclusion of the child abuse and neglect provisions. If this bill were going through the normal legislative process for changes in authorization bills, the Committee on Labor and Human Resources would be entitled to make modifications to the provisions under its jurisdiction. However, because the Finance Committee has included changes in Labor Committee programs in the Medicaid-welfare reconciliation bill, the Committee on Labor and Human Resources will be precluded from the opportunity to make changes in the bill.

Under these circumstances, we recognize that the only way that revisions can be made to programs under the jurisdiction of the Labor Committee is to have these changes made during Finance Committee consideration of the Medicaid-welfare reconciliation bill. In anticipation of the mark-up of the legislation by the Finance Committee, we would like to recommend several modifications to the Labor Committee provisions in the bill.

In ''Title VIII—Child Care:''

1. Maintain the health and safety standards in current law;

2. Increase the set-aside for activities to improve the quality of child care from 3 percent to 4 percent;

3. Increase the age from under six (6) to under eleven (11) when a single custodial parent could not be sanctioned for failing to meet the work requirements if adequate, affordable child care is not available; and

4. Require the states to maintain 100 percent of 1995 child care funding to be eligible for additional child care funds.

All of the recommended modifications to Title VIII were passed by the House Committee on Economic and Educational Opportunities.

In ''Title VII—Child Protection Block Grant Programs and Foster Care, Adoption Assistance and Independent Living Programs'' of the Finance Committee bill, a number of authorizations that are in the jurisdiction of the Committee on Labor and Human Resources are rewritten to be consolidated into block grants. These changes have never been formally considered, or debated by the full Labor Committee. In addition, the Medicaid-welfare reconciliation bill even strikes several important provisions that were included in the last year's reconciliation conference report and reported out by the relevant House committees in this year's reconciliation bill. Specifically, those provisions concern the prompt expungement of child abuse records on unsubstantiated or false cases; the appointment of guardian ad litems; and the inclusion of material in support of the state's certification concerning the reporting of medical neglect of disabled infants.

We look forward to working with the members of the Finance Committee on this legislation and being formally included in the conference negotiations on provisions under the jurisdiction of the Committee on Labor and Human Resources.

Sincerely,

NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources.
DAN COATS,
Chairman, Subcommittee on Children and Families.
EDWARD M. KENNEDY,
Ranking Member, Committee on Labor and Human Resources.
CHRISTOPHER DODD,
Ranking Member, Subcommittee on Children and Families.

S. 850

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Care and Development Block Grant Amendments Act of 1995''.

SEC. 2. AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subchapter $1,000,000,000 for fiscal year 1996, and such sums as may be necessary for each of the fiscal years 1997 through 2000.''.

(b) LEAD AGENCY.—Section 658D(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''State'' and inserting ''governmental or nongovernmental''; and

(B) in subparagraph (C), by inserting ''with sufficient time and Statewide distribution of the notice of such hearing,'' after ''hearing in the State''; and

(2) in paragraph (2), by striking the second sentence.

(c) APPLICATION AND PLAN.—Section 658E of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c) is amended—

(1) in subsection (b), by striking ''implemented—'' and all that follows through ''plans.'' and inserting ''implemented during a 2-year period.'';

(2) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (iii) by striking the semicolon and inserting a period; and

(II) by striking ''except'' and all that follows through ''1992.''; and

(ii) in subparagraph (E)—

(I) by striking clause (ii) and inserting the following new clause:

''(ii) the State will implement mechanisms to ensure that appropriate payment mechanisms exist so that proper payments under this subchapter will be made to providers within the State and to permit the State to furnish information to such providers.''; and

(II) by adding at the end thereof the following new sentence: ''In lieu of any licensing and regulatory requirements applicable under State and local law, the Secretary, in consultation with Indian tribes and tribal organizations, shall develop minimum child care standards (that appropriately reflect tribal needs and available resources) that shall be applicable to Indian tribes and tribal organization receiving assistance under this subchapter.''; and

(iii) by striking subparagraphs (H) and (I); and

(B) in paragraph (3)—

(i) in subparagraph (C)—

(I) in the subparagraph heading, by striking ''AND TO INCREASE'' and all that follows through ''CARE SERVICES'';

(II) by striking ''25 percent'' and inserting ''15 percent''; and

(III) by striking ''and to provide before-'' and all that follows through ''658H)''; and

(ii) by adding at the end thereof the following new subparagraph:

''(D) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the aggregate amount of payments received under this subchapter by a State in each fiscal year may be expended for administrative costs incurred by such State to carry out all its functions and duties under this subchapter.''.

(d) SLIDING FEE SCALE.—

(1) IN GENERAL.—Section 658E(c)(5) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)) is amended by inserting before the period the following: ''and that ensures a representative distribution of funding among the working poor and recipients of Federal welfare assistance''.

(2) ELIGIBILITY.—Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(B)) is amended by striking ''75 percent'' and inserting ''100 percent''.

(e) QUALITY.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State'';

(B) by striking ''not less than 20 percent of''; and

(C) by striking ''one or more of the following'' and inserting ''carrying out the resource and referral activities described in subsection (b), and for one or more of the activities described in subsection (c).'';

(2) in paragraph (1), by inserting before the period the following: '', including providing comprehensive consumer education to parents and the public, referrals that honor parental choice, and activities designed to improve the quality and availability of child care'';

(3) by striking ''(1) RESOURCE AND REFERRAL PROGRAMS.—Operating'' and inserting the following:

''(b) RESOURCE AND REFERRAL PROGRAMS.—The activities described in this subsection are operating'';

(4) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively;

(5) by inserting before paragraph (1) (as so redesignated) the following:

''(c) OTHER ACTIVITIES.—The activities described in this section are the following:''; and

(6) by adding at the end thereof the following:

''(5) BEFORE- AND AFTER-SCHOOL ACTIVITIES.—Increasing the availability of before- and after-school care.

''(6) INFANT CARE.—Increasing the availability of child care for infants under the age of 18 months.

''(7) NONTRADITIONAL WORK HOURS.—Increasing the availability of child care between the hours of 5:00 p.m. and 8:00 a.m.

''(d) NONDISCRIMINATION.—With respect to child care providers that comply with applicable State law but which are otherwise not required to be licensed by the State, the State, in carrying out this section, may not discriminate against such a provider if such provider desires to participate in resource and referral activities carried out under subsection (b).''.

(f) REPEAL.—Section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) is repealed.

(g) ENFORCEMENT.—Section 658I(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(b)(2)) is amended—

(1) in the matter following clause (ii) of subparagraph (A), by striking ''finding and that'' and all that follows through the period and inserting ''finding and may impose additional program requirements on the State, including a requirement that the State reimburse the Secretary for any funds that were improperly expended for purposes prohibited or not authorized by this subchapter, that the Secretary deduct from the administrative portion of the State allotment for the following fiscal year an amount that is less than or equal to any improperly expended funds, or a combination of such options.''; and

(2) by striking subparagraphs (B) and (C).

(h) REPORTS.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended—

(1) in the section heading, by striking ''ANNUAL REPORT'' and inserting ''REPORTS''; and

(2) in subsection (a)—

(A) in the subsection heading, by striking ''ANNUAL REPORT'' and inserting ''REPORTS'';

(B) by striking ''December 31, 1992, and annually thereafter'' and inserting ''December 31, 1996, and every 2 years thereafter'';

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting before the semicolon ''and the types of child care programs under which such assistance is provided'';

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(D) by striking paragraph (4);

(E) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(F) in paragraph (4), as so redesignated, by striking ''and'' at the end thereof;

(G) in paragraph (5), as so redesignated, by adding ''and'' at the end thereof; and

(H) by inserting after paragraph (5), as so redesignated, the following new paragraph:

''(6) describing the extent and manner to which the resource and referral activities are being carried out by the State;''.

(i) REPORT BY SECRETARY.—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking ''1993'' and inserting ''1997'';

(2) by striking ''annually'' and inserting ''bi-annually''; and

(3) by striking ''Education and Labor'' and inserting ''Economic and Educational Opportunities''.

(j) ALLOTMENTS.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (c), by adding at the end thereof the following new paragraph:

''(6) CONSTRUCTION OR RENOVATION OF FACILITIES.—

''(A) REQUEST FOR USE OF FUNDS.—An Indian tribe or tribal organization may submit to the Secretary a request to use amounts provided under this subsection for construction or renovation purposes.

''(B) DETERMINATION.—With respect to a request submitted under subparagraph (A), and except as provided in subparagraph (C), upon a determination by the Secretary that adequate facilities are not otherwise available to an Indian tribe or tribal organization to enable such tribe or organization to carry out child care programs in accordance with this subchapter, and that the lack of such facilities will inhibit the operation of such programs in the future, the Secretary may permit the tribe or organization to use assistance provided under this subsection to make payments for the construction or renovation of facilities that will be used to carry out such programs.

''(C) LIMITATION.—The Secretary may not permit an Indian tribe or tribal organization to use amounts provided under this subsection for construction or renovation if such use will result in a decrease in the level of child care services provided by the tribe or organization as compared to the level of such services provided by the tribe or organization in the fiscal year preceding the year for which the determination under subparagraph (A) is being made.

''(D) UNIFORM PROCEDURES.—The Secretary shall develop and implement uniform procedures for the solicitation and consideration of requests under this paragraph.''; and

(2) in subsection (e)—

(A) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (4), any''; and

(B) by adding at the end thereof the following new paragraph:

''(4) INDIAN TRIBES OR TRIBAL ORGANIZATIONS.—Any portion of a grant or contract made to an Indian tribe or tribal organization under subsection (c) that the Secretary determines is not being used in a manner consistent with the provision of this subchapter in the period for with the grant or contract is made available, shall be reallocated by the Secretary to other tribes or organization that have submitted applications under subsection (c) in proportion to the original allocations to such tribes or organization.''.

(k) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) in paragraph (2), in the first sentence by inserting ''or as a deposit for child care services if such a deposit is required of other children being cared for by the provider'' after ''child care services''; and

(2) in paragraph (5)(B)—

(A) by inserting ''great grandchild, sibling (if the provider lives in a separate residence),'' after ''grandchild,'';

(B) by striking ''is registered and''; and

(C) by striking ''State'' and inserting ''applicable''.

(l) APPLICATION OF SUBCHAPTER.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 658T. APPLICATION TO OTHER PROGRAMS.

''Notwithstanding any other provision of law, a State that uses funding for child care services under any Federal program shall ensure that activities carried out using such funds meet the requirements, standards, and criteria of this subchapter and the regulations promulgated under this subchapter. Such sums shall be administered through a uniform State plan. To the maximum extent practicable, amounts provided to a State under such programs shall be transferred to the lead agency and integrated into the program established under this subchapter by the State.''.

SEC. 3. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the availability and accessibility of quality child care will be critical to any welfare reform effort;

(2) as parents move from welfare into the workforce or into job preparation and education, child care must be affordable and safe;

(3) whether parents are pursuing job training, transitioning off welfare, or are already in the work force and attempting to remain employed, no parent can be expected to leave his or her child in a dangerous situation;

(4) affordable and accessible child care is a prerequisite for job training and for entering the workforce; and

(5) studies have shown that the lack of quality child care is the most frequently cited barrier to employment and self-sufficiency.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Government has a responsibility to provide funding and leadership with respect to child care.

SEC. 4. REPEALS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—The State Dependent Care Development Grants Act (42 U.S.C. 9871 et seq.) is repealed.

(b) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.—The Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901 et seq.) is repealed.

(c) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of the Congress and the Director of the Office of Management and Budget, the Secretary of Health and Human Services shall prepare and submit to the Congress a legislative proposal in the form of an implementing bill containing technical and conforming amendments to reflect the amendments and repeals made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit the implementing bill referred to under paragraph (1).●

Mr. WELLSTONE. Mr. President, I ask the chairman if it is his understanding that this bill should not undermine or contradict the violence against women act?

Mr. ROTH. Yes, that is my understanding.

RECONCILIATION, THE DEFICIT AND SENATE PROCEDURE

Mr. DOMENICI. Mr. President, on the Democrat side of the aisle, the charge has been made that we are abusing reconciliation in a way that has never been done before. Reconciliation is a process that is designed to allow expedited consideration of the budget. The budget has become an extremely controversial issue and efforts to include extraneous matter in reconciliation has led to abuse in the past by both Republicans and Democrats.

We adopted in the Byrd rule in 1985 to prohibit the inclusion of extraneous matter in reconciliation. Making determinations on whether something is extraneous falls on the shoulders of the Parliamentarians. This is a small office, comprising just three Parliamentarians, that must make judgments on very controversial and complicated issues in a very short period of time. I think they do their best to apply a very ambiguous standard against very complicated and lengthy reconciliation legislation.

With Republicans in control of the Senate and the House, we have heard from Democrats that reconciliation is being abused. Just for the record, let me read a couple of statements made by Senators CHAFEE and Danforth during consideration of the 1993 omnibus reconciliation bill, a reconciliation bill that was considered when the Democrats were in control of the Senate.

The conference report on the 1993 reconciliation bill comprised President Clinton's controversial budget package. This legislation included provisions that had nothing to do with deficit reduction regarding bovine growth hormones and a national vaccination program. Senator Danforth raised a point of order and the Chair ruled against him. Senator Danforth then appealed the ruling of the Chair.

During the debate on the appeal, Senator CHAFEE effectively stated that the Chair's ruling made a ''complete joke out of the Byrd rule'' and Senator Danforth implied that the Byrd rule was being applied on a ''whimsical basis'' and that ''anything goes'' under the standard that was being used for the Byrd rule's enforcement in 1993.

Mr. President, during consideration of the budget resolution, the distinguished minority leader raised a point of order against the budget resolution because it ''creates a budget reconciliation bill devoted solely to worsening the deficit''. The Presiding Officer did not sustain that point of order and the Senate upheld the Chair's ruling on an appeal. I do not want the Senate to be left with the impression that the budget act allows Congress to use reconciliation to generate an unlimited number of bills that would increase the deficit under reconciliation procedures. Such a use of reconciliation would be clearly abusive.

We had no intention of using reconciliation to increase the deficit. In

fact, the budget resolution we adopted and the reconciliation instructions it includes will not only reduce the deficit, it will balance the budget. Even if an effort was made to use reconciliation solely to increase the deficit, the budget rules would have prohibited it.

The budget act grants special status in the Senate to reconciliation legislation and any effort to abuse this process represents an abuse of the Senate. While I do not think we have abused reconciliation, I was troubled by the minority leader's point of order and I want to review with the Senate what has occurred since the minority leader made his point of order and inquiries of the Chair. I think this is particularly important as we proceed with reconciliation legislation.

The minority leader's chief concern was that reconciliation should not be used to increase the deficit. The Senate-reported budget resolution included three sets of reconciliation instructions to generate three individual reconciliation bills. The first bill would reduce outlays by $124.8 billion and the second by $214.8 billion. The two bills combined would reduce the deficit by $339.6 billion. If, and only if, these two bills were enacted, then a third reconciliation instruction would be triggered to reduce revenues by not more than $116.1 billion. In addition, under the Senate's pay-as-you-go point of order legislation cannot cause an increase in the deficit unless it is offset by previously enacted legislation. Even undue the Senate-reported resolution, reconciliation could not increase the deficit. In fact, reconciliation had to result in an overall reduction in the deficit.

Mr. President, the minority leader's concern focused on the third instruction in the resolution that called for a reconciliation bill that would reduce revenues by not more than $116.1 billion and would reduce outlays by $11.5 billion. The minority leader was correct that third reconciliation bill viewed alone would increase the deficit; however, we would never have gotten to that third bill without first having done the first two bills.

In conference, we modified the reconciliation instructions to permit a reduction in revenues in the first instruction. Since the outlay reductions in this first instruction exceeded the revenue reduction, this first bill could not increase the deficit. Therefore, reconciliation could not be used in this first bill to increase the deficit. The resolution also provides a revenue reduction instruction for the third reconciliation bill if the revenue reductions are not included in the first bill.

As the minority leader pointed out during consideration of the budget resolution, under one of the Byrd rule points of order—section 313(b)(1)(E) of the Budget Act—a provision of a reconciliation bill is subject to the Byrd rule if it would cause an increase in the deficit in a year after the period covered by the reconciliation instructions and it is not offset by other provisions in the bill. In addition, the pay-as-you-go point of order prohibits consideration of legislation that would increase the deficit unless it was offset by the enactment of other legislation that reduced the deficit. The Parliamentarian made it clear to us that the budget resolution could not and the fiscal year 1997 budget resolution does not include provisions to exempt reconciliation from any Senate rule, the Byrd rule, budget act rules, or even the pay-as-you-go rule.

While this first instruction called for a reduction in revenues, both the House of Representatives and the Senate have chosen not to include revenue reductions in their first reconciliation bills. While the Senate did agree to an amendment that would cause a reduction in revenues from an adoption tax credit, this amendment was only adopted after the Senate voted 78 to 21 to waive a budget act point of order against this amendment.

This first reconciliation bill will reduce spending and the deficit by over $50 billion. We have spend almost a week on this legislation and considered over 50 amendments. In addition, the minority has exercised its rights under the Byrd rule and the presiding officer has sustained points of order against 23 provisions in the bill.

Mr. President, the resolution calls for two more reconciliation bills. I do not know if we will complete action on these two subsequent reconciliation bills. If we do, these subsequent bills must comply with the Byrd rule, budget act guidelines, and the pay-as-you-go point of order. Therefore, our resolution never allowed and Senate rules would not have permitted using reconciliation to increase the deficit.

ABANDONING OUR CHILDREN

Mr. LAUTENBERG. Mr. President, this is a historic and unfortunate time for the U.S. Senate. This body is on the verge of ending a 60 year guarantee that poor children in this country would not starve.

For 60 years, we could rest easier at night knowing children across the country had a minimal safety net. The bill before us will take away this peace of mind and throw up to 1.5 million children into poverty.

Mr. President, I agree that the welfare system is in need of repair. I believe that it needs to help promote work and self sufficiency. I think it should also protect children. Unfortunately, the Republican welfare bill does none of this.

First, the Republican bill does not promote work. The bill calls for work requirements for welfare recipients, but it does not provide the resources to put people to work. In fact, the CBO said that ''Most states would be unlikely to satisfy this [work] requirement for several reasons.''

One major reason is that this bill cuts funding for work programs by combining all welfare programs into a capped block grant.

Second, the Republican bill hurts children. It would make deep cuts in the Food Stamp Program which millions of children rely on for their nutritional needs. It would also end the guarantee that children will always have a safety net.

Under the Republican bill, a State could adopt a 60-day time limit and after that the children would be cut off from the safety net entirely. The State would not even be required to provide a child with a voucher for food, clothing, or medical care.

When you take all of these policies together, this bill will throw approximately 1.5 million children into poverty.

And this is a conservative estimate. It could be much higher.

Mr. President, my conscience will not let me vote for a bill that would plunge children into poverty. I cannot vote to leave our children unprotected. I was 1 of only 11 Democrats to vote against the original Senate welfare bill that would have put 1.2 million children into poverty.

I voted against the conference report on this bill that would have doomed 1.5 million children to the same fate. And I will vote against this bill for the same reason. We must not abandon our children.

Mr. President, I hold a different vision of what the safety net in this country should be. I am afraid that this bill will leave children hungry and homeless.

I am afraid that the streets of our Nation's cities might some day look like the streets of the cities of Brazil. If you walk around Brazilian cities, you will see hungry children begging for money, begging for food, and even engaging in prostitution. I am not talking about 18 year olds, I am talking about 9 year olds.

Tragically, this is what happens to societies that abandon their children.

When we don't protect our children, they will resort to anything to survive.

I don't want to see this happen in our country.

I want to see this country invest in its children. I think we should invest more in child care, health and nutrition so that our children can become independent, productive citizens. I want to give them the opportunity to live the American dream like I had to good fortune to do.

If we don't, we will create a permanent underclass in this country. We will have millions of children with no protection. We will doom them to poverty and failure.

Mr. President, as a member of the Budget Committee, I also want to comment on the priorities that are reflected in this reconciliation bill. Despite the fact that this bill is only limited to safety net programs, it is still considered a reconciliation bill. This bill receives the same protections as a budget balancing bill but there is no balanced budget in it.

This reconciliation bill seeks to cut the deficit only by attacking safety net

programs for poor children. There are no cuts in corporate loopholes or tax breaks. Despite the fact that tax expenditures cost the Federal Treasury over $400 billion per year, there are no such savings in this bill.

There are no grazing fee increases or mining royalty increases. There are no savings in the military budget or in NASA's budget.

The only cuts in this bill come from women and children. This reconciliation bill gives new meaning to putting women and children first.

Mr. President, I urge my colleagues to vote against this bill. I urge all Senators to stand for the 1.5 million children and reject this bill.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I believe our welfare system desperately needs reform, and most Americans agree. It is obvious that there is a strong consensus that parents seeking public assistance must be required to work or prepare for work. I wish it were more obvious that innocent children should be protected, and I have worked hard to make this case over the years as welfare reform has been debated.

As Governor of West Virginia in 1982, I started one of the first workfare programs of the country because I believe in work, and I am proud that West Virginia continues to use this community work program today. I have met parents who are proud to do community service and who have used their experience to gain skills that ultimately got them a paying job. This is what we should do. Moving from welfare dependency to work is hard, but it is the best path for families and their future.

While the debate about welfare reform is full of slogans and simplistic claims, it is far from easy to achieve the fundamental goals of promoting work and protecting children. The details of welfare reform do count, and that's why the Congress has consumed so much time and energy on this topic.

I regret that the Senate found itself acting on welfare reform under the rules of budget reconciliation legislation, which has strictly limited our debate to just 20 hours and has drastically constrained our ability to consider amendments to modify the proposal. Using reconciliation procedures, the majority has taken advantage of a special way to prevent its notion of welfare reform from being subject to true debate and alterations.

Last year, when the Senate worked on a bipartisan welfare reform bill, we spent 8 days debating welfare reform and held 43 rollcall votes. In an important signal of bipartisanship, an additional 62 amendments were accepted. While Democrats did not prevail with all of our amendments, we did have the chance to present our ideas and arguments for a genuine test of the Senate's will. It is unfortunate that the Republican leadership was not willing to take up welfare reform this year in the same fair, open process.

But even under the rules and constraints of reconciliation, some bipartisan progress has been made on the Senate floor. We have restored the Federal health and safety standards for child care by a rollcall vote of 96 to 0. We agreed to another amendment to invest more money to enhance the quality and availability of child care. Child care is the key to helping parents work, and parents need to have confidence in the care that their child is receiving.

I was also proud to cosponsor the Chafee-Breaux amendment to ensure continued Medicaid coverage to poor women and their children. Welfare reform should not be about reducing health care to needy families, and thanks to the bipartisan vote of 97 to 2, we know that health care coverage will be available for families with parents who are making the struggle to go from welfare to work—now and into the future.

We eliminated the optional food stamps block grant which had the potential to unravel this country's commitment to ensuring decent nutrition for all poor children, needy families, and dependent senior citizens, no matter what State they reside in. An optional block grant of food stamps could have weakened the country's nutrition programs. One of my greatest fears is that States that choose the block grant would be forced to reduce benefits in times of recession or other times of need, like national disasters. With our agricultural resources, America should not go backward and become a nation where some of its people and children go hungry.

And, I cosponsored the Breaux voucher amendment which assured basic support for innocent children for at least 5 years, and then gave States the option to provide non-cash assistance to children after a family reached the 5 year time limit. This amendment got 51 votes, but the rules of reconciliation demanded 60—so it fell.

An alternative amendment was offered by Senator FORD, but it also failed by a a single vote. Because both of the voucher amendments failed, States are prohibited from using block grant funding to provide vouchers for children, and this is disturbing. Previous welfare bills from last year offered greater flexibility to States on vouchers.

But some of the amendments that passed are important bipartisan efforts to improve the bill. There is more we should do to protect innocent children, and I can only hope that our colleagues will understand this in conference or in the near future.

But time has run out under the rules of reconciliation, and we now are faced with a final vote on this legislation.

In my view, this welfare reform bill poses a huge experiment—and something that must be watched and evaluated carefully.

Proponents express full confidence that this new, bold welfare reform bill will change the system and put parents to work, quickly allowing children to benefit as their parents move from dependency to self-sufficiency.

Opponents of the legislation charge that millions of children may be cast into poverty, and potentially end up on streets.

Because people end up on welfare for such different reasons and in different circumstances, it is not clear what the results will be. This legislation charts a new course for welfare, but it is untested.

I hope that proponents are right, and that this legislation has the right incentives. My hope is that the new pressure of a time limit will effectively and efficiently move parents into work, and families will benefit.

To help ensure this, I fought hard throughout this Congress to secure the proper funding for child care, which is essential for single parents to go to work. Thanks to the effort of many dedicated Members, this legislation invests $13 billion in child care—more money than we are now spending, and this is a major accomplishment.

The legislation we are now considering has a larger contingency fund than the previously passed Senate bill to offer help to States in times of economic downturns and recessions, which is especially needed for States like West Virginia that are vulnerable to economic ups and downs.

Under the new block grant, States will have enormous flexibility—and strict requirements—to move families from welfare to work.

Will the combination of more child care money and the incentive of time limits be the right mix? Will our economy continue to grow, and unemployment rates stay low so welfare recipients truly have a real chance to compete and get jobs?

We will never know the answers, unless we try.

Because the American people want and expect welfare reform, I will vote to try this new approach—and hope that Congress does its part to push for the desired results.

But I also believe that this effort must be watched carefully and closely to ensure that the innocent children, who represent two-thirds of the people who depend on welfare, are not hurt.

This is why I fought so hard with others last year to secure $15 million for research and evaluation. Every Member who votes for this legislation has an obligation to work with their State to ensure that this new system works, and to monitor the national progress as well.

Throughout this debate, I have tried to focus my attention on the needs of children. As usual in today's political environment, areas of bipartisan agreement do not attract attention, but they are still important.

In key areas for children, progress has been made. The Senate bill retains current law on foster care and programs to protect abused and neglected

children. Such children are the most vulnerable group in our country, and I was active in a bipartisan group dedicated to retaining the foster care entitlement and prevention programs for abused and neglected children.

The child support enforcement provisions in the legislation are another example of positive, bipartisan efforts. And because it was bipartisan, little attention has been given to these accomplishments. But these provisions include bold action to crack down on deadbeat parents who shirk their obiligation to pay child support. Currently, over $20 billion is uncollected in child support payments and arrearages. Strengthening child support enforcement will truly help children of all income levels, and this is meaningful action to underscore the importance of families, and support children.

There has been a sincere effort to improve this bill, and the positive changes are the result of untold hours of hard work and dedication.

The key point is that the current system does not have public support or confidence, and this is not healthy for the country. The cynicism and frustration we see among Americans toward Government stems partly from their anger about welfare. Even families dependent on our existing system admit that they are frustrated and that the system can trap families into a cycle of dependency. We need to make the leap with real changes, tougher rules, and more common sense. We have an opportunity to help families and build more support for the protections that should stay in place, if the job is done right. A great deal has been promised by the architects of this bill and others such as many Governors, and I hope we will see the hard work, skill, and compassion required to bring about the right kind of results.

Today, I cast my vote for change.

Mrs. BOXER. Mr. President, today I am forced to vote against a welfare reform measure that I believe is bad for children and bad for the State of California, costing my State billions of dollars.

This is a difficult vote for me because I stand in favor of welfare reform. I want to get people off welfare and put them to work. I voted in favor of the Senate welfare reform bill last year because I support this principle.

I also continue to support giving States additional flexibility to run their welfare programs, cracking down on deadbeat parents and reducing teen pregnancy.

COSTS TO CALIFORNIA

In California today, we have approximately 4 million legal immigrants residing in our State—40 percent of the Nation's legal immigrants. Thus, the proposed cuts in benefits to legal immigrants will have a dramatic and disproportionate impact on California, which Senator FEINSTEIN and I have quantified as best we can.

This bill saves nearly $60 billion over 6 years. Where do these savings come from? More than one-third of the savings will come from restricting benefits to legal immigrants. Of this amount, California will have to shoulder 40 percent of the losses. This is simply unfair to California.

It has been estimated that California's loss of Federal funds under this bill could be up to $9 billion over 6 years due to the restrictions on benefits to legal immigrants.

This will mean a massive cost shift to California's 58 counties. For example, over half of the immigrants on Supplemental Security Income [SSI] and Aid to Families with Dependent Children [AFDC] live in California. According to the California State Senate Office of Research, over 230,000 aged, blind and disabled legal immigrants could lose their SSI benefits almost immediately. The Congressional Budget Office estimates that 1 million poor legal immigrants would be denied Food Stamps under the bill, with many of them living in California.

If legal immigrants are made ineligible for Federal and State programs, California's counties will be responsible for providing social services and medical care to them. Under California law, counties are legally and fiscally responsible to provide a safety net to indigent persons.

The safety net is already overburdened in many counties. Some of the counties most heavily impacted by legal immigrants have already faced issues of bankruptcy. This welfare bill will only further threaten the financial viability of these counties.

The largest county in the Nation, Los Angeles County, will be severely impacted by these provisions. Los Angeles County estimates that under this bill, 93,000 legal immigrants would lose their SSI benefits in their county alone. If these legal immigrants applied for county general assistance, it would cost Los Angeles County $236 million.

California counties further fear damage to their health system if the State exercises its option to deny all Medicaid coverage, including emergency care, to most legal immigrants.

That is why I cosponsored an amendment with my distinguished colleague from California, Senator FEINSTEIN, to mitigate some of the impact of the legal immigrant provisions on California. The Feinstein-Boxer amendment would have applied legal immigrant provisions of the bill prospectively. This would allow us to make changes for immigrants who have yet to enter the country, but keep the rules of the game unchanged for those legal immigrants already present.

I think it is important to note who some of these legal immigrants are. Many of them are children. Many of them are disabled and unable to work. Many of them are refugees, with no sponsor to fall back on if they are cut off from the assistance they desperately need. According to the California State Senate Office of Research, approximately 60 percent of legal immigrants receiving AFDC in California are refugees.

The Feinstein-Boxer amendment would have decreased the outflow of Federal dollars from California, while maintaining what I believe is a fair approach for legal immigrants already in our country. Unfortunately, our amendment failed.

VOUCHERS FOR CHILDREN

A second reason why I cannot support this bill is the prohibition on providing vouchers for noncash items to children if their family's time limit for assistance has expired. Vouchers could be used to pay for items such as school supplies, diapers, food, clothing and other necessary items for children. An amendment to require States to give vouchers to children whose families exceed time limits shorter than 5 years did not pass in the Senate. An amendment to give States the option to do this failed as well with only two Republicans voting in favor.

I believe the bill's language goes too far to penalize children for their parents' inability to find work. What kind of country are we when we deny such necessities to innocent children?

FOOD STAMPS

In addition, the bill would make major cuts in funding to the existing Food Stamp Program. Reductions in the bill for food stamps amount to approximately $27.5 billion over 6 years—nearly half of the bill's savings. By the year 2002, food stamp spending would be reduced by nearly 20 percent. The poorest households would be affected since nearly half of the cuts in food stamps would come from households with incomes below half of the poverty line.

CONCLUSION

The drafters of this latest welfare reform bill wisely improved certain provisions of the bill to increase child care funding, retain the Federal guarantee to school lunch programs—although funding for school lunch has been unwisely cut, and maintain child protective services for abused and neglected children.

In addition, key amendments to maintain Medicaid coverage for current welfare recipients, strike the optional food stamp block grant, and ensure Federal health and safety standards for child care successfully passed the Senate.

I wholeheartedly support all of these improvements to the underlying legislation.

However, for the reasons I have stated above, I cannot support this welfare reform bill that shifts major costs to the State of California and shreds the safety net for poor children. I hope that in conference my concerns will be addressed. One State should not be unfairly penalized as California is, and no child should suffer as a result of our work.

Mr. DORGAN. Mr. President, I will vote for the welfare reform bill before

us today because I believe the welfare system in this country is broken and needs to be fixed.

The welfare system serves no one well—not recipients and not taxpayers. We need to preserve a safety net for those who truly need help, but that safety net should be one that encourages work, facilitates self-reliance, and doesn't punish innocent kids.

The legislation before us is not perfect, and I have concerns about many aspects of the bill.

Despite my reservations, this bill permits us to move the welfare reform process forward. This bill requires recipients to work after receiving welfare for 2 years, and set a 5–year limit on total assistance. It permits recipients to use some of their time on assistance to get the education and training they need to find and keep a job. It provides child care for welfare recipients who want to work. It places a priority on preventing teen pregnancies. And it requires absent fathers to help pay for the costs of raising their children.

And we have made some important improvements since this bill was introduced. We increased the requirement that States continue to make their own contributions to maintaining a strong safety net. We strengthened provisions to guarantee that the Food Stamp Program will provide assistance when people need it most. And we restored money for the summer food program for kids.

I will support this legislation despite my reservations, and advance the bill to conference with the hope that it will be further improved in conference. If the final bill does not maintain a strong safety net for children, I will not support it.

Ms. MIKULSKI. Mr. President, I was ready to vote for a welfare reform bill today. I believe we need welfare reform. I have fought for a tough welfare reform bill, and I have voted for welfare reform.

It is deeply disappointing to me that I must vote against final passage of this bill.

I voted for the bill which the Senate passed last year. I hoped at that time that the conference on that bill would make even further improvements in the bill, and that we would be able to send a good bill to the President for his signature.

I was disappointed when the conferees last year took an acceptable bill and turned it into an unacceptable and punitive one. Welfare reform was within our grasp last year. But we let it slip away by placing political considerations ahead of sound policy decisions. I hope we will not make the same mistake this year.

I have not only voted for welfare reform, but I am one of the coauthors of the work first bill, which would have ended welfare as we know it. Along with my coauthors, the Democratic leader, Senator DASCHLE and Senator BREAUX, I am proud that we crafted a plan that is tough on work but not tough on children.

Our plan called for a time-limited and conditional entitlement. It would have required all able-bodied adults to go to work. Our plan provided people with the tools to move from welfare to work; tools like job training, job search assistance, and most importantly, child care.

We recognized that the No. 1 barrier to work is the lack of affordable child care. So our bill provided sufficient funds to ensure that child care would be available to families as parents moved into the work force.

The work first bill also protected children. We made sure that our reform was targeted at adults not at children. We included provisions to ensure that no child would go hungry or go without needed health care because a parent had failed to find and keep a job.

So let me be clear. I support welfare reform. Throughout this Congress, I have fought for welfare reform. I have coauthored not one, but two, major welfare initiatives. And I had hoped to be able to vote for a welfare reform bill today.

Unfortunately, I cannot vote for this bill. This bill does not provide adequate protection for children. What will happen to children once their parents reach the time limit for benefits? Without vouchers to ensure that the basic subsistence needs of children are met, we know that children will suffer if their parents have not found jobs. We simply cannot punish children for the shortcomings of their parents.

Although we adopted a good amendment today to prevent the Food Stamp Program from becoming a block grant, this bill still contains deep cuts in food stamps. Families who depend on the Food Stamp Program to meet their basic nutritional needs will suffer from the cuts in this bill. Even families with full-time workers sometimes need food stamps because their full-time jobs don't provide enough money to feed their families. This bill will hurt them too.

This bill does not provide enough money for child care. In fact, it is likely that States will be unable to meet the work requirements of the bill because of the inadequate level of child care funding. Parents who are ready to work and who want to work will not be able to work if there is not child care which is both affordable and available.

These holes in the safety net for children are of deep concern to me. If protecting children is a priority for this Congress, how can we take a chance on a bill which is sure to hurt innocent children. We cannot.

Mr. President, I have not given up on welfare reform. While I cannot vote ''yes'' for this bill today, I hope that the conference on the bill will continue to build on the progress we have made on this issue. Unlike last year's conference, which took an adequate bill and made it unacceptable, I hope that this year's conference will make a good, strong bill out of this unacceptable bill.

I urge the conferees on the bill to continue to work with the White House and with the best minds from both parties to reach agreement on a plan we can all support, and that the President will sign. We can do it. We can have a plan that saves lives, saves tax dollars, creates opportunities for work, and protects children.

I hope the conferees will negotiate in good faith to achieve a plan that is tough on work and protects kids. I would be proud to vote for that plan.

PROTECT CHILDREN

Mr. KERRY. Mr. President, there is nothing more important to this debate today than constantly reminding ourselves that our focus ought to be this Nation's children and their well-being. That was the focus when, under Franklin Roosevelt's leadership over 60 years ago, title IV–A of the Social Security Act was originally enacted. As we proceed in this debate about children—and it is a debate about children because over two-thirds of current welfare recipients indeed are children—their interests should be uppermost in our minds.

There is no disagreement that I can find in this Chamber, and very, very little across the Nation, that our welfare system needs reform. Despite what on the part of many who have been involved in legislating, implementing, and administering the existing welfare program is good faith and intentions, that welfare system has been buffeted by the forces of society and culture; for far too many it offers little real help or incentives for movement toward self-sufficiency. Instead, for far too many, it has become at best an indifferent means of providing a bare subsistence income.

In many ways, our world and our Nation are very different places than when the original Federal welfare program was established in the thirties. The objective, Mr. President, ought to be the same. But the means must be adjusted. The objective is to prevent human misery, to give Americans, especially children, a helping hand when they otherwise face destitution and poverty. A handout may once have functioned with considerable effectiveness to help those in poverty toward that objective. Now we understand the importance of child care, training, work search assistance, health care, and other ingredients if families are to move toward self-sufficiency.

We know that 15.3 million children in this Nation live in poverty. This means that 21.8 percent of our children—over one in five children—are impoverished. In Massachusetts, there are more than 176,000 in this category. Despite the stereotypes, Mr. President, the majority of America's poor children are white—9.3 million—and live in rural or suburban areas—8.4 million—rather than in central cities where 6.9 million of them reside.

The other point on which we can agree, because it is a fact rather than an opinion, is that the child poverty

rate in this Nation is currently dramatically higher than the rate in other major industrialized nations. According to an excellent, comprehensive recent report by an international research group called the Luxembourg Income Study, the child poverty rate in the United Kingdom is less than half our rate—9.9 percent, the rate in France is less than one-third our rate—6.5 percent, and the rate in Denmark—3.3 percent—is about one-sixth our rate.

We know that poverty is bad for children. This for many would qualify as a truism, but perhaps others require to be shown. Nobel Prize-winning economist Robert Solow and the Children's Defense Fund recently conducted the first-ever study of the long-term impact of child poverty. They found that their lowest estimate was that the future cost to society of a single year of poverty for the 15 million poor children in the United States is $36 billion in lost output per worker. When they included lost work hours, lower skills, and other labor market disadvantages related to poverty, they found that the future cost to society was $177 billion.

Mr. President, the way in which the Republicans who control both the Senate and the House of Representatives repeatedly have attempted to reform welfare is not what I believe this Nation wants or believes is the proper way, the best way, or the moral way to address poverty and millions of families that are not self-sufficient in our late 20th century society. A number of the components of Republican cocalled welfare reform proposals, even charitably, can best be described as punitive, or budget driven. I simply recoiled as I reviewed proposals, for example, to eliminate the access of children to health care. I shook my head in disbelief as I read provisions that would deny food stamps—and very probably a minimally nutritious diet—to children whose parents in some cases have made unacceptable choices, no matter how misguided and unacceptable they are.

But we are faced here, in the institution that has been elected by the people of the United States to make the Nation's major policy decisions and to design its major government interactions with those people, with the necessity to work together to produce change. Either we struggle successfully to reach some kind of middle ground which a majority can accept, or we do nothing at all.

Surely, in welfare as in all other areas, there are those who so fear change—for any of a host of reasons—that they prefer the status quo. I do not believe the status quo best serves this Nation and its people. I do not believe the status quo best serves this Nation's future. And I do not believe the status quo best serves those who are the unfortunate, the impoverished, the destitute, the left out in our Nation.

Democrats have labored mightily to turn a punitive bill into one that will work, one that would be desirable for the country. I was personally involved in that effort. Last week, I offered an amendment that the Senate approved by voice vote which makes what I believe to be an important change. In keeping with my belief that we must keep our eye on the ball as we legislate—and that objective in this case is to reduce poverty and increase the self-sufficiency of America's poor families—my amendment provides that if a State's child poverty rate increase by 5 percent, then the State must file a corrective action plan with the Secretary of Health and Human Services. If States can—as they and the Republican authors of this bill fervently maintain they can—achieve economies of scale never realized when the program was overseen by the Federal Government, and successfully refocus the program on moving the family heads in welfare families and other impoverished families toward self-sufficiency, then child poverty should decrease. More children, and more families, will be better off if this new approach works. But if that is not the outcome—if child poverty increases, then my amendment will require States to confront that reality and to adjust in an attempt to meet the program's objectives. I and many others will be watching extremely closely to see how the program works, and to see how this adjustment mechanism I authored functions.

And if neither the program nor the adjustment mechanism functions acceptably, I will be the first to fight to devise a new approach. Ultimately, if we are sending Federal money to the States to combat poverty, we must demand that poverty recede.

When I came to the Senate floor this morning, I was gravely concerned that the democratic process, as it often will, had produced an unacceptable product. Despite the addition of my amendment and some amendments by others, this bill still tore huge holes in the safety net.

Today, repair stitches were made in two of the most distressing of these holes. The Senate voted to maintain the current eligibility standards for Medicaid, ensuring that those who now qualify for medical assistance, including those who do so by virtue of their eligibility for the welfare program the legislation would abolish, will continue to qualify for medical assistance. The repair made by the Chafee-Breaux amendment was of great importance.

The Senate also voted to preserve the Food Stamp Program as a Federal assistance program that will be available to all Americans on the basis of the same income and assets limits that now apply. That means the Food Stamp Program will continue to operate as a safety net on a national basis, ensuring that, at the very least, Americans can eat—and that the assistance will fluctuate as it must based on economic conditions across the Nation. The Department of Agriculture had estimated that, if the block grant originally proposed in this legislation had been in place during the last national recession, 8.3 million fewer children would have been served by the program. Under this bill, not only would they not have had food stamps, many of them would have had no welfare either. Where would they have been, Mr. President? Fortunately, we stitched up this hole today.

When I cast my vote for final passage, I will be very mindful of these critical changes today. I also will be mindful of the fact that this bill was in several ways better than the welfare reform legislation that the Senate passed last fall. This bill includes nearly $4 billion more for day care for the children of parents required to find and hold jobs. It includes a $2 billion contingency fund to help States as they try to help what inevitably will be a growing number of impoverished people when recessions hit, as they unquestionably will.

I also will be acutely mindful, Mr. President, of the limits to which I am willing to go with this experiment called for by President Clinton during the 1992 Presidential campaign and endorsed by the Republican Party in the 1994 congressional elections. Ideally, this bill will be improved and strengthened in conference committee. That is certainly possible if the President, who has been very quiet when asked how he believes this bill must be augmented, will clearly enunciate what he believes to be essential ingredients if he is to sign welfare reform legislation into law. I maintain hope that we can provide vouchers that will continue to provide basic human necessities for children whose parents hit the lifetime assistance limit imposed by this bill. I also hope that the cutoff of legal immigrants will be rethought and at the very least made less severe. The President can and I hope will lead the way in both these matters and others.

At the very least, Mr. President, there must not be reversion or erosion in this legislation. We must not see retrenchment with regard to those few hard-won improvements that make this bill a marginally acceptable risk. It is time for an experiment that we hope will improve the lives and opportunities of millions of families and their children. It is not time to take frightful risks with those lives, based on a groundless faith that harsh discipline will remedy all social ills. I must serve notice that if the legislation that returns for final Senate approval increases those risks, I will oppose it.

If this bill becomes law, Mr. President, no one should prepare to relax. We have much, much more to do and this is only the opening chapter. As this new picture unfolds, I will be watching intently—and I will not be alone—to be certain that our efforts and resources have a positive effect on children and families, and that they have real opportunities to realize their potential as human beings. That is the

objective we seek, and it is on reaching that objective that we must insist.

Mrs. FEINSTEIN. Mr. President, I had truly hoped that I could support legislation that could deliver meaningful and historic reform of our Nation's welfare system, but this bill forces California to bear far more than our fair share of the burden.

Last year I voted for the Senate bill and against the conference bill because California's concerns were not met. This year, I would hope that some of these items could be fixed in conference committee, so that we are able to vote for a bill at the end of this process.

Nearly one-third of the net reductions contained in this bill fall on just one State: California. California is being asked to shoulder $17 billion in cuts—one-third of the entire savings. The question is, what is the State able and willing to provide to fill in the gap? An examination of Governor Wilson's budget indicates that dollars budgeted for food stamps, AFDC, and benefits for legal immigrants drop from an estimated $1.9 billion in the current fiscal year to just over $1.5 billion in 1997—therefore, counties cannot expect a large bailout from the State.

Consequently, for those who deserve special help, whether they be aged, blind, developmentally disabled or mentally ill, an increased burden will most certainly fall on the counties.

NO SAFETY NET FOR CHILDREN

S. 1795 ends the Federal guarantee of cash assistance for poor children and families, and provides no safety net for children whose parents reached the 5-year time limit on benefits. There are approximately 2.7 million AFDC recipients in California, of which 68 percent are children. Under the time limit, 3.3 million children nationwide and 514,000 children in California would lose all assistance after 5 years.

The Children's Defense Fund estimates that under this bill, 1.2 million more children would fall into poverty. California's child poverty rate was 27 percent for 1992–94, substantially above the national average of 21 percent. Under this bill, even more children in California would be living in poverty.

FOOD STAMPS DRASTICALLY REDUCED

California will lose $4.2 billion in cuts to the Food Stamp Program, reducing benefits for 1.2 million households. Nearly 2 million children in California receive food stamp benefits. Children of legal immigrants would be eliminated from food stamp benefits immediately.

CHILD CARE FUNDING INADEQUATE

Currently in California, paid child care is not available to 80 percent of eligible AFDC children. The Senate welfare reform bill awards child care block grants to States based on their current utilization of Federal child care funds. But California's current utilization rate is low, so California would be institutionally disadvantaged under this bill.

NO HEALTH COVERAGE FOR CHILDREN

The Senate bill ends the Federal guarantee of health insurance or Medicaid for women on AFDC and their children. In California, 290,000 children and 750,000 parents would lose coverage, according to the Children's Defense Fund. California has the third highest uninsured rate in the Nation at 22 percent of the population.

DENIAL OF BENEFITS TO LEGAL IMMIGRANTS

The Senate welfare reform bill would deny SSI and flood stamps to most legal immigrants, including those already residing in California. In 1994, 15.4 percent, or 390,000, of AFDC recipients in California were noncitizens.

Fifty-two percent of all legal immigrants in the United States who are on SSI and AFDC reside in California. Los Angeles County estimates that 234,000 aged, blind, and disabled legal immigrants would lose SSI benefits, 150,000 people would lose AFDC, and 93,000 SSI recipients would lose benefits under this bill. The county estimates that the loss of SSI funds could result in a cost shift to the county of more than $236 million annually. Loss of Medicaid coverage for legal immigrants would shift an additional $100 million per year.

With this in mind, I cannot support this bill, because I believe it unfairly disadvantages California. It would be my hope that as the conference process continues, this can be taken into consideration and the bill that emerges can be fair across the board and not single out any one State for one-third of the burden of the cuts.

It is especially important that individual counties in California take a close look at the impact this legislation will have on their jurisdiction. For example, Los Angeles County continues to be the most devastated county in the Nation under this bill with almost $500 million in added costs each year. California counties must help us press our case with the House-Senate conferees on the impact of this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3734.

The assistant legislative clerk read as follows:

A bill (H.R. 3734) to provide for reconciliation pursuant to section 201(a)(1) of the concurrent resolution on the budget for fiscal year 1997.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause of H.R. 3734 is stricken and the text of S. 1956, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill (H.R. 3734), as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized for 5 minutes.

Mr. MOYNIHAN. Mr. President, I have the honor to yield 2 minutes to my distinguished friend from New Jersey, Senator BRADLEY.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I do not think we have really even started to talk about the consequences of this act on the lives of people who actually live in American cities. If this bill passes and we look ahead 5 years into the future, city streets will not be safer, urban families will not be more stable, new jobs will not be created and schools will not be better. None of these things will happen. Instead, this bill will simply punish those in cities least able to cope.

With the repeal of title IV of the Social Security Act, the Federal Government would have broken its promise to children who are poor. It will have washed its hands of any responsibility for them. It will have passed the buck.

What we need to do to change the broken welfare system is not block grants. What we need is not transferring pots of money from one group of politicians to another group of politicians without regard to need, rules or accountability.

In fact, with the block grant, we will even be paying for people who have been shifted off the State welfare rolls onto the Federal SSI rolls. In 22 States that have cut welfare rolls, 247,000 adults went off AFDC and 206,000 went on to SSI.

Because Governors are good at gaming Federal funding systems, we will be paying for these 206,000 people through the block grant at the same time we are paying for them through SSI. What we need is a steady Federal commitment and State experimentation so that we can change welfare in a way that will encourage marriage, get people off welfare rolls and into jobs for the long term. Sadly, this bill will produce the opposite result.

Mr. MOYNIHAN. Mr. President, I have the honor to yield 2 minutes to my distinguished friend from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, I thank very much the Senator from New York.

Mr. President, I believe that the Senate will rue the day that we pass this legislation. This day, this bill opens up the floor under poor children which in our lifetimes no child has ever had to fall no matter how poor, how irresponsible its parents might be. This day, in the name of reform, this Senate will do actual violence to poor children, putting millions of them into poverty who were not in poverty before.

No one in the debate on this legislation has fully or adequately answered the question: What happens to the children? They are, after all, the greatest number of people affected by this legislation.

Mr. President, 67 percent of the people who are receiving welfare today are children, and 60 percent of those children are under the age of 6 years old. This bill makes a policy assault on nonworking parents, but it uses the children as the missiles and as the weapons of that assault.

I believe that this bill does not—does not—move in the direction of reform. Reform would mean that we give people the ability to work, to take care of their own children. It would have a commitment to job creation, to adequate child care, to job training, to job placement. But this legislation, Mr. President, does none of those things.

This legislation does not give able-bodied people a chance to work and support their own children. It simply is election-year politics and rhetoric raised to the level of policy. I believe this bill cannot be fixed—not in conference committee, not on anybody's desk—and I believe that this bill is a shame on this U.S. Senate.

The PRESIDING OFFICER. The Senator from New York has 30 seconds remaining.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent for an additional 20 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, Senators such as I, such as Senator PAUL WELLSTONE, cannot conceive that the party of Social Security and of civil rights could support this legislation which commences to repeal, to undermine both. Our colleagues in the House did not, nor should we.

The Washington Post concluded this morning's editorial, I quote:

> This vote will likely end up in the history books, and the right vote on this bill is no.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is now recognized for up to 5 minutes.

Mr. ROTH. Mr. President, S. 1956 is a good package, and just as this Congress has begun to reverse 30 years of liberal-spending policies, this welfare reform proposal reverses 30 years of social policy.

Mr. President, 30 years of welfare policy has demonstrated that Government cannot promote policies that divide families and expect healthy children; Government cannot centralize power and expect strong communities; Government cannot challenge and undermine religion and then expect an abundance of faith, hope, and charity.

This reform initiative is largely based on the proposals made by our Nation's Governors, and it mirrors the Personal Responsibility and Work Opportunity Act of 1995. Remember, Mr. President, that act was reported out of the Finance Committee and passed the Senate by a vote of 87 to 12 before being vetoed by Bill Clinton.

This legislation is much the same. While it doesn't have everything it should—while it does not, for example, contain any provision to reform Medicaid—it represents a good start. There have been compromises, Mr. President. Welfare reform is so important to the American people that they have let us know that there should be compromise, if that's what it takes.

This legislation, I believe, represents a good compromise. It contains real work requirements. It contains real time limits. It cancels welfare benefits for felons and noncitizens. It returns the power to the States and communities, and it encourages personal responsibility toward combating illegitimacy.

Mr. President, this welfare reform proposal is the first step in a necessary effort to bring compassion and sensibility to a process that has gotten out of hand. It benefits children by breaking the back of Government dependency; it requires sincere effort on the part of their parents—effort that will restore respect, pride, and economic security within the home—effort that will lay a new foundation for future generations.

Our current failed system has not done this. Prof. Walter Williams shows how the money spent on poverty programs since the 1960's could have bought the entire assets of the Fortune 500 companies and virtually all U.S. farm land. Consider that again—all the assets of the Fortune 500 companies and virtually all U.S. farm land. With all this, where are we? Welfare rolls are at record highs, problems are mounting and the attendant consequences are worse than ever.

Our reform legislation ends this destructive cycle. It replaces the hopelessness of the current system that engenders dependency with the hope that comes from self-reliance. Thirty years is long enough. The safety net has become a snare. Freedom for the families trapped in dependency comes only through responsibility—through personal accountability—and that is the step we take today with this legislation.

I appreciate all who have worked on both sides of aisle to bring us to this point. We have established a reform proposal that the President should be able to sign. I ask him to make good on his promise. Mr. president, please take this first, important step toward ending welfare as we know it.

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska is now recognized for 5 minutes.

Mr. EXON. Mr. President, the welfare reform bill before us will win no beauty contests. It is not the fairest of them all—and I intend the double meaning.

With reservations, I voted in committee to send the measure to the floor. I wanted changes for fairer treatment of children and other stated concerns. We have made some improvements, but more are needed.

In the opinion of this Senator, we have already voted on the best welfare reform bill. That distinction belongs to the Democratic work first plan that regrettably, in my view, did not pass the Senate.

I believe, Mr. President, that the bill before us is maybe, just maybe, the framework for a welfare plan that can win the support of a majority in both Houses, and just as important, the approval of the President. It is near the best plan we can pass and bring to bear on a welfare system that cries out for change.

I will not strike my tent now because I did not get everything I wanted in this bill. I believe that it goes a long way to reforming much that is wrong with the welfare system. We cannot lose this opportunity to break welfare's bitter cycle of dependency.

It is my sincerest hope that the majority will work with those of us appointed as minority conferees and with the President during conference to improve this measure, and to push that process forward. I hope, as well, that the Senate will insist on its more moderate positions in the conference with the House.

Mr. President, in my 18 years in the Senate, this Senator has always sought the middle ground. I do so again today. I will vote for this bill today and reserve my final determination until the conference report returns to the Senate.

In closing, let me take a moment to thank the Democratic staff, and in particular, Bill Dauster, Joan Huffer, Jodi Grant, and Mary Peterson. They have provided invaluable service to this Senator and our caucus.

I yield the balance of my time to the Senator from California.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, how I wish I could vote for this bill. I voted for the last Senate bill and then voted against the conference committee report because I did not think the conference committee report was an improvement on the Senate bill.

Today I, and I believe my colleague from California, will vote against this bill in hopes that when the bill comes out of conference it is a bill that does not so severely disadvantage one State in this Union, and that State is California.

Mr. President, as I look at the savings of this bill, a net of about $55 billion, $17 billion of those savings come from the largest State in the Union and the State I believe most impacted by poor people. We know $9 billion comes from the cutoff of legal immigrants, including refugees and asylees who have no sponsor—the aged, the halt and the blind—$3.5 billion of AFDC, and $4.2 billion of food stamps, totaling about a $17 billion impact on the State of California.

Now, I ask the State legislature, the State of California, look at the budget. Are they prepared to pick up some of the difference? I ask the counties to let Senator BOXER and I know how this bill impacts your county, because I

suspect it is going to be a major transfer, particularly on counties like Los Angeles. I suspect Los Angeles County will be the county most impacted by the passage of this bill in the United States of America.

A fair bill, OK, I vote for; but a bill that says, OK, we will take from the biggest State in the Union as much as we possibly can—and that is what this bill has done to date. I do not believe it is a fair-share bill. I do not believe we see communities across the Nation doing their share. Perhaps because we have the two largest metropolitan areas in the Nation is one of the reasons why this bill will fall very hard on poor people and cities, and particularly on cities that have large numbers of dispossessed.

Mrs. BOXER. Will the Senator yield?

Mrs. FEINSTEIN. I am happy to yield to the Senator.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask unanimous consent for 30 additional seconds, if I might.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. In my 30 seconds, I want to underscore, first of all, what my senior Senator said, which is that we are very willing to make changes in welfare. We want to reform welfare. We both said that when we ran for the U.S. Senate. We have both supported our Democratic leader's bill, and we even voted for a Senate bill.

The fact of the matter is that this, essentially, is paid for by one State. I will tell you, that is unfair. Yes, we are the largest State, and we have a lot of the population, but not to the extent that we are hit.

Also, when this country cannot pay for diapers for its children and food and school supplies for its kids, I think we ought to relook at who we are.

Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 5 minutes 30 seconds.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I yield 3 minutes of my leader time to the Senator from Pennsylvania [Mr. SANTORUM].

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. I thank the majority leader. Mr. President, I just want to say that this is welfare reform. This is the dramatic change in the system that the American public has been asking for for years and years and years. This is the real deal. This is the opportunity to change millions of people's lives. This is the opportunity that people who are poor in this country have been wanting and asking for for a long, long time—the opportunity to get education and training that is meaningful, the opportunity to go to work, and if you cannot find a job in the private sector, if you cannot get a job on your own, the State will assist you getting that job. If you cannot find a private-sector job, the State will assist you in getting a public-sector job. There are no more barriers because of labor unions to get that job in the public or private sector. This is the real deal when it comes to work, when it comes to education, training, and helping families get out of poverty. From now on, after this bill, we are no longer going to measure whether we are successful in poverty by how many people we have on the welfare rolls, but by how many we got off of the welfare rolls, because they have dynamic opportunities for education and training to make that happen. And, yes, they have requirements.

We have had lots of welfare reform pass in the U.S. Senate for years and years. But there has never been the requirement to have to work. I know some people say that is mean and tough. I can tell you that it is the only way that you move people who are having struggling times in their lives off of those welfare rolls. It is tough love—but the operative word is love. It is there and it is to help people.

I hear a lot of people say, ''Well, this is going to punish children, and we should not punish the children,'' as if the current system does not punish children, as if illegitimacy rates where over a third of all the children born in America are born to single moms does not punish children. That does not hurt kids not to have a father in the household? That does not hurt kids not to have the work values that are taught in the household where a mom gets up in the morning and a dad gets up in the morning and goes to work? That does not hurt kids? It does not hurt kids to have to go out and play in a playground and worry about stepping on a needle from a drug addict? Of course, it does. This system hurts kids. That is why we are here—because the system hurts kids.

The issue before us is whether it is more important to have a Federal safety net system that is there to provide for every aspect—and the majority leader will talk about this—of the 50 or more programs that are there to take care of every possible need a child in America has. Is that what we want? Do we want the Federal Government guaranteeing every aspect of everybody's life? Or do we want solid families, safe neighborhoods, good schools, the values of work, and an opportunity to pursue the American dream? I will trade guarantees of Government protection of every aspect of someone's life for a solid home, a solid community, and loving parents.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I thank the majority leader for his backing on this bill and for his constantly pushing us to get this job done. I want to thank Senator Dole, who left the Senate to run for President, for his work before he left here. Without that work in leading us on the budget resolution that created it, we would not be here.

Now, Mr. President, I want to talk about history, because I heard a couple of speakers from the other side say that history would rue this day. I believe history will praise this day, because I believe a system that has failed in every single aspect will now be thrown away, and we will start over with a new system that has a chance of giving people an opportunity instead of a handout. They will have a chance to get trained and educated, go to work and feel responsible, instead of this law on the books for decades that is out of tune with our times, which makes people feel dependent, makes people feel neglected. It is time that it be changed.

Now, frankly, kids are us, and this bill is about our kids, because if anybody thinks the children that are under this welfare system are getting a good deal today, then, frankly, I do not know what could be a rotten deal, because they are getting the worst of America. We are perpetuating among their adult relatives and parents a system of dependency, a system that lets them think less of their children because they think less of themselves. We can go right down the line.

We intend to return responsibility to the States, with prescriptions that are set out by us that give them plenty of room to do a better job than we have been doing. That is what this approach is all about.

This is a bill that gives those who have been campaigning for years, saying, ''Let us get rid of welfare as we know it''—and I will not even cite who used that the most. Well, we are finally doing that today. When we come out of conference, we are going to send our President a bill. Our President is going to have before him a bill that says: Here, Mr. President, you can get rid of welfare as you know it. Just sign this endeavor.

Now, from my own standpoint, I have been part of trying to push reform and save money. Many times, the bullets that we vote on are not real bullets, but this is a real one. When you vote on this bill, you are going to change the law. When you voted on amendments, they were real amendments. I compliment the Senate for a tough job. There were many amendments. The bill that came out of it is a better bill than when it started. I believe some other Senators will cite the many aspects of this bill that protect our children. For myself, I believe there are 8 or 10 provisions. Food stamps remain an individual entitlement, current law Medicaid protection, child care subsidized, child development block grants—$5 billion more, for a total of $14 billion. So people can go to work and have somebody care for their children. This and many more provisions make this a bill that we can be proud of for our children.

Last but not least, let me conclude, if ever we had a chance to say to Americans, as America's economy grows, we want you to be part of it, profit from it, have a dream, and this is an opportunity for welfare recipients of the past to participate in a real future, and for us to never again have welfare people among us that we think we are helping when, in fact, we have been hurting them. Let them share in the dream, also. That is our hope, that is our wish, and that is what we believe history will say about this effort.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. Mr. President, as I understand it now, both leaders have their leader time to be used for purposes of closing the debate. I will yield 2 minutes of my time to the distinguished Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I thank the leader for yielding. Is this bill perfect? Of course not. Nothing that we as humans do is ever perfect. But is it a bill that desires and needs and deserves our support at this time in order to send it to conference? The answer, I think, is clearly yes.

President Clinton said that the goal of welfare reform should be to be tough on work, but good for kids. This bill is tough on work. It sets time limits for how long someone can be on welfare. It sets out work requirements. It tells teen parents, for the first time, that they have to live with an adult or with their parents. It is a tough bill on work, but it is also a bill that is good for kids.

This bill has the same language on vouchers as a bill that passed this body 87 to 12.

I would have liked the Ford amendment to pass. But the language is exactly what we passed already 87 to 12 when it comes to taking care of families after this time limit on welfare is determined.

There are about 49 programs that will be available to families after the 5-year limit is reached; 49 separate programs that we in America say we are going to make available to families.

We have corrected the Food Stamp Program with the Conrad amendment. It is still an entitlement program.

We have preserved the Medicaid health protections for families and for children, and for pregnant mothers. It is still an entitlement program.

We have added $5 billion to what passed this Senate in terms of child care. We have current law on child welfare protections for foster care because of our amendments.

We have SSI cash payments for disabled children, social service programs for children under title XX, housing assistance, child nutrition assistance for children, the school lunch program, the school breakfast program, and the summer food program.

This bill is not perfect. But it is a major step in the right direction. It deserves our support and our vote to send it to conference and see if it can somehow be improved. It is not a perfect bill. But I would suggest it is a major improvement over the current system.

Mr. LOTT. Mr. President, I yield 3 minutes of my leader time to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first I would like to compliment Senator DOMENICI and Senator ROTH for their leadership on this bill; in addition, Senator LOTT and Senator Dole because they have worked hard to bring this about. This truly is a historic piece of legislation because we really are reforming welfare. And we should. The present welfare system is broke. It is a failure. It has not worked.

We have 334 federally defined welfare programs stacked on top of each other. They cost hundreds of billions of dollars. The cost of welfare in 1960 was $24 billion. The cost of welfare in 1995 was almost $400 billion. We have spent trillions of dollars in the last three decades. What do we have? We have more welfare dependency, more people dependent on the Federal Government, and more people addicted to welfare. In my opinion, it has hurt the beneficiaries in many cases more than it has helped them, and it certainly has hurt the taxpayers in the process.

We need to help taxpayers save some money. But, more importantly, we need to help the so-called beneficiaries to help them climb away from welfare into jobs; into more self-reliance; into more independence and away from more Government dependence.

This bill has time limits. This bill has real work requirements. This bill is real welfare reform.

President Clinton, as a candidate and also recently, has been saying that we need to end welfare as we know it. I have applauded that comment. But, unfortunately, his actions have not done that. He has vetoed real welfare reform twice. I hope he does not veto this bill.

A ''yes'' vote, in my opinion, is a vote for real welfare reform. A ''no'' vote is a vote for status quo; the continuation of a welfare cycle in a welfare system that unfortunately is a real failure.

I thank my leader.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me begin by congratulating the distinguished Senator from Nebraska for his admirable job in helping to manage this piece of legislation on the Senate floor. I also want to commend the distinguished Senator from Connecticut, Senator DODD, the Senator from Maryland, Senator MIKULSKI, Senator BREAUX, and so many others on our side who have worked so diligently now over the better part of 18 months in an effort to bring us to this point.

I think it is fair to say that everyone of us knows that reform is necessary. We also know after the experience we have had for the last 18 months that there is no easy solution.

Democrats offered the ''Work First'' bill that did three things: It required work for benefits. It provided flexibility for States, and it required protection for children. I am disappointed that not one Republican voted for that piece of legislation.

Every single Democrat supported welfare reform when it came to the Senate floor—not once, not twice, but on three different occasions.

In spite of our failure to convince our Republican colleagues to join us in passing a bill that represented meaningful welfare reform, Democrats have worked with Republicans to improve the pending bill.

There are, as a result of our amendments, more resources for child care. There is a greater requirement for States for maintenance of State effort. There is a requirement for access to Medicaid and food assistance, and protection for women from domestic violence.

So now at this hour at the end of this debate the question is very simple: Is this bill now good enough to pass? In my view, unfortunately, the answer is no. Too many kids will still be punished. Too many promises about work will remain unfulfilled. Too many opportunities to truly reform welfare will have been lost.

The Congressional Budget Office says that most States, even with the bill before us today at this moment, will fail to meet the work requirement. The Congressional Budget Office says there are insufficient funds in this legislation to make a meaningful difference. The bill is heavy on rhetoric, and we have heard a lot of it today and throughout this debate. But in my view, Mr. President, this bill is still too light on real reform. It is either a huge new unfunded mandate to the States, or an admission by Republicans that they really do not expect this bill to work in the first place.

But perhaps my biggest concern is the concern that many of us share for children. This bill says that it does not matter how bad things are, how destitute, how sick, or how poor kids may be. Kids of any age—6 months or 6 years—are going to have to fend for themselves. When it comes to kids, when it comes to their safety net, this bill is still too punitive.

And I have heard the discussion of a list of other Federal programs that may be provided. But, Mr. President, the emphasis is on ''may.'' We are talking for the most part about discretionary programs here that are in large measure underfunded today.

Eight million children in this country do not deserve to be punished. They need to be protected.

You can come up with a litany as long as you want of programs that technically are designed to provide assistance. But, if they do not have the resources, if we do not have the safety

net, if they do not have the opportunities to access those programs, then, Mr. President, they are meaningless.

Finally, the treatment of legal immigrants in this bill is far too harsh. We ought to require more responsibility of sponsors, and the ''Work First'' bill did that. But this bill even cuts off assistance to legal immigrants who are disabled. What kind of message does that send about what kind of people we are? We can do better than this. On a matter so important we have no choice but to do better.

This bill must be improved. This bill must protect kids. It must not force the States to solve these problems by themselves. It must provide some empathy for disabled citizens regardless of where they have come from.

We can improve it in conference, if the political will is there—since we are not doing it here. Or, we are not doing it this afternoon. But, because it is not done, the best vote on this bill, the best vote at this time, is to vote ''no.''

Mr. President, I ask unanimous consent that excerpts from the CBO report, to which I referred about the States' inability to meet the work rates under the pending bill, be printed in the RECORD.

I yield the floor.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

First, the bill requires that, in 1997, states have 25 percent of certain families receiving cash assistance in work activities. The participation rates rise by 5 percentage points a year through 2002. Participants would be required to work 20 hours a week through 1998, 25 hours in 1999, 30 hours in 2000 and 2001, and 35 hours in 2002 and after. Families with no adult recipient or with a recipient experiencing a sanction for non-participation (for up to 3 months) are not included in the participation calculation. Families in which the youngest child is less than one year old would be exempt at state option. A state could exempt a family for a maximum of one year.

States would have to show on a monthly basis that individuals in 50 percent of all non-exempt families are participating in work activities in 2002. CBO estimates that this would require participation of 1.7 million families. By contrast, program data for 1994 indicate that, in an average month, approximately 450,000 individuals participated in the JOBS program. (The bill limits the number of individuals in education and training programs that could be counted as participants, so many of these individuals would not qualify as participants under the new program). Most states would be unlikely to satisfy this requirement for several reasons. The costs of administering such a large scale work and training program would be high, and federal funding would be frozen at historic levels. Because the pay-off for such programs has been shown to be low in terms of reductions in the welfare caseload, states may be reluctant to commit their own funds to employment programs. Moreover, although states may succeed in reducing their caseloads through other measures, which would in turn free up federal funds for training, the requirements would still be difficult to meet because the remaining caseload would likely consist of individuals who would be the most difficult and expensive to train.

Second, while tracking the work requirement for all families, states simultaneously would track a separate guideline for the smaller number of non-exempt families with two parents participating in the AFDC-Unemployed Parent (AFDC–UP) program. By 2002, the bill would require that 90 percent of such families have an adult participate in work-related activities at least 35 hours per week. In addition, if the family used federal funds to pay for child care, the spouse would have to participate in work activities at least 20 hours per week. In 1994, states attempted to implement a requirement that 40 percent of AFDC–UP families participate, and roughly 40 states failed the requirement.

Finally, states would have to ensure that all parents who have received cash assistance for two years or more since the bill's effective date. The experience of the JOBS program to date suggests that such a requirement is well outside the states' abilities to implement.

In sum, each work requirement would represent a significant challenge to states. Given the costs and administrative complexities involved, CBO assumes that most states would simply accept penalties rather than implement the requirements. Although the bill would authorize penalties of up to 5 percent of the block grant amount, CBO assumes—consistent with current practice—that the Secretary of Health and Human Services would impose small penalties (less than one-half of one percent of the block grant) on non-complying states.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The majority leader.

Mr. LOTT. Mr. President, first I would like to thank the managers of the bill, the Senator from Delaware, Senator ROTH, the Senator from New Mexico, Senator DOMENICI, and the Senator from Nebraska, Senator EXON. I guess Senator EXON is managing his last reconciliation bill on the floor, and maybe he will get to take up a conference report. But I am sure this is a blessing in many ways for the Senator from Nebraska. He has always been very kind and approachable. We appreciate his cooperation—on both sides of the aisle. Senator BREAUX certainly has worked to try to make this a bipartisan bill. Senator HUTCHISON today showed real courage in saying we should keep the formula that has been worked out and has been agreed to.

It has been a very slow process. It has taken too long, in my opinion, to get to this point on this bill. But we are here.

But I am shocked to hear the Democratic leader say after 18 months, after all these efforts, after changes have been made, working across the aisle to get real welfare reform, that the answer will still be no.

I think this is a case of Senators who talk a lot about wanting welfare reform, but every time they have the opportunity to actually do something about it, they back away from it.

Now, we have had amendments accepted on both sides, some that obviously we did not agree with, some that you did not agree with, but it has been a bipartisan effort. So we are now in a position where we can take this positive step forward to go to conference and then send another welfare reform bill to the President.

The Senate stands on the brink of passing a welfare reform bill worthy of the name; not a hollow shell that we will send to the President and say we will give you real welfare reform and not do it.

We have done this before—twice, as a matter of fact—but in both cases, President Clinton vetoed what we sent him. I hope this will not be the case this time around.

After we pass this bill—and I'm certain it will pass—it should not take too long for our Senate and House conferees to work out their differences so we can send a bill to the White House.

I appeal to President Clinton to consider carefully its provisions. They have the broad support of the American people.

They emphasize work as the best way out of the welfare trap. That's why the bill significantly expands resources available to the States for child care. This bill will give States the flexibility they need to help welfare recipients into the mainstream of American life.

The bill also ends the entitlement status of welfare. That's an important step. It will not only help to control costs, but will let State and local governments speed the transition from welfare to productive participation in the economy.

It imposes time limits for welfare and discourages illegitimacy, which everyone now realizes is the single most important root cause of poverty in this country.

A lot of questions have been raised about programs for children. As a matter of fact, there are some 49 programs included in this bill. I ask unanimous consent that this list of selected programs which benefit children be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED PROGRAMS FOR WHICH FAMILIES ON WELFARE WOULD CONTINUE TO BE ELIGIBLE AFTER 5 YEARS

Supplemental Security Income.
Social Services Block Grant.
Medicaid.
Food Stamps.
Maternal and Child Health Services Block Grant Programs.
Community Health Center Services.
Family Planning Methods and Services.
Migrant Health Center Services.
Family nutrition block grant programs.
School-based nutrition block grant programs.
Rental assistance.
Public Housing.
Housing Loan Program.
Housing Interest Reduction Program.
Loans for Rental and Cooperative Housing.
Rental Assistance Payments.
Program of Assistance Payments on Behalf of Homeowners.
Rent Supplement Payments on Behalf of Qualified Tenants.
Loan and Grant Programs for Repair and Improvement of Rural Dwellings.
Loan and Assistance Programs for Housing Farm Labor.
Grants for Preservation and Rehabilitation of Housing.
Grants and Loans for Mutual and Self-Help Housing and Technical Assistance.

Site Loans Program.
Grants for Screening, Referrals, and Education Regarding Lead Poisoning in Infants and Children.
Child Protection Block Grant.
Title XIX–B subpart I and II Public Health Service Act.
Title III Older Americans Act Programs.
Title II–B Domestic Volunteer Service Act Programs.
Title II–C Domestic Volunteer Service Act Programs.
Low-Income Energy Assistance Act Program.
Weatherization Assistance Program.
Community Services Block Grant Act Programs.
Legal Assistance under Legal Services Corporation Act.
Emergency Food and Shelter Grants under McKinney Homeless Act.
Child Care and Development Block Grant Act Programs.
State Program for Providing Child Care (section 402(j) SSA)
Stafford student loan program.
Basic educational opportunity grants.
Federal work Study.
Federal Supplement education opportunity grants.
Federal Perkins loans.
Grants to States for state student incentives.
Grants and fellowships for graduate programs.
Special programs for students whose families are engaged in migrant and seasonal farmwork.
Loans and Scholarships for Education in the Health Professions.
Grants for Immunizations Against Vaccine-Preventable Diseases.
Job Corps.
Summer Youth Employment and Training.
Programs of Training for Disadvantaged Adults under Title II–A and for Disadvantaged Youth under Title II–C of the Job Training Partnership Act.
Earned Income Tax Credit (EITC).

Mr. LOTT. Mr. President, this list includes supplemental security income, social services block grants, Medicaid, food stamps, family nutrition block grants, school-based nutrition block grants, grants for screening, referral and education regarding lead poisoning, not to mention Medicare and housing assistance—a long list of programs that will help children.

So there are good programs here that will be preserved and, in many cases, improved. So if you really want welfare reform, this is it.

This may be the last opportunity to get genuine welfare reform. Vote yes. Send this bill to conference. We will get it out of conference next week, and we will send it to the President before the August recess.

I hope the President will not veto welfare reform for a third time in 18 months.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 24, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—74

Abraham	Ford	Lugar
Ashcroft	Frahm	Mack
Baucus	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Pressler
Bryan	Harkin	Reid
Burns	Hatch	Robb
Byrd	Hatfield	Rockefeller
Campbell	Heflin	Roth
Chafee	Helms	Santorum
Coats	Hollings	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Conrad	Jeffords	Snowe
Coverdell	Johnston	Specter
Craig	Kempthorne	Stevens
D'Amato	Kerry	Thomas
DeWine	Kohl	Thompson
Domenici	Kyl	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wyden
Feingold	Lott	

NAYS—24

Akaka	Feinstein	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Kennedy	Pell
Bumpers	Kerrey	Pryor
Daschle	Lautenberg	Sarbanes
Dodd	Leahy	Simon
Faircloth	Mikulski	Wellstone

NOT VOTING—2

Inouye	Kassebaum

The bill (H.R. 3734), as amended, was passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House and appoints conferees on the part of the Senate.

The Presiding Officer (Mr. GORTON) appointed, from the Committee on the Budget, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. EXON, and Mr. HOLLINGS; from the Committee on Agriculture, Nutrition and Forestry, Mr. LUGAR, Mr. HELMS, Mr. COCHRAN, Mr. SANTORUM, Mr. LEAHY, Mr. HEFLIN, and Mr. HARKIN; from the Committee on Finance, Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. HATCH, Mr. SIMPSON, Mr. MOYNIHAN, Mr. BRADLEY, Mr. PRYOR, and Mr. ROCKEFELLER; from the Committee on Labor and Human Resources, Mrs. KASSEBAUM and Mr. DODD, conferees on the part of the Senate.

Mr. KENNEDY. Mr. President, the cosmetic improvements made in this bad bill cannot possibly justify its passage. It is no answer to say that this bill is less extreme than previous bills. Less extreme is still too extreme.

This bill condemns millions of innocent children to poverty in the name of welfare reform. But no welfare bill worthy of the name reform would lead to such an unconscionable result. This bill is not a welfare reform bill—it is a ''Let them eat cake'' bill.

In fact, welfare reform would have nothing to do with the tens of billions of dollars in this bill in harsh cuts that hurt children. Cuts of that obscene magnitude are totally unjustified. They are being inflicted for one reason only—to pay for the massive tax breaks for the wealthy that Bob Dole and the Republican majority in Congress still hope to pass. Today the Republican majority has succeeded in pushing extremism and calling it virtue. It is nothing of the sort. This bill will condemn millions of American children to poverty in order to proivde huge tax breaks for the rich.

These are the wrong priorities for America. If children could vote, this Republican plan to slash welfare would be as dead as their plan to slash Medicare. But children don't vote—and they will pay a high price in blighted lives and lost hope.

Perhaps the greatest irony of all is now on display, as America hosts the Olympic games. We justifiably take pride in being the best in many difficult events. We may well win a fistful of golds in Atlanta. But America is not winning any gold medals in caring for children.

The United States already has more children living in poverty—the United States already spend less of its wealth on its children—than 16 out of the 18 major industrial nations in the world. The United States has a larger gap between rich and poor children than any other industrial nation. Children in the United States are twice as likely to be poor than British children, and three times as likely to be poor than French or German children. And we call ourselves the leader of the free world? Shame on us. Shame on the Senate. Surely we can do better—and there is still time to do it.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 3603.

The legislative clerk read as follows:

A bill (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.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 4959, to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $10 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

McCain amendment No. 4968, to reduce funds for the Agricultural Research Service.

Gregg amendment No. 4969 (to amendment No. 4959), to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $15 million, unless the loans require the processors to repay the full amount of the loans, plus interest.

Bryan amendment No. 4977, to establish funding limitations for the market access program.

Kerrey amendment No. 4978, to increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service.

Kerrey amendment No. 4979, to provide funds for risk management.

Kerrey amendment No. 4980, to provide the Secretary of Agriculture temporary authority for the use of voluntary separation incentives to assist in reducing employment levels.

VOTE ON AMENDMENT NO. 4968

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the McCain amendment No. 4968. The yeas and nays have been ordered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I have been requested by the Senator from Arizona to ask unanimous consent that the yeas and nays that had been ordered on the McCain amendment be vitiated. I, therefore, ask unanimous consent.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4968) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4969 TO AMENDMENT NO. 4959

The PRESIDING OFFICER. Under the previous order, the question now occurs on agreeing to the Gregg second-degree amendment No. 4969 on which the yeas and nays have been ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask unanimous consent that the parties involved in this amendment be given 2 minutes equally divided to present the terms of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request to give 2 minutes equally divided on the Gregg amendment? Without objection, it is so ordered.

The Senator from New Hampshire will be recognized when the Senate is in order. The Senate will not proceed until the Senator from New Hampshire can be heard.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment deals with the sugar program which, over the years, has been debated at considerable length on this floor. It does not deal with the issue of the price of sugar, which is outrageous and the manner in which it is maintained at almost 10 cents more than the world price. It does not deal with the fact that there is a $1.4 billion tax which is basically assessed against the American consumer as a result of the sugar program.

What it does do, however, is deal with the issue of those instances, rare—in fact, I doubt that they would occur often—when someone defaults on their loan on sugar.

Mr. BUMPERS. Mr. President, could we have order? The Senator is entitled to be heard. I do not agree with what he is entitled to be heard on.

The PRESIDING OFFICER. Will Senators conversing in the aisles remove themselves from said aisles?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in light of the position of the Senator from Arkansas, I am especially appreciative of his courtesy.

The proposal is outlined on this yellow sheet. Somebody from one of the sugar-producing States accused me of yellow journalism, but I hope the Members of the Senate will take time to review the sheet.

It essentially says the sugar program and producers will be put on the same level as students, veterans and homeowners who, when they default on a loan to the Federal Government, are personally responsible to pay it.

Under the program, as currently structured, that is not the case. I could have offered an amendment which would deal with the essence of the sugar program in the pricing policy, which is this outrageous ripoff of the American consumer to the extent of $1.4 billion.

But rather than do that, I have limited this to the issue of liability in the area of a sugar processor who fails to repay their loan. And it only applies to sugar processors with more than $15 million of annual sales. Therefore, I think it is a very reasonable amendment. And I would appreciate the consideration by the body.

Ms. MIKULSKI. Mr. President, I rise in strong support of the Gregg amendment to the agriculture appropriations bill.

I believe it is time to reform the sugar program. The sugar program has become nothing more than corporate welfare for a small group of growers which operates to the detriment of consumers and sugar refiners like Domino Sugar in Baltimore and other refiners around the country.

The Gregg amendment simply requires growers to repay their loans to the Federal Government. It is shocking that sugar growers are the only group of people who do not have to repay their loans to the Government. If students and veterans have to re-pay their loans to the Government, then so should sugar growers.

While the sugar program gives growers a significant advantage, sugar refiners have no such benefits or protection. Sugar refiners must use imported raw product in order to stay in business because there is not enough domestic supply to satisfy demand.

While growers receive artificially high prices, refiners must bear the high cost of domestic product without any benefits or protection. It is time this Government recognize the value of our sugar refining industry and the jobs that depend on it.

Since 1981, the sugar refining industry has lost forty percent of its capacity not to mention the thousands of blue collar jobs that went with it. Sugar refining is one of the few manufacturing industries still left in our inner cities. Domino Sugar in Baltimore employs almost six hundred people. Their jobs are just as important as the jobs of growers.

I urge my colleagues to support the Gregg amendment and vote for fairness in the sugar program.

The PRESIDING OFFICER. Who yields time against the amendment?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I hope the Senate will join with me and others this afternoon in a motion to table this amendment. We have just crafted a new 7-year farm bill. In a rough and tumble way, we have planned for agriculture, at least as it relates to Government's involvement.

We made major changes in the sugar program. We eliminated marketing allotments, we implemented a 1-cent penalty on loan rates, we created the assessment of $300 million coming into the Treasury all in a sense to create a more balanced field for the production of sugar in our country while there is a more equitable flow of import sugar into our refiners.

The Senator says, let us change the game one more time. I hope that the Senate will work its will, but understand that once we have crafted a farm bill that we would stay with that farm bill for the period of time of that policy. And that is why I hope we will support a motion to table.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COCHRAN. Mr. President, I move to table the Gregg amendment No. 4959, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion

to lay on the table the amendment No. 4959. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is absent due to a death in the family.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii [Mr. INOUYE] would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—63

Abraham	Faircloth	Lieberman
Akaka	Ford	Lott
Baucus	Frahm	Mack
Bennett	Graham	McConnell
Bingaman	Gramm	Moseley-Braun
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Robb
Burns	Helms	Rockefeller
Campbell	Hollings	Shelby
Cochran	Hutchison	Simon
Conrad	Inhofe	Simpson
Coverdell	Jeffords	Stevens
Craig	Johnston	Thomas
Daschle	Kempthorne	Thurmond
Dodd	Kerrey	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	Wyden

NAYS—35

Ashcroft	Frist	Moynihan
Biden	Glenn	Nickles
Bradley	Gorton	Nunn
Byrd	Gregg	Pell
Chafee	Kennedy	Roth
Coats	Kerry	Santorum
Cohen	Kohl	Sarbanes
D'Amato	Kyl	Smith
DeWine	Lautenberg	Snowe
Domenici	Lugar	Specter
Feingold	McCain	Thompson
Feinstein	Mikulski	

NOT VOTING—2

Inouye	Kassebaum

The motion to lay on the table the amendment (No. 4959) was agreed to.

Mr. HEFLIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, it is our hope that we will be able to propound a unanimous-consent agreement and get an agreement to take up the remaining amendments on this bill tonight, and for any votes that are required, put them over until tomorrow. That is the effort that we are making now.

There are a number of amendments that we have listed in this proposed agreement. I can read them now. We have given copies to both sides of the aisle. Senators are looking at them in an effort to determine whether this agreement can be reached. I hope it can. I know Senators are tired. They have been here all day.

The leader wants us to finish this bill tonight, but it looks like we cannot because of the long list of amendments. But we can take up the amendments and dispose of the amendments. Those that we cannot dispose of, which require votes, can be voted on tomorrow. That is the suggestion for the further disposition of this Agriculture appropriations bill.

I will be happy to yield to anyone who wants to ask a question about that, or to my distinguished friend from Arkansas, the manager on the Democratic side.

Mr. BUMPERS. Madam President, I ask unanimous consent that Senator HARKIN be added as a cosponsor on amendments Nos. 4979 and 4978.

The PRESIDING OFFICER (Mrs. FRAHM). Without objection, it is so ordered.

Mr. BUMPERS. Madam President, regarding what the Senator just said—and I certainly do not want to take any more time—this is going to be a rather burdensome evening. I am not too hot for this agreement, to tell you the truth. But if we can move expeditiously and get these amendments disposed of—and I defer to the chairman on this—according to my list, we have about five amendments here that have not been cleared. I think that probably the first thing we ought to do is to take the amendments that have been cleared and accept them on both sides and narrow down the list. I think, perhaps, of the remaining amendments, two or three of them will fall. I think that would be an expeditious way to get a resolution of this thing. I do not know whether we are going to get an agreement tonight to say that any amendments that will not be laid down tonight will be in order tomorrow.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I would like to understand a bit more about where we are at the moment. I have noticed an amendment dealing with barley and the problem that has come about as a result of the change in the payment rate for barley under the Freedom To Farm Act.

As some of you might know, those who signed up under freedom to farm to raise barley signed up with the understanding that their original payment under the freedom to farm bill was going to be 46 cents a bushel in 1996. Then they were told later that the calculation under the Freedom To Farm Act was inaccurate and that their payment would be 32 cents. That probably doesn't sound like too much to some, but it is a 30 percent reduction from what the estimate would be and the basis on which they signed up for the program—a 30 percent reduction from that level. It is somewhere around $35 million to $39 million. No State in the country raises more barley than North Dakota, and the folks that go out and plant that barley, and expect to harvest it, did so under the provisions of this farm bill, fully expecting to do so receiving 46 cents a bushel as original payment.

Now, I guess the question that I have is whether we can address this issue in this appropriations bill. This appears to be the only opportunity to address this issue on behalf of the barley growers. And before we agree to a unanimous-consent request of some type in order to compress the time and limit the opportunities to address this issue, I say to the manager and ranking member that I very much would like to discuss, at some length, with them how we can address this issue.

I do not think this is a circumstance where we can say this doesn't matter; it won't be addressed. This is a substantial amount of money coming out of the pockets of those who signed up for this program expecting to get a payment of 46 cents a bushel, which, under current circumstances, they will not get. Before I agree to a unanimous-consent request of any kind, I would like to see if we can work through and solve this problem.

Mr. BUMPERS. Madam President, let me say to the Senator from North Dakota that his amendment actually is a farm bill amendment. The chairman and I have both said in our opening statements that we hope we will not get into trying to amend the farm bill that we passed last year.

I have strong empathy for the Senator from North Dakota because he has a great interest in the issue of barley. But I hope that the Senator would be willing to take the manager's word for the fact that this really needs to be considered by the chairman and ranking members of the Agriculture Committee, because that is where this really belongs. To say that if there is a package of farm bill amendments that might be approved by the authorizers at the conclusion of this bill, there might possibly be a chance—and I do not want to guarantee or promise the Senator from North Dakota this, but we might be able to do something at the end in the way of a package of amendments.

In any case, whether we deal with it that way or not, there might be a possibility of doing something with it in conference. I know the Senator from North Dakota feels strongly about this, but I really feel that we probably ought to deal with this in a slightly different way, because it really is an amendment to the farm bill.

Mr. DORGAN. Madam President, that distinction is obviously lost on people who are out there planting barley and who signed up for a program in which they felt they were going to get a 46-cent-per-bushel payment because they were promised that. Then it turns out there was a miscalculation determined by USDA in the process of constructing this farm bill, which results in a 30-percent reduction in the payment they expected.

Now, the Senator from Arkansas is generous, and I appreciate working with him. But he knows, and I know, that we may not have another opportunity to correct this. It seems to me

that while one can make the case that this is an authorizing committee issue, one can also make the case that this is an appropriations issue, because the Secretary of Agriculture needs to have the money in order to restore this payment that was promised to family farmers.

This is not a circumstance where there is confusion about what the promise was. The Freedom To Farm Act made specific representations about, if you planted a certain commodity, what kind of payment you would receive for that planting. In the case of barley, there is no confusion. The promise was 46 cents a bushel. Now we are told, for those who fuel up the tractor and plant barley seeds, the thing has changed, the deal is off, there is a 30-percent reduction. That just, I say to my colleagues, is not satisfactory to me. I do not think it is satisfactory to the farmers who believe that we ought to keep our word on this.

So I just would say that I am not interested in any sort of unanimous consent request until we can work through this. I am not trying to draw a line in the sand here. I am just saying that we can work through this. This can be done. This can be solved. This is not a problem for which there is no solution. There is a solution. I think there are no two better people in the Senate to help us address it than the Senator from Mississippi and the Senator from Arkansas. Both of them are about as good at doing these things in the Senate as anybody I know. But I really want us to address this.

As the Senator from Mississippi, for whom I have great respect, knows, I am not sure the amendment is the right amendment, and I am not sure the method I have chosen to pay for this is the right method. In fact, I might prefer a different method. But I gave notice a day or two ago that I would want to deal with this issue on the floor of the Senate when this bill came to the floor.

I also understand those who manage this legislation—and the majority leader, for that matter, and others—would like to just package this up tight, wrap a bow around it, and run it through to final passage in the morning. Gee, I would like to see that happen as well, and I am perfectly willing to see that happen as long as the result of this bill addresses their question of how we make good on our word as a Congress to those that produce barley.

So I know my colleague, Senator CONRAD, has an interest in this as well. But I really do hope that we can visit and find a way to address this problem the way farmers would expect us to address it. They were given a promise. We need to keep that promise. A failure to keep that promise will be a failure on all of our parts. We do not need to fail. We can in this piece of legislation find $35 million and keep the promise that was made to those that raise barley.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I hesitate to extend the discussion of this matter. I would like to rivet the point and confirm what my colleague from North Dakota is saying.

Barley farmers in this country were made a clear promise. They were told they were going to get 46 cents a bushel under this farm bill. Somebody made a miscalculation. We do not know yet whether it was USDA or the Agriculture Committee staffs of the Senate and the House. But we know with great precision what promise was made—46 cents a bushel. That is already a significant reduction from what they would have gotten under previous legislation. But now they are told they are not going to get 46 cents. They are going to get 32 cents.

Farmers have already planted understanding that they were going to receive a certain level of payment. So they have moved on the promise that was made to them. They have planted the crop. It is there. Nothing can be done about it. But we now cannot go back on the pledge that was made to these people and say, ''Well, you know that is the way Washington works sometimes. You were told you were going to get something, and on that basis you acted, and now we are going to go back on our word and instead of 46 cents you are going to get 32 cents.''

That is an economic disaster to literally thousands of people who plant barley in this country—barley that goes into making beer which is important to our country. You have to have beer. If you do not have beer, what kind of a country have you got?

[Laughter.]

The next thing you know we will have the Germans over here selling all the beer. We do not want to do that to America—to deny those in our country who enjoy a tall cool one; that they are going to have to buy German barley or Canadian barley. They ought to be able to get American barley. And those barley farmers ought to be getting what they were promised.

So I would be very hopeful that our colleagues would recognize this is an extraordinary circumstance that somehow we have to keep our word with respect to what barley farmers were promised.

Mr. DORGAN. Madam President, will the Senator yield?

Mr. CONRAD. Yes.

Mr. DORGAN. I do not want those listening who do not know anything about barley to believe that barley is only used to produce beer. Of course, malting barley is used in the production of beer. But beef barley is used for a great amount of animal feed in this country.

The Senator from North Dakota, Senator CONRAD, makes a point. I would like to stress it. There is not any other commodity in the farm bill that is affected like this. Every other commodity got what they were promised they would get. Every other commodity got what they were promised they would get. But this farm bill contains a provision that says barley will get 46 cents a bushel, and then now it contains another provision that says, ''Oops. Oops''. Someone made a mistake. Oops. We are $35 million short.'' ''Oops'' does not mean very much unless that $35 million comes out of your pocket. Then ''oops'' is a real serious problem.

All we ask is that we find a way somehow to address this dilemma. The failure to address it now means it will not get addressed. That is why we do not want to miss this moment.

We are not talking about some mountain. We are talking about a relatively small problem that can be fixed—a big problem for barley growers, but a problem that can be fixed without great difficulty, in my judgment,

Madam President, I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate very much the remarks of the distinguished Senators from North Dakota on this barley issue. This is also a subject that is addressed in an amendment that has been crafted and proposed by Senator BURNS of Montana. And the other Senator from Montana, Senator BAUCUS, mentioned to me his interest in the issue. So it is something that Senators on both sides have an interest in.

We would like to see it resolved. Our problem on this appropriations committee is that we have a limited amount of money to allocate among all of these programs administered by the Department of Agriculture. We are advised variously that it would cost up to $40 million. It may not go that high, as the Senator says. It may be $38 million, or something like that.

Rather than spell out specifically a support level in the legislation before the Senate, I hope that we would consider as an option language directing the Secretary of Agriculture to study the suggestion that the Barley program be revised on the grounds and for the reasons stated by the Senators who have spoken and direct that he has the authority to make changes that would result in a fair solution and equitable resolution of the difficulty holding harmless those producers in other commodity programs that already have their signups approved and already have their farm plan in operation.

The reason I say that is one concern I have is that, if we do not have some language like that, the Secretary could take the funds from other commodity programs and give it to the barley producers. And I think we would have a furor on our hands, and that would be understandable.

But so long as the other producers are not harmed by this change, I would have no objection to including language like that in this bill. I think it does have to be cleared by the legislative committee. Senator LUGAR and

Senator LEAHY ought to be consulted about it.

What I can say at this point is that the Senators have my assurance that I will try very hard to get language of that kind approved here in the Senate. If we cannot get it spelled out in this bill, we can do it in conference, but at some point to make sure that this problem is addressed in this bill.

I cannot—like the Senator from Arkansas said—guarantee it because I just have 1 vote in here, and there are 99 others. But we can recommend and we can work with the Senators to craft that kind of language. I pledge to them my best efforts to do that.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I guess what I would encourage us to do is to work this evening and tomorrow morning to see if we can craft a solution to include in this bill that solves the problem. As the Senator knows, he has been a veteran of these many battles in the Congress directing the Secretary to study something, suggestions that it may or may not get solved, and it may or may not get solved in the next 5 years.

Mr. COCHRAN. If the Senator will yield, there are two parts: The study to do something equitably to address and resolve the issues; and we have to worry, too, about how the Congressional Budget Office may score language like that.

I do not know what their scoring would be. I am sometimes mystified and dumbfounded by the scoring decisions that are made by the Congressional Budget Office on something like this.

So we will have to reserve judgment on that basis. We do not want to put ourselves out of business because of some scoring decision that they make.

Mr. DORGAN. I understand that. My point was that I do not know that the problem needs much study. I understand the problem. We understand that those who signed up with the program who raise barley find out now that they are going to get 30 percent less than the freedom to farm bill proposed at 46 cents a bushel.

Mr. COCHRAN. Madam President, if the Senator will yield, it has to be studied. There was a misinterpretation of estimates provided by Department of Agriculture for the payments for barley producers. But the barley producers were told that an erroneous support level would be made a part of the barley program. Then they found out later that they were wrong and it would be a lower level. Now they are caught in this situation where they do not want to have to admit that the facts were misrepresented about the support level and the basis on which it was calculated.

That is why it ought to be studied because there is a difference of opinion at the Department of Agriculture as to what this level ought to be. I do not know what the level ought to be. You are saying one level. The barley producers are expecting that level that you are talking about. That is the part of the problem.

Mr. DORGAN. The Department indicates that the majority party in constructing the freedom to farm bill made the error. I do not know who made the error. I do know this. That when someone signs up for a program and is told they will get 46 cents a bushel for a barley payment under a contract, and then are told later, ''Well, gee. That was wrong. You actually are going to get 30 percent less than that,'' and, where this is the only crop in the country that is put in that position, our position is let's go ahead and make them whole.

We do not have to wait forever to do that. Let us try to find a way to do that now. It has been kicking around here for a while. I have talked to the Senator from Montana, Mr. BURNS, so I know you have been working with him, and Senator BAUCUS. My understanding is some of the original discussions about that would be maybe to fix part of the problem.

I would very much like to fix this problem so that those who signed up on the basis of getting 46 cents a bushel for barley will be able to understand that is what they are going to get. That is what everybody else got. Everybody else got exactly what this Congress told them they would get as a payment under freedom to farm. It was a fixed payment. It did not require rocket scientists to understand what it was going to be; it was a fixed payment. Everybody signed up and understood what they were going to get.

The only crop that is disadvantaged this way, the only farmers who are going to be short-changed will be those who raise barley who were told it is not 46; something happened in between with calculations and it will be 30 percent less than that. Our position is that is not the right way to deal with these growers.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I believe that the distinguished chairman of the Agriculture Appropriations Subcommittee has offered to work with the Senator and the other Senator from North Dakota and the Senator from Montana, Mr. BURNS, and has an amendment reservation pending to try work this out in a way that is acceptable to Senators.

We need to get an agreement on how we are going to proceed tonight and in the morning. I would like to propound a unanimous consent agreement, and the chairman, I am sure, is going to be prepared to work with Senators right now and see if he can find something that is acceptable. As he said, he is in an awkward position because he is, in effect, trying to represent what he understood the Agriculture Department's position might be. We are not all barley experts, but he is willing to work with Senators on that.

So let me ask consent so that we try to get agreement on how we proceed. By the way, I want to say the distinguished Democratic leader has been working with me to come up with a fair and equitable way to handle this bill and amendments. There is a lot of emotion on agriculture bills and commodities, and we have worked together to try to come up with a procedure here that will be a fair process that everybody can get their case made and maybe we can go ahead and be working on barley and water rights and peanuts and FDA and everything that is pending.

So I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to relevant second-degree amendments, that no motions to refer be in order and no points of order be considered as having been waived by this agreement. The amendments are as follows and must be offered and debated prior to the close of business this evening with the exception of the Kennedy amendment regarding FDA: Burns regarding barley; Brown regarding water rights; Santorum regarding peanuts, eight amendments, which I hope will wind up being no more than one; the Mikulski amendment regarding FDA; Leahy regarding milk orders; Craig regarding GAO study; Lugar regarding double cropping; Kerrey Nos. 4978, 4979 and 4980; Kennedy regarding an FDA amendment; Simpson regarding wetland easements; a Pell amendment unspecified; Thurmond regarding agriculture research; a Frahm amendment regarding section 515, rental housing program; Bryan No. 4977; and Gregg No. 4955.

I further ask that following the conclusion of debate on the above-listed amendments, any votes ordered with respect to the amendments be stacked to occur beginning at 11 a.m. on Wednesday, tomorrow, with the first vote limited to the standard 15 minutes and any stacked votes thereafter limited to 10 minutes with 2 minutes for debate to be equally divided prior to each vote.

Mr. LEAHY. Madam President, reserving the right to object.

Mr. DORGAN. Reserving the right to object—

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, would the distinguished majority leader note on his list instead of an amendment by me on milk orders, that it is an amendment on the Northern Forest Stewardship Act.

Mr. LOTT. Northern Forest Stewardship Act.

Mr. LEAHY. I suspect it is going to be accepted anyway, but it will not be on milk orders.

Mr. LOTT. I amend my unanimous-consent request to reflect that.

Mr. LEAHY. I appreciate it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, it is not my intention to hold up the Senate, and I do want to help this process move along. I am constrained to object at the moment.

What I would like to suggest is that we sit down here for a few minutes and see if we can divine a way by which we can address this problem so that we can have a UC that I would not object to. I do not want to be in a circumstance where we now lock in a process so that at 11:30 in the morning this thing is done and gone and our opportunity to address this issue is over and we are told, well, we are very sympathetic; we think you had an awfully good case; we have 16 people studying it; we have 86 staff people looking at it. And the fact is, nothing will get done and we know that.

So what I want to do, if we can, is spend a few minutes, perhaps in the next few minutes, seeing if we can find a way to solve this problem now that we have the opportunity to solve it, and if we can find a way to do that and find a process by which that can be done, then we can have the unanimous-consent request that I would not object to.

It is not my intention to hold this up. I want to be helpful, but I do also want to be helpful to some thousands of farmers out there who signed up for something that under the current circumstances they will not get, and that is not fair and we ought to fix it. So I do object. I object.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. LOTT. Madam President, as I stand here before you, amendments are coming in. It is growing. If we do not get a unanimous-consent agreement, it is going to continue to grow. We need to get the agriculture appropriations bill done. I understand Senators want to work it out. The Senator has indicated he is willing to do that. But maybe we should just go ahead and go on with the business and get a recorded vote up as soon as we can. I believe we have one we could do on maybe market research, something, but we have to get our work done. If we cannot get a UC, then let us start voting.

Mr. BUMPERS addressed the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Is there a unanimous-consent request pending?

The PRESIDING OFFICER. There is not.

Mr. LOTT. I do not know if the Senator actually objected or not.

Mr. DORGAN. I did.

Mr. LOTT. He did.

Mr. DORGAN. Madam President, I made the point that if we can take just a couple minutes here, we may be able to solve this problem. I suggest that we have a brief quorum call and see if we could through some discussion solve this problem. It is not my intention to hold up the Senate. I understand exactly what the majority leader wants to do.

Mr. LOTT. I think that is a fair request. Let us make a run at it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. If I may direct a comment to the majority leader on this—

Mr. DORGAN. Excuse me. Did the Chair note my objection?

Mr. LOTT. The objection was heard, I believe.

The PRESIDING OFFICER. The objection was heard.

Mr. BUMPERS. Let me say, first of all, I want to cooperate with the majority leader. I am afraid, as they say, he has poured out more than we can smooth over this evening. There are a lot of amendments here that are going to require a lot of debate. For example, Senator SANTORUM does not have one amendment; he has eight amendments.

To suggest that all of these amendments will be debated tonight, and we start voting at 11 o'clock in the morning, we would be lucky to finish by 11 o'clock in the morning if we stayed here all night the way I look at this thing. So I would suggest that we try to craft this in such a way that we say, first, these amendments be the only ones in order. I sympathize with that totally, and I think that is the first part of the agreement that we get, if we possibly can, to stop the very hemorrhaging you are talking about of new amendments.

Second, I think we ought to limit the time agreement on these amendments so that we do not take 2 hours. I know Senator KENNEDY feels very strongly about one amendment and wants 2 hours. So I am just saying that if we could limit the amendments in the unanimous-consent agreement—and I do not believe the Senator from North Dakota would object to that—I think we could get that done now, and that would be a major step toward getting this bill finished.

Mr. LOTT. Madam President, let us see if we can get the sticking point we have before us worked out. In the meantime, while the interested parties are talking about that, we will see how we can craft a unanimous consent that would reflect that.

Several Senators addressed the Chair.

Mr. LOTT. I will be glad to yield to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am glad to either file the amendment which I would hope we would have an opportunity to debate—but I am glad to send that at an appropriate time to the desk this evening. I was told by the floor managers they preferred to deal with the agricultural issues this evening. I said I would speak tonight on this amendment. They indicated that, as much as they wanted to hear me speak, they would rather deal with particularly agricultural amendments and then go over until tomorrow.

I want to indicate I am not interested in an undue delay, but I have had a number of Members who have spoken to me, saying that they would like to speak on this issue. I can file the amendment here this evening. We will be prepared to be on the floor at a time to be designated by the leader to either follow those amendments that deal with agriculture or whatever order the majority leader wants. But I want to be able to preserve both my right and time tomorrow to address this issue, which is of major importance and really not relevant to the subject at hand.

The subject at hand is the agricultural appropriations. This is dealing with the Food and Drug Administration. It is a part of a bill that is currently before the Senate and also before the House, where there are good-faith negotiations, allegedly, taking place to try to work out some of the differences. I want to have an opportunity to speak to that issue, but I want to also indicate I have been requested to restrain that now to deal with the agricultural issues. I will follow that request.

Mr. LOTT. Madam President, we have been working as the Senator has been talking. If the Senator will allow me to renew this unanimous-consent request, I think we have something we can get done.

Mr. KENNEDY. Certainly

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Madam President, I ask unanimous consent the following amendments be the only remaining first-degree amendments in order to the pending agriculture appropriations bill, that they be subject to second-degree amendment, that no motions to refer be in order, and no points of order be considered as having been waived by this agreement. The amendments are as follows. My intent here is to lock in this list of amendments so it will not continue to grow as the night progresses. Here is the list:

Burns, regarding barley; Brown, regarding water rights; Santorum amendments, regarding peanuts; Mikulski, regarding FDA; Leahy, regarding Northern Forest Stewardship Act; Craig, No. 4971; Leahy, regarding double cropping; Kerrey, Nos. 4978, 4979, and 4980; Kennedy, regarding FDA; Simpson, regarding wetlands easements; Bumpers, regarding agriculture research; Thurmond, regarding agriculture research; Frahm, regarding section 515, rental housing program; Bryan, No. 4977; Gregg, No. 4959; Burns, relevant; Smith, relevant; Hatfield, two relevants; Brown, relevant, one,

and the second would be water rights task force; Murkowski, two relevant amendments; Domenici, regarding drought; Cochran, two relevant amendments; Hatch, regarding FDA; Lott-Bumpers-Wellstone with two; Daschle with two; Leahy, regarding agriculture; Sarbanes, regarding agriculture; Leahy, regarding wild rice; Dorgan, regarding barley; and Dorgan, regarding a sense of the Senate on Canadian trade; that we would have stacked votes at 11 o'clock on those that have been debated and debate completed, then we would resume after those stacked votes with the remainder of these amendments until we complete the list, many of which I hope will not be offered.

Mr. DASCHLE. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. For clarification purposes, the majority leader did not note, I do not believe, second-degree amendments would have to be relevant, but I am sure that was the intent.

Mr. LOTT. I may have read over that because I was reading it fast: be subject to relevant second-degree amendments.

Mr. DASCHLE. And there is no time limit on the amendments for purposes of debate?

Mr. LOTT. Not at this time. We are just trying to lock in the list of amendments, which is a lengthy list, and all of our agriculture friends, I am sure, would like to have an agriculture appropriations bill. So we need a little cooperation here.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Further reserving the right to object, I hope we could agree with this. The majority leader and I have been working. As he made the list, I am quite sure there are at least as many Republican as Democratic amendments, so this is true bipartisanship. There is as much interest in amending this from the Republican side as there is from the Democratic side, so I certainly hope no one would come to any conclusion that it was only the Democrats that were holding this up.

But I do believe this unanimous consent works for both sides. It protects Senators to offer their amendments, and it gives us an opportunity to work tonight to address some of them. I hope we could finish the work sometime tomorrow.

Mr. CONRAD. Reserving the right to object.

Mr. LOTT. I thank the Democratic leader for his effort to be helpful in this regard.

Mr. CONRAD. Reserving the right to object, I ask the able majority leader that I be added, a Conrad amendment with respect to barley, so we have another slot. So, hopefully, we can get this worked out in a way that achieves a result. If we could reach that understanding, I would not object.

Mr. LOTT. I will amend my unanimous-consent request to that extent: Senator Conrad regarding barley.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. If I could ask the distinguished majority leader, did that list include under my name an aquaculture reauthorization?

Mr. LOTT. I had it listed as agriculture. Is it supposed to be aquaculture?

Mr. LEAHY. Aqua. You have to forgive my New England accent.

Mr. LOTT. You talk a little funny.

Mr. LEAHY. We talk a little funny up in New England, but we do our best. I have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Put my name down for an amendment on dairy.

Mr. LOTT. Heflin regarding dairy. We need to get dairy in here. It would not be a normal agriculture bill without it. All right, sir. We have added that.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I will not object to this request, the majority leader does not, by this request, limit the time on the bill. He attempts to limit the amendments that will be offered. I only want to make certain the amendment that he has referenced, the barley amendment that I would offer—you are describing an amendment about barley, not necessarily the amendment that I have sent to the committee. I may want to change the method of paying for that. I assume the unanimous-consent request simply allows me a relevant barley amendment; is that correct?

Mr. BUMPERS. That is right.

Mr. LOTT. Yes, you are on the list for a relevant barley amendment.

Mr. DORGAN. But I am not necessarily tied to the amendment I submitted to the committee. I assume I will be able to modify that amendment.

Mr. LOTT. Any Senator can modify his amendment.

Mr. DORGAN. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Then I further ask, as I did earlier, when we begin the stacked votes at 11 o'clock, the first vote be 15 minutes and the stacked votes thereafter be limited to 10 minutes, with 2 minutes of debate equally divided prior to each vote.

Mr. HEFLIN. Reserving the right to object, I sort of feel like some of these things are a little complicated. Could we have, on peanuts, 4 minutes equally divided instead of 2?

Mr. LOTT. If there are any peanut amendments, then 4 minutes on the first of those that might be offered, equally divided. Is that all right?

Mr. HEFLIN. First two. We have eight.

Mr. LOTT. Four minutes on first two equally divided with the hope there would not be more than one. That agreement is included in our request.

Mr. BUMPERS. Reserving the right to object, Madam President, as I understood the unanimous consent agreement, the first part was these amendments would be an exclusive list.

Mr. LOTT. Right.

Mr. BUMPERS. The second part of the agreement, the second unanimous consent agreement said that we would stack votes beginning at 11 o'clock in the morning.

Mr. LOTT. Right, sir.

Mr. BUMPERS. It did not say all of these amendments would be disposed of prior to that time?

Mr. LOTT. No, just those debated and ready for votes.

Mr. BUMPERS. I am confused by the Senator's request for 4 minutes on peanut amendments.

Mr. HEFLIN. If they come up. If we can get everyone to agree to a 4-minute time agreement, maybe we could finish tonight.

Mr. LOTT. He wants 4 minutes immediately prior to the votes in the stacked order.

Mr. BUMPERS. OK.

Mr. LOTT. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I think the best thing to do at this point, as laboriously as that agreement was worked out, let us go forward now with the efforts to get an agreement on barley and start taking up the amendments and turn it over to the very able managers of the legislation. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, if I could have the attention of the two managers, I do have an amendment on behalf of myself, the Senators from Maine, Ms. SNOWE and Mr. COHEN; the Senators from New Hampshire, Mr. GREGG and Mr. SMITH; the Senator from Vermont, Mr. JEFFORDS; and Senators MOYNIHAN, KENNEDY, and KERRY regarding the northern forest stewardship.

If the managers are in a position to accept this, I am willing to offer it and go forward. If they prefer we wait until a later time, I am willing to do that. I just understand some people want to get some things moving forward. So I ask the distinguished managers, if that is the case, I will offer it on behalf of those Senators, otherwise I will withhold until a later time.

Mr. COCHRAN. Madam President, if the President will yield, let me respond by saying this is an issue that is not an agriculture appropriations issue, as the Senator knows.

Mr. LEAHY. That is right.

Mr. COCHRAN. It is related to forestry and comes under the jurisdiction of other committees. So I am not able to accept the amendment or recommend it be accepted. I understand there are some objections to it.

Mr. LEAHY. I will withhold, Madam President. If I can ask the Senator from Mississippi a further question, my

understanding is that under the unanimous-consent agreement we are now operating under, this amendment, however, is protected at least to the extent of being able to bring it up, subject to all the other conditions. If I do not bring it up tonight, it is still protected.

Mr. COCHRAN. As I understand it, he has the right to offer the amendment at any time. He can offer it now, and it will become a pending amendment which will have to be laid aside temporarily to consider other amendments, or he can offer it later.

Mr. LEAHY. Madam President, I believe, then, I will offer it now and then yield to the Senator from Mississippi who will then move to set it aside and make the bill available for other amendments.

AMENDMENT NO. 4987

(Purpose: To implement the recommendations of the Northern Forest Lands Council)

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to offer an amendment on behalf of myself and Senators SNOWE, GREGG, JEFFORDS, SMITH, COHEN, MOYNIHAN, KENNEDY, and KERRY, and that it be reported and become the pending business.

Mr. CRAIG. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I am attempting to understand this amendment and would like to work with the Senator from Vermont. It has not had the kind of airing I would hope for, and there is a question, as the chairman just said. I do not want to object this evening to this, but I would like to sit down with the Senator from Vermont prior to the consideration of it.

Mr. LEAHY. Madam President, let the distinguished chairman move to set it aside, but it will be there. Under the unanimous-consent agreement, I have the right to bring it up at any time. I will offer it just so I can now leave the floor and it is there. Obviously, it will not be brought up until such time as the distinguished Senator from Idaho and I have had a chance to talk.

Mr. CRAIG. Under that understanding and consideration of the Senator from Vermont, I will not object.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I was going to say for point of clarification, there are other amendments pending as well, so it is not like this is the only amendment offered. There is a market access amendment, Senator KERREY has three amendments pending, and there are others, all of which are pending before the Senate now. This is not unusual. The only reason you were asking unanimous consent was so that those could be set aside and you could offer that amendment. I suggest that the clerk report the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Ms. SNOWE, Mr. GREGG, Mr. JEFFORDS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. KERRY proposes an amendment numbered 4987.

Mr. LEAHY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LEAHY. Madam President, I rise to seek the Senate's approval of S. 1163, the Northern Forest Stewardship Act, the result of a joint effort on the part of my colleagues from New England and New York—Senators JEFFORDS, GREGG, SMITH, SNOWE, COHEN, MOYNIHAN, KENNEDY, KERRY, and thousands of constituents who live in our region, one characterized by some 26 million acres of forest spanning four States.

The Northern Forest Stewardship Act of 1995, S. 1163, is an example of what Congress can achieve when it heeds the public's voice. The bipartisan legislation that I introduced with several other northern forest Senators on August 10, 1995, is founded on extensive research, open discussion, consensus decisions, and visionary problem solving by the people who have a stake in the future of the forest.

Legislation rarely embodies such a thorough effort by so diverse a constituency. Our goal was to accurately reflect the recommendations of the northern forest communities, envisioned in the final report of the Northern Forest Lands Council.

The council process was initiated to avoid the conflicts that have divided communities in some regions of our country. These conflicts have very often been fueled by misinformation, politics and short-term economic gain.

Over the past 4 years, northern forest communities have made a dedicated effort to develop a shared vision for their future. They have worked hard to arrive at a consensus and our job is to insure that their efforts are rewarded.

This legislation is guided solely by the council's recommendations—it goes no further, nor does it fall short. The bill includes a package of technical and financial assistance which the Congress can and should support.

Between the Family Forestland Preservation Act (S. 692) and the Northern Forest Stewardship Act (S. 1163), Congress can meet the recommendations made by the people of the northern forest.

The Northern Forest Stewardship Act includes provisions on the council's fundamental principles; formation of forestry cooperatives; defining measurable benchmarks for sustainability; a northern forest research cooperative; interstate coordination and dialog; forest-based worker safety and training; funding for land conservation planning and acquisition; landowner liability; and nongame wildlife conservation.

The legislation embodies the conservation ethic of the 1990's—non-regulatory incentives and assistance to realize community-based goals for sustainable economic and environmental prosperity. The rights and responsibilities of landowners are emphasized, the primacy of the States is reinforced, and the traditions of the region are protected. Yet, the bill also promotes new ways of achieving our goals and a common vision that did not exist several years ago.

Moving ahead with the Council's work, we will pursue enhanced forest management, land protection that supports the recreational and wildlife needs of the region, integrated research and decision making, and increased productivity in the traditional as well as new compatible industries.

Through this bill, we can boost sustainable development and protect the ecological integrity of biological resources across the landscape. The Nation has taken notice of this highly successful effort as a model for meeting the conservation challenges of the country, and I am confident of its inevitable success.

We welcomed the constructive input of many people and organizations who compared our legislation with the final recommendations, research, and public participation of the Northern Forest Lands Council.

It was our goal to create the best possible representation of the future described in the report to Congress, Finding Common Ground: Conserving the Northern Forest—to make the Council's solutions work, and work well. I want to thank the many citizens for their hard work which helped shape the final product.

The Northern Forest Stewardship Act is the work of many people. I want to congratulate the members of the council for their success, and most importantly the people of the northern forest for their enthusiasm during the long process. Thousands of people took time to turn out for public meetings and share their views on the northern forest. Hundreds more put pen to paper or picked up the phone to register their thoughts.

Senators GREGG, JEFFORDS, COHEN and SNOWE deserve particular thanks for their contributions to this effort.

The Northern Forest Lands Council recommendations reflect the first, true consensus vision of northern forest communities. We must reward that cooperation by providing a fair and true legislative reflection of their combined wisdom.

Mr. JEFFORDS. Madam President, I rise in support of the Northern Forest Stewardship Act and commend Senator LEAHY for his leadership on this initiative.

It was almost a decade ago that a sudden sale of a large tract of forest land in northern Vermont and New Hampshire forced people to take notice of the value and vulnerability of the timber lands in an area which has become known as the Northern Forest.

Foresters, conservationists, and recreationists became somewhat alarmed at the prospects that these forest lands, long valued for the aforementioned traditional uses, might instead be parceled and sold to bidders whose intentions and values did not necessarily match those of the landowners who had long provided stewardship of these lands.

The States of Vermont, New Hampshire, Maine, and Vermont marshaled their resources and convened a study group to investigate the nature and extent of the matter. We learned, frankly, that some of our concerns were overstated. A study of land transfers did not reveal an imminent threat of large scale land sales. But we also learned how fragile the economics of forestry has become. And if the business of forestry cannot be sustained, then neither can we take for granted the benefits of the wooded lands.

So the Northern Forest Lands Council studied these issues in depth and in 1994, issued its recommendations. These recommendations, it is important to note, reflect a consensus among many sectors concerned with forest issues. The council worked hard to ensure a high level of agreement between diverse constituencies, and we here in Congress have sought to continue in that mode.

We have followed two tracks to implement the consensus recommendations, and the Northern Forest Stewardship Act represents the conservation and stewardship part of the equations. Our goal here has been to closely follow the council's suggestions, and I greatly appreciate the efforts and energies of the many stakeholders who have helped move this initiative forward. This Stewardship Act is designed to help the States and private owners to move forward on many initiatives designed to protect and enhance the forest health, forest economies, and community development.

The other part of the equation has been put forward in a bill sponsored by Senator GREGG. These measures would implement the many Federal tax policy changes recommended by the council. My desire would be to merge the two bills, as one complements the other. As I have said, there is broad agreement that it is increasingly difficult to make a living as a forester, and the tax changes contained in the Gregg bill would be of great benefit to Vermont forestry professionals. While it is not practical or possible to move the Gregg bill in concern with the Stewardship bill at this time, I think it is something toward which we should work, and I know several of my colleagues share this view.

Madam President, this bill is an important step for the Northern Forest. As our progress here tonight is only possible because of the work already done by the Lands Council and all those involved in developing the consensus recommendations, I ask unanimous consent that the mission statement of the Northern Forest Lands Council be printed in the RECORD. This statement reflects the guiding principles of the council, and serves as our benchmark, as well.

There being no objection, the statement was ordered to be printed in the RECORD, as follows;

NORTHERN FOREST LANDS COUNCIL

MISSION STATEMENT

The mission of the Northern Forest Lands Council is to reinforce the traditional patterns of land ownership and uses of large forest areas in the Northern Forest of Maine, New Hampshire, New York, and Vermont, which have characterized these lands for decades. This mission is to be achieve by:

Enhancing the quality of life for local residents through the promotion of economic stability for the people and communities of the area and through the maintenance of large forest areas;

Encouraging the production of a sustainable yield of forest products, and;

Protecting recreational, wildlife, scenic and wildland resources.

Mr. LEAHY. Madam President, I thank my distinguished friend from Mississippi for his usual courtesy and help, and the rest of the Leahy family thanks him, because I think this will make my evening somewhat easier than his.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I appreciate the remarks of the Senator from Idaho, who is chairman of the Forestry Subcommittee of the Senate Committee on Agriculture. He is familiar with these issues, and his help and efforts to understand the implications of this amendment will be deeply appreciated.

I am hoping that other Senators can come to the floor and offer their amendments or debate amendments that are pending. We had a lot of debate yesterday on the market access program. I suggest we probably debated that enough. We can vote on that at 11 o'clock in the morning, in accordance with the request of the majority leader.

There may be other amendments that can be voted on at that time as well. Certainly, the market access program is one we fully debated yesterday, and I expect a vote can occur at 11 o'clock on that amendment. There are probably others as well.

There may be some amendments that have been cleared. I do know Senator THURMOND had an amendment that we talked about involving research by the Department of Agriculture. It might be cooperative State research. I am prepared to submit that amendment. I ask unanimous consent that the pending amendments be set aside for the purpose of offering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4988

(Purpose: To provide funding for the Cooperative State Research, Education, and Extension Service)

Mr. COCHRAN. Madam President, on behalf of the Senator from South Carolina [Mr. THURMOND] and the other Senator from South Carolina [Mr. HOLLINGS], I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. THURMOND, for himself, and Mr. HOLLINGS, proposes an amendment numbered 4988.

Mr. COCHRAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 25, strike ''$46,330,000'' and insert in lieu thereof ''$46,830,000''.

On page 14, line 10, strike ''$418,620,000'' and insert in lieu thereof ''$419,120,000''.

On page 21, line 4, strike ''$47,517,000'' and insert ''$47,017,000''.

Mr. THURMOND. Madam President, I rise today, along with my colleague from South Carolina, Senator HOLLINGS, to introduce an amendment to restore funding for three agricultural research projects that are conducted by Clemson University. While I am aware that funding is limited this year for all programs, these particular research projects will benefit all American farmers.

The alternative cropping systems project is a joint research effort with Clemson University, the University of Georgia, and North Carolina State University, which is conducting research in production and marketing of alternative crops to the traditional agronomic crops grown in the southeast. To continue this research, $232,000 is needed.

The peach tree short life research project is currently conducting field trials to determine if a ground cover used in peach orchards inhibits reproduction of ring nematodes, a contributing cause of peach tree short life. This disease causes the premature death of peach trees. Of the $500,000 included in this amendment, $162,000 would be used to continue this research.

The last program this money would be used for is the pest control alternatives research project. Currently, Clemson University is working to develop innovative pest control techniques which help reduce environmental concerns and increase returns to farmers. For this research program, $106,000 is requested.

The consumer is asking for safer food production methods. Further, our farmers need research assistance to help reduce pesticide usage on fruits and vegetables and increase the marketing potential of our crops. These research projects will help find solutions to these problems, thus aiding farmers as well as consumers.

Mr. COCHRAN. Madam President, this amendment has been cleared on both sides. It deals with research in the State of South Carolina. I know of no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4988) was agreed to.

AMENDMENT NO. 4989

(Purpose: To make necessary reforms to the rural multifamily loan program of the Rural Housing Service)

Mr. COCHRAN. Madam President, I ask unanimous consent that I be permitted to set aside the pending amendments and send an amendment to the desk on behalf of the Senator from Kansas, Mrs. FRAHM.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. FRAHM, proposes an amendment numbered 4989.

Mr. COCHRAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title VII of the bill, add the following new section:

SEC. 7 . RURAL HOUSING PROGRAM EXTENSIONS.

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(b) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(c) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

''(h) PROJECT TRANSFERS.—After the date of the enactment of the Act entitled 'An Act 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', the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.''.

(2) EQUITY LOANS.—Section 515(f) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.—

(A) AUTHORITY AND LIMITATION.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: ''or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled 'An Act 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', unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made''.

(B) APPROVAL OF ASSISTANCE.—Section 502(c)(4)(C) of the Housing Act of 1959 (42 U.S.C. 1472(c)(4)(C)) is amended by striking ''(C)'' and all that follows through ''provided—'' and inserting the following:

''(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—''.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1) is amended by striking December 21, 1979'' and inserting ''December 15, 1989''.

(d) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

''(aa) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

Mr. COCHRAN. Madam President, this deals with the 515 housing program, the low-income housing program.

● Mrs. FRAHM. Madam President, this is an amendment to H.R. 3603, the 1997 agriculture appropriations bill, to remedy a problem with an important low-income housing program.

My amendment specifically addresses the Rural Housing Services Program administered by the Department of Agriculture—the so-called section 515 program. This multifamily rural rental housing program is one of the few resources available to give very low-income and low-income residents of rural America access to decent, safe, and affordable housing. My staff has been informed by the CBO that this amendment will not increase the deficit.

While I firmly believe that housing issues and problems are best resolved on the State and local level, as the Agriculture Department still retains control of these programs we should make them work as efficiently as possible. I hope that in the near future we can make sweeping reforms that push these responsibilities to State and local governments; just as our forefathers originally intended when they wrote the tenth amendment.

Despite improvements in housing quality, 2.7 million families still live in substandard housing. According to 1990 census data, rural renters were more than twice as likely to live in substandard housing as people who owned their homes. With lower median income and higher poverty rates than homeowners, many renters simply cannot find decent, affordable housing.

The section 515 program assists the rural elderly, the disabled, and families. The average tenant served by the program has an income of $7,300. In my home state of Kansas the average tenant income is even lower, only $6,590. Make no mistake, these people would not be able to afford decent housing without this program.

My amendment would make several changes to the section 515 program that help alleviate existing problems. It would limit project transfers to instances when the Secretary determines that such transfer would be in the best interest of the Federal Government.

Currently, when a project begins to fail financially, the Rural Housing Service transfers the property to another owner rather than institute foreclosure proceeding. When the property is transferred, the new owner assumes the terms of the old debt, but at the fair market value at the time of the transfer. As many of these properties have decayed and experienced vacancy problems, the appraisal will often be for much less than the previous loan amount. The losses the Government incurs can be substantial as properties age and tax credits are exhausted.

Under current law, an account is established in the Department of Agriculture to offset the cost of guarantees for private-market equity takeout loans. Owners pay a certain amount into the account to offset the future cost of those loan guarantees.

Current law requires each owner to deposit $2 per unit rent into the reserve account each month. It further allows the owner to increase the per unit rent by this amount to pay for these deposits. Since tenants are limited as to how

much they can pay for rent, these payments must come from additional rental assistance. My amendment would reduce the cost of rental assistance by no longer letting owners increase the rents to fund their deposits into the reserve.

The most important part of the amendment is the addition of criminal penalties for any owner, agent, or manager who willfully uses or authorizes the use of rents or income of the property for any purpose other than to meet actual or necessary expenses. This provides an effective deterrent to wrongdoing by unscrupulous participants.

Madam President, I believe these modifications to the section 515 program are a good first step toward getting the program back on track. They return the program to its important public purpose, one that has worked in Kansas, of creating safe and sanitary rental alternatives for very low-income residents in America's rural communities. I ask that my colleagues support my amendment and urge its adoption.●

Mr. D'AMATO. Madam President, I rise to support the amendment sponsored by the gentlelady from Kansas which would reform the Department of Agriculture's section 515 Rural Rental Loan Program. I salute Senator FRAHM for her dedication and commitment to reforming and improving this program which serves as the only source of affordable rental housing in much of our Nation's rural areas. As chairman of the Committee on Banking, Housing and Urban Affairs I would like to personally commend our newest Member for her quick action in proposing bipartisan reform measures which should become law this year.

I would also like to express appreciation to Senator COCHRAN and Senator BUMPERS for their consideration of this amendment at the request of the Banking Committee. The Banking Committee will consider more comprehensive reforms to the section 515 program in the context of an overall examination of housing programs within the Rural Housing Service of the Department of Agriculture. However, Senator FRAHM's amendment includes changes to section 515 which are overdue and should be made in advance of a thorough analysis of this important program.

This amendment would respond to a February, 1996 evaluation report entitled ''Legislative Proposals to Strengthen the Rural Housing Services' Rural Rental Housing Program'' issued by the Department of Agriculture's Office of Inspector General. Specifically, the amendment would include the inspector general's No. 1 legislative objective—the enactment of civil and criminal penalties for participants in the program that misuse rural rental housing project assets or income. It is absolutely imperative that those in criminal violation be swiftly and severely punished. Specifically, any owner, agent or manager of section 515 or section 414 farm labor housing projects that willfully uses or authorizes the use of any part of the rents, assets, proceeds, income or other funds derived from the property for an unauthorized purpose may be fined up to $250,000 or imprisoned for up to 5 years.

In addition, the amendment would make reforms to the section 515 program which include: the prohibition of transfer of ownership of a project unless the Secretary of Agriculture—Secretary—determines that such transfer would further the provision of low-income housing and be in the best interests of residents and the Federal Government; the elimination of the occupancy surcharge charged to residents to fund equity loans; and the requirement that an equity loan may not be made unless the Secretary determines that available incentives are not adequate to provide a fair return on the investment, prevent prepayment, and prevent resident displacement.

Finally, the amendment would extend the section 515 program for 1 year, from its current expiration date of September 30, 1996 to September 30, 1997. A permanent extension will be considered during comprehensive reform of the program.

The need for affordable housing in rural areas is severe. The 1990 census estimated that 2.7 million rural Americans live in substandard housing. The section 515 program is one of the few resources available to respond to this critical unmet housing need. Since its inception in 1962, the section 515 program has financed the development of over 450,000 affordable rental units in over 18,000 apartment projects. The program assists elderly, disabled, and low-income rural families with an average income of $7,300.

I thank Senator FRAHM for her recognition of the great need for this program and her steadfast commitment to ensuring that every Federal dollar appropriated serves the greatest number of rural poor. I look forward to working with her to further improve this much needed program in the future and I support immediate passage of this amendment. Thank you.

Mr. COCHRAN. Madam President, I know of no objection to this amendment, and I recommend its approval.

Mr. BUMPERS. The amendment has been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4989) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, on the authority of the majority leader, I can announce there will be no further rollcall votes this evening. That information is being hotlined to all Senators' offices, but for those who might be watching their television monitor, there will be no more votes this evening. The first vote will occur tomorrow no earlier than 11 o'clock a.m.

AMENDMENT NO. 4990

(Purpose: To reauthorize the National Aquaculture Act of 1980)

Mr. BUMPERS. Madam President, on behalf of Senator LEAHY, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LEAHY, proposes an amendment numbered 4990.

Mr. BUMPERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, and the following:

SEC. . REAUTHORIZATION OF NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''1991, 1992, and 1993'' each place it appears and inserting ''1991 through 1997''.

Mr. BUMPERS. This is an amendment offered on behalf of Senator LEAHY dealing with reauthorization of the aquaculture program. It has been cleared on both sides.

Mr. COCHRAN. We have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4990) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4991 AND 4992, EN BLOC

Mr. BUMPERS. Madam President, I send two amendments to the desk on behalf of Senator KERREY of Nebraska that I understand have been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for Mr. KERREY, proposes amendments numbered 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992) are as follows:

AMENDMENT NO. 4991

(Purpose: To provide the Secretary of Agriculture authority through fiscal year 2000 for the use of voluntary separation incentives to assist in reducing employment levels, and for other purposes)

In lieu of the pending amendment insert the following:

SEC. . DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Department of Agriculture;

(2) the term ''employee'' mean an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty-four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000 in fiscal year 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

AMENDMENT NO. 4992

(Purpose: To provide funds for risk management, with an offset)

On page 25, line 16, strike ''$795,000,000'' and insert ''$725,000,000''.

On page 29, between lines 7 and 8, insert the following:

RISK MANAGEMENT

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,000,000, of which not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(i) of the Federal Crop Insurance Act (7 U.S.C. 1506(i): *Provided*, That this appropriation shall be available only to the extent that an official budget request for a specific dollar amount is submitted by the President to Congress.

Mr. BUMPERS. Madam President, I ask unanimous consent that the amendments be agreed to, en bloc.

Mr. COCHRAN. Madam President, we have reviewed the amendments, and they have been cleared on this side.

Mr. BUMPERS. I urge the adoption of the amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments Nos. 4991 and 4992, en bloc.

The amendments (Nos. 4991 and 4992), en bloc, were agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4993

Mr. BUMPERS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 4993.

On page 12, line 25, strike ''$46,830,000'' and insert in lieu thereof ''$47,080,000''.

On page 14, line 10, strike ''$419,120,000'' and insert in lieu thereof ''$419,370,000''.

On page 21, line 4, strike ''$47,017,000'' and insert in lieu thereof ''$46,767,000''.

Mr. BUMPERS. Madam President, this deals with a project in Rhode Island. I think it has been cleared by both sides.

Mr. COCHRAN. Madam President, that amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4993.

The amendment (No. 4993) was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I ask unanimous consent that the pending amendments be set aside so I may offer this amendment on behalf of Senator HEFLIN of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4994

Mr. COCHRAN. Madam President, on behalf of Senator HEFLIN I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. HEFLIN, proposes an amendment numbered 4994.

Mr. COCHRAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert: ''Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 608c note) is amended by striking ''1996'' and inserting ''2002''.

Mr. COCHRAN. Madam President, this deals with the dairy issue, and it has been cleared on this side of the aisle.

Mr. BUMPERS. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4994.

The amendment (No. 4994) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Madam President, I do not know of any other amendments we have cleared at this point. Senators, of course, who would like to offer their amendments tonight should do so. We are going to try to get as many amendments dealt with tonight as we can. But if Senators do not come and offer them, we cannot do anything.

Mr. BUMPERS. Madam President, I would like to fortify what the chairman just said. And that is, that we should not be required—and I do not think we are going to be required—to sit here all night pending some Senator deciding to come over and offer his amendment.

The unanimous-consent agreement has been entered into. Everybody knows which amendments are going to be in order. Senator COCHRAN and I do not have any interest in sitting here during numerous quorum calls hoping that somebody will show up. So I hope Senators will be considerate enough to get them offered and disposed of this evening, if we can. And with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I understand that the majority leader is working on an agreement of some sort. So I will not begin any kind of formal amendment proceedings. But I do have an amendment at the desk, which I would like to talk about.

I am not going to offer this amendment. I want to talk about it because I think it is important to realize the cost of the peanut program. Not only do I refer to the cost of the peanut program to the American peanut farmers, to the millions of processing jobs, and to the consumers, but the cost to the Federal Government of the peanut program.

As a result of the past farm bill, we now have a no-cost peanut program. Well, that may be true within the confines of the peanut program, but the program does two things. It limits the amount of peanuts grown for domestic consumption. It is a program that says here is how much will be grown in this country for use in this country. The Department of Agriculture sets that amount. In addition, it doesn't just limit the amount of the peanuts that are grown, it also sets the price.

You might think that I am talking about the former Soviet Union here. No, this is America. We set how much farmers can grow, and we set what we are going to pay for that—all done by the Federal Government—which is an amazing thing, but that is how the peanut program works.

Well, the fact is that the Federal Government is a consumer of peanuts. We have a variety of nutrition programs in the Federal Government. We have TEFAP and the school lunch programs, and all down the list. You would not be surprised that a lot of these programs are focused on kids, and you probably wouldn't be further surprised that one of the major staples of young kids is peanuts and peanut butter. I have a 5-year-old who loves peanut butter. Guess where we have to buy our peanuts for domestic consumption with the Federal programs; we have to buy quota peanuts.

Quota peanuts sell between $600 and $700 a ton. The world market price for peanuts—the price for additional peanuts not grown under the blessings of the Federal Government, which can be sold here but have to be exported—is about $350 to $400 a ton. So the Federal Government has to pay roughly twice what the world pays for peanuts. All these nutrition programs have to pay twice what the world pays for peanuts to go ahead and feed our kids.

The GAO—this was some 6 years ago, and the quota price has jumped around a bit, but it is relatively the same as 6 years ago—said that over $14 million a year the Federal Government spends. Where? Out of the mouths of people who could be fed through Federal nutritious meals. To where? To wealthy quota farmers. That is where that money goes, instead of feeding more kids.

We heard Member after Member, frankly, on both sides of the aisle, say, ''What about the kids? Don't you care about the kids? We should have more money to feed these children. We should have more money to take care of these kids.'' So what do we do with the peanut program? We suck money out of these nutrition programs to go to help kids, and it goes where? To a bunch of wealthy quota owners, many of whom don't even farm the land. They sit all over the world with their little quota that they got passed down from their granddaddies. They take money right out of the mouths of kids in our Federal Government programs.

I had an amendment at the desk that would say that USDA, who purchases peanuts and peanut products for the variety of the nutrition programs that they operate, would not have to buy quota peanuts, would not have to pay twice the world price to feed our poor kids in America.

The problem with that amendment, as I find out, is that the quota has already been set for this year. Thereby, if we took those quota peanuts that—the way they calculate the market and the production—would have ordinarily come to the USDA, we would, in a sense, have more peanuts go on loan, which means the price of the peanut program would go up about $5 million. So we score it as a $5 million loss this year.

Unfortunately, because this is an appropriations bill, I cannot change the law in the future. As a result, the savings in the future are tens of millions of dollars. But because of the quirk in the way this bill is structured, and the way the amendment had to be structured to comply with the bill, the amendment that I have to offer, in fact, would not be a cost-effective amendment. Therefore, I am not going to offer it. But the principle is a solid one.

We just finished welfare reform. We just finished saying that we need to make sure that those resources that we do have dedicated to helping the poor should be used as efficiently and effectively as possible. A lot of the reform we saw in the nutrition programs out of the Department of Agriculture, particularly the Food Stamp Program, were focused in on making this system a more effective and efficient system in delivering services to people who need them in this country. Yet, we have this dinosaur of a program that looks more like something that came out of Communist Russia than out of the United States, which is costing children food.

Let us just lay it on the line. We are taking food out of the mouths of children and putting money in the pockets of wealthy quota holders. Now, that is wrong. That is wrong by anybody's standard. We should fix that.

Unfortunately, again, because of the legislative vehicle we have before us, we cannot fix that. But I will tell you that I will be back. We will talk about this issue. I am anxious to hear how those who defend the peanut program can defend money being taken away from these necessary feeding programs for children to put money in the pockets of wealthy quota holders, most of whom don't even farm their own land to grow peanuts.

At this point, because I understand the majority leader is working on something, I will 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. HEFLIN. 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. HEFLIN. Mr. President, I rise in disagreement with the Senator from Pennsylvania. I do not want to prolong this, so I will make a brief statement.

I assume the distinguished Senator from Pennsylvania was speaking of the amendment he had at the desk, No. 4962, which was the prohibition on purchase of quota peanuts for domestic feeding programs. I assume that is what he had. He was talking about the School Lunch Program. As I understand it, he was saying that, because of the program, the Government has to pay twice the world price—twice as much for peanuts that go to the School Lunch Program and other programs that the Government might be involved in. Unfortunately, I believe that the distinguished Senator is not really familiar with the School Lunch Program and the other USDA commodity distribution programs.

We have a chart here that I will point out briefly, which is based upon USDA calculations. This chart here is designed to show the manufacturer's cost, based on USDA figures, of two jars of peanut butter, both being the same size, both being generic.

This chart shows that the manufacturers are able to make and sell peanut butter to the USDA School Lunch Program at 81 cents a pound. Yet, consumers at the market would pay $1.87 a pound. Eighty-one cents doubled is $1.62. So already when you have a program by which the manufacturers, in effect, bid against each other for the school lunch purchases, it ends up that there are considerable savings.

I would like to point out the pack of peanuts and the jar of peanuts. This chart was prepared before the bill was passed dealing with the farm bill which had the peanut program and in which the peanut program was substantially reformed. In fact, it was reformed to the extent that it is about a 30-percent cut to the producer. But this is where it was prior to that time. A bag of peanuts that cost 50 cents is 99 percent peanuts. This is the jar of peanuts, and of peanut butter, which shows that the farmer was getting 7 cents out of the 50. Then on peanut butter where it is 90 percent peanuts, the farmer was getting 54 cents. That would have been $1.64, and then 44 cents in addition to that, which would be $2.08 for a jar of peanuts which had 90 percent peanuts. But with the cuts that have now taken place under the farm bill and under this reform, you would have to take away 30 percent, which would show 4.9 cents that the farmer got. And here, in regard to the 30 percent, it was changed; the farmer, instead of getting 54 cents, is going to get 38 cents.

There has been a lot of talk that there would be pass-ons by which the savings would be passed on to the consumer. The GAO, in a study, consulted and talked to the manufacturers, and the manufacturers had indicated that they could not guarantee any savings would be passed on in that the money would be used to develop new products and advertising.

It is sort of interesting what has occurred recently in regard to cereals. This is not about peanuts but about cereals. Corn and other grain prices today are at an all-time high. Corn, for example, was at a 5-year historical average of $2.30 a bushel, and the price today on corn is $5.35 a bushel, which is substantially more than double. But yet, the cereal manufacturers have recently reduced the price of their breakfast cereal by as much as 25 percent to 30 percent.

I think this demonstrates that there is very little relationship between what the farmers are paid for their commodity and what food products are sold for at retail.

So, therefore, it ought to be plain that any savings to the manufacturers through reduced or capped costs on the farmer would not translate into savings to the retail consumers.

To give you some idea as to the cost, we have a chart showing what a jar of peanut butter sells for in the United States, being an 18-ounce equivalent jar of brand name peanut butter, not generic. It sells for $2.10. These are USDA figures. In Mexico it is $2.55, and so on.

Actually, ours are the lowest in the world and by far the safest. There are matters pertaining to inspection of foreign peanuts coming in that raise questions concerning food safety because there is a problem that is known as aflatoxin, and aflatoxin in the United States is controlled. It is a disease, and it is such that can cause cancer. But the peanuts that come in from foreign countries do not have the standards that we have in the United States.

I could go on, but I do not want to unduly take time to talk about this. The matter of peanuts could be discussed for a great while. The peanut program has been substantially reformed. The Department is now in the process of implementing the law. I just do not believe that we ought to move at this time to try to change it. Let us see what is going to happen with the program.

So I would say that this is not the time. Most of the peanut farmers have gone to the bank, and they have made their loans. They have made their plans for the year. They have signed up relative to the crop insurance and other things. Now in the middle of a crop year, I just do not believe is the time for us to be changing the peanut program.

I appreciate very much the fact that the distinguished Senator from Pennsylvania is not planning to offer the amendment.

I yield the floor.

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. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to offer a couple of amendments that have been agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent that an amendment by myself, which was inadvertently left off the unanimous consent agreement list, be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 4996 AND 4997, EN BLOC

Mr. BUMPERS. Mr. President, I ask unanimous consent that amendment together with an amendment that I would like to offer on behalf of Senator SARBANES and Senator MIKULSKI be considered en bloc. They have been agreed to by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I send those amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes amendments numbered 4996 and 4997, en bloc.

The amendments (Nos. 4996 and 4997), en bloc, are as follows:

On page 42, line 22, after ''development'', add the following, ''as provided under section 747(e) of Public Law 104–127''.

AMENDMENT NO. 4997

(Purpose: To restore funding for certain agricultural research programs, with an offset)

On page 5, line 8, strike ''$25,587,000'' and insert ''$23,505,400''.

On page 5, line 10, strike ''$146,135,000'' and insert ''$144,053,400''.

On page 10, line 18, strike ''$721,758,000'' and insert ''$722,839,600''.

Mr. COCHRAN. Mr. President, the amendments have been cleared on this side of the aisle.

Mr. BUMPERS. I urge their adoption.

The PRESIDING OFFICER. Is there no further debate?

Without objection, the amendments are agreed to.

The amendments (Nos. 4996 and 4997), en bloc, were agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4998

(Purpose: To require that certain funds be used to comply with certain provisions of the Federal Food, Drug, and Cosmetic Act relating to approval deadlines)

Mr. COCHRAN. Mr. President, in behalf of Senator HATCH and Senator HARKIN, I send an amendment to the desk and ask it be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HATCH, for himself and Mr. HARKIN, proposes an amendment numbered 4998.

Mr. COCHRAN. 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 55, line 7, after the colon, insert the following: *Provided further,* That a sufficient amount of these funds shall be used to ensure compliance with the statutory deadlines set forth in section 505(j)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(4)(A)):''.

Mr. HATCH. Mr. President, the purpose of this amendment is simple. It directs the Food and Drug Administration [FDA] to devote sufficient resources to making sure that generic drug applications are reviewed within the statutory deadline, which is 180 days.

Many of my colleagues may be surprised to know that the FDA is not meeting this deadline. In fact, it has fallen woefully short of meeting the law's requirement.

It is obvious to me that the Senate has learned one thing from our extensive debate on GATT and pharmaceutical patents over the past 8 months. We all want to do what we can to speed less-costly pharmaceutical products to the marketplace.

And that is the goal of our amendment.

There are two compelling points I want to leave with Members of this body.

The first is that FDA resources devoted to review of generic drugs are insufficient, and are dwindling from an alltime high in 1993.

The second is that the FDA's actual review time for generic drugs is increasing, even while their estimates of that review time would have us believe the time is falling.

Let me elaborate.

On the first point, the FDA estimates that they will devote 390 full-time equivalents [FTE's] to generic drug review in fiscal year 1997, which is down from the fiscal year 1996 estimate of 397 FTE's. It is also down from the actual number of 396 FTE's in fiscal year 1995 and 432 FTE's in fiscal year 1994.

As a matter of fact, statistics provided by the FDA itself indicate that there has been a build up over the past decade from 227 FTE's devoted to generic drug reviews in fiscal year 1986, steadily increasing to the all-time high of 448 FTE's in fiscal year 1993, and now declining each year.

Perhaps not coincidentally, the start of the decline was the exact time when the Prescription Drug User Fee Act [PDUFA] was enacted, the law which guaranteed subsidization of innovator drug reviews through new user fees. Those fees were not applied to generic drug reviews.

On the second point, I would like to note that there is a substantial gap between the FDA's estimates of how long it will take them to review generic drugs and the actual review time.

For 2 recent years for which I have statistics supplied by the FDA, there has been a large discrepancy between the time FDA thinks it will need to review generic drug applications and the actual review time. In fiscal year 1995, for example the FDA told the Appropriations Committee it would take an average of 24 months to review generic drug applications; in fact, it took 34.2 months. The next year, the current fiscal year, even though the FDA had not come close to meeting its target from the year before, FDA estimated that the approval time would fall—to an average of 20 months. In fact, the current estimates are that it is taking an average of 30 months.

What is really astonishing is that the law mandates a 6-month review time.

Instead of seeking the resources to meet that statutory deadline, the FDA has been seeking to expand its regulatory purview, by dusting off old regulations such as ''Medguide'' or starting new initiatives such as tobacco, each of which undoubtedly requires new funding.

While the FDA blindly rushes to make a case for both initiatives, only part of which is compelling from a public health perspective, I find it intriguing that the Agency has chosen to ignore a statutory mandate on the one hand while it voluntarily seeks to expand its purview on the other.

What is particularly compelling is that, as the review times for generic drugs increased, the review times for innovator drugs has decreased dramatically. It is now about 24 months on average; the median is estimated at 17.5 months.

And so we find ourselves in the ironic position that review times for new drugs—both actual and projected—is shorter than the review time for the generic copies, a position I find untenable.

Mr. President, generic drugs represent a very cost-effective means of controlling health care expenditures.

Any delay in sending these drugs to market increases costs to patients, who may end up paying more for pharmaceuticals, and it increases costs to taxpayers through Government-funded programs such as Medicare and Medicaid.

It is clear to me that the FDA should be giving generic drug applications more attention, not less.

That is the motivation for the amendment we offer today, and I urge its adoption.

Mr. COCHRAN. Mr. President, this is an amendment that deals with a generic drug issue in the Food and Drug Administration jurisdiction. We support passage of the amendment and recommend its approval.

Mr. BUMPERS. Mr. President, the amendment has been cleared on this side. It is agreeable to us.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4998) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4999

Mr. COCHRAN. Mr. President, in behalf of the Senator from New Hampshire [Mr. SMITH], I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SMITH, proposes an amendment numbered 4999.

Mr. COCHRAN. 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 47, line 17, before the period, insert the following: '': *Provided further,* That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

Mr. COCHRAN. Mr. President, this amendment has been cleared on this side. It deals with a water issue in the State of New Hampshire. I understand it has been cleared on both sides.

Mr. BUMPERS. Mr. President, let me ask the indulgence of the Senator from Mississippi for a moment. We have not seen the language on this yet. We probably will have no objection but before agreeing to it, we would like to see the language.

Mr. COCHRAN. Mr. President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4999) was withdrawn.

CANE SUGAR REFINING

Mr. MOYNIHAN. Mr. President, cane sugar refining has been around in America since the beginning of the Republic. Christopher Columbus introduced sugarcane from West Africa to Santo Domingo on his second voyage in 1495. Our Nation's leading cane sugar refiner, Domino Sugar, which is headquartered in New York City, has been in business for nearly 200 years. Domino's Brooklyn refinery has been in operation for 119 years.

The refining industry is an important part of our economy, employing thousands of Americans in good-paying manufacturing jobs. The Domino employees at the Brooklyn plant, for instance, make about $40,000, on average. Domino alone employs over 800 people in New York and 2,000 nationwide. Refined Sugar Inc., located in Yonkers, employs another few hundred. These refining jobs are, for the most part, located in inner cities and along urban waterfronts where other manufacturing jobs are scarce.

But the refining industry is on the brink of collapse. In the last 10 years, the number of cane sugar refineries nationwide has been cut in half, from 22 to 11. Plants in Boston and Philadelphia have closed; a refinery in Hawaii may have to close later this year. Other domestic refiners, including Domino and Refined Sugar Inc., have had to shut down several times because they have been unable to obtain adequate quantities of the raw product and affordable prices.

The domestic refining industry—one of the last bastions of manufacturing in some of our cities—is being crippled by overly restrictive administration of the sugar price support program. The loan rate for sugar is 18 cents per pound. But bowing to pressure from beet sugar producers, the administration has kept cane imports so low that the domestic price for raw sugar has fluctuated between 22 and 25 cents per pound. These prices are far higher than what is necessary to prevent loan forfeitures, and they have stimulated beet sugar production, which has driven down the price of refined sugar. Cane refiners operated in the red throughout 1995.

The situation has eased somewhat this year as the administration belatedly and sporadically increased the quotas. But more is needed, and it is needed urgently, or we will lose this industry.

I understand my colleagues' concerns about potential disruptions to sugar growers in their States. In turn, I would expect them to share my concern about the very real disruptions refiners in my State and elsewhere are experiencing.

The House version of H.R. 3603 includes an eminently sensible provision, section 729, designed to ensure that the sugar price support program is operated in a fashion beneficial for both growers and refiners. The provision stipulated that no Federal funds could be spent to support raw cane sugar prices at more than 117.5 percent of the statutory loan rate of 18 cents per pound. This amounts to a little more than 21 cents per pound. A very reasonable price for producers. More than the loan rate, more than enough to prevent forfeitures—a price sufficient to repay loans and cover interest and transportation of raw sugar to market. And a price at which refiners can operate. In practice, the House provision would require the Secretary of Agriculture to allow sufficient imports from existing quota holders so that the price does not exceed 21.1 cents per pound. Growers would profit. Refiners could stay in business. Adequate supplies would be available at affordable prices.

Let me be clear. I'm no fan of the sugar price support program. It's Soviet-style intervention in the market. But if we are stuck with it—for the time being—at least we can operate the program so that it doesn't drive our refiners out of business.

The House provision does not abolish the sugar program. It does not lower the loan rate for sugar. It will not induce loan forfeitures or cost the Federal Government any money. Indeed, revenue from import duties would increase. And the provision does not open the door for ''subsidized European sugar.''

I think the House provision is a very fair compromise that balances the interests of producers, refiners, and end users. I urge the Senate conferees to H.R. 3603 to agree to the House provision, or something much like it. Last year, when Congress reviewed the sugar price support program and a majority decided to retain it, there was an understanding the program would be operated in a way that is beneficial not only to producers, but to refiners, users, and consumers alike. Implementation of the program has left something to be desired in this respect. Section 729 would help. I entreat the Senate conferees to H.R. 3603 to support the House provision. Otherwise, we will be driving thousands of manufacturing jobs overseas.

EMERGENCY DISASTER LOAN PROGRAM

Mr. DOMENICI. Mr. President, let me first commend the Chairman on the outstanding work he has done on this important appropriations bill. I would like to bring his attention to one provision in the bill that is especially important to New Mexico and the Southwest in general. The entire Southwest is currently in the grip of the worst drought in half a century. Despite recent rains, stream flows in New Mexico are predicted to be 33 to 100 percent below average through the summer, with no end in sight. This drought has devastated crops and livestock in my State to such an extent that every single county in New Mexico is currently eligible for USDA's disaster assistance programs. I know that every State in the Southwest is suffering just as greatly.

One of the USDA programs that has been critical in helping the citizens of my State cope with this drought is the emergency disaster loan program. The Western Governors' Association has identified funding this program at the maximum level possible as one their top priorities in combating the effects of the drought. Sadly, the Clinton administration chose to zero this crucial program out of its fiscal year 1997 budget. In addition, the House has allocated the program a mere $25 million for fiscal year 1997. Fortunately, under the Chairman's leadership, the Senate has included $75 million for emergency disaster relief. I would like his commitment to fight to maintain the Senate funding level for this much-needed program.

Mr. COCHRAN. I understand just how important the emergency disaster loan program is to those people whose farms and ranches have been devastated by this drought, and I agree with the Senator that it was unfortunate that the Clinton administration chose to zero out the program just when those farmers and ranchers will need it the most. The Senator has my commitment that I will seek to maintain the Senate level of $75 million when this bill goes to conference.

Mr. DOMENICI. I thank the Chairman for his outstanding leadership on this important issue.

RAW CANE SUGAR SUPPLY

Mr. COVERDELL. Mr. President, I commend the chairman for his work on this bill and recognize the delicate balance he must strike in satisfying the varying interests of each Member. I would like to bring to the chairman's attention a situation that has plagued many of our domestic sugar refineries with regard to raw cane sugar supply. Is the chairman aware that the Secretary of Agriculture has administered the Sugar Program in such a manner as to cause shutdowns and cutbacks in certain sugar refineries across the country?

Mr. COCHRAN. Yes, I am aware of this.

Mr. COVERDELL. Is the chairman also aware of the fact that it is the Secretary's responsibility to administer the program in such a manner that provides an adequate supply of sugar to satisfy our domestic needs?

Mr. COCHRAN. I am aware of this and am cognizant of the Senator's point.

Mr. COVERDELL. I would like to advise the chairman that we have a recurring problem with regard to supply of raw sugar for cane refineries in the current administration of the sugar program. I would appreciate the chairman's support in reviewing report language addressing this supply issue as the bill moves to conference. I will be

happy to provide him with such language.

Mr. COCHRAN. The comments of the Senator from Georgia are appreciated and his points are well received. We will review such language that the Senator provides in conference.

Mr. COVERDELL. The Senator's overture is appreciated.

AMENDMENT NO. 4995

(Purpose: To prohibit the use of funds to provide a total amount of nonrecourse loans to producers for peanuts in excess of $125,000)

Mr. SANTORUM. Mr. President, I call up amendment No. 4995 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4995.

Mr. SANTORUM. 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:

At the end of the bill, add the following:

SEC. . LIMITATION ON AMOUNT OF NONRECOURSE LOANS FOR PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of a crop of quota peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $125,000.

Mr. SANTORUM. I thank the Chair.

Mr. President, I am offering an amendment here that I think remedies a huge inequity in the peanut program that makes the peanut program, frankly, different than any of the other traditional commodity programs in existence. The other commodity programs in existence have a limitation on payments for a particular entity that farms that product, that produces that product. Under the freedom to farm act, the limitation per commodity, per entity—entity can be either a single person or a partnership, corporation or whatever—the limitation of a commodity payment—and for the purposes of making it easier on me—per person is $40,000. Prior to the freedom to farm act the limitation was $50,000 per payment to an entity, to a person. We reduced it to $40,000 in the freedom to farm bill.

Now, unlike all of these other commodity programs, there is no limitation on how much Government support a peanut quota holder can receive. And in fact there are quota holders who receive in Government subsidized quota payments $6 million a year —$6 million in guaranteed income from the Federal Government as a result of the peanut program.

We made some reforms in the freedom to farm bill. This is one area that slipped through the noose. What this amendment does—it is a very simple amendment. It says we are going to limit the benefits of the peanut program to small- and medium-size farmers.

I hear my friends on the other side of the aisle and, frankly, on this side of the aisle who support the peanut program say: You know, Rick, if you go after this program, there are thousands of small farmers in my State you will destroy, the small- and medium-size farmers in my State, if you change the peanut program.

I have been sensitive to that. I understand the rural economy. In many areas where peanuts are grown, there is a limited number of crops that can be grown. Many areas are impoverished. I understand that, and I sympathize with the Members who represent those areas. But what we are talking about here are not small farmers.

Let me review. I have talked about this many, many times, and I have talked about the peanut program. But just let me report to you what a GAO study reported: That 22 percent of the peanut growers in this country receive 85 percent of the quota benefits. What does that mean? You have a bunch of big farmers who get almost all the benefits of this program.

What I am doing here is actually a very modest change, one I would think, if Members want to target these funds, target the benefits of the program to the farmers who need it, then they should be supportive of this. This is one I am hoping we can get some support for.

It is an amendment that says that every entity, person, can get up to—are you ready for this?—$125,000 of loan payments from the Federal Government—$125,000. That means every entity can get that much. If you have $6 million of peanuts to sell, you still get $125,000 at the guaranteed quota price, but the rest you have to sell on your own. If you are producing $6 million worth of peanuts, I would think you have a pretty good slice of the market and you can probably get a pretty good price for your peanuts. What we have done here is focus the program in on the folks who need it the most.

I want to step back and give a little bit of the origin of the peanut program, to show how it has evolved over the years to concentrate more and more of these quotas in the hands of bigger and bigger quota holders. I mentioned before who holds 68 percent of these quotas. A quota is the right to grow peanuts and sell them in this country. You get a quota from the Federal Government. It is passed on from generation to generation. They are sold like stocks. It is a right. It is worth something. It is worth a lot. It is worth $200 to $300 a ton, if you are growing peanuts.

Mr. President, 68 percent of the quota production in this country is held by people who do not touch one speck of dirt. They do not farm a lick. They rent it to somebody else to do it for them. These are people who sit in—I am from Pennsylvania. We have quota holders in Pennsylvania. We do not grow a whole lot of peanuts in Pennsylvania. There are quota holders in New Hampshire, and I am sure they do not grow any peanuts in New Hampshire.

What we are trying to do here is deal with those folks who have sat back and said, ''This looks like a pretty good investment. Let's buy some quota shares and make a little money on the Federal Government program.'' They have done that. They have done very well for many years. Now we are going to say, ''Look, you folks, start selling those quotas back to the small farmers.''

If anything, what this will accomplish, in my mind, is not to really affect the overall amount of quota peanuts grown. What it will do is make some of these big barons, quota barons, sell their quotas to folks who are out there leasing land right now to grow their additional peanuts, which are peanuts that do not get these big, high prices. Imagine. This is the United States of America. If you do not have a quota to grow peanuts, if you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts in this country. This is America. If you do not have a license from the Federal Government to grow peanuts, you cannot sell your peanuts here.

I know some may have just tuned in and thought, ''Am I looking at the Russian Duma?'' No. This is the U.S. Senate, not the Russian Duma. You are not getting a translation from an interpreter. My lips actually match the words that I am saying. But, in America this goes on every day. This is a program that started during the Depression. They handed out these quotas during the Depression, prior to World War II.

You can imagine who got these quotas. It is no surprise that most of the quotas are held by wealthy landowners. You had to own your land to qualify for a quota. There were a lot of sharecroppers back then, many of them minorities, who did not own their land. Who were these quotas given to? They were given to these local associations to distribute around to their buddies and themselves. It is no shock that a lot of the unwashed never ended up with any quotas. This is a system that, from its origin, is rife with injustice, injustice to the people who grow peanuts, injustice to the consumers who have to pay higher prices as a result.

What we are trying to do here is put one little—little—restriction in, to say $125,000 of guaranteed income from the Federal Government of 50 percent more than what your peanuts are really worth is a pretty good deal. Take it. Be happy. And sell some of those quotas to other people who can use them and maybe benefit from them a little bit more.

If I was a Senator from the peanut States, I would say this is a good amendment because what this will do is divest a lot of these peanut quotas

and give more people a stake in this program. That means more people who want to see this program survive. There are a lot of people in peanut-growing States who do not have quotas who would very much like to see this program go away. We are giving you an opportunity to say let us get some of these benefits, if they are going to continue. I know the powerful Senator from Alabama—and I will miss him, I will miss him as a person, I will not miss him as an adversary on this issue because he whips me every time we come to the floor—but I will tell the Senator from Alabama that he has an opportunity here to broaden his coalition, to get more folks to participate in the quota system because of the limitation on what people can benefit from the program.

I would think, if you are truly concerned about small- and medium-size farms, farms of 100 or 200 acres, if you really are concerned about those folks, then give them a chance here. They will be fine under this amendment. They will not be hurt at all under this amendment. They will not be hurt one bit by this amendment.

I am hopeful that maybe we can get this amendment accepted. It is a change to the peanut program. I know nobody likes to change programs. I heard the Senator from Idaho come down here and say: You know we have 7-year farm bills and 5-year farm bills for a reason. We do not like to change and monkey with these programs year by year, and we want to keep the farm communities stable.

I do not think this will have a major impact on the farm communities. I think what it will do, it will have a major impact on small farmers, on farmers who do not have quotas right now, who will be able now to go out and have quotas available to them because a lot of these wealthy quota barons will have to divest themselves of all these quotas they hold.

Who are they going to sell them to? They are going to sell them to folks who right now have to sweat, toil as hard as the folks who get $650 a ton for their peanuts, and they sweat and toil for $350 a ton for their peanuts. Now we are going to give them a chance at the pot at the end of the rainbow that Washington has created in this program. We are going to get the small and medium-size farmers in Alabama, in Georgia, in Mississippi, in Oklahoma, in Texas, in New Mexico, all over the United States where they grow, now we are going to have people who have heretofore never had the opportunity to enjoy the fruits and benefits of this very generous program, to participate in it. I am hopeful that we can get this amendment accepted.

I think this is an amendment that probably, contrary to my own good, will broaden the base of support of this program by including a lot of small farmers who have heretofore been boxed out by folks who have gobbled up, used their masses of wealth to gobble up these quotas and make money out of this Federal program.

Now we are going to get this money out of the boardrooms in Pittsburgh and in Concord and Boston and Paris and all the other places they own these quotas, and get them back into the hands of the folks who go out everyday and till that soil and make sure those crops are healthy and produce a good yield.

That is the way it should be. If we are going to have a program—and I am resigned to the fact that the Senator from Alabama, the Senators from Georgia and the others, have whopped me fair and square—but I am saying, if we are going to continue this program, let's continue this program to where it benefits everyone—all of the small farmers, all of the medium-size farmers.

If you folks really believe that is who you are representing and you are not representing the big peanut interests, the big guys who come down here in force and lobby and the big guys who are very influential lobbyists, very influential in the political process in these States, if that is not who you are representing, then you will be for this amendment. You will be for an amendment that says ''get the big guys out of the big money of big Government and put it back to the little guy who really needs the help.''

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, let me say that one aspect of his argument was agreed to in the recently passed farm bill, when he talks about these people who had quotas and lived in Boston and farmed in Alabama. There was a provision in the farm bill where production was shifted to the family farm, and that was one of the accomplishments that the Senator from Pennsylvania brought about.

He has already brought about several changes in this bill which was in the farm bill. The production will shift to the family farms. Public entities and the out-of-State nonproducers are ineligible now for participation in the program.

What he was talking about, in giving his illustration, he has already accomplished. So that argument, I do not think, is applicable to this amendment.

Originally, the amendment had a $40,000 figure on it. We figured up at 2,500 pounds of production per acre that this would come out to about a farm of about 52 acres, and the national average of the peanut farmer is 98 acres. But he then, in effect, by raising it to 125, has tripled it, which means that basically he is talking about a farm of about 156 acres which would be involved.

The Senator from Pennsylvania confuses payments with a loan. They are two separate and distinct things. You put a commodity in loan; therefore, it is sort of like going to the bank, you get some money. But the commodity is in loan, and it is designed for farmers to use in order that if the price goes up, then they can make money. It is a sort of hedge. The loan program is a Government program designed to allow for generally and, in most of the commodities, for 12 months that it stays in the loan. During that time, the price may go up and down, and the farmer can choose when he wants to sell. It is sort of an aid and assistance, it is not a payment.

Payment limitations, as we have it, have been in the past, up until this farm bill was passed, a limitation on what is known as target prices in a deficiency payment, and that is where the limitations came in as to how much a farmer could draw relative to a deficiency payment.

For example, in cotton, there was a target price that they hoped a cotton farmer might be able to obtain in order to be able to meet the cost of production. As I recall, up until this year, it was 72.9 cents a pound. If the cotton price per pound fell below that price, then that deficiency payment paid the difference between the market price and the target price, but there was a limitation in that.

Loans are different. They are not any type of limitation relative to that. It is a different situation.

Now the farm bill came along and we have a contract price, and there is a limitation relative to contract price. But peanuts have never had any deficiency payments. It has only had a loan; therefore, it is entirely different. You are mixing apples with oranges here, and, therefore, it is a confusing situation.

In regard to peanuts and the fact that he is talking about these people who have these quotas and they do not farm, that is more of the factor of what is known as tenants or leasing. In regard to all of the commodities—these are based on the Bureau of Census figures—actually there are more farmers who farm their land in peanuts than there are in wheat, than there are in soybeans, than there are in cotton. So that argument relative to that, I think, is one that is just misunderstood and a lot of people misunderstand it because of the fact of quotas.

In regard to price, this next chart shows the relationship between the peanuts and the peanut support price and the farm value and the retail price of a 16-ounce jar of peanut butter over a period from 1984 to 1992. That is basically the same as to the present time. The blue shows the support price. The red shows the farm price. And then the green here shows the retail price.

Well, note that really that in the loan price, it has always in each of these years been lower than the farm price that they got on the market. In none of these years has it been where the loan rate of where the Government is involved in it, with the payment—that could be made in the event that the peanuts have defaulted to the loan

to the CCC—but in all of those years, the price has always been above the loan rate where he wants to put a limitation in regard to it. So again, that is a misunderstanding of the program as it has occurred over the years relative to this.

Then the argument is made that you have to have a license to sell peanuts in the domestic market. I think you find here that this is a chart which shows that we have had a substantial increase from 1986 now here to 1995 of the number of new farms that receive quotas.

Farmers have easy access into the peanut program. More than 10,000 new farmers received quotas under the peanut program over the last 10 years, proving the point that the program is not closed to outsiders. And so we have had a situation that has developed over the years that has shown that you can grow peanuts, you can start growing peanuts, you can gain quotas, you can do it. And the people that grow peanuts can sell in the U.S. market.

There is, in regard to the national eatable market, restrictions relative to that. But as to the other aspects of it, they can be sold. And you do not have to have a license. You can start growing additional peanuts today anywhere you want to. There are many farmers that are doing that that have started growing it.

In the new farm bill that we had, the peanut is open to new producers, more so than even in the past. Access to the program has been made easier for producers desiring to grow peanuts. So I think there is some confusion.

I think, No. 1, that the Senator from Pennsylvania is to be congratulated relative to the fact that out-of-State people in these nonentities, that are public entities, that held it before —he moved and was able, with the help of his staff, to get that changed.

But we now find that we are in a situation where I think there is confusion here, particularly on a payment as opposed to a loan. They are just two different things. He wants to limit the ability to use the loan. And what he is saying, in arguing on all the rest of the commodities, they have a payment limitation on Government payments to them. So I think there is a distinction there that has sort of been overlooked relative to this.

So we are really talking about small farmers here, when the average peanut farm in the country is 98 acres. And we are talking about here at the utmost this would apply to a farm of about 150 acres. And those are not big farmers, the people involved in it. They are just slightly above what is the average farmer in this country. I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. The Senator from Alabama is a clever man. And he focuses in on a number of farmers. I have never said that there are not a lot of farmers who have a little quota. The point I have tried to make is 22 percent of the farmers own 80 percent of the quota. Sure there are people who have, you know, a little quota here, a little quota there. But it does not amount to much. This program is stacked with the big farmers.

So he makes these arguments that, you know, well, you look at peanuts and cotton and soybeans and that, you know, peanut farmers are a disproportionate number of them, more of them own the farms that they grow peanuts on than cotton, soybeans, and the like. What he does not say in the chart—maybe it is true—he does not say whether those peanut farmers are quota holders or nonquota holders.

Probably a lot of these peanut farmers do own their land but they did not own a quota. He said, well, you know, there are some restrictions. I know it was an euphemism, but he said there are some restrictions on the domestic sale of additional peanuts. I will tell you what those ''some restrictions'' are. You cannot sell them for eatable use. That is some restriction. I think maybe he meant to say that is sum restriction instead of saying that is some restriction. Maybe it was the emphasis. But that is a complete restriction. You cannot sell them here. You have to sell them overseas. And you have to sell them at a heck of a lot less than what the quota price is.

He said there are, you know, there are no restrictions. Everybody wants to go out and plant peanuts. That is right. No restrictions. Go out and plant peanuts and sell them at $300 a ton, if you own quota, at $400 a ton or $700 a ton, but there is no restriction to sell your peanuts for half the price to the guy next door that has a quota. You are absolutely right. It is a good deal.

But I would just suggest that this amendment, which says that every person who owns a quota of peanuts can put on loan up to $125,000 worth of peanuts, and get a price double the world market, that that is a pretty good deal. I mean, that is a pretty generous offer.

How many peanut growers are we talking about? How many would be covered by this amendment? Oh, about 1,900. So 1,900 farmers would be limited as to how much they could put on loan, a very select few of the tens of thousands, and maybe hundreds of thousands of peanut growers in this country. Talking about 1,900 of the wealthiest farms.

I have made this sound like this is a dramatic change for those folks who are the 1,900 select few. The point of fact is, and the Senator from Alabama knows this, this is not. This is not a substantial amendment. The Senator from Alabama, and folks who know this issue, realize that the only reason you would put your peanuts on loan is if you could not sell your peanuts for more than the quota price.

As we know, as a result of the farm bill, the Secretary of Agriculture has an interest in keeping demand above supply, in other words, shorting the market, keeping the price well above the quota price. Why? Because in the farm bill we say we want peanuts to be a no-cost program. We do not want peanuts to be put on loan and have the Federal Government buy this crop. That is what ''put on loan'' means. That means the quota holder will sell the peanuts to the Government for that quota price.

We do not want that to happen. The only way you can stop that from happening is to control the amount of peanuts that are open. If you short the market, prices go up. So the only time that this might—this amendment, as minor as it is, as limited as it is to the number of farmers that we are talking about—the only time that this could even have an impact is if there is a huge crop of peanuts in excess of what the Secretary thought could be grown by the number of quota holders.

In that case you are talking about a lot of farmers who have a lot of product, who will sell a goodly amount at the quota price. And they have to sell the rest out on the market and make, I suggest, well above what additional farmers are making. So this is an amendment that is fair.

This is an amendment that has limited scope with respect to the number of people involved and is limited to an occurrence that is not likely to happen, given the controls of the Secretary of Agriculture over the amount of peanuts grown in this country. This truly is an amendment that is more principle than it is of tremendous substance.

That is why I was hoping the Senator from Alabama, who made a lot of arguments about the difference between loans and deficiency payments—and I understand the difference—that is why deficiency payments were limited to $50,000 and I put $125,000 as a loan payment. It is substantially more. There is a reason: Because there is a difference. I recognize that difference. I set a limit that was a very small percentage of the people who farm peanuts. I wanted to get at the hoi polloi of the peanut growers. We have done that. I think this is a fair amendment.

Mr. President, I ask unanimous consent to set aside amendment 4995.

AMENDMENT NO. 4967

(Purpose: To prohibit the use of funds to carry out a peanut program that is operated by a marketing association if the Secretary of Agriculture determines that a member of the Board of Directors of the association has a conflict of interest with respect to the program)

Mr. SANTORUM. I send to the desk an amendment No. 4967.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM] proposes an amendment numbered 4967.

Mr. SANTORUM. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. . PROHIBITION ON CONFLICTS OF INTEREST IN PEANUT PRICE SUPPORT PROGRAM.

None of the funds appropriated or otherwise made available by this Act may be used to carry out a peanut program under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) or part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) that is operated by a marketing association if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978 (5 U.S.C. App.), that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

Mr. SANTORUM. This is an amendment that gets, again, to what I see as a group of very influential, wealthy, graced quota holders who have been put in a position to profit extraordinarily by this program, and have put themselves in a position that is, I think, virtually unique in the agriculture industry.

Most of the commodity programs, all but a couple, have been run historically by the U.S. Department of Agriculture. That would make sense. USDA has the authority to oversee these programs, and, as a result, the USDA has taken the responsibility of running the program, of operating their loan programs or deficiency programs, of carrying out the price of programs, of penalizing wrongdoers, of promulgating regulations—all of that has been done within the Department of Agriculture, with the soybean program, the cotton program, and a whole lot of other programs. All of them have been run and operated by a bureaucrat out of USDA, but not the peanut grower. Not the peanut grower.

The Government, USDA, contracts with what are called marketing associations or cooperatives to administer the program. What does that mean? These are associations—get this—these are the people who operate the program, who oversee it, penalize wrongdoers, help promulgate regulations for the program. And who are the people who compose the marketing associations? I will give three guesses—you are right, the quota growers. The people who participate in the program run the program.

Now, some of the skeptics among us might consider that to be a conflict of interest, that people who own the quotas are responsible for overseeing the program of which they benefit, of administering the program of which they benefit, of promulgating regulations of which they benefit, of punishing the wrongdoers among them, of which they benefit.

My amendment is a very simple amendment dealing with conflicts of interest. My amendment is very straightforward. It says you have to comply with the Government standards for conflict of interest. Since you are in a sense an agency of the Federal Government carrying out this program, we will hold you to the same standards as someone who would, in fact, be a member of the Government in administering this program, and that is, you cannot have a conflict of interest.

Now, if they are, in fact, vested, as they are, with the authority to carry out this program and have, in fact, the ministerial duties and other policymaking duties and other programs reserved to USDA, they should be held to the conflict-of-interest standard of a USDA employee administering the program.

I know that sounds like a very radical idea. What that will cause is a much more arm's-length regulation of this industry than the folks who are running it now, for their benefit. Maybe you need to look back historically how these associations—and they have run them for a long time, and maybe this anomaly that has occurred with a small percentage of the farmers owning a big percentage of the quotas is a result of who runs the program. I suggest if we look at these marketing associations that run the programs locally, they probably are not a lot of the folks who have just a ton or two of quota. They are folks who have the big quotas, who have the big interest in this program, and run the program to benefit themselves.

That clearly is a conflict of interest. This has nothing to do with denying anybody a quota. This has nothing to do with, really, reforming the program per se. What this is, again, these are two amendments that I am offering today on peanuts, where I have accepted the fact this program is going to continue. We are going to have a peanut program. I will not mess around with it. Like the Senator from Idaho, Senator CRAIG said, ''Do not mess around with these programs; keep them in place so we have some certainty.'' Well, I am for that. If that is what happens, that is the way it has to be, then that is the way it has to be, but at least have a program that does not benefit the wealthy, which is what my first amendment deals with, and, No. 2, does not have what appears to be a blatant, bald-faced conflict of interest between the people who benefit from the program who also happen to be the very same people who operate and regulate the program.

What I am offering here is an amendment that, again, I hope, given the nature of the amendment, we can get an agreement on this and maybe adopt it tonight with little discussion after mine. I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. There are marketing co-ops. There is the Virginia-Carolina peanut growers marketing cooperative and the Georgia-Florida-Alabama co-op, and the Southwest peanut growers co-op, who are allowed under the USDA regulation to enter into various activities pertaining to the operation of the peanut program.

In regard to this, it is my understanding that the manufacturers are in the process of having a lawsuit pertaining to this issue. They have filed a protest letter to the U.S. Department of Agriculture, but the issue over the years has been worked out with the co-op with the U.S. Department of Agriculture in such a manner as to be within the purview of the ethics rules and regulations. And therefore the concept is not a violation of a conflict of interest. The associations and co-ops are closely supervised by the U.S. Department of Agriculture personnel. They have extensive in-house audits by Government officials, which are conducted each year. It results in cost savings to the Government because the operation is contracted out. These are conducted in small towns where the cost is less than it would be if operated in Washington.

Now, there have been large groups of merchants pertaining to it that have attempted to bid for these positions and to qualify to administer the program, and that has been several years ago, but they did not qualify pertaining to this matter. This is a matter that if there is any violation or any conflict of interest, in our judgment, it ought to be determined by the courts rather than by the Congress at this time, because there is a law firm that is very much involved. They have already filed some letters, and they certainly are in the process of working themselves into a court case pertaining to this matter. But under it, the U.S. Department of Agriculture has clearly looked at this over the years, and they do not feel that this is any violation of any conflict of interest.

Mr. SANTORUM. Mr. President, I just say to the Senator from Alabama that my amendment merely says

if the Secretary of Agriculture determines, using standards established to carry out title II of the Ethics in Government Act of 1978, that a member of the Board of Directors of the association has a conflict of interest with respect to the program.

You say that is something informally being done. If we have an agreement here, I would be happy to move the amendment and, hopefully, we can adopt it by consent.

Mr. HEFLIN. We can consult with the Department of Agriculture before any agreement relative to this matter. As I understand it, this has been submitted to them and they have objections to it.

Mr. SANTORUM. I can't hear the Senator.

Mr. HEFLIN. As I understand it, this has been shown to the Department of Agriculture, and they have reservations pertaining to this. They are in the process right now of probably becoming involved in a lawsuit. Therefore, they object to it, and because they object to it, I cannot agree to it.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4995

Mr. SANTORUM. I call up amendment No. 4995 and ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. I yield the floor to the Senator from Mississippi, so we can all go home.

AMENDMENTS NOS. 4979 AND 4980, WITHDRAWN

Mr. COCHRAN. Earlier tonight, the Senate adopted two amendments offered by the Senator from Nebraska, Mr. KERREY. These were modifications of previous amendments that he had filed and were at the desk.

I, therefore, ask unanimous consent to withdraw amendments Nos. 4979 and 4980, offered previously by the Senator from Nebraska, Senator KERREY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4979 and 4980) were withdrawn.

Mr. COCHRAN. Mr. President, there have been cleared two additional amendments—one we offered earlier and had withdrawn, and another amendment.

I will send one up on behalf of Mr. SMITH of New Hampshire, dealing with rural utilities assistance program, and the other offered on behalf of the Senator from Idaho, Mr. CRAIG, and others.

AMENDMENTS NOS. 5000 AND 5001, EN BLOC

Mr. COCHRAN. Mr. President, I send two amendments to the desk, en bloc, and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes amendments numbered 5000 and 5001, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 5000

(Purpose: To provide that the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program)

On page 47, line 17, before the period, insert the following: ": *Provided further*, That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program".

AMENDMENT NO. 5001

(Purpose: To require a review and report on the H–2A non immigrant worker program)

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . REVIEW AND REPORT ON H–2A NON IMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.— Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b);

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H–2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

Mr. COCHRAN. Mr. President, I am authorized to announce to the Senate on behalf of the Senator from Arkansas that these two amendments have been cleared on both sides of the aisle.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendments are agreed to.

The amendments (No. 5000 and No. 5001) were agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

(During today's session of the Senate, the following business was transacted.)

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 22, the Federal debt stood at $5,169,928,910,388.19.

On a per capita basis, every man, woman, and child in America owes $19,483.10 as his or her share of that debt.

REPORT OF A NOTICE CONCERNING THE CONTINUATION OF THE IRAQI EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 164

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1996, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 22, 1996.*

MESSAGES FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

H.R. 3267. An act to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes.

H.R. 3536. An act to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes.

H.R. 3665. An act to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District

for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following bills:

H.R. 3161. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania.

H.R. 497. An act to create the National Gambling Impact and Policy Commission.

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3107) to impose sanctions on persons making certain investments directly and significantly contributing to the enhancement of the ability of Iran or Libya to develop its petroleum resources, and on persons exporting certain items that enhance Libya's weapons or aviation capabilities or enhance Libya's ability to develop its petroleum resources, and for other purposes.

At 4:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, and one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1627. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3267. An act to amend title 49, United States Code, to prohibit individuals who do not hold a valid private pilots certificate from manipulating the controls of aircraft in an attempt to set a record or engage in an aeronautical competition or aeronautical feat, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3536. An act to amend title 49, United States Code, to require an air carrier to request and receive certain records before allowing an individual to begin service as a pilot, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3845. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3159. An act to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on July 18, 1996 he had presented to the President of the United States, the following enrolled bills:

S. 966. An act for relief of Nathan C. Vance, and for other purposes.

S. 1899. An act entitled the Mollie Beattie Wilderness Area Act.

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–3514. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''United States Standards for Grades of Frozen Green and Frozen Wax Beans,'' received on July 19, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3515. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas,'' received on July 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3516. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California,'' received on July 22, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3517. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tobacco Inspection,'' received on July 19, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3518. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of nine rules including a rule entitled ''The Public Housing Management Assessment Program,'' (FR4048, 3567, 3970, 3447, 3977, 3331, 3957, 3902, 4069) received on July 19, 1996; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Appropriations, with amendments:

H.R. 3845. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 104–328).

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. 104–329).

By Mr. SHELBY, from the Committee on Appropriations, with amendments:

H.R. 3756. A bill 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 (Rept. No. 104–330).

By Mr. STEVENS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 88. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans (Rept. No. 104–331).

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. HOLLINGS (for himself, Mr. THURMOND, Mr. ROBB, Mr. WARNER, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. HELMS, Mr. FAIRCLOTH, Mr. COHEN, Ms. SNOWE, Mr. CAMPBELL, and Mr. FORD):

S. 1982. A bill to provide a remedy to damaging imports of men's and boys' tailored wool apparel assembled in Canada from third country fabric and imported at preferential tariff rates; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. MCCAIN, and Mr. AKAKA):

S. 1983. A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. ROBB, Mr. WARNER, Mr. ROCKEFELLER, Mr. D'AMATO, Mr. HELMS, Mr. FAIRCLOTH, Mr. COHEN, Ms. SNOWE, Mr. CAMPBELL, and Mr. FORD):

S. 1982. A bill to provide a remedy to damaging imports of men's and boys' tailored wool apparel assembled in Canada from third country fabric and imported at preferential tariff rates; to the Committee on Finance.

THE EMERGENCY SAFEGUARD ACT OF 1996

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to correct a grievous error committed by U.S. negotiations in the final hours of the NAFTA negotiations. This error has ripped apart the social fabric of dozens of communities as factory after factory in the wool and wool apparel industry have shut their doors. Let me state for the record that I supported the Canadian Free-Trade Agreement, but I was a vigorous opponent of the North American Free-Trade Agreement. The bill I introduced today is not aimed at scuttling the NAFTA. At another time I will debate the merits of the NAFTA. Instead the bill is designed to close a loophole in the NAFTA that has exposed the wool and wool apparel industry to a tidal wave of Canadian imports and has left the industry without a fundamental right to impose a safeguard against import surges. How this industry lost its right to impose a safeguard is one of the tragic stories in the history of trade agreements. In the wee hours of the morning our negotiators bargained

away the wool and wool apparel industry in order to secure the Canadians agreement to several provisions of the NAFTA. Mr. President the NAFTA contains a rule of origin for textile products that was supposed to benefit and encourage production in North America. A special tariff preference level was established for fabrics that were in short supply or unavailable. A gentleman's agreement was reached that the products coming in under the TPL would be spread out over a broad range of product categories. Instead, the Canadians have flooded the United States market in one product category, wool suits. These suits which have been dumped into the U.S. market are not made of North American fabric, which is readily available. Instead these suits are made of fabric produced in China, Turkey, and Italy. The last I checked, these countries are not in North America.

Since 1988 as a result of the abuse of the TPL, production of wool suits has declined by 40 percent. Dozens of companies have suffered losses, layed off employees, or in some cases declared bankruptcy. Grief, the third largest manufacturer of suits in the United States, was forced to close plants in Virginia and Pennsylvania. Over 1,300 workers have lost their jobs. The 500 Fashion group, makers of Botany 500, announced that it will close two plants in Pennsylvania and one plant in Florida. Over 1,000 people are now without work.

Plaid, the second largest manufacturer of suits, was forced into bankruptcy. Plants were closed in Georgia, Maryland, Delaware, and Pennsylvania, and 1,500 jobs were eliminated. The same sad story can be told in the fabric industry. Frostman Co., the second largest producer of wool fabric, was forced into bankruptcy. Burlington Industries, the largest producer of wool fabric, has suffered a 30-percent drop in its menswear wool fabric, business and laid off over 1,000 employees.

What recourse do these companies have? Can they, like every other industry in America turn to their Government to seek relief? No, that option was dealt away in the dark of night. So the bill I introduce will correct that situation. It directs the United States Trade Representative to negotiate an agreement with the Canadians. The bill would permit Canada to maintain the same overall level of wool apparel exports to the United States while at the same time preventing serious injury to the United States industry by adjusting the distribution among different product lines. If the Canadians fail to come to an agreement the bill requires that the President apply MFN duty rates to all wool apparel TPL imports from Canada as of March 1, 1997. Mr. President the men and women were unfortunate pawns in an international negotiation. It's time we stood with them and gave them there rights back and protect their jobs.

Mr. ROCKEFELLER. Mr. President, I join Senator HOLLINGS and others as a cosponsor of the Emergency Safeguard Act of 1996, and call on the Congress to move this bill with great haste. This is vitally important to over 600 employees of Corbin Limited in West Virginia, who are facing an unprecedented threat from a surge in imports of wool suits from Canada.

Those of us who opposed the North American Free-Trade Agreement [NAFTA] did not want to find ourselves with situations like this, but we certainly feared they would occur. In this case, decisive action is now needed to stand up for American workers and industries facing an unfair threat.

Three years ago, when explaining my vote against the NAFTA, I pointed to the disparities between the economies of Canada, the United States, and Mexico, as a primary reason for opposing the trade agreement. At that time, I did not think it was right to ask West Virginia and other States with fragile economies to absorb the brunt of forced integration with Mexico. I was particularly concerned that workers in our labor intensive industries would face a considerable threat from much lower wage Mexican workers.

Since that time, in the last 2-plus years, many of my concerns have proved well founded. Certainly, last year's bailout of the Mexican peso is the most conspicuous evidence of problems raised by the NAFTA, but today I am here for a wholly different reason.

Today, I am forced to discuss a problem with our neighbors to the North—specifically to textile manufacturers in Canada.

During consideration of the NAFTA, a provision was inserted at the last minute which allowed Canadian manufacturers to import fabrics from third countries nearly duty free—compared with the 36 percent duties that we pay—and then export finished garments to the United States regardless of the harm they might do to American industry and workers.

Specifically, the provision precluded taking what are known as ''safeguard'' measures under the NAFTA for wool apparel exported to the United States under the tariff preference levels established during the Canada-United States Free-Trade Agreement. At that time, the Canadians assured our negotiators that this loophole was needed simply to protect the existing levels of exports of various categories of low cost wool products; things such as caps, sweaters, knits and socks. At that time, 10 percent of Canadian wool exports were high end products such as suits.

However, Mr. President, since the NAFTA went into effect, nearly all Canadian wool exports have been suits, and of that, virtually all of them are coming from one Canadian company. Contrary to the stated intention of the negotiators, suits now account for 90 percent of Canada's wool exports, instead of 10 percent when the deal was made. This has done grievous harm to American suit manufacturers, who were blindsided by this shift in Canadian export patterns.

Under normal circumstances, when you have an import surge of this sort, and obvious harm is being done to a domestic, American industry, the American companies and its workers can seek relief. They can take action under the trade laws to stem the surge, and get remedies from unfair and injurious trade. You can do this in every area we trade in but one, textile and apparel from Canada. In fact, if these very same imports were from Mexico instead of Canada, the United States industry and its workers could petition the United States Government for a safeguard to prevent serious injury.

That is why this legislation is needed, and needed in a hurry. When I opposed the NAFTA I was afraid this kind of thing would happen. We may not be able to rewrite history and undo the NAFTA, but we can take reasonable steps to stem the hemorrhaging. I know the calendar shows very few days in which this body will be conducting legislative work, but I hope the majority leader will work with us to make this into law before even more harm is done.

This Senator counts the creation of new and better paying jobs for the people of West Virginia as one of the most important things he can do to help improve the way of life of the good people of his State. But just as important is maintaining the jobs we already have. This legislation is necessary, and should be passed.

Mr. THURMOND. Mr. President, I rise today to join with my colleague from South Carolina, Senator HOLLINGS, and several others Senators to sponsor the Emergency Safeguard Act of 1996. This legislation corrects a loophole created by the passage of NAFTA that has allowed Canadian suit makers an unfair advantage in the United States marketplace. Currently, over 140,000 people are employed in the textile and apparel industry in South Carolina. Several thousand of these jobs supply or manufacture men's and boys' wool suits, sport coats, and slacks. These jobs are in jeopardy due in part to a manipulation of the tariff preference level [TPL] by Canada.

The TPL, which was established under the Canadian Free-Trade Agreement, was originally designed to allow special trade benefits to wool products made in Canada from foreign wool fabric when that fabric could not be sourced in either Canada or the United States. However, Canada has begun sourcing wool fabric from other countries, despite the fact that fabric is available from NAFTA countries. Canada has been importing fabric from Turkey, Italy, China, and Korea to make items which are shipped into the United States under the favorable NAFTA tariffs.

Canada has seized on the TPL loophole to specifically target and flood the United States market with men's and boys' tailored wool apparel. The import surges are causing layoffs and is putting the future of the domestic wool apparel industry in jeopardy.

Mr. President, this legislation would place a reasonable sublimit on tailored wool apparel exported through the TPL to the United States by Canada. The size of the TPL would not change, but Canada would be prohibited from using it in a damaging way. This language is necessary because NAFTA eliminated the safeguard for U.S. industries to prevent injurious imports from flooding the U.S. market. Due to NAFTA, the domestic apparel industry has no recourse in stemming the damage caused by Canada while all other industries have this protection. Therefore, legislation is needed to correct this inequity.

Mr. President, I hope this measure can be expeditiously considered to bring relief to the domestic textile and apparel industry.

By Mr. INOUYE (for himself, Mr. MCCAIN and Mr. AKAKA):

S. 1983. A bill to amend the Native American Graves Protection and Repatriation Act to provide for native Hawaiian organizations, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT AMENDMENT ACT OF 1996

Mr. INOUYE. Mr. President, I rise today to introduce a bill, cosponsored by Senators MCCAIN and AKAKA, which would amend the Native American Graves Protection and Repatriation Act to clarify certain provisions of that act as they pertain to native hawaiian organizations.

In 1990, the Congress enacted the native American Graves Protection and Repatriation Act [NAGPRA] to address the growing concern among Indian tribes, Alaska Native villages, and native Hawaiian organizations associated with the disposition of thousands of native American human remains and religious objects currently in the possession of museums and Federal agencies.

The act requires museums and Federal agencies in the possession of such cultural items to compile inventories and written summaries of human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony.

The act further establishes a process governing the repatriation of such items to appropriate Indian tribes or native Hawaiian organizations.

In the years since its enactment, native Hawaiians have been at the forefront in the repatriation of ancestral remains.

Hundreds of native Hawaiian kupuna (ancestors) have been returned to Hawaii —released from the confines of over twenty museums in the United States, Canada, Switzerland, and Australia —and returned to the lands of their birth.

Despite these accomplishments, native Hawaiian organizations have experienced great difficulty in ensuring the act's implementation—ironically, not abroad—but in Hawaii.

In written testimony submitted to the Committee on Indian Affairs by Hui Malama I Na Kupuna O Hawaii Nei, a Hawaiian organization recognized under the act, for a December 9, 1995, oversight hearing on the act, a number of concerns were raised—concerns which this bill seeks to address, namely—the lack of written consent where native American remains are excavated or removed for purposes of study; following an inadvertent discovery of remains, the lack of assurances that the removal of native American remains will adhere to the same requirements as an intentional excavation; and the lack of notification to native Hawaiian organizations when inadvertent discoveries are made of native American human remains on Federal lands.

As one of the original sponsors of the act, it is my view that the amendments which I propose are consistent with the original purpose, spirit, and intent of NAGPRA, and are necessary to clarify the existing law.

It is my expectation that, if adopted, these amendments will ensure better cooperation by Federal agencies in the implementation of the act in the State of Hawaii.

The responsibility born by those who choose, or who are called upon to care for the remains of their ancestors is a heavy one.

By acting favorably on this measure, I hope that we can assist these individuals and organizations as they continue in their efforts to bring their ancestors home.

Mr. President, I thank you for this time today, and I urge my colleagues to support this bill when it comes before the Senate for consideration.

ADDITIONAL COSPONSORS

S. 297

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 297, a bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors 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. 969

At the request of Mr. BRADLEY, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maine [Mr. COHEN], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1118

At the request of Ms. SNOWE, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1118, a bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the medicare program.

S. 1554

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1554, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption for houseparents from the minimum wage and maximum hours requirements of that Act, and for other purposes.

S. 1694

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1694, a bill to prohibit insurance providers from denying or canceling health insurance coverage, or varying the premiums, terms, or conditions for health insurance coverage on the basis of genetic information or a request for genetic services, and for other purposes.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Colorado [Mr. BROWN], the Senator from Alaska [Mr. STEVENS], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1830

At the request of Mr. BROWN, the name of the Senator from Alaska [Mr. STEVENS] 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. 1832

At the request of Ms. MIKULSKI, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1832, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 1867

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1867, a bill to restore the American family, enhance support and work opportunities for families with children, reduce out-of-wedlock pregnancies, reduce welfare dependence, and control welfare spending.

S. 1873

At the request of Mr. INHOFE, the names of the Senator from Montana

[Mr. BAUCUS] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1873, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

S. 1879

At the request of Mr. MOYNIHAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1879, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 1885

At the request of Mr. INHOFE, the names of the Senator from Illinois [Mr. SIMON], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 1885, a bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes.

S. 1892

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1892, a bill to reward States for collecting medicaid funds expended on tobacco-related illnesses, and for other purposes.

S. 1925

At the request of Mr. GORTON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1925, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 1965

At the request of Mr. HATCH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1965, a bill to prevent the illegal manufacturing and use of methamphetamine.

AMENDMENT NO. 4939

At the request of Mr. SHELBY the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of amendment No. 4939 proposed to S. 1956, an original bill to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997.

AMENDMENT NO. 4971

At the request of Mr. CRAIG the names of the Senator from Oregon [Mr. WYDEN], the Senator from North Carolina [Mr. HELMS], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of amendment No. 4971 intended to be proposed to 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.

AMENDMENT NO. 4978

At the request of Mr. BUMPERS the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 4978 proposed to 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.

AMENDMENT NO. 4979

At the request of Mr. BUMPERS the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 4979 proposed to 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.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY ACT OF 1996

MURKOWSKI AMENDMENTS NOS. 4984–4985

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted two amendments intended to be proposed by him to the bill (S. 1936) to amend the Nuclear Waste Policy Act of 1982; as follows:

AMENDMENT NO. 4984

Strike all after the first word of the language proposed to be inserted and insert in lieu thereof the following: ''the Nuclear Waste Policy Act of 1982 is amended to read as follows:

''SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

''(b) TABLE OF CONTENTS.—

''SEC. 2. DEFINITIONS.

''For purposes of this Act:

''(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

''(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

''(A) whose reservation is surrounded by or borders an affected unit of local government, or

''(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

''(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

''(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

''(A) Naval reactors development.

''(B) Weapons activities including defense inertial confinement fusion.

''(C) Verification and control technology.

''(D) Defense nuclear materials production.

''(E) Defense nuclear waste and materials byproducts management.

''(F) Defense nuclear materials security and safeguards and security investigations.

''(G) Defense research and development.

''(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

''(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the

Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

''(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

''(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

''(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

''(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

''(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

''(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

''(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

''(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

''(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

''(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

''(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

''(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

''(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

''(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

''(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or by-product material as defined in section 11 e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

''(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

''(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

''(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

''(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

''(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

''(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

''(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

''(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

''(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

''(30) WITHDRAWL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

''(31) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

''TITLE—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

''(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

''(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

''(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

''(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

''(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

''(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

''(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

''(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91–0054–S–EJL).

''(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

''TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

''(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

''(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

''(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

''(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln

County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

''(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

''(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

''(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

''(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

''(h) BENEFITS AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with Lincoln County, Nevada concerning the integrated management system.

''(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Lincoln County, Nevada.

''(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

''(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

''(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

''(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

''(i) CONTENT OF AGREEMENT.

''(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

''(2) DEFINITIONS.—For purposes of this section, the term—

''(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

''(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

''(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

''(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

''(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

''(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

''(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

''(j) INITIAL LAND CONVEYANCES.

''(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''SEC. 202. TRANSPORTATION PLANNING.

''(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by the date shall, in consultation with the Secretary of Transportation develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

''(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure the institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

''SEC. 203. TRANSPORTATION REQUIREMENTS.

''(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

''(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in-training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of

these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

''(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel and high-level radioactive waste.

''(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

''(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

''(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provision of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

''(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

''(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

''(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

''(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

''(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

''(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

''(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

''(i) the preliminary design concept for the critical elements of the repository and waste package,

''(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

''(iii) a plan and cost estimate for the remaining work required to complete a license application, and

''(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

''(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

''(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

''(c) DESIGN.—

''(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

''(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

''(d) LICENSING.—

''(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

''(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first place shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

''(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

''(e) ADDITIONAL AUTHORITY.—

''(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

''(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

''(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spend nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25% of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

''(A) spend nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

''(B) spend nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

''(C) spend nuclear fuel, including spend nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

''(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1996.—

''(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations of designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

''(2) ENVIRONMENTAL IMPACT STATEMENT.—

''(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 103(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

''(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

''(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

''(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

''(i) the need for the interim storage facility, including any individual component thereof;

''(ii) the time of the initial availability of the interim storage facility;

''(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

''(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

''(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

''(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

''(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

''(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

''(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3)(A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

''(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

''SEC. 205. PERMANENT REPOSITORY.

''(a) REPOSITORY CHARACTERIZATION.—

''(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

''(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

''(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

''(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

''(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

''(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

''(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

''(A) breaching the repository's engineered or geologic barriers; or

''(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

''(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

''(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

''(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

''(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

''(3) FACTORS.—For purposes of making the finding in paragraph (2)—

''(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

''(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

''(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

''(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

''(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

''(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

''(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

''(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

''(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

''(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

''(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

''SEC. 206. LAND WITHDRAWAL.

''(a) WITHDRAWAL AND RESERVATION.—

''(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

''(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

''(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

''(b) LAND DESCRIPTION.—

''(1) BOUNDARIES.—The boundaries depicted on the map entitled Interim Storage Facility Site Withdrawal Map, dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

''(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

''(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

''(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

''(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''TITLE III—LOCAL RELATIONS

"SEC. 301. FINANCIAL ASSISTANCE.

''(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

''(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

''(2) to develop a request for impact assistance under subsection (c);

''(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

''(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

''(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

''(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

''(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

''(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

''(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

''(d) OTHER ASSISTANCE.—

''(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

''(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

''(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

''(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

''(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

''The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

''(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwthstanding.

''(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiesence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

''(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

''None of the funding provided under this title may be used—

''(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

''(2) for litigation purposes; and

''(3) to support multistate efforts or other coalition-building activities inconsistent with the purpose of this Act.

"SEC. 305. LAND CONVEYANCES.

''(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

''(a) CONTRACTS.—

''(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraphs (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

''(2) ANNUAL FEES.—

''(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

''(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403, the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

''(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

''(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatthour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

''(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

''(b) ADVANCE CONTRACTING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

''(i) such person has entered into a contract under subsection (a) with the Secretary; or

''(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

''(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

''(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

''(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

''(c) NUCLEAR WASTE FUND.—

''(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

''(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

''(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

''(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

''(3) ADMINISTRATION OF NUCLEAR WASTE FUND—

''(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

''(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

''(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

''(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

''(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

''(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

''(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

''SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

''(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

''SEC. 403. FEDERAL CONTRIBUTION.

''(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1966, acting pursuant to section 554 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

''(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

''(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

''(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

''(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

''SEC. 501. COMPLIANCE WITH OTHER LAWS.

''If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.)

or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

''(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

''(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

''(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

''(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

''(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

''(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

''(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

''(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

''(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

''(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

''(b) ADJUDICATORY HEARING.—

''(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

''(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

''(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

''(2) DETERMINATION.—In making a determination under this subsection, the Commission—

''(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

''(B) shall not consider—

''(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

''(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

''(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

''(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

''(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

''(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

''(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of failure by the Commission to use a particular procedure pursuant to this section unless—

''(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

''(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

''(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

''(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

''(a) FINANCIAL ARRANGEMENTS.—

''(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of site, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

''(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

''(b) TITLE AND CUSTODY.—

''(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

''(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

''(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

''(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

''(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

''(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it

is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

''The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

''(a) The emplacement schedule shall be implemented in accordance with the following:

''(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

''(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

''(b) If the Secretary is unable to begin emplacement by January 31, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

''(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun emplacement in fiscal year 2000, and

''(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

"SEC. 508. TRANSFER OF TITLE.

''(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

''(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.''

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

''(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experiment test-site reactor located in northwest Arkansas.

''(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 510. WATER RIGHTS.

''(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

''(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

''(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

''TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

''For purposes of this title—

''(1) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Nuclear Waste Technical Review Board.

''(2) BOARD.—The term ''Board'' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

''(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1966, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

''(b) MEMBERS.—

''(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

''(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

''(3) NATIONAL ACADEMY OF SCIENCES.—

''(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

''(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

''(C) NOMINEES.—

''(i) Each person nominated for appointment to the Board shall be—

''(I) eminent in a field of science or engineering, including environmental sciences; and

''(II) selected solely on the basis of established records of distinguished service.

''(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

''(iii) No person shall be nominated for appointment to the Board who is an employee of—

''(I) the Department of Energy;

''(II) a national laboratory under contract with the Department of Energy; or

''(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

''(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

''(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

''The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

''(1) site characterization activities; and

''(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

"SEC. 604. INVESTIGATORY POWERS.

''(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

''(b) PRODUCTION OF DOCUMENTS.—

''(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

''(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

''(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

''(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

''(a) CLERICAL STAFF.—

''(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

''(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

''(b) PROFESSIONAL STAFF.—

''(1) AUTHORITY OF THE CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may

appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

''(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

''(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 607. SUPPORT SERVICES.

''(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

''(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services including staff, as may be necessary for the effective performance of the functions of the Board.

''(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

''(d) MAILS.—The Board 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) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 608. REPORT.

''The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

''SEC. 610. TERMINATION OF THE BOARD.

''The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

''TITLE VII—MANAGEMENT REFORM

''SEC. 701. MANAGEMENT REFORM INITIATIVES.

''(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

''(b) AUDITS—

''(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

''(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

''(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

''(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

''(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

''(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

''(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

''SEC. 702. REPORTING.

''(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

''(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

''(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

''(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

''(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

''(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

''(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

''(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

''(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

''SEC. 703. EFFECTIVE DATE.

''This Act shall become effective one day after enactment.''.

AMENDMENT NO. 4985

In lieu of the matter to be inserted, insert the following:

That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

''SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1996'.

''(b) TABLE OF CONTENTS.—

''SEC. 2. DEFINITIONS.

''For purposes of this Act:

''(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

''(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

''(A) whose reservation is surrounded by or borders an affected unit of local government, or

''(B) whose federally defined possessory or usage rights to other lands outside of the

reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

''(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

''(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

''(A) Naval reactors development.

''(B) Weapons activities including defense inertial confinement fusion.

''(C) Verification and control technology.

''(D) Defense nuclear materials production.

''(E) Defense nuclear waste and materials byproducts management.

''(F) Defense nuclear materials security and safeguards and security investigations.

''(G) Defense research and development.

''(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

''(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

''(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

''(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

''(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

''(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

''(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

''(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

''(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

''(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

''(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

''(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

''(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

''(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

''(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

''(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

''(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

''(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

''(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

''(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

''(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

''(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

''(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

''(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

''(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

''(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

''(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

''(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

''(30) WITHDRAWL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

''(31) YUCCA MOUNTAIN SITE.—The term ''Yucca Mountain site'' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

''TITLE—OBLIGATIONS

''SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

''(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

''(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

''(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1996 and procured by the Secretary from such contract holders for use in the integrated management system.

''(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

''(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management

System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

''(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

''(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

''(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91–0054–S–EJL).

''(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

''TITLE II—INTEGRATED MANAGEMENT SYSTEM

''SEC. 201. INTERMODAL TRANSFER.

''(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

''(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

''(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

''(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

''(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

''(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council. Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

''(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

''(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

''(h) BENEFITS AGREEMENT.—

''(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with Lincoln County, Nevada concerning the integrated management system.

''(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of Lincoln County, Nevada.

''(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

''(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

''(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

''(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

''(i) CONTENT OF AGREEMENT.

''(1) SCHEDULE.—In addition to the benefits to which Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

''(2) DEFINITIONS.—For purposes of this section, the term—

''(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

''(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

''(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

''(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

''(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

''(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

''(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

''(j) INITIAL LAND CONVEYANCES.

''(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''SEC. 202. TRANSPORTATION PLANNING.

''(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by the date shall, in consultation with the Secretary of Transportation develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

''(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure the institutional issues are addressed and resolved on a

schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

SEC. 203. TRANSPORTATION REQUIREMENTS.

''(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

''(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in-training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.

''(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel and high-level radioactive waste.

''(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1986, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

''(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

''(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary of Transportation, pursuant to authority under other provision of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that evidence of satisfaction of the applicable training standard be provided to an employer before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

''(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

''(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

''(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

''(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

''(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

''SEC. 204. INTERIM STORAGE.

''(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

''(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

''(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

''(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

''(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

''(i) the preliminary design concept for the critical elements of the repository and waste package,

''(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

''(iii) a plan and cost estimate for the remaining work required to complete a license application, and

''(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

''(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under paragraph (B), the President shall designate a site for the construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

''(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

''(c) DESIGN.—

''(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

''(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend

any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

''(d) LICENSING.—

''(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

''(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first place shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

''(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

''(e) ADDITIONAL AUTHORITY.—

''(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1996 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

''(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1996 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

''(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), once the Secretary has achieved the annual acceptance rate for spend nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1996, as set forth in the Secretary's annual capacity report dated March, 1995 (DOE/RW–0457), the Secretary shall accept, in an amount not less than 25% of the difference between the contractual acceptance rate and the annual emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

''(A) spend nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1996;

''(B) spend nuclear fuel from foreign research reactors, as necessary to promote non-proliferation objectives; and

''(C) spend nuclear fuel, including spend nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities.

''(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1996.—

''(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations of designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

''(2) ENVIRONMENTAL IMPACT STATEMENT.—

''(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 103(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

''(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

''(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

''(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

''(i) the need for the interim storage facility, including any individual component thereof;

''(ii) the time of the initial availability of the interim storage facility;

''(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

''(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

''(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

''(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

''(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

''(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.).

''(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in paragraph (e)(3)(A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1996. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in paragraph (e)(3)(A) through (C) at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

''(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

''SEC. 205. PERMANENT REPOSITORY.

''(a) REPOSITORY CHARACTERIZATION.—

''(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

''(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

''(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1996, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons

therefor, and recommend to Congress not later than 6 months after such determination further actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

''(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

''(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

''(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

''(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

''(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

''(B) without unreasonable risk to the health and safety of the public; and

''(C) consistent with the common defense and security.

''(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

''(A) breaching the repository's engineered or geologic barriers; or

''(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

''(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

''(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under other provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

''(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

''(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

''(3) FACTORS.—For purposes of making the finding in paragraph (2)—

''(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

''(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

''(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's post-closure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

''(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

''(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

''(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

''(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

''(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

''(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

''(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

''(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

''SEC. 206. LAND WITHDRAWAL.

''(a) WITHDRAWAL AND RESERVATION.—

''(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

''(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

''(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

''(b) LAND DESCRIPTION.—

''(1) BOUNDARIES.—The boundaries depicted on the map entitled 'Interim Storage Facility Site Withdrawal Map,' dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

''(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

''(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1996, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

''(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

''(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

''(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

''(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''TITLE III—LOCAL RELATIONS

''SEC. 301. FINANCIAL ASSISTANCE.

''(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

''(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

''(2) to develop a request for impact assistance under subsection (c);

''(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

''(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

''(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

''(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

''(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

''(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

''(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

''(d) OTHER ASSISTANCE.—

''(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

''(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

''(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

''(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

''(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

''SEC. 302. ON-SITE REPRESENTATIVE.

''The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

''SEC. 303. ACCEPTANCE OF BENEFITS.

''(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwthstanding.

''(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiesence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

''(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

''SEC. 304. RESTRICTIONS ON USE OF FUNDS.

''None of the funding provided under this title may be used—

''(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

''(2) for litigation purposes; and

''(3) to support multistate efforts or other coalition-building activities inconsistent with the purpose of this Act.

''SEC. 305. LAND CONVEYANCES.

''(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

''(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

''Map 1: Proposed Pahrump Industrial Park Site

''Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

''Map 3: Pahrump Landfill Sites

''Map 4: Amargosa Valley Regional Landfill Site

''Map 5: Amargosa Valley Municipal Landfill Site

''Map 6: Beatty Landfill/Transfer Station Site

''Map 7: Round Mountain Landfill Site

''Map 8: Tonopah Landfill Site

''Map 9: Gabbs Landfill Site.

''(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

''(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

''TITLE IV—FUNDING AND ORGANIZATION

''SEC. 401. PROGRAM FUNDING.

''(a) CONTRACTS.—

''(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraph (2) and (3). Except as provided in paragraphs (3),

fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

''(2) ANNUAL FEES.—

''(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, 2002, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, 2002, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

''(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

''(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

''(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403, the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

''(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

''(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1996 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

''(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both houses of Congress.

''(b) ADVANCE CONTRACTING REQUIREMENT.—

''(1) IN GENERAL.—

''(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

''(i) such person has entered into a contract under subsection (a) with the Secretary; or

''(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

''(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

''(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

''(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

''(c) NUCLEAR WASTE FUND.—

''(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

''(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1996; and

''(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

''(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

''(3) ADMINISTRATION OF NUCLEAR WASTE FUND—

''(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

''(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

''(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

''(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

''(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

''(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

''(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

''SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

''(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

''SEC. 403. FEDERAL CONTRIBUTION.

''(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1966, acting pursuant to section 554 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

''(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

''(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

''(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

''(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

''TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

''SEC. 501. COMPLIANCE WITH OTHER LAWS.

''If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

''SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

''(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

''(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

''(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

''(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

''(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

''(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

''(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

''(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge of such decision, action, or failure to act.

''(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

''SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

''(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

''(b) ADJUDICATORY HEARING.—

''(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

''(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

''(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

''(2) DETERMINATION.—In making a determination under this subsection, the Commission—

''(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

''(B) shall not consider—

''(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

''(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

''(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

''(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

''(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

''(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

''(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of failure by the Commission to use a particular procedure pursuant to this section unless—

''(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

''(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

''SEC. 504. SITING A SECOND REPOSITORY.

''(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

''(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

''SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

''(a) FINANCIAL ARRANGEMENTS.—

''(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of site, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

''(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

''(b) TITLE AND CUSTODY.—

''(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

''(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

''(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

''(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

''(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

''(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

''SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

''The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

''SEC. 507. EMPLACEMENT SCHEDULE.

''(a) The emplacement schedule shall be implemented in accordance with the following:

''(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

''(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

''(b) If the Secretary is unable to begin emplacement by January 31, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

''(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had begun emplacement in fiscal year 2000, and

''(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

''SEC. 508. TRANSFER OF TITLE.

''(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

''(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1996, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site.''

''SEC. 509. DECOMMISSIONING PILOT PROGRAM.

''(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experiment test-site reactor located in northwest Arkansas.

''(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

''SEC. 510. WATER RIGHTS.

''(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

''(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

''(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

''TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

''SEC. 601. DEFINITIONS.

''For purposes of this title—

''(1) CHAIRMAN.—The term ''Chairman'' means the Chairman of the Nuclear Waste Technical Review Board.

''(2) BOARD.—The term ''Board'' means the Nuclear Waste Technical Review Board continued under section 602.

''SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

''(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1966, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1996.

''(b) MEMBERS.—

''(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

''(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

''(3) NATIONAL ACADEMY OF SCIENCES.—

''(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

''(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

''(C) NOMINEES.—

''(i) Each person nominated for appointment to the Board shall be—

''(I) eminent in a field of science or engineering, including environmental sciences; and

''(II) selected solely on the basis of established records of distinguished service.

''(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

''(iii) No person shall be nominated for appointment to the Board who is an employee of—

''(I) the Department of Energy;

''(II) a national laboratory under contract with the Department of Energy; or

''(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

''(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

''(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

''SEC. 603. FUNCTIONS.

''The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

''(1) site characterization activities; and

''(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.

''SEC. 604. INVESTIGATORY POWERS.

''(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the

Board. The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than twelve working days per calendar year.

''(b) PRODUCTION OF DOCUMENTS.—

''(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information that is generally available to the public as may be necessary to respond to any inquiry of the Board under this title.

''(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.

''SEC. 605. COMPENSATION OF MEMBERS.

''(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

''(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

''SEC. 606. STAFF.

''(a) CLERICAL STAFF.—

''(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

''(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

''(b) PROFESSIONAL STAFF.—

''(1) AUTHORITY OF THE CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

''(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

''(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 607. SUPPORT SERVICES.

''(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

''(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services including staff, as may be necessary for the effective performance of the functions of the Board.

''(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

''(d) MAILS.—The Board 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) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

''SEC. 608. REPORT.

''The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

''SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.

''SEC. 610. TERMINATION OF THE BOARD.

''The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

''TITLE VII—MANAGEMENT REFORM

''SEC. 701. MANAGEMENT REFORM INITIATIVES.

''(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

''(b) AUDITS—

''(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

''(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1996.

''(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.

''(4) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

''(5) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

''(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

''(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

''SEC. 702. REPORTING.

''(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

''(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

''(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

''(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

''(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

''(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

''(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

''(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

''(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

''SEC. 703. EFFECTIVE DATE.

''This Act shall become effective——days after enactment.''.

THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

PRESSLER AMENDMENT NO. 4986

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (H.R. 3540) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 198, between lines 17 and 18, insert the following:

SENSE OF SENATE ON DELIVERY BY CHINA OF CRUISE MISSILES TO IRAN

SEC. 580. (a) FINDINGS.—The Senate makes the following findings:

(1) On February 22, 1996, the Director of Central Intelligence informed the Senate that the Government of the People's Republic of China had delivered cruise missiles to Iran.

(2) On June 19, 1996, the Under Secretary of State for Arms Control and International Security Affairs informed Congress that the Department of State had evidence of Chinese-produced cruise missiles in Iran.

(3) On at least three occasions in 1996, including July 15, 1996, the Commander of the United States Fifth Fleet has pointed to the threat posed by Chinese-produced cruise missiles to the 15,000 United States sailors and marines stationed in the Persian Gulf region.

(4) Section 1605 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C. 1701 note) both requires and authorizes the President to impose sanctions against any foreign government that delivers cruise missiles to Iran.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of the People's Republic of China should immediately halt the delivery of cruise missiles and other advanced conventional weapons to Iran; and

(2) the President should enforce all appropriate sanctions under United States law with respect to the delivery by that government of cruise missiles to Iran.

THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

LEAHY (AND OTHERS) AMENDMENT NO. 4987

Mr. LEAHY (for himself, Ms. SNOWE, Mr. GREGG, Mr. JEFFORDS, Mr. SMITH, Mr. COHEN, Mr. MOYNIHAN, Mr. KENNEDY, and Mr. KERRY) proposed an amendment to the bill (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, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. ___. NORTHERN FOREST STEWARDSHIP.

(a) FINDINGS.—With respect to the Northern Forest in the States of Maine, New Hampshire, New York, and Vermont, Congress finds that—

(1) the current land ownership and management patterns have served the people and forests of the region well; public policies relating to the Northern Forest should seek to reinforce rather than replace the patterns of ownership and use that have characterized lands in the Northern Forest for decades;

(2) people have a right to participate in decisions that affect them;

(3) the rights of private property owners must be respected;

(4) natural systems must be sustained over the long term, including air, soil, water, and the diversity of plant and animal species;

(5) the history and culture of the Northern Forest and the connections between people and the land must be respected;

(6) States should work in partnership with local governments and the Federal Government;

(7) differences among the 4 Northern Forest States must be recognized;

(8) people must appreciate that the Northern Forest has values that are important beyond the boundaries of the Northern Forest;

(9) because public funds are scarce, the greatest public benefit must be secured for any additional investment;

(10) proposals must be judged by their long-term benefits, looking at least 50 years into the future;

(11) programs and regulations in existence on the date of enactment of this Act should be continually evaluated, built upon, and improved before new ones are created;

(12) the actions described in this section are most appropriately directed by the States, with assistance from the Federal Government, as requested by the States;

(13) certain Federal tax policies work against the long-term ownership, management, and conservation of forest land in the Northern Forest region, and Congress and the President should enact additional legislation to address those tax policies as soon as possible; and

(14) this section effectuates certain recommendations of the Northern Forest Lands Council that were developed with broad public input and the involvement of Federal, State, and local governments.

(b) PRINCIPLES OF SUSTAINABILITY.—

(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical assistance for a State-based initiative directed by the State, to define the appropriate benchmarks of sustainable forest management that address the principles of sustainability, as recommended by the Northern Forest Lands Council.

(2) PRINCIPLES OF SUSTAINABILITY.—It is the sense of Congress that for the purposes of paragraph (1), principles of sustainability should include—

(A) maintenance of soil productivity;

(B) conservation of water quality, wetlands, and riparian zones;

(C) maintenance or creation of a healthy balance of forest age classes;

(D) continuous flow of timber, pulpwood, and other forest products;

(E) improvement of the overall quality of the timber resource as a foundation for more value-added opportunities;

(F) addressing scenic quality by limiting adverse aesthetic impacts of forest harvesting, particularly in high-elevation areas and vistas;

(G) conservation and enhancement of habitats that support a full range of native flora and fauna;

(H) protection of unique or fragile natural areas; and

(I) continuation of opportunities for traditional recreation.

(c) NORTHERN FOREST RESEARCH COOPERATIVE.—The Secretary of Agriculture, acting through the Northeastern Forest Experiment Station and the Chief of the Forest Service, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to cooperate with the State, the land grant universities of the State, natural resource and forestry schools, other Federal agencies, and other interested parties in coordinating ecological and economic research, including—

(1) research at those universities on ecosystem health, forest management, product development, economics, and related fields;

(2) development of specific forest management guidelines to achieve principles of sustainability described in subsection (b) as recommended by the Northern Forest Lands Council;

(3) technology transfer to the wood products industry on efficient processing, pollution prevention, and energy conservation;

(4) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

(5) analysis of strategies for the protection of areas of outstanding ecological significance, high biodiversity, and the provision of important recreational opportunities, including strategies for areas identified through State land acquisition planning processes.

(d) INTERSTATE COORDINATION STRATEGY.—At the request of the States of Maine, New Hampshire, New York, and Vermont, the Chief of the Forest Service is authorized to make a representative of the State and Private Forest Program available to meet with representatives of the States to coordinate the implementation of Federal and State policy recommendations issued by the Northern Forest Lands Council and other policies agreed to by the States.

(e) LAND CONSERVATION.—.

(1) FEDERAL ASSISTANCE.—The Secretary of Agriculture (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service and Director of the United States Fish and Wildlife Service) at the request of the State of Maine, New Hampshire, Vermont, or New York, is authorized to provide technical and financial assistance for a State-managed public land acquisition planning process and land acquisition initiatives directed by the State.

(2) PROGRAM DEVELOPMENT.—A goal-oriented planning process for a State described in paragraph (1) to establish a land conservation program shall include—

(A) identification of, and setting of priorities for the acquisition of, fee or less-than-fee interests in exceptional and important lands, in accordance with criteria that include—

(i) places offering outstanding recreational opportunities, including locations for hunting, fishing, trapping, hiking, camping, and other forms of back-country recreation;

(ii) recreational access to river and lake shorelines;

(iii) land supporting vital ecological functions and values;

(iv) habitats for rare, threatened, or endangered natural communities, plants, and wildlife;

(v) areas of outstanding scenic value and significant geological features; and

(vi) working private forest lands that are of such significance or so threatened by conversion that conservation easements should be purchased;

(B) acquisition of land and interests in land only from willing sellers;

(C) involvement of local governments and landowners in the planning process in a meaningful way that acknowledges their concerns about public land acquisition;

(D) recognition that zoning, while an important land use mechanism, is not an appropriate substitution for acquisition;

(E) assurances that unilateral eminent domain will only be used with the consent of the landowner to clear title and establish purchase prices;

(F) efficient use of public funds by purchasing only the rights necessary to best identify and protect exceptional values;

(G) consideration of the potential impacts and benefits of land and easement acquisition on local and regional economies;

(H) consideration of the necessity of including costs of future public land management in the assessment of overall costs of acquisition;

(I) minimization of adverse tax consequences to municipalities by making funds available to continue to pay property taxes based at least on current use valuation of parcels acquired, payments in lieu of taxes, user fee revenues, or other benefits, where appropriate;

(J) identification of the potential for exchanging public land for privately held land of greater public value; and

(K) assurances that any land or interests inland that are acquired are used and managed for their intended purposes.

(3) WILLING SELLER.—No Federal funds made available to carry out this section may be expended for acquisition of private or public property unless the owner of the property willingly offers the property for sale.

(4) LAND ACQUISITION.—

(A) FUNDING.—After completion of the planning process under paragraph (2), a Federal and State cooperative land acquisition project under this section may be carried out with funding provided exclusively by the Federal Government or with funding provided by both the Federal Government and a State government.

(B) OBJECTIVES.—A cooperative land acquisition project funded under this section shall promote State land conservation objectives that correspond with Federal goals and the recommendations of the Northern Forest Lands Council.

(5) COMPLEMENTARY PROGRAM.—The Secretary of the Interior shall conduct activities under this subsection—

(A) as a complement to the State Comprehensive Outdoor Recreation Plan for each Northern Forest State in existence on the date of enactment of this section; and

(B) with a landscape perspective.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated, out of any funds made available for State purposes under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8), such sums as are necessary to carry out this subsection.

(B) EFFECT ON APPORTIONMENT.—Apportionment among the States under section 6(b) of the Act (16 U.S.C. 460*l*–8(b)) shall be from funds not appropriated under subparagraph (A).

(f) LANDOWNER LIABILITY EXEMPTION.—

(1) FINDINGS.—Congress finds that—

(A) many landowners keep their land open and available for responsible recreation; and

(B) private lands help provide important forest-based recreation opportunities for the public in the Northern Forest region.

(2) SENSE OF CONGRESS.—It is the sense of Congress that States and other interested persons should pursue initiatives that—

(A) strengthen relief-from-liability laws to protect landowners that allow responsible public recreational use of their lands;

(B) update relief-from-liability laws to establish hold-harmless mechanisms for landowners that open their land to public use, including provision for payment by the State of the costs of a landowner's defense against personal injury suits and of the costs of repairing property damage and removing litter;

(C) private additional reductions in property taxes for landowners that allow responsible public recreational use of their lands;

(D) provide for purchases by the State of land in fee and of temporary and permanent recreation easements and leases, including rights of access;

(E) foster State and private cooperative recreation agreements;

(F) create recreation coordinator and landowner liaison and remote ranger positions in State government to assist in the management of public use of private lands and provide recreation opportunities and other similar services;

(G) strengthen enforcement of trespass, antilittering, and antidumping laws;

(H) improve recreation user education programs; and

(I) improve capacity in State park and recreation agencies to measure recreational use (including types, amounts, locations, and concentrations of use) and identify and address trends in use before the trends create problems.

(g) NONGAME CONSERVATION.—

(1) FINDINGS.—Congress finds that—

(A) private landowners often manage their lands in ways that produce a variety of public benefits, including wildlife habitat; and

(B) there should be more incentives for private landowners to exceed current forest management standards and responsibilities under Federal laws.

(2) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make it a priority to consider legislation that creates a funding mechanism to support the conservation of nongame fish and wildlife and associated recreation activities on public and private lands and does not replace, substitute, or duplicate existing laws that support game fish and wildlife.

(h) WATER QUALITY.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Agriculture and the Secretary of the Interior, is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical and financial assistance to assess water quality trends within the Northern Forest region.

(i) RURAL COMMUNITY ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized, at the request of the State of Maine, New Hampshire, New York, or Vermont, to provide technical and financial assistance to the State, working in partnership with the forest products industry, local communities, and other interests to develop technical and marketing capacity within rural communities for realizing value-added opportunities in the forest products sector.

(2) RURAL COMMUNITY ASSISTANCE PROGRAM.—Sufficient funds from the rural community assistance program under paragraph (1) shall be directed to support State-based public and private initiatives to—

(A) strengthen partnerships between the public and private sectors and enhance the viability of rural communities;

(B) develop technical capacity in the utilization and marketing of value-added forest products; and

(C) develop extension capacity in delivering utilization and marketing information to forest-based businesses.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (b), (c), (d), (e), (h), and (i) of this section and section 2371 of the Rural Economic Development Act of 1990 (7 U.S.C. 6601) in the States of Maine, New Hampshire, New York, and Vermont.

(h) APPLICABILITY.—This section shall be in effect during fiscal year 1997 and each fiscal year thereafter.

THURMOND (AND HOLLINGS) AMENDMENT NO. 4988

Mr. COCHRAN (for Mr. THURMOND, for himself and Mr. HOLLINGS) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 12, line 25, strike ''$46,330,000'' and insert in lieu thereof ''$46,830,000''.

On page 14, line 10, strike ''$418,620,000'' and insert in lieu thereof ''$419,120,000''.

On page 21, line 4, strike ''$47,517,000'' and insert ''$47,017,000''.

FRAHM AMENDMENT NO. 4989

Mr. COCHRAN (for Mrs. FRAHM) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the appropriate place in title VII of the bill, add the following new section:

SEC. 7. RURAL HOUSING PROGRAM EXTENSIONS.

(a) EXTENSION OF MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) AUTHORITY TO MAKE LOANS.—Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking ''September 30, 1996'' and inserting ''September 30, 1997''.

(2) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(b) EXTENSION OF HOUSING IN UNDERSERVED AREAS PROGRAM.—The first sentence of section 509(f)(4)(A) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)(A)) is amended by striking ''fiscal year 1996'' and inserting ''fiscal year 1997''.

(c) REFORMS FOR MULTIFAMILY RURAL HOUSING LOAN PROGRAM.—

(1) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

''(h) PROJECT TRANSFERS.—After the date of the enactment of the Act entitled 'An Act 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', the ownership or control of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would further the provision of housing and related facilities for low-income families or persons and would be in the best interests of residents and the Federal Government.''.

(2) EQUITY LOANS.—Section 515(t) of the Housing Act of 1949 (42 U.S.C. 1485(t)) is amended—

(A) by striking paragraphs (4) and (5); and

(B) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(3) EQUITY TAKEOUT LOANS TO EXTEND LOW-INCOME USE.—

(A) AUTHORITY AND LIMITATION.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: ''or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Act entitled 'An Act 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', unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made''.

(B) APPROVAL OF ASSISTANCE.—Section 502(c)(4)(C) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(C)) is amended by striking ''(C)'' and all that follows through ''provided—'' and inserting the following:

''(C) APPROVAL OF ASSISTANCE.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—''.

(C) TECHNICAL CORRECTION.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1)) is amended by striking ''December 21, 1979'' and inserting ''December 15, 1989''.

(d) EQUITY SKIMMING PENALTIES.—

(1) INSURANCE OF LOANS FOR THE PROVISION OF HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

''(j) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for a loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

(2) DIRECT AND INSURED LOANS TO PROVIDE HOUSING AND RELATED FACILITIES FOR ELDERLY PERSONS AND FAMILIES IN RURAL AREAS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

''(aa) EQUITY SKIMMING PENALTY.—Whoever, as an owner, agent, or manager, or who is otherwise in custody, control, or possession of property that is security for loan made or insured under this section willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose than other than to meet actual or necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined not more than $250,000 or imprisoned not more than 5 years, or both.''.

LEAHY AMENDMENT NO. 4990

Mr. BUMPERS (for Mr. LEAHY) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . REAUTHORIZATION OF NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking ''1991, 1992, and 1993'' each place it appears and inserting ''1'991 through 1997''.

KERREY AMENDMENTS NOS. 4991–4992

Mr. BUMPERS (for Mr. KERREY) proposed two amendments to the bill, H.R. 3603, supra; as follows:

AMENDMENT NO. 4991

In lieu of the pending amendment insert the following:

SEC. . DEPARTMENT OF AGRICULTURE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For the purposes of this section—

(1) the term ''agency'' means the Department of Agriculture;

(2) the term ''employee'' means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency (or an individual employed by a county committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5))), is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(D) an employee who, upon completing an additional period of service as referred to in section 3(b)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 5597 note), would qualify for a voluntary separation incentive payment under section 3 of such Act;

(E) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(F) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(G) any employee who, during the twenty four month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the twelve month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The head of the agency, prior to obligating any resources for voluntary separation incentive payments, shall submit to the House and Senate Committees on Appropriations and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered; and

(C) a description of how the agency will operate without the eliminated positions and functions.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by an agency to any employee only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(ii) an amount determined by the agency head not to exceed $25,000 in fiscal year 1997, $20,000 in fiscal year 1998, $15,000 in fiscal year 1999, or $10,000 in fiscal year 2000;

(D) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(E) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(3) LIMITATION.—No amount shall be payable under this section based on any separation occurring before the date of the enactment of this Act, or after September 30, 2000.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) EFFECTIVE DATE.—This section shall take effect October 1, 1996.

AMENDMENT NO. 4992

On page 25, line 16, strike ''$795,000,000'' and insert ''$725,000,000''.

On page 29, between lines 7 and 8, insert the following:

RISK MANAGEMENT

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $70,000,000, of which not to exceed $700 shall be available for official reception and representation expenses, as authorized by section 506(i) of the Federal Crop Insurance Act (7 U.S.C. 1506(i)): *Provided*, That this appropriation shall be available only to the extent that an official budget request for a specific dollar amount is submitted by the President to Congress.

BUMPERS AMENDMENT NO. 4993

Mr. BUMPERS proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 12, line 25, strike ''$46,830,000: and insert in lieu thereof ''$47,080,000''.

On page 14, line 10, strike ''$419,120,000'' and insert in lieu thereof ''$419,370,000''.

On page 21, line 4, strike ''47,017,000'' and insert in lieu thereof ''$46,767,000''.

HEFLIN AMENDMENT NO.4994

Mr. COCHRAN (for Mr. HEFLIN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the appropriate place, insert:

''Section 101(b) of the Agriculture and Food Act of 1981 (Public Law 97–98; 7 U.S.C. 608c note) is amended by striking ''1996'' and inserting ''2002''.

SANTORUM AMENDMENT NO. 4995

Mr. SANTORUM proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the bill, add the following:

SEC. . LIMITATION ON AMOUNT OF NONRECOURSE LOANS FOR PEANUTS.

None of the funds appropriated or otherwise made available by this Act may be used to provide to a producer of a crop of quota peanuts a total amount of nonrecourse loans under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271) in excess of $125,000.

BUMPERS AMENDMENT NO. 4996

Mr. BUMPERS proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 42, line 22, after ''development'' add the following, ''as provided under section 747 (e) of public Law 104–127''.

SARBANES (AND MIKULSKI) AMENDMENT NO. 4997

Mr. BUMPERS (for Mr. SARBANES, for himself and Ms. MIKULSKI) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 5, line 8, strike ''$25,587,000'' and insert ''$23,505,400''.

On page 5, line 10, strike ''$146,135,000'' and insert ''$144,053,400''.

On page 10, line 18, strike ''$721,758,000'' and insert ''$722,839,600''.

HATCH (AND HARKIN) AMENDMENT NO. 4998

Mr. COCHRAN (for Mr. HATCH, for himself and Mr. HARKIN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 55, line 7, after the colon, insert the following: ''*Provided further,* That a sufficient amount of these funds shall be used to ensure compliance with the statutory deadlines set forth in section 505(j)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 3555(j)(4)(A)):''.

SMITH AMENDMENT NO. 4999

Mr. COCHRAN (for Mr. SMITH) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

SMITH AMENDMENT NO. 5000

Mr. COCHRAN (for Mr. SMITH) proposed an amendment to the bill, H.R. 3603, supra; as follows:

On page 47, line 17, before the period, insert the following: '': *Provided further,* That, notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program''.

CRAIG (AND OTHERS) AMENDMENT NO. 5001

Mr. COCHRAN (for Mr. CRAIG for himself, Mr. HELMS, Mr. LEAHY, and Mr. WYDEN) proposed an amendment to the bill, H.R. 3603, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. REVIEW AND REPORT ON H–2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H–2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H–2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H–2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H–2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b);

(d) DEFINITIONS.—As used in this section—

(1) the term ''Comptroller General'' means the Comptroller General of the United States; and

(2) the term ''H–2A nonimmigrant worker program'' means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

NOTICE OF HEARING

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Tuesday, July 30, 1996, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building. The hearing will discuss suicide among the elderly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 23, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 23, 1996, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 23, at 3 p.m., for a hearing on the nomination of Franklin D. Raines, to be Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on Tuesday, July 23, 1996, which will begin at 3 p.m. in room 428A of the Russell Senate Office Building. The hearing is entitled ''Implementation of the Small Business Regulatory Enforcement Fairness Act of 1996,''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 23, 1996, at 1 p.m. to hold a closed hearing on Intelligence Matters.

The Presiding Officer. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION FEDERALISM AND PROPERTY RIGHT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, July 23, 1995, at 2 p.m., in Senate Dirksen room 226, to hold a hearing on, ''Reauthorization of the U.S. Commission on Civil Rights.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. DOMENICI. The Finance Committee requests unanimous consent for the Subcommittee on International Trade and the Caucus on International Narcotics Control to a conduct a hearing on Tuesday, July 23, 1996, beginning at 10 a.m.,in room SD 2145

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO HARRY RUTH

● Mr. McCONNELL. Mr. President, I rise today to recognize a man who has played a pivotal role in the economic growth and development of western Kentucky. Harry Ruth, president of the Greater Paducah Economic Development Council, will be able to retire with the satisfaction of a job well done.

When Ruth interviewed for the job in 1989, the committee members who interviewed him were immediately convinced that he was the right person for the job. Aubrey Lippert, a bank president in Paducah, told the Paducah Sun that Ruth ''has the ability to walk into a room full of strangers and make everyone feel comfortable''.

Since he became president of GPEDC, Harry Ruth has given ''100 percent of his ability and energy'' to making Paducah and the region a better place to live. According to the Paducah Sun, Ruth has played a large part in bringing to Paducah a great deal of infrastructure necessary to expand economic development. This includes the Paducah Information Age Park, a 600-acre high-technology park on the outskirts of the city and a University of Kentucky engineering extension program that will open in about 2 years. In addition, a new industrial park is in the planning stages and the community has improved its image considerably.

Further proof of the growth that has taken place during Ruth's tenure can be found in the general economic indicators in the community. There are more jobs in Paducah than there were 7 years ago, employment is up, unemployment is down, and retail sales are up.

Dwane Tucker, who worked closely with Ruth on the Information Age Park project, told the Paducah Sun that Ruth ''gave an enormous amount of time to positioning [the] community for long-term growth . . . He put the needs of the organization above his own needs.'' Tucker added, ''He's also exceptionally skilled at building long-term relationships with people and organizations.''

It's said that a man's greatest legacy is his friends—and in that regard, Harry Ruth has a rich legacy indeed. As Harry closes this particular chapter in his life, he can take special satisfaction in the relationships he has built. It is with pleasure that I count myself among Harry Ruth's many friends in Kentucky.

Mr. President, I would like to pay tribute to Harry Ruth for his dedicated service to western Kentucky.

REV. JOHN NUTTING

● Mr. LEAHY. Mr. President, Vermont is a very small State in geography but extremely large in the quality of our people.

One of the very special people in Vermont is the Reverend John Nutting. For as long as I can remember my good friend John has been an outspoken and extremely effective advocate for those in Vermont who need him the most. An article in the Vermont Sunday Rutland Herald and the Sunday Times Argus speaks well of his lifetime service to our State. I ask that it be printed in the RECORD. Marcelle and I are among those privileged to have known and worked with John and I send him my very best as he opens his next career.

The article follows:

[From the Sunday Rutland Herald and the Sunday Times Argus, June 16, 1996]

ACTIVIST'S ACTIVIST REV. JOHN NUTTING LEAVING THE FIELD

(By Kristin Bloomer)

It's hot as heck under the studio skylights, and Rev. John Nutting is hawking one of his paintings.

''Name your price,'' he says, gesturing to a few of the smaller watercolors in his second-story garage studio in Waterbury. ''Any price.''

Nutting is walking around in his regular gear; a yellow shirt, denim shorts, white socks and sandals. No one has said anything about buying any paintings, but Nutting, 64, doesn't seem to want to take no for an answer.

''Come on. Don't be shy,'' he says with a broad, goofy smile and turning toward some larger forest scenes. ''Hundred and fifty bucks. I have an easy payment plan. You can pay me in increments, whatever you want, 'til it's all paid up.''

It's hard to say no to John Nutting, for 40 years one of Vermont's most active and visible social activists.

''He represents what has really been at the heart of what's good in Vermont,'' says Scudder Parker, a former minister and legislator who has known Nutting all his life. At a recent retirement party for Nutting, Gustave Seelig, executive director of the Vermont Housing and Conservation Board, called him Vermont's leader of ''a conspiracy of good will.''

In addition to serving as a pastor and outreach minister for the United Church of Christ since 1956 and more recently, writing a 500-page book on the church's history (on sale for $50), Nutting has served as president of the Vermont Association for Mental Health, chair of the Vermont Human Services Board, vice president of the Vermont Natural Resources Council, Vermont Housing and Conservation Board member, and consumer board member for the Vermont Program for Quality in Health Care.

He will retire from his ministry July 1. A retirement party for Nutting is set for Sunday, June 29, at the Second Congressional Church in Hyde Park. He says he has ''no set plans,'' aside from wanting to sell his house and move with his wife to Colorado.

Nutting says he will have more time to paint—though friends, colleagues and social advocates say they will miss him.

''Good'' Nutting exclaims. ''That's great I love it, I love it. Weep! Weep! Worry! Gnash your teeth. * * * In a sense, I want someone else to do it. I've done it. I see it now as 'the ministry of getting out of the way.'''

''Getting out of the way,'' however, may be hard for Nutting.

''I'm in massive denial,'' he admits.

Many of the organizations and programs he founded on behalf of Vermont's poor will continue—he's made sure of that. For example, Camp Bethany Birches—an annual, free, three-day event for low-income people—has drawn as many as 200 people annually for almost 20 years, and will continue to serve as a tool for political empowerment Campers will still gather to set the coming year's lobbying/legislative agenda.

''You could say the theme through my ministry has been to create a community out of diversity, to gather people who don't naturally come together,'' Nutting says. ''The idea is to create this new kind of community, that we all might be one.''

''The Hyde Park pastor never wanted to enter the ministry until he was assigned to a congregation in West Dover for a summer. In college he had wanted to be a physician, like his father in Duluth, Minn., until senior year. Then he switched to history and enrolled at Yale Divinity School, still without a commitment to becoming a minister.

''I was interested in figuring out the Monty Python thing—the meaning of life,'' he says, smiling.

''His greatest theological influences were Karl Barth, a Swiss theologian who became a church leader in opposing the Nazis, and Jurgen Moltmann, one of the leading proponents of the ''theology of hope,'' a belief that God's promise to act in the future is more important than God's action in the past. Moltmann's belief that people should not withdraw from the world but act in it to aid the coming of a better one became Nutting's inspiration.

The list of programs he has helped initiate in Vermont reads like a hippie agenda: Project Love, a series of evening dinners geared toward low-income people; Partners in Service, an adopt-a-social-worker program for churches; Vermont Assistance Inc., a corporation that hired and funded a low-income advocate when Vermont Legal Aid was prohibited from lobbying the Legislature; Vermont Campaign to End Childhood Hunger; Vermont Food Bank; Bridges to Peace, an exchange program with the Soviet Union; and Neighbors in Need, an organization that has distributed thousands of dollars worth of emergency grants to low-income people. That's just to name a few.

But Nutting, who started doing singing gigs in homes and ski areas in the nineteen fifties, predates most hippies.

''I had a Volkswagen bug, and I could get 12 folding chairs in the back, my guitar, song books, three kids and my wife,'' Nutting said. ''We would go off to prayer meetings—the traveling church.''

He also cut a record, called ''Songs of Lamoille County,'' which begins with a spoken ballad called ''Hills of Dover.'' Nutting's voice sounds uncannily like Pete Seeger's.

''I came to Vermont in the summer of 1954, and I've been here off an on ever since,'' Nutting narrates against the guitar chords. ''That year, I lived with Ted Burchards on a farm in the town of West Dover.''

The two worked the land together, Nutting says, and he tells how he would listen from the house as Burchards mowed the lawn and, invariably, hit a rock: ''He'd stop, swear a few times, and then back it up and start over, go around that rock. That's been the story of Vermonters almost ever since they came here; they've had to back up and start over. It's been the land that's made the difference.''●

LILLIAN HOFFMAN

● Mr. BROWN. Mr. President, Lillian Hoffman was a great lady who will be truly missed. She made the world a better place and brought energy, commitment, and integrity to every cause

she supported. Her valiant efforts on behalf of Soviet Jewery I am convinced made a real difference in the lives of many.

As a volunteer for the American Red Cross during World War II, Lillian acquired a taste for public service and community work. Lillian committed herself to gaining freedom for Jewish refuseniks from the former Soviet Union for over 20 years. She was cochairwoman of the Colorado Committee of Concern for Soviet Jewry since the group was formed in 1970. This committee fought for people that faced oppression in their homeland. Lillian spent endless hours writing letters and telegrams and making phone calls to Soviet and U.S. officials to help gain the release of Jewish families who were refused immigration visas. She showed what real determination was.

In 1974, Lillian went to Washington, DC to lobby for the Jackson-Vannik amendment, which linked trade with the Soviet Union with the emigration of Soviet Jews. The amendment was passed in large part thanks to Lillian's efforts.

In addition to dealing with the oppression of Jews in the Soviet Union, Lillian turned her attention to other causes. Lillian began to focus on her opposition to Israeli terroritorial concessions and to free Raoul Wallenberg. Lillian was a member of the Raoul Wallenberg Committee. Mr. Wallenberg, a Swedish diplomat, saved 100,000 Hungarian Jews during World War II from Nazi death camps. Lillian presented a bust of Wallenberg as a gift to the U.S. Government which stands in the U.S. Capitol.

Lillian was well known for her efforts nationally and internationally. Her endless contributions to our community in Colorado and around the world were truly remarkable and will never be forgotten.

Those of us who knew Lillian Hoffman will never forget her. She taught us what real commitment is all about.

SALUTE TO ISAAC TIGRETT

● Mr. FRIST. Mr. President, I rise today to recognize an outstanding entrepreneur and a proud son of the great State of Tennessee. Isaac Tigrett has long been known for founding the world-famous Hard Rock Cafe chain, which combined rock music, memorabilia, and the all-American hamburger in locations throughout the United States and internationally. But his most recent business venture, the House of Blues, has not only gained enormous popularity in its short existence, it is showcasing a bit of Tennessee and Southern heritage for audiences on the east and west coasts.

A native west Tennessean, Isaac Tigrett grew up a stone's throw from the actual birthplace of the blues—Memphis, TN. The influence of the blues and black culture on him was strong and has stayed with him over the years. Music of all kinds, but especially the blues, actually takes center stage in his House of Blues restaurant-clubs. With restaurants in Cambridge, MA; Los Angeles; New Orleans; and the brand-new Olympic special in Atlanta, the music that had such an influence on Isaac Tigrett's life in west Tennessee is quickly finding new homes and new fans across the country.

In addition to spreading blues music, Isaac Tigrett is also working to spread a message to America's youth. Through the House of Blues Foundation, he is reaching out to inner city youth and providing a new outlook on African-American culture in the United States. His foundation brings school children to the House of Blues—either in person or by using video teleconferencing equipment—and lets them experience the history that the blues and the folk art lining the restaurants' walls so eloquently express. The House of Blues also provides college scholarships in the arts, sponsors a program for blues musicians to present workshops for kids, and supports a training center for teachers interested in the blues.

Mr. President, I want to commend Isaac Tigrett for his ingenuity and his entrepreneurship. As anyone who knows him can attest, the four House of Blues locations in the United States and the House of Blues Foundation are just the beginning for Isaac. And to me and many other Tennesseans living throughout this Nation, the House of Blues is not just great entertainment, it's a piece of home.●

ORDERS FOR WEDNESDAY, JULY 24, 1996

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, July 24; further, that immediately following the prayer, the Journal of the 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, the time for the two leaders be reserved for their use later in the day, and the Senate immediately resume consideration of the agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 1956

Mr. COCHRAN. Mr. President, I ask unanimous consent that S. 1956 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. Mr. President, for the information of all Senators, under the previous order, the Senate will debate any amendments in order to the agriculture appropriations bill beginning at 9:30 a.m. on Wednesday. Any votes ordered will occur beginning at 11 a.m. on Wednesday.

Also, it is the majority leader's intention to conclude action on the agriculture appropriations bill during Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COCHRAN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:26 p.m., adjourned until Wednesday, July 24, 1996, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE 401(k) PENSION PROTECTION ACT OF 1996

HON. GARY A. CONDIT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. CONDIT. Mr. Speaker, recently I introduced H.R. 3688, the 401(k) Pension Protection Act of 1996. This legislation will protect the retirement savings of approximately 30 million Americans in 20 to 30 million households. Senator BARBARA BOXER previously introduced this bill in the U.S. Senate.

Under current law, traditional, defined benefit, pension plans are prohibited by the Employee Retirement Income Security Act [ERISA] from investing more than 10 percent of their assets in securities and real estate of the company sponsoring the pension plan. ERISA also requires diversification of employer investments made by traditional pension plans. Such plans are protected by Federal Pension Benefit Guaranty Corporation [PBGC] insurance in the event of the bankruptcy of the sponsoring company.

These rules and protections do not apply to 401(k)-type plans, exposing their participants to greater investment risk; 401(k)'s are not insured by the PBGC. Market risk is completely borne by participants.

In early June, a Wall Street Journal lead story illustrated the dangers that uneven application of conflict-of-interest rules presents to 401(k)'s. Color Tile, Inc., a nationwide retailer, sought bankruptcy protection in January. Color Tile closed 234 of 723 stores and fired hundred of employees.

The employees were shocked to learn that 83 percent of their 401(k) assets were invested in 44 Color Tile stores, some of which were closed. Color Tile's only retirement plan is the 401(k). The bankruptcy put not only the employees's jobs, but their pension savings, in jeopardy.

The danger to 401(k)'s permitted by the lack of a 10-percent limitation is also illustrated by the 1992 failure of Carter Hawley Hale stores, a major California department store chain. Carter Hawley's 401(k) was invested in Carter stock. The bankruptcy wiped out 92 percent of 14,000 employees' 401(k) plan assets.

This was unintended and unforeseen. ERISA originally contained no 401(k); 401(k) was added in 1978 to the section covering profit sharing plans, which are exempt from the 10-percent limitations on employer investment. At the time, the limitations were not seen as relevant. Experts predicted that the 401(k)'s would be small, profit-sharing plans. The defined benefit pension plan already protected by the conflict rules, was considered the vehicle for delivery of retirement security.

These expectations proved wide of the mark; 401(k) plans have become in many cases the predominant pension plan for Americans, not supplemental, profit-sharing plans. They enroll approximately 30 to 35 million Americans, hold $675 billion in assets, and are growing dramatically. It is time to protect 401(k) plans as ERISA intended retirement security vehicles to be protected.

H.R. 3688 applies the same employer conflict-of-interest and diversification rules to both 401(k) and traditional pension plans. Both would be prohibited from investing more than 10 percent of their assets in employer securities and real estate. Plans which hold no more than 10 percent of the retirement assets for all qualified pension plans of an employer would continue to be exempt. This permits smaller, supplementary, profit-sharing plans to be 100 percent invested in employer securities and property.

Investments in excess of the 10-percent limitation on the date of enactment would be grandfathered, allowing those plans to gradually reduce the amount in excess as they make new investments and receive new contributions. Current law allowing the Secretary of Labor to grant exemptions from conflict rules would continue.

Participant-directed 401(k) plans would be exempt, allowing employees to assume the risk of investing more than 10 percent of their assets in their employer. Employers could contribute stock in excess of the limit but only to employee directed accounts, requiring employers to compete in the financial marketplace with other investments, e.g., mutual funds, to retain the employee's investment.

Mr. Speaker, this legislation is needed to protect the retirement savings of Americans and I urge our colleagues to cosponsor this legislation.

H.R. 3688

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''401(k) Pension Protection Act of 1996''.

SEC. 2. CERTAIN PROHIBITED TRANSACTIONS APPLIED TO 401(k) PLANS.

(a) IN GENERAL.—Paragraph (3) of section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) is amended by adding at the end the following new sentence: ''Such term also excludes an individual account plan that includes a qualified cash or deferred arrangement described in section 401(k) of the Internal Revenue Code of 1986, if such plan, together with all other individual account plans maintained by the employer, owns more than 10 percent of the assets owned by all pension plans maintained by the employer. For purposes of the preceding sentence, the assets of such plan subject to participant control (within the meaning of section 404(c)) shall not be taken into account.''.

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), the amendment made by this section shall apply to plans on and after the date of the enactment of this Act.

(2) TRANSITION RULE FOR PLANS HOLDING EXCESS SECURITIES OR PROPERTY.—In the case of a plan which on the date of the enactment of this Act has holdings of employer securities and employer real property (as defined in section 407(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107(d)) in excess of the amount specified in such section 407, the amendment made by this section shall apply to any acquisition of such securities and property on or after such date of enactment, but shall not apply to the specific holdings which constitute such excess during the period of such excess.

[From Newsweek, July 8, 1996]

WHEN A 401(K) IS NOT OK

(By Jane Bryant Quinn)

Everyone loves the 401(K)—including me, most of the time. Unseen hands pluck money out of your paycheck and invest it for your future, tax-deferred. If you leave the job early, you carry this portable pension with you. More than 22 million workers were covered by 228,000 plans in 1995, according to Access Research in Windsor, Conn. That's the only private retirement plan that a large percentage of them have.

But something is rotten in 401(k)-land, and it's going to cost some trusting employees much of the money they've put aside. These otherwise excellent plans have leaks. Unscrupulous, careless or foolish employers are despoiling some accounts.

Let me hasten to say that most of the 401(k)s today seem safe from harm. Those are the plans where workers can choose their own investments and follows their progress. But for about 20 percent of the plans (some small, some large), the boss or his minions handle part or all of the money. That's where the temptations lie. If the company gets into trouble, the boss might borrow recklessly from the 401(k). If he thinks he can outinvest anybody in the house, he might plunge into risky new issues that don't belong in the average worker's plan. He can even toy with showoff ''investments'' like Persian carpets or Kewpie dolls.

For a good example of what can go wrong, consider the luckless workers at Carter Hawley Hale, which filed for bankruptcy in 1991. They had no investment choice. Their entire 401(k) was invested in nearly worthless Carter stock. And then there's Color Tile, a $700 million floor-covering firm in Ft. Worth, Texas, that entered bankruptcy this year. A committee run by Color Tile's former chairman invested more than 90 percent of the 401(k) in Color Tile stores, according to a lawsuit filed on behalf of the plan. Color Tile didn't return calls. No one knows what the plan is currently worth. The employees can't get their money out.

Déjá vu: A generation ago, the same kinds of abuses poisoned traditional pension plans (the kind that pay retirees a monthly income for life). Employers could promise pensions but not provide all the money needed to pay. They could make workers wait for 15 or 20 years to receive any benefits, then fire them just before they qualified. For a while, most lawmakers shrugged off these tragedies as ''small stuff.'' It took a mount of injury to win ERISA, today's pension-protection law. How big does the next Color Tile have to be, for holders of 401(k)s to win protection, too? Here's an agenda, for any legislator of conscience:

Ban collectibles as 401(k) investments (art, antiques, stamps, gems, memorabilia). They're not permitted for Individual Retirement Accounts, Keogh plans or the 403(b) plans used by schools, hospitals and other nonprofits. So why should 401(k) savers be

exposed to so nutty a risk? If the boss wants to cuddle up to a carpet, let him buy it on his own dime, not with money from the plan. I don't care if the plan gets lucky and the carpet's value flies. It's an unconscionable ''investment'' to force on workers of modest means.

Ban employers from putting more than 10 percent of plan money into the company's own securities or real estate. That's already the rule for traditional pension plans. A bill just proposed by Sen. Barbara Boxer, a California Democrat, would give the same protection to a 401(k) if the plan lets the boss make all the investment decisions.

Boxer's opponents are quick to say that the pension law shouldn't be rewritten just because of a smelly plan like Color Tile's. But there's a lot more rot in this barrel than anyone knows. Doctors and dentists, for example, may use a 401(k) to buy the building they practice in. That's fine for a well-to-do doc who also has other investments. But it's contemptuous of the nurse whose small savings are now tied up in one piece of real estate. Rick Shoff, president of NRP Financial Group in Jamison, Pa., and a recordkeeper for 401(k)s, advises employer-directed plans to put one or two employees on the investment committee. They deserve a say in where their money goes.

If I were czar, I'd stop plans from investing more than 10 percent of their assets in any real-estate or nonpublic business venture. These deals are illiquid and their value uncertain, says Normal Stein, professor of law at the University of Alabama. When you get a payout from such a plan, you may or may not receive a fair share, depending on how accurate the appraisal was. On rare occasions, you can't even get your share in cash. The plan might hand you a piece of paper attesting that part of the property is yours—and a fat lot of good that will do you if you want to sell.

Require a warning label on plans that let workers invest in company shares. The shares themselves may be low-risk, but it's high-risk to overinvest in them. In general, you should put no more than 10 percent of your money there, even when business is good. If employers use stock to match employee contributions, the employees should be free to swap into something else.

Offer an investment alternative to employees who hate their 401(k)s. You'd lose your company match, but who cares, if it's buying the equivalent of Carter Hawley shares? At present, you can switch to a tax-deferred Individual Retirement Account, but only if (1) no funds went toward 401(k)s this year, for you or your spouse, and (2) neither has a traditional pension plan. Employees with modest incomes can take an IRA write-off even if they're in a plan. But that's worth only $2,000 a year. Why not pressure plans to improve by creating real competition? Let unhappy workers put the same dollars into some sort of independent 401(k).

Under current law, those responsible for a 401(k) are supposed to act prudently and invest for the good solely of the participants. ''But noncompliance is an option for small employers,'' says attorney Michael Gordon of Washington, D.C. ''Nobody thinks the government's going to knock on their door and enforce the law.''

Skunks like that might not pay attention to reform (complain to the Labor Department at 202–219–8776). But new laws could save the many plans whose sponsors aren't devious, just dumb.

THE DEFENSE OF MARRIAGE ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. TALENT. Mr. Speaker, marriage is older than the Government, older than the Constitution and the Union, older than the political traditions from which our Republic springs. It originated with human civilization; it is rooted in and sanctioned by the precepts of all the great monotheistic religions and in particular the Judeo-Christian religion. It strikes me as an enormous act of presumption to treat the institution of marriage as if it were infinitely malleable, like silly putty that can be turned and twisted into any shape without destroying it. If marriage means anything, it means nothing, and if it means nothing then our society fades away like a flower with no roots. I support this bill because it does what it says it will do; it defends marriage insofar as it is appropriate in our Federal system for the Congress to do so.

I want primarily today to concentrate on the arguments offered against the bill.

First, it is said that the bill discriminates against loving homosexual partners. Well, Mr. Chairman, this bill maintains the standards of our society; and whenever you maintain a standard, you necessarily place a burden on those who don't meet the standard. Our society has a standard against polygamy; that means that loving polygamous couples cannot all marry each other. We have a rule against incest. That discriminates against adult incestuous couples who wish to marry. Mr. Chairman, our society is hurting so badly that I'm for almost any kind of real love or commitment. But there is a limit to how much we can change the organic institutions of our society in response to the alienation some people feel. We live in a free country, where people can live pretty much as they want. It is free precisely because we have standards, because our society has successfully socialized most Americans in the values of love, charity, and tolerance; and the institution on which we depend to socialize these values is the institution of marriage. Those who oppose this bill are either seeking no standards or a standard vastly different from that sanctioned by millennia of tradition, the teachings of all the monotheistic religions, and in particular the teachings of Judeo-Christian religion on which our culture is based.

It is also argued that supporting this bill and defending traditional marriage is equivalent to racial bigotry. Here I have to offer the House a personal complaint. I don't speak very often on the House floor, and it seems like every time I do somebody is calling me a racial bigot. I was for a balanced budget and that made me the same as a racist. I'm for welfare reform and in the eyes of some that was the equivalent of racism. Now I'm for the traditional standards of marriage and once again the other side is calling me a bigot. Well, if supporting heterosexual marriage is the equivalent of racism, then Pope John Paul is the equivalent of a racist and so are a lot of black pastors around the country because they all support traditional marriage, too. Mr. Chairman, it is precisely this kind of incoherence, this substitute of moral posturing for moral reasoning, that is at the heart of the cultural decline in America today.

Finally, we are told that this bill is divisive. Mr. Chairman, there is a division in our society over whether homosexuality should be treated in all respects as equivalent to heterosexuality. Those who support this agenda are attacking the marriage institution in support of their cultural goals. We do not call you divisive because you are attacking the institution of marriage. Why do you call us divisive for defending it? The question isn't whether any of us are being divisive; it is what side of the division you are on, and whether you want this dispute to be resolved for every State by the Supreme Court of one State. If you respect marriage, if you cherish the traditions of our society, if you want to nurture the most basic institutions of our culture, then vote against these amendments and for the Defense of Marriage Act.

INTRODUCTION OF THE NORTHERN MARIANA ISLANDS DELEGATE ACT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. GALLEGLY. Mr. Speaker, I am introducing today a bill to provide for a nonvoting Delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands.

I do so with the original cosponsorship of Chairman DON YOUNG. Both of us have set the goal of clearing away the old, traditional ways of dealing with the territories of our Nation. The Northern Mariana Islands Delegate bill serves that goal. This measure enjoys broad bipartisan support and I want to acknowledge members of the minority who are also original cosponsors.

I believe in fairness and political justice. Every U.S. citizen living within the borders of this Nation should have a voice in Congress. Only the people of the Northern Marianas do not. My bill corrects that. It provides for a Delegate to represent the Northern Marianas here in the House of Representatives.

Historically, Congress has provided for representation by Delegate for over 30 U.S. territories. Today, four of five territories and the District of Columbia, or the six areas of our Nation which have permanent populations but are not States, are so represented. My bill provides representation for the sixth, the Northern Mariana Islands.

I also believe in reducing the influence of Washington in local affairs and in increasing local responsibility for local actions. During the last two Congresses, I urged the closing of the Interior Department office that has for years been a kind of territorial overseer. With the bipartisan support of my colleagues, the 104th Congress has terminated the Office of Territorial and International Affairs, eliminated the Assistant Secretary political position for that office, and reduced the bureaucracy in half. That office was no longer required since the territories have their own elected officials at home and their own elected official in Congress. However, only the Northern Marianas lacks an elected representative in Congress and the legislation I have introduced corrects that. With passage of the Northern Mariana Islands Delegate Act, all these territories will be

able to speak for themselves and will be responsible for their own actions.

Many of us in this Congress have concerns about local law enforcement and protection of fundamental human rights in the Northern Marianas and there is no intention to lessen the commitment in these areas. At the same time, we can also see that the society and economy of the islands have flourished as part of the United States. We should have a Delegate, elected by the people of the Northern Marianas, here in Congress, to whom other Members can go to answer our concerns. We should have a Delegate here who can legitimately advise Congress of what Federal actions are appropriate and necessary in the Northern Marianas.

In introducing this bill today, I want to remind Members of the special circumstances under which the Northern Marianas became a part of the United States after World War II. The Marianas were one of four Micronesian archipelagoes in the United Nations Trust Territory of the Pacific Islands administered by the United States. The other three areas voted in self-determination referenda to become separate sovereigns in free association, with separate nationality and citizenship. However, unlike the other areas, the people of the Northern Marianas chose to be part of the American political family. In 1975, they did so by an overwhelming vote of 79 percent approving a Covenant of political union negotiated by their representatives and representatives of Presidents Nixon and Ford. In 1976, Congress approved that Covenant with Public Law 94–241.

Despite this birth by democratic self-determination and having gained U.S. citizenship on November 3, 1986, the people of the Northern Marianas have never had representation here in the House of Representatives. In 1985, a Commission appointed by President Reagan and including Congressman Robert J. Lagomarsino, long an expert on insular affairs in this House, recommended a Northern Marianas Delegate. His predecessor on the Commission, former Congressman Phillip Burton, was another advocate of the U.S.-Marianas relationship, and supported eventual representation for the islands.

The Northern Marianas Legislature has three times in the last 6 years petitioned Congress for a Delegate. The speaker of the NMI Legislature, Diego T. Benavente, recently appeared before a congressional hearing I conducted which addressed this issue, and affirmed that the NMI is prepared to enact the necessary implementing legislation for the election of a Delegate. The elected official who represents the islands here, Resident Representative Juan N. Babauta, has untiringly sought the voice in Congress his people want.

Today, I am responding to the Commission's recommendation, the clear desire of the people of the Northern Marianas, and to my own sense of what is right. I hope that the House of Representatives and the Senate will act on this legislation in this session, so that the new Americans of the Northern Mariana Islands can cast their votes for the election of a Delegate to Congress on their 10th anniversary of U.S. citizenship. I urge my colleagues to cosponsor the Northern Mariana Islands Delegate Act. Following is the text of the legislation.

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Mariana Islands Delegate Act''.

SEC. 2. DELEGATE TO HOUSE OF REPRESENTATIVES FROM THE NORTHERN MARIANA ISLANDS.

The Joint Resolution entitled ''Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'' approved March 24, 1976 (48 U.S.C. 1801 et seq.), is amended by adding at the end the following new section:

''SEC. 6. DELEGATE TO THE HOUSE OF REPRESENTATIVES.

''(a) IN GENERAL.—The Northern Mariana Islands shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives. The Resident Representative of the Northern Mariana Islands, as authorized by section 901 of the foregoing Covenant and upon election pursuant to subsection (c) of this section, after the date of the enactment of this section, shall be the Delegate.

''(b) COMPENSATION, PRIVILEGES, AND IMMUNITIES.—Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives and shall be entitled to whatever privileges and immunities are, or hereafter may be, granted to the Delegate from Guam to the House of Representatives.

''(c) ELECTION OF DELEGATE.—The Delegate from the Northern Mariana Islands shall be elected, but not appointed, as authorized by section 901 of the foregoing Covenant and the Constitution and laws of the Northern Mariana Islands so long as such authorization complies with the Federal election criteria for, and provides for elections in sequence with, the election of other Delegates to the House of Representatives.

''(d) VACANCY.—In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor is elected and qualified.

''(e) LACK OF EFFECT ON COVENANT.—This section shall not be construed to alter, amend, or abrogate any provision, other than section 901, of the foregoing Covenant.''.

RECOGNIZING MEMBERS OF THE NEWS MEDIA

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. KIM. Mr. Speaker, I rise today to recognize the accomplishments and achievements of several members of the news media in my district. I have the distinct advantage of representing a district of California that is served by reporters who not only respect a difference of opinion, but who feel an obligation to make their readers aware of both sides of an issue.

Recently, several of these journalists, and the newspaper for which they write, were recognized for their uncompromised integrity and journalistic ability, something that far too frequently goes unrecognized in today's tabloid, sensational news environment. Gannett newspapers has chosen to recognize the best of its organization and I would like to second their selection of Mr. Arnold Garson and the San Bernardino County Sun as being the Best of Gannett in 1995.

The Sun took a gold medal for outstanding achievement and news performance, while Mr. Garson was honored as one of the Editors of the Year. In addition, reporters Michael Diamond, M.S. Enkoji, Cassie MacDuff, Mark Muckenfuss, John Whitehair, and Mark Zaleski were all recognized for excellence in news reporting. As a public figure, and I'm sure many of my colleagues in Congress would agree, I do not readily give praise to members of the press, but having read the Sun for these many years, I can say that the Sun has maintained the type of professionalism and commitment to accurate news reporting that make it deserving of these awards.

DEPARTURE OF LINCOLN UNIVERSITY PRESIDENT WENDELL RAYBURN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. SKELTON. Mr. Speaker, today I pay tribute Wendell Rayburn, president of Lincoln University, who will be leaving after 8½ years of service. A leader in education in our State, President Rayburn has also been active in the community of Jefferson City. His most important achievement has been his commitment to greater stress on scholarship and academics. President Rayburn successfully led Lincoln University from its budget deficit and put it on a solid fiscal basis.

Further, his leadership led to new construction and higher level of maintenance. Dormitories were renovated and a new library was completed. Also he introduced new technology into the classroom. Wendell Rayburn's leadership and commitment to excellence will be missed.

WASHINGTON WONDERLAND

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. JACOBS. Mr. Speaker, the eloquence and penetrating logic of the Taxpayers Unions' Sid Taylor graces the CONGRESSIONAL RECORD once again.

MONEY, SYSTEMS AND YOUR HEALTH

(By Sid Taylor)

About 2,000 years ago, Jesus Christ chased the money changers out of the Temple. Today, they're back.

This time, and in our Space Age temple of finance and fiscal systems, the money changers have computers, satellite communications networks and instant money transfer. With a national debt now around $5.5 trillion—I have the feeling that our American temple of democracy is about to experience Fiscal Shock.

Our American capitalistic system is now running on ''funny money''. A government can do this for so long and then the law of

''supply and demand'' begins to move in. When you print about 5 trillion paper dollars, the excess supply of these bills begins to degrade the value of this kind of unfunded currency.

The future problem of American citizens today is not that the stock market might collapse. It probably won't. There's too much ''funny money'' now in circulation that's holding it up. The real problem is not an unexpected decline in the value of American stocks, but rather a decline in the value of the American ''dollar'' itself. The dollar is the Common Stock in USA Incorporated a national business that now has about 255 million citizen/taxpayer shareholders. I'm one of them.

As a student of history, I feel that the shekel of ancient days and our Space Age American dollar may have much in common. With federal budget deficits in the $164 billion a year range, and interest alone on the national debt now heading for around $344 billion a year, this is what I mean by Fiscal Shock. We're being strangled by red tape and drowning in red ink.

Shakespeare wrote ''All the world's a stage, and all the men and women are merely players.'' Right? No, wrong. He lived in the Elizabethan era, not today's high-tech Space Age. All the world's a system, and all the men and women are merely subsystems, activators, linkages or controls.

The current battle in Congress over reform of our $1 trillion dollar national health care ''system'' illustrates the point.

This system is so big and complicated I feel that if we taxpayers, the White House and Congress aren't careful we may unwittingly legislate ourselves a medical ''Tower of Babel''. The keyword is complexity. In computer software, for example, W. Wayt Gibbs, staff writer for the Scientific American has pointed out: ''When a system becomes so complex that no one manager can comprehend the entirety, traditional development processes break down.'' He also adds ''The challenge of complexity is not only large but also growing.''

Can you imagine the complexity problem that we American taxpayers are about to face in reforming our trillion dollar national health care system? We're going to need wits and wisdom. This is why I keep preaching that what this country needs is not a good 5-cent cigar, but rather a large dose of System Simplification (SYSIM) in the planning, design and operation of many of our billion (or trillion) dollar federal programs or networks.

Your life, liberty and the pursuit of happiness will be affected by the final design of the national health care SYSTEM. At the least, it's going to affect your health and your taxes. And on the subject of abortion, it's even going to involve a religious issue. This is what I mean by complexity. The Devil hides in red tape, red lights and red ink. Or to put it another way, delays, defects and deficits can create ''hell'' in any big system or network.

The message? Simplify, simp, sim, s.

P.S. COLA–Indexation of federal pay scales, pension rates, Social Security and other government entitlements is, in my opinion, a form of fiscal cancer that eventually consumes the entire economic body. It started around 1972. It's now time to UNCOLA our federal fiscal system.

NO TO BILINGUAL BALLOTS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. ROTH. Mr. Speaker, today this body scored an important victory in the battle to keep America one Nation, one people. This afternoon, the House Judiciary Committee passed legislation that repeals the Federal mandate for bilingual voting ballots.

In the spirit of so-called ''multiculturalism'', the Federal Government has mandated since 1965 that voting ballots and materials be printed in dozens of languages other than English.

Today, some 375 voting districts across the country are required to print ballots in foreign languages. In a classic example of an unfunded Federal mandate, politicians in Washington force States and localities to provide multilingual ballots without providing any money to pay for them.

The legislation that created this mandate is the Voting Rights Act of 1965. Under this law, counties must provide multilingual voting information and ballots in the language of any minority group with more than 10,000 eligible voters in the county.

In theory, these services should not be needed at all. Voting rights are extended to citizens of this country, and one needs to demonstrate some fluency in English to become a U.S. citizen. In practice, this requirement for citizenship is often unenforced, but that doesn't change the facts: by law, English is a requirement for citizenship in this country. We should not be providing Government services in direct contradiction with the spirit, if not the letter, of this requirement.

Moreover, these services are expensive and unnecessary. It might surprise supporters of multilingual ballots to know that very few people actually request such special treatment. By and large, multilingual ballots are rarely requested and even less often used, even when they are provided. That is what makes their costs to the local taxpayers all the more shocking.

Election officials in Alameda County, CA told me recently that they spent almost $100,000 to produce ballots in Spanish and Chinese for the entire county, yet only 900 were ultimately requested. We can all do the math: The taxpayers of Alameda county spent over $100 for every multilingual ballot that was actually used in their June 1994 election.

This appears to be a trend. The last election in Los Angeles saw ballots printed in 6 languages other than English, among them Spanish, Chinese, Japanese, Vietnamese, Tagalog, and Korean. It cost the city government over $125,000 to prepare the materials, and yet only 927 ballots were used. Los Angeles spent over $135 for each voter the city helped.

Even small communities are not immune. Long Beach spent a relatively modest $6,200 preparing multilingual materials for its eligible voters. When only 22 requests came in, the township had spent over $280 per multilingual voter. As a frustrated election official told me recently, ''this is a lot of money to help a few people.'' That official could not be more right.

These ballots have other, more serious costs associated with them. Providing these special services creates the fiction that newcomers to this country can enjoy the full benefits of citizenship without learning the language of the land—English. We know this is not true. How can a citizen cast an informed ballot in a foreign language when most candidate platforms, stump speeches, and media coverage are in English? Exercising one's rights of citizenship involves more than just casting a vote; it means making a thoughtful decision regarding an issue or a candidate. Multilingual voting ballots give individuals the right to vote without granting the power to cast an informed vote.

The logical extent of the argument behind multilingual ballots is to provide these services in all of the languages spoken in this country. After all, why should we privilege one linguistic minority over another? And shouldn't we provide news reports and election coverage in all these languages, so that these citizens have access to all of the information they need to vote?

The simple and obvious answer is that we can't, my friends. There are 327 languages spoken in the United States today, and we can't provide these services in all of these languages. What's more, we should not. It should not be the Government's responsibility to perform these tasks. Government is too big, and it costs too much. Government should not provide services that individuals or private groups can perform just as well.

It's time that citizens look more to themselves and to their communities and less to Government for the answers to these problems. Spouses, families, friends, and community groups should bridge the gap if voting materials need to be translated. It can be done informally, as when a grandson translates an election flyer for a grandmother who speaks little English. Or it can be done more formally, through privately-funded groups that perform these services for an entire ethnic community. But the lesson to be drawn is that Government is not always the answer. In this case, Government is the problem.

Mr. Speaker, multilingual ballots and voting materials are unnecessary and inexpensive. Moreover, they fall outside the realm of Government's traditional responsibilities. Multilingual ballots are another vestige of the 1960's obsession with the Great Society and the caretaker state. This vision of Government is bankrupt, and we must dismantle the legislative relics of that era. I commend Chairman HYDE and the Judiciary Committee for their wisdom in the taking the first important step in that direction. I urge my colleagues to support this bill when it comes to the House floor.

A TRIBUTE TO DR. C. KUMAR N. PATEL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding achievements of Dr. C. Kumar N. Patel, the vice chancellor of research and a professor of physics, chemistry, and electrical engineering at UCLA. Dr. Patel has been awarded the 1996 National Medal of Science, America's highest scientific honor, by President Clinton.

The National Medal of Science recognizes Dr. Patel's leadership and innovative contributions to science for the betterment of society.

In announcing his selection, the White House noted Patel's invention of the carbon dioxide laser, which the White House described as a ''major scientific and technological breakthrough which continues to be an important tool in manufacturing, medical treatment, scientific investigations, and materials processing.''

Dr. Patel, who holds 35 major scientific patents, came to UCLA after 32 years at AT&T Bell Laboratories. Among his many achievements, he has made significant research contributions in the fields of gas lasers, nonlinear optics, molecular spectroscopy, pollution detection, and laser surgery. He maintains active research in the spectroscopy of highly transparent liquids and soils, and surgical, medical, and industrial applications of carbon dioxide and other high power gas lasers.

After beginning his career at AT&T Bell Laboratories in 1961, Dr. Patel became head of the Bell Laboratories Infrared Physics and Electronics Research Department in 1967 and director of the Electronics Research Laboratory in 1970. He became director of the Physical Research Laboratory in 1976, and executive director of the Research, Physics, and Academic Affairs Division in 1981. In 1987, he became executive director of the Research, Materials Science, Engineering, and Academic Affairs Division. Dr. Patel came to UCLA in 1992 and was touted by the UCLA search committee as ''one of the most extraordinary scientists in America.''

Mr. Speaker, I ask that you join me and our colleagues in congratulating Dr. Patel for his leadership and commitment to the advancement of science. It is only fitting that the House pay tribute to this outstanding National Medal of Science recipient.

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. CLINGER. Mr. Speaker, on Monday, July 22, I was unavoidably detained and missed rollcall vote 334.

Had I been present, I would have voted ''aye'' on rollcall vote 334 during consideration of H.R. 3845, a bill making appropriations for the District of Columbia for fiscal year 1997.

NATIONAL GAMBLING IMPACT AND POLICY COMMISSION ACT

SPEECH OF

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 22, 1996

Mr. LaFALCE. Mr. Speaker, I rise in support of the Senate version of H.R. 497, the National Gambling Impact and Policy Commission Act. The bill includes several provisions that are less satisfactory than the bill I coauthored with Representative FRANK WOLF that passed the House in March. However, I believe it is imperative that we act now to initiate a comprehensive study of gambling and its impact on our society.

The legislation before us today addresses issues and concerns that I have sought to bring to the attention of Congress since 1994. As chairman of the Committee on Small Business, I conducted hearings in September 1994, that documented the rapid proliferation of casino gambling throughout the United States and examined the economic impact of Government-sponsored gambling on small businesses, on individual communities, and on the Nation as a whole.

Based on the findings of these hearings, I introduced the National Policies Toward Gambling Review Act in November 1994 to authorize a Federal study of the economic and social implications of this widespread growth of legalized gambling. This proposal, like that subsequently introduced by Mr. WOLF, creates a new national commission, along the lines of the commission that last studied gambling in 1976, and expands its study to all aspects of gambling in all States and localities. While I have reintroduced my bill in the current Congress, H.R. 462, I am also the lead cosponsor of H.R. 497.

The 1994 Small Business Committee hearings convinced me that widespread legalized gambling has raised serious questions that local officials, and American society generally, were not prepared to address. The hearings confirmed what a New York Times article headline had proclaimed several weeks earlier, that ''Gambling Is Now Bigger Than Baseball'' as a national pastime. Some 125 million people visited casinos in 1994, a whopping 36-percent increase from 92 million in 1993. Average annual attendance to professional baseball games barely reached 70 million. Casino revenues increase by a whopping 33 percent between 1993 and 1994, from $30 billion to $40 billion, more than the combined revenues for other major leisure activities, including movies, books, recorded music, spectator sports, theme parks, and arcades.

Americans wagered $462 billion on all forms of legalized gambling in 1994, more than the entire gross national product of Communist China. More than $360 billion was wagered in casinos in 10 States and on Indian reservations in 24 States, most of which were built since 1991. All but three States now permit parimutuel betting, slot machines, video poker, keno, bingo, or other forms of gambling. And 36 States actively encourage gambling with government-run lotteries.

This is a far different situation than when the national commission issued its report on gambling in 1976. Legalized gambling was then confined to Nevada and under consideration for Atlantic City. The focus of the commission's study was the influence of organized crime in gambling, not the various economic and social implications of widespread gambling throughout the country.

As gambling has spread across the United States, and even to locations on our border with Canada, it has become clear that the promised benefits of gambling as an approach for local economic development have proven to be illusory. States and localities now compete with Indian reservations and with other States to lure potential gamblers, or only to keep their gambling revenues at home. Casinos that were touted as bringing jobs and economic enrichment to communities in 1994 are now going bankrupt.

The social costs of gambling also are becoming more visible as gambling spreads to more locations. Unfortunately, we have no estimates, for example, of the costs of gambling-related crimes, bankruptcies, or lost jobs and work time. Nor do we know the costs inflicted on families in terms of gambling-related alcoholism, divorce, or suicide.

As State and Federal funding for social services and other programs continue to decline, local officials will come under even greater pressure to heed promises of new revenue and greater prosperity in legalized gambling. It is imperative that these officials, and the public generally, have all the information available to make reasoned and prudent policy decisions.

Contrary to the arguments of some in the gambling industry, the bill before us today does not seek to restrict or regulate organized gambling, nor is it intended as a preliminary step toward such regulation. It merely responds to a growing public demand for more and better information about gambling. And it responds to requests by officials in New York and elsewhere for a broad analysis of the impact of gambling that can incorporate information from all States and from Indian tribal jurisdictions.

I believe the bill before us today can provide the information the public needs to make more informed decisions about gambling. It is clearly not perfect. The subpoena authority in the Senate version applies only to documents, not individuals. And the wording of that authority is, at best, ambiguous. I am troubled also by the restrictions the bill would impose on the use of information generated by the commission, particularly the release of financial information to the public.

However, the need for more comprehensive information and analysis of gambling is urgent in my State of New York and in other States. The commission bill before us, while not perfect, will provide significantly more information about the economic and social implications of gambling than is available today.

Nearly 2 years have passed since I first proposed legislation to create a national commission to study gambling. It was needed then, it is imperative now. I urge adoption of this important legislation.

CONGRATULATIONS TO JOSEPH O'BRIEN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to Joseph P. O'Brien for cycling 3,800 miles to support the National Scoliosis Foundation research to find a cure for scoliosis. I would also like to congratulate the foundation itself for its 20 years of service to the scoliosis community.

Over the years this foundation has earned recognition and enormous respect for its dedication to educate and support the scoliosis community and its ongoing research to find a cure. Joe is both the president and CEO of the National Scoliosis Foundation. Through a football injury in high school, 1966, it was discovered that Joe had scoliosis. However at the age of 16 his condition had progressed so that it was necessary that he undergo two spinal surgeries. He spent 12 months of his life in a hospital, 11 of which were in a body cast. This ailment had a profound effect on Joe

where he dealt with his physical deformity and was considered handicapped. Twelve years later Joe needed a third spinal surgery when his lower back started to twist and curve which split his original fusion. Joe decided to cycle a 3,800 mile journey, ''cycling for the cause'', from San Francisco, CA to Boston, MA, to create awareness about scoliosis and reach out to the 6 million people in the United States affected with it. He began his trip June 2, 1996 in spite of his three spinal fusion. Joe saw this as an opportunity to create awareness about scoliosis and reach out to the 6 million people in the United States affected with it. Joe, also sees this trip as a way to commemorate the 20th anniversary of the National Scoliosis Foundation and the 30th year of his first scoliosis surgery. The Foundation [NSF] should be commended for its efforts to help raise funds for supporting research into the cause and treatment of scoliosis.

Mr. Speaker, Joseph O'Brien is an outstanding individual and I know you will join me in congratulating him for his contribution to find a cure for scoliosis and other spinal deformities.

CLIFTON PARK ELKS LODGE CELEBRATES 25TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. SOLOMON. Mr. Speaker, I wanted to take this time to commend the good people who make up the Clifton Park Lodge of the Benevolent and Protective Order of Elks. This month, they are celebrating 25 years of existence in the Clifton Park area.

But Mr. Speaker, they have done more than just exist during the past quarter century. In fact, the membership in Elks Lodge No. 2466 has soared to an incredible 600 members. But aside from that, over the coarse of the years, the members of this lodge have made great strides in expanding and improving their facilities, thus being able to attract and secure more and more of their neighbors in the area as brother Elks. They have added a pavilion to host topnotch outdoor events and gatherings, a softball field and now, they have opened a new, larger lodge.

Mr. Speaker, the members of the Clifton Park Elks Lodge have a great deal for which to be proud considering all that they have accomplished in their relatively brief history. And as a brother Elk myself, I can't tell you how proud I personally am of their achievements. That's because, every time the Elks grow in numbers, that means there is another patriot out there to promote pride, patriotism, and citizenship among our fellow Americans. I can't say enough about how much this organization and the members like those from Clifton Park in my congressional district do on behalf of flag, country, and community. In fact, Mr. Speaker, it is the Elks who raise awareness of our flag and remind us what it means to America. I'm proud to say the Elks stood by my side as part of the Citizens Flag Alliance and lent their support to my constitutional amendment to prohibit the physical destruction of our flag. As you know, that measure was overwhelmingly approved here in the House, and failed by just three votes in the Senate. But I know with the support of lodges like those in Clifton Park and the more than 1.2 million Elks around the country that the fight to protect Old Glory is not over.

Mr. Speaker, we all owe a tremendous debt of gratitude to organizations like the Elks and lodges like No. 2466. Their activities act as a constant reminder to all of us of our roots and what it took to get our great Nation where we are today. For that Mr. Speaker, I ask that you and all Members of the House join me in paying tribute to the Clifton Parks Elks Lodge and all they've accomplished.

TRIBUTE TO CAPTAIN JOHN WILLIAM KENNEDY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to a brave Virginian and proud member of the U.S. Air Force, who gave his life in service to his country. Capt. John William Kennedy known to his family and friends as Jack will complete his long awaited journey home to be laid to rest in Arlington Cemetery, Friday August 2, 1996.

Capt. John William Kennedy was lost while flying a visual reconnaissance mission in an O–2A over Quangtin Province of South Vietnam. Captain Kennedy was a forward air controller with the 20th Tactical Air Support Squadron based in Chu Lai, Vietnam in support of the 23d Infantry Division.

On August 16, 1971, radio contact was lost with Captain Kennedy's plane during normal radio communication check-in. There were no radio calls, no crash site found, and no eye witnesses. However, there were reports of a North Vietnamese regiment operating in the area. Captain Kennedy was listed as ''Missing in Action'' a status he carried until July of 1978, when the Air Force re-evaluated his status to ''Presumed Killed in Action.'' In May of this year, Captain Kennedy's family was contacted by the U.S. Air Force with a positive identification of Captain Kennedy's remains.

Born in Washington, DC, Captain Kennedy was raised in Arlington and graduated from Wakefield High School in 1965. He then went on to the prestigious Virginia Military Institute and graduated in 1969, with a degree in Civil Engineering. In 1969 he was named Southern Conference Wrestling Champion in the 160 pound weight class. He was cocaptain of the varsity wrestling and soccer teams, a member of the VMI Honor Court, inducted into the Who's Who in American Colleges and Universities and Kappa Alpha. In 1980, Captain Kennedy was inducted into the Virginia Military Institutes Sports Hall of Fame.

Captain Kennedy's military awards include the Distinguished Flying Cross, the Purple Heart, the Air Medal with two Oak Leaf Clusters, National Defense Service Medal, the Vietnam Service Medal, and the Republic of Vietnam Campaign Medal.

Captain Kennedy is survived by his mother Sally Chewning Kennedy of Lake Ridge, VA and his brother Daniel E. Kennedy, Jr. of Dumfries, VA.

I offer the heartfelt appreciation of all Americans to Captain Kennedy's family and hope that they find solace in knowing America appreciates the profound loss they have experienced and the turmoil they have been through in bringing Captain Kennedy home.

ARMSTRONG CABLE SERVICES DESERVES THANKS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, every year, for the past 5 years, a local company based in the 21st District of Pennsylvania, Armstrong Cable, has sponsored the Senior Classic Golf Tournament which has raised funds to help the people of the Meadville, PA, area. The tournament itself and the auction of autographed gold memorabilia has raised over $50,000 for charity. On August 8, the classic will tee off again.

The tournament demonstrates the good that individuals, businesses, and our communities can do when they join together to help those less fortunate than themselves. This year the tournament, at Oakland Beach Golf Course in Conneaut Lake, will benefit Habitat for Humanity, the READ Program, CASA—a child's advocate court program, the Meadville Public Library, the Martin Luther King, Jr., Scholarship Fund, and Meadville Community Theater. Armstrong is also supporting renovation of the community's historic Academy Theater.

I applaud Armstrong Cable Services for continuing the deep community involvement of its predecessor, Meadville Master Antenna, and I commend all of the individuals who will make this charitable function succeed. Joan Kocan, of Armstrong Cable Services, has tirelessly worked to host the tournament and to draft many generous corporate sponsors. She and the other Armstrong workers deserve our gratitude for volunteering during the entire function.

I hope my colleagues will join me in wishing success to the Armstrong Cable Senior Classic.

100TH ANNIVERSARY CELEBRATION OF CALVARY BAPTIST CHURCH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. PALLONE. Mr. Speaker, on Sunday, July 28, Calvary Baptist Church of Belmar, NJ, will celebrate its 100th anniversary. The celebration will begin with a worship service Sunday morning, followed by a luncheon at the Belmar Elks Club.

Mr. Speaker, Calvary Baptist Church was founded on Christmas Day 1894 by a group of families who desired to worship together in the Baptist tradition. The official organization as a church was completed on July 1, 1896, and the first communion was held July 26 of that year. The original name was Memorial Baptist Church, and the building was originally erected at the corner of Main Street and 12th Avenue. In July 1925, the name was changed to Calvary Baptist Church and the building was moved to its present location at 13th Avenue and E Street. A Sunday school wing and fellowship hall were later added to the facility.

Several descendants of the original families still attend the church, while new families continue to join the church all the time. Under the leadership of the Reverend Grace I. Scarle, pastor of the church, Calvary Baptist seeks to be a community church, following the call in Ephesians 4:11-6 ''To prepare believers in Jesus Christ for works of service in His name.'' In that spirit, Calvary Baptist Church holds Sunday worship services in both the morning and the evening, Sunday school, vacation Bible school, and prayer and Bible study. The church also hosts a variety of community functions, including youth groups, Alcoholics Anonymous meetings and the Catacombs Coffee House, and provides a food pantry ministry for the community.

Mr. Speaker, on this occasion, it gives me great pride to offer my congratulations to Reverend Scarle and all the members of Calvary Baptist Church as they celebrate the 100th anniversary of this great center of spiritual strength and community service on the Jersey shore.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1997

SPEECH OF

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 16, 1996

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3756) making appropriations for the Treasury Department, the U.S. Postal Service, and Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1997, and for other purposes:

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the Treasury-Postal Appropriations Act for fiscal year 1997. As reported, the bill would throw over 2,000 Federal employees out of their jobs on October 1, 1997 and lead to the loss of several thousand more Federal jobs during fiscal year 1997 due to inadequate funding for the Internal Revenue Service. The measure also bans the use of a female employee's own funds appropriated in the bill to pay for insurance that would cover the termination of a pregnancy under the Federal employee health benefit programs.

The Treasury, Postal Service and general government appropriations bill provides funding for Federal Employees Health Benefits Program, the network of insurance plans that cover approximately nine million federal employees and their dependents. There are approximately 1.2 million women of reproductive age who rely on the FEHBP for their medical care.

According to the American Medical Association, funding restrictions that deter or delay women from seeking early abortions make it more likely that women will bear unwanted children, continue a potentially health-threatening pregnancy to term, or undergo abortion procedures that would endanger their health.

Further, while the subcommittee's 602(b) allocation was $100 million below the fiscal year 1996 level, the IRS was hit with a funding cut of $775 million below fiscal year 1996. It is important to underline the fact that the cuts in IRS funding will result in the deficit going up because less revenue will be collected.

My colleagues on the Subcommittee of Treasury, Postal Appropriations are concerned about the lack of results from IRS's efforts on the tax system modernization [TSM]. I concur TSM has many problems. They have had problems through three administrations. However, I disagree with the majority in trying to solve those problems by cutting funds from existing programs and mandating that the Department of Defense alone should handle finding the IRS a suitable new contractor to implement TSM.

Further, I disagree with the majority's restrictive TSM language and reduced funding levels for all of IRS, that would mandate the immediate elimination of as many as 7,500 positions throughout the agency.

Mr. Speaker, for these reasons, I urge my colleagues to vote ''no'' on the Treasury-Postal Appropriations Act for fiscal year 1997.

SEVERANCE PAYMENTS TO AID PERSONNEL WHO VOLUNTARILY RESIGN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. GILMAN. Mr. Speaker, today I am pleased to introduce H.R. 3870, to authorize severance payments to AID personnel who voluntarily resign.

I am introducing this bill at the request of the administration to allow AID to offer up to 100 employees, who voluntarily resign, severance payments up to a cap of $25,000. In the Foreign Service employees are entitled 1 month severance per year of service. Civil Service employees are entitled to 1 week severance per year of service.

Over the past few years, AID personnel reduced in size from approximately 11,000 to 8,000 employees mainly using hiring freezes that cause AID to lose at least 120 employees per year. Due to further cuts in the President's fiscal year budget request, AID had to accelerate the reductions and is currently in the process of laying off 200 employees by conducting a formal reduction in force [RIF] of 97 Foreign Service and 103 Civil Service employees.

Rather than layoff all 200 employees, AID would like to offer up to 100 employees who voluntarily resign—and are not already eligible to retire—the opportunity to receive the severance payment they would have received if they had been laid off, up to a cap of $25,000. In this way, AID hopes to have 100 volunteers take the place of at least half of those people scheduled to be laid off.

This bill is supported by the administration, the American Foreign Service Association, the chairman of the House Government Reform Subcommittee on Civil Service, JOHN L. MICA, and the Senate chairman of the Government Affairs Committee, TED STEVENS. I urge Members to support this measure.

TRIBUTE TO THE CITY OF ARNOLD, PA

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. KLINK. Mr. Speaker, I rise today to congratulate the city of Arnold, PA, on its 100th anniversary. The land upon which Arnold currently rests was first settled by Maj. Andrew Arnold. Major Arnold, an Army veteran of the Black Hawk War, served for more than 20 years, and for a short period in 1832, served under the command of then Capt. Abraham Lincoln.

With his military career behind him, Major Arnold moved to western Pennsylvania in 1852. Here he was the first settler to inhabit the land that would be incorporated in 1896 and named in his honor.

Fueled by a strong glass industry in the region, Arnold grew from its humble beginnings as a solitary train station to its current population of 6,200. With the establishment of the Chambers Glass Co. in 1891, and the skill of the Arnold employees, the city of Arnold became one of the premier glassmaking centers in the United States. Arnold's success in the industry earned the city its current nickname, ''Glass City.''

Under the leadership of Mayor William DeMao, Arnold's mayor since 1964, Arnold continues to serve as a glowing example of an optimistic American town looking forward to another successful century. So today, Mr. Speaker, I join with all my colleagues in the House in congratulating Arnold on the momentous occasion of its 100th anniversary.

CYPRUS HAS SUFFERED FOR 22 YEARS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. FILNER. Mr. Speaker, I rise today to join my colleagues in commemorating a tragic event—Turkey's military invasion of the Republic of Cyprus in July 1974. But I think we all agree that the even greater tragedy is the fact that 21 years later, Turkey's illegal occupation of northern Cyprus remains in place and the suffering of the people of Cyprus continues.

Driven from their homes and villages, brutalized, and denied information as to the fate of over 1,600 loved ones missing since the invasion, the people of Cyprus have patiently cooperated with international negotiators—for 21 years—in the hopes of securing a peaceful coexistence.

Mr. Speaker, Greek-Americans in San Diego and across the United States also share in the agony created by the occupation of Cyprus. They agonize about missing friends and family, the destruction of the Greek Cypriot culture and the denial of access to ancestral homelands now occupied by the Turkish army. These people have suffered too long!

And so, together with the Greek-American community, I urge Congress and the administration to adopt a far more active role in pressing the Turkish Government to withdraw its

troops from Cyprus, end the human rights abuses there and provide a full accounting of those who are missing.

It's time we let Turkey know that a peaceful resolution to this crisis is tragically overdue.

ISTEA REAUTHORIZATION AND THE FALLACY OF THE STEP 21 PROPOSAL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 23, 1996

Mr. RAHALL. Mr. Speaker, the Subcommittee on Surface Transportation has been holding a series of hearings on the reauthorization of the Federal Highway and Transit Programs as embodied in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], which expires at the end of fiscal year 1997.

One of the most contentious issues raised so far involves the formula by which Federal highway funds are distributed to the States. Since the inception of modern Federal Highway Program in 1956 when the Highway Trust Fund was established, there have always been some States which contribute more into the Fund than they receive back, known as donor States, and others which receive back more than contributed, known as donee States. This arrangement is necessary because a national highway system simply cannot be constructed and maintained without it.

In this regard, there are basically two delivery mechanisms through which Federal highway money is distributed to the States: Funds are either apportioned or allocated. Apportioned funds are divvied out by formula, and each State is assured of a minimum 90 percent return on the amount of its estimated contributions to the Highway Trust Fund.

It is important to note that out of all of the Federal highway funds available to States in a given year, the vast majority—89 percent—are apportioned by formula for such major programs as the NHS, Interstate Maintenance, the Surface Transportation Program and the Bridge Program.

Allocated funds, on the other hand, are discretionary in nature. Allocated funding categories include such items as the Bridge Discretionary Program and the Interstate Maintenance Discretionary Program. These monies, which only account for 11 percent of the amount of Federal highway funds available to the States, are primarily allocated on a needs basis.

A group of donor States, however, are seeking to change the existing highway funding distribution formula. Their basic contention is that while they receive back 90 percent of apportioned funds, when the discretionary (allocated) funds are taken into account they allege that they often receive back less than 90 percent of their contributions to the Highway Trust Fund. These States, which have organized as the step 21 coalition, are seeking a number of changes in ISTEA, including a new formula that assures them a 95-percent return on payments made to the Highway Trust Fund.

It should be noted, however, that the step 21 proposed formula for distributing funds to the States is based on using a percentage of a percentage. In other words, each State would receive 95 percent of its share of contributions to the Highway Trust Fund without requiring that the total amount distributed in a given year equal the total amount received. Shades of voodoo economics. Of course the step 21 formula paints such a rosy picture for donor States. It is premised upon a formula which has as an assumption that more money could be paid out than received into the Highway Trust Fund.

The more appropriate and fiscally prudent way of measuring how each State is faring under the Federal highway program is to calculate the ratio of its payments to the Highway Trust Fund against what it receives. This is the method that has traditionally been used and is the most widely accepted.

Recently, the Federal Highway Administration calculated the amount each State has received compared to its contributions under ISTEA to date, fiscal years 1992 through 1995. It is interesting to note that of the 22 States who are members of step 21, only two, Georgia and South Carolina, received back less than 90 cents on the dollar contributed to the Highway Trust Fund.

Morever, seven step 21 coalition States received back a dollar or more on each dollar contributed: Arizona, Minnesota, Nebraska, Ohio, Oregon, Virginia, and Wisconsin. And another six step 21 coalition States—Louisiana, Michigan, Mississippi, Missouri, North Carolina and Oklahoma—are receiving back between 95 cents and 99 cents on the dollar. The other 7 States all received at least 90 cents on the dollar. These calculations, it should be noted, include returns with the discretionary accounts factored in.

It seems to me, then, that the only step 21 coalition States who have a bona fide beef with the current highway funds distribution formula are Georgia and South Carolina.

If you believe that there is still a national interest in the highways of this country—the Interstate System and the new National Highway System—then the step 21 proposal poses some danger to the integrity of that system.

Not only is the step 21 formula based on unrealistic assumptions, but it would deprive the ability of the Nation to construct the new high-priority corridors authorized by ISTEA as part of the National Highway System as well as other NHS routes of an interstate nature. Simply put, under step 21, there would not be funds available to construct and maintain roads of an interstate nature, highways of a national interest, as well as to fulfill other Federal obligations, such as building and improving roads in units of our National Park System.

I would urge all of my colleagues to consider these facts when deliberating the reauthorization of ISTEA.

Daily Digest

HIGHLIGHTS

Senate passed Budget Reconciliation.

Senate

Chamber Action

Routine Proceedings, pages S8493–S8582

Measures Introduced: Two bills were introduced, as follows: S. 1982 and 1983. **Page S8553**

Measures Reported: Reports were made as follows:

H.R. 3845, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, with amendments. (S. Rept. No. 104–328)

Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997''. (S. Rept. No. 104–329)

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, with amendments. (S. Rept. No. 104–330)

S. 88, to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans, with an amendment in the nature of a substitute. (S. Rept. No. 104–331) **Page S8553**

Measures Passed:

Budget Reconciliation: By 74 yeas to 24 nays (Vote No. 232), Senate passed H.R. 3734, to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 1997, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1956, Senate companion measure, as amended, and after taking action on further amendments proposed thereto, as follows: **Pages S8493–S8532**

Adopted:

By a unanimous vote of 99 yeas (Vote No. 214), D'Amato Amendment No. 4927, to require welfare recipients to participate in gainful community service. **Page S8495**

Exon (for Simon) Modified Amendment No. 4928, to increase the number of adults and to extend the period of time in which educational training activities may be counted as work. **Pages S8495–96**

By 97 yeas to 2 nays (Vote No. 216), Chafee Amendment No. 4931, to maintain current eligibility standards for Medicaid and provide additional State flexibility. **Pages S8496–97**

Chafee Amendment No. 4933 (to Amendment No. 4931), to maintain current eligibility standards for Medicaid and provide additional State flexibility. **Pages S8496–97**

By 53 yeas to 45 nays (Vote No. 218), Conrad Amendment No. 4934, to eliminate the State food assistance block grant. **Pages S8497–98**

Santorum (for Gramm) Amendment No. 4935, to deny welfare benefits to individuals convicted of illegal drug possession, use or distribution. (By 74 yeas to 25 nays (Vote No. 219), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to a motion to waive section 305(b) of the Congressional Budget Act with respect to consideration of the amendment.) **Pages S8498–99**

Graham (for Simon) Amendment No. 4938, to preserve eligibility of immigrants for programs of student assistance under the Public Health Service Act. **Page S8500**

Shelby Amendment No. 4939, to provide a refundable credit for adoption expenses and to exclude from gross income employee and military adoption assistance benefits and withdrawals from IRA's for certain adoption expenses. (By 78 yeas to 21 nays (Vote No. 221), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to a motion to waive sections 305 and 310 of the Congressional Budget Act with respect to consideration of the amendment.) **Pages S8500–01**

Ashcroft Amendment No. 4941, to set a time limit of 24 consecutive months for TANF assistance and allows States to sanction recipients if minors do not attend school. **Pages S8503–04**

Ashcroft Amendment No. 4943 (to Amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who fails to ensure that their minor dependent children attend school. **Page S8503**

Ashcroft Amendment No. 4944 (to Amendment No. 4941), to provide that a State may sanction a family's TANF assistance if the family includes an adult who does not have, or is not working toward attaining a secondary school diploma or its recognized equivalent. **Page S8503**

Ford (for Murray) Amendment No. 4950, to strike section 1206, relating to the summer food service program for children. **Page S8504**

Rejected:

Harkin Amendment No. 4916, to strike section 1253, relating to child nutrition requirements. (By 56 yeas to 43 nays (Vote No. 213), Senate tabled the amendment.) **Pages S8494–95**

By 31 yeas to 68 nays (Vote No. 217), Roth Amendment No. 4932 (to Amendment No. 4931), to maintain the eligibility for Medicaid for any individual who is receiving Medicaid based on their receipt of AFDC, foster care or adoption assistance, and to provide transitional Medicaid for families moving from welfare to work. **Page S8497**

Helms Amendment No. 4930, to strengthen food stamp work requirements. (By 56 yeas to 43 nays (Vote No. 220), Senate tabled the amendment.) **Page S8499**

By 37 yeas to 60 nays (Vote No. 222), Graham Amendment No. 4936, to modify the formula for determining a State family assistance grant to include the number of children in poverty residing in a State. **Pages S8501–02**

By 48 yeas to 51 nays (Vote No. 223), Ford Amendment No. 4940, to allow States the option to provide non-cash assistance to children after the 5-year time limit. **Page S8502**

By 50 yeas to 49 yeas (Vote No. 224), Senate tabled a motion to reconsider Vote No. 223 (listed above). **Page S8502**

By 37 yeas to 62 nays (Vote No. 225), Ashcroft Amendment No. 4942 (to Amendment No. 4941), to provide that a family may not receive TANF assistance for more than 24 consecutive months at a time unless an adult in the family is working or a State exempts an adult in the family from working for reasons of hardship. **Pages S8503–04**

Graham Amendment No. 4952, to strike additional penalties for consecutive failure to satisfy minimum participation rates. (By 56 yeas to 43 nays (Vote No. 226), Senate tabled the amendment.) **Pages S8504–05**

During consideration of this measure today, Senate also took the following action:

A point of order was made that Section 2104, relating to services provided by charitable or private organizations was in violation of section 313(b)(1)(A) of the Congressional Budget Act and, by 67 yeas to 32 nays (Vote No. 230), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to a motion to waive the Congressional Budget Act with respect to consideration of Section 2104, and the point of order thus fell. **Pages S8507–08**

Three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected motions to waive certain provisions of the Congressional Budget Act with respect to consideration of amendments proposed to the bill, as follows:

By 41 yeas to 57 nays (Vote No. 212), Faircloth Amendment No. 4905, to prohibit recruitment activities in SSI outreach programs, demonstration projects, and other administrative activities. (*section 305) **Page S8494**

By 46 yeas to 52 nays (Vote No. 215), Feinstein/Boxer Amendment No. 4929, to provide that the ban on supplemental security income benefits apply to those aliens entering the country on or after the enactment of this bill. (*section 310(d)(2)) **Page S8496**

By 51 yeas to 48 nays (Vote No. 227), Exon (for Kennedy) Amendment No. 4955, to permit assistance to be provided to needy or disabled legal immigrant children when sponsors cannot provide reimbursement. (*section 310(d)(2)) **Page S8505**

By 35 yeas to 64 nays (Vote No. 228), Exon (for Kennedy) Amendment No. 4956, to allow a 2-year implementation period under the Medicaid program for implementation of the attribution of sponsor's income and the 5-year ban. **Pages S8505–06**

* Subsequently, points of order that the amendments were in violation of certain sections of the Congressional Budget Act were sustained, and the amendments were ruled out of order. **Page S8509**

Also, three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate reject motions to waive the Congressional Budget Act with respect to consideration of certain sections of the bill, as follows:

By 42 yeas to 57 nays (Vote No. 229), Section 408(a)(2), to prohibit additional cash assistance for children born to families presently receiving assistance. **Pages S8506–07**

By 52 yeas to 46 nays (Vote No. 231), Section 2909, relating to abstinence education.

Pages S8508–09

Subsequently, a point of order that the sections were in violation of section 313(b)(1)(A) of the Congressional Budget Act were sustained, and the sections were ruled out of order. **Page S8509**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees on the part of the Senate: from the Committee on the Budget: Senators Domenici, Nickles, Gramm, Exon, and Hollings; from the Committee on Agriculture, Nutrition, and Forestry: Senators Lugar, Helms, Cochran, Santorum, Leahy, Heflin, and Harkin; from the Committee on Finance: Senators Roth, Chafee, Grassley, Hatch, Simpson, Moynihan, Bradley, Pryor, and Rockefeller; and from the Committee on Labor and Human Resources: Senators Kassebaum and Dodd. **Page S8532**

Agriculture Appropriations, 1997: Senate continued consideration of 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, taking action on further amendments proposed thereto, as follows: **Pages S8532–52**

Adopted:

Cochran (for Thurmond/Hollings) Amendment No. 4988, to provide funding for the Cooperative State Research, Education, and Extension Service.

Pages S8540–41

Cochran (for Frahm) Amendment No. 4989, to make necessary reforms to the rural multifamily loan program of the Rural Housing Service.

Pages S8541–42

Bumpers (for Leahy) Amendment No. 4990, to authorize funds for the National Aquaculture Act of 1980. **Page S8542**

Bumpers (for Kerrey) Amendment No. 4991, to provide the Secretary of Agriculture authority through fiscal year 2000 for the use of voluntary separation incentives to assist in reducing employment levels. **Pages S8542–43**

Bumpers (for Kerrey) Amendment No. 4992, to provide funds for risk management, with an offset.

Pages S8542–43

Bumpers Amendment No. 4993, to provide funds for agricultural research. **Page S8543**

Cochran (for Heflin) Amendment No. 4994, to authorize funds through fiscal year 2002 for the seasonal base plan of the Agriculture and Food Act (P.L. 97–98). **Page S8544**

Bumpers Amendment No. 4996, relating to cooperative assistance development funds. **Pages S8545–46**

Bumpers (for Sarbanes/Mikulski) Amendment No. 4997, to restore funding for certain agricultural research programs. **Pages S8545–46**

Cochran (for Hatch/Harkin) Amendment No. 4998, to require that certain funds be used to comply with certain provisions of the Federal Food, Drug, and Cosmetic Act relating to approval deadlines. **Page S8546**

Cochran (for Smith) Amendment No. 5000, to provide that the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program.

Page S8552

Cochran (for Craig) Amendment No. 5001, to require a review and report on the H–2A nonimmigrant worker program. **Page S8552**

Rejected:

Gregg Amendment No. 4959, to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $10 million, unless the loans require the processors to repay the full amount of the loans, plus interest. (By 63 yeas to 35 nays (Vote No. 233), Senate tabled the amendment.) **Pages S8533–34**

McCain Amendment No. 4968, to reduce funds for the Agricultural Research Service. **Page S8533**

Gregg Amendment No. 4969 (to Amendment No. 4959), to prohibit the use of funds to make loans to large processors of sugarcane and sugar beets, who has an annual revenue that exceeds $15 million, unless the loans require the processors to repay the full amount of the loans, plus interest. (The amendment fell when Amendment No. 4959, listed above, was tabled.) **Pages S8533–34**

Withdrawn:

Cochran (for Smith) Amendment No. 4999, to provide that the town of Berlin, New Hampshire, shall be eligible during fiscal year 1997 for a grant under the rural utilities assistance program.

Pages S8546–47

Kerrey Amendment No. 4979, to provide funds for risk management. **Page S8552**

Kerrey Amendment No. 4980, to provide the Secretary of Agriculture temporary authority for the use of voluntary separation incentives to assist in reducing employment levels. **Page S8552**

Pending:

Bryan Amendment No. 4977, to establish funding limitations for the market access program.

Page S8533

Kerrey Amendment No. 4978, to increase funding for the Grain Inspection, Packers and Stockyards Administration and the Food Safety and Inspection Service. **Page S8533**

Leahy Amendment No. 4987, to implement the recommendations of the Northern Forest Lands Council. **Pages S8539–40**

Santorum Amendment No. 4995, to prohibit the use of funds to provide a total amount of non-recourse loans to producers for peanuts in excess of $125,000. **Pages S8548–50, S8552**

Santorum Amendment No. 4967, to prohibit the use of funds to carry out a peanut program that is operated by a marketing association if the Secretary of Agriculture determines that a member of the Board of Directors of the association has a conflict of interest with respect to the program. **Pages S8550–52**

A unanimous-consent agreement was reached providing for consideration of certain amendments to be proposed to the bill. **Page S8582**

Senate will continue consideration of the bill on Wednesday, July 24, 1996.

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report of a notice concerning the continuation of the Iraqi emergency; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–164). **Page S8552**

Messages From the President: **Page S8552**

Messages From the House: **Pages S8552–53**

Measures Referred: **Page S8553**

Measures Placed on Calendar: **Page S8553**

Communications: **Page S8553**

Statements on Introduced Bills: **Pages S8553–55**

Additional Cosponsors: **Pages S8555–56**

Amendments Submitted: **Pages S8556–80**

Notices of Hearings: **Page S8580**

Authority for Committees: **Pages S8580–81**

Additional Statements: **Pages S8581–82**

Record Votes: Twenty-two record votes were taken today. (Total–233) **Pages S8494–S8502, S8504–09, S8532, S8534**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 9:26 p.m., until 9:30 a.m., on Wednesday, July 24, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8582.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—TREASURY/DC

Committee on Appropriations: Committee ordered favorably reported the following bills:

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, with amendments; and

H.R. 3845, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 1997, with amendments.

DRUG TRAFFICKING IMPACT ON ECONOMY

Committee on Finance: Subcommittee on International Trade held hearings in conjunction with the Caucus on International Narcotics Control to examine how drug trafficking and money laundering may pose threats to United States trade and financial systems, and efforts to combat international drug trafficking and money laundering, receiving testimony from Robert E. Rubin, Secretary, and Lawrence Summers, Deputy Secretary, both of the Department of the Treasury.

Hearings were recessed subject to call.

NOMINATION

Committee on Governmental Affairs: Committee began hearings on the nomination of Franklin D. Raines, of the District of Columbia, to be Director of the Office of Management and Budget, where the nominee, who was introduced by Senators Moynihan, Murray, Gorton, and Faircloth, testified and answered questions in his own behalf.

Hearings continue tomorrow.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 3867–3883; and 1 resolution, H.J. Res. 186 were introduced.

Pages H8247–48

Reports Filed: Reports were filed as follows:

H.R. 3237, to provide for improved management and operation of intelligence activities of the Government by providing for a more corporate approach to intelligence, to reorganize the agencies of the Government engaged in intelligence activities so as to provide an improved Intelligence Community for the 21st century, amended (H. Rept. 104–620 Part II);

H.R. 2823, A bill to amend the Marine Mammal Protection Act of 1972 to support International Dolphin Conservation Program in the eastern tropical Pacific Ocean (H. Rept. 104–665 Part II);

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 II);

H.R. 1886, Private Bill, amended (H. Rept. 104–696); and

S. 531, A bill to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status (H. Rept. 104–697); **Page H8247**

Recess: House recessed at 9:51 a.m. and reconvened at 10 a.m. **Page H8105**

Committees to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Banking and Financial Services, Government Reform and Oversight, International Relations, Judiciary, National Security, Resources, Science, and Select Intelligence. **Page H8110**

Corrections Calendar—Metric Conversion: On the call of the Corrections Calendar, the House passed H.R. 2779, to provide for soft-metric conversion. **Pages H8110–16**

Agreed to the Committee amendment.

Pages H8111–16

Agreed to amend the title. **Page H8116**

Suspensions: The House voted to suspend the rules and pass the following measures:

NATO Expansion: H.R. 3564, amended, 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 Agreed to by a yea-and-nay vote of 353 yeas to 65 nays, Roll No. 338; and **Pages H8116–25, H8147–48**

Public Health Pesticides Protection: H.R. 1627, amended, to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Food, Drug, and Cosmetic Act (agreed to by a yea-and-nay vote of 417 yeas, Roll No. 339).

Pages H8127–47, H8148

Iran and Libya Sanctions: Agreed to the Senate amendment to H.R. 3107, to impose sanctions on persons exporting certain goods or technology that would enhance Iran's ability to explore for, extract, refine, or transport by pipeline petroleum resources—clearing the measure for the President.

Pages H8125–27

Committee Membership: Pursuant to clause 4(e)(2)(D) of rule X, the Speaker pro tempore designated Representative Stokes to act as a member of the Committee on Standards of Official Conduct in any proceeding relating to Representative McDermott. **Page H8149**

Commerce, Justice, State, and the Judiciary Appropriations: The House completed general debate on H.R. 3814, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1997. Consideration of amendments will resume on Wednesday, July 24.

Pages H8149–H8234

Agreed To:

The Rogers amendment that provides flexibility to California to use state prison grant funds, allows economic and development administration funding to be used for trade adjustment, increases funding for the National Marine Sanctuaries by $1.68 million and decreases satellite funding accordingly, and provides $2 million for the recently authorized Commission on the Advancement of Federal Law Enforcement; **Pages H8169–70**

The Rogers amendment that provides $110.5 million to the NIST Advanced Technology Program for the purposes of closing out commitments of the program; **Pages H8170–71**

The Rogers en bloc amendment that provides $7 million for Federal drug testing initiatives, $5 million for firefighter and emergency services training grants, and $6 million for court security (agreed to by a recorded vote of 416 ayes to 1 no, Roll No. 340); **Pages H8171–73**

The Mollihan amendment that increases funding for the Legal Services Corporation by $109 million

with offsetting reductions from the Justice Department assets forfeiture fund, Federal prison system, Patent and Trademark Office, Courts of Appeals and District Courts, State Department Diplomatic and Consular Programs, Bankruptcy Review Commission, and the Securities and Exchange Commission (agreed to a recorded vote of 247 ayes to 179 noes, Roll No. 341); **Pages H8176–89**

The Rogers substitute amendment to the Schumer amendment that allocates $10 million of Law Enforcement Block Grant technology funding to anti-terrorism research and development programs; **Pages H8196–99**

The Schumer amendment, as amended by the agreed-to Rogers substitute, that allocates funding of $10 million for anti-terrorism technology; **Pages H8196–99**

The Barr amendment that restricts the obligation of Justice Department Telecommunications Carrier Compliance funds until an implementation plan is provided to each member of the Committees on the Judiciary and Appropriations; **Pages H8203–04**

The Molinari amendment that expresses the sense of Congress that the Drug Enforcement Agency, together with other appropriate Federal agencies, should take actions to end the illegal importation into the United States of Rohypnol, a drug frequently distributed with the intent to facilitate sexual assault and rape; **Pages H8204–05**

The Porter amendment that allocates International Broadcasting funding of $9.3 million for grants for the operating costs of Radio Free Asia; **Pages H8228–31**

The Traficant amendment that prohibits contracts with persons who affix a ''Made in America'' inscription, or any inscription with the same meaning, to any product that is not made in the United States; and **Page H8231**

The Engel amendment that increases Public Broadcasting Facilities, Planning, and Construction funding by $5 million and reduces Patent and Trademark Office funding accordingly. **Pages H8232–33**

Rejected:

The Radanovich amendment that sought to increase Drug Enforcement Agency funding by $109 million and decrease Legal Services Corporation funding accordingly (rejected by a recorded vote of 169 ayes to 254 noes, Roll No. 342); **Pages H8190–92**

The Schroeder amendment that sought to increase Equal Employment Opportunity Commission funding by $13 million and reduce Federal Prison System funding accordingly (rejected by a recorded vote of 159 ayes to 265 noes, Roll No. 343); **Pages H8193–95, H8216**

The Scott amendment that sought to increase Juvenile Justice Prevention program grant funding by $497.5 million and reduce Violent Offenders Incarceration grant funding accordingly (rejected by a recorded vote of 99 ayes to 326 noes, Roll No. 344); **Pages H8199–H8201, H8216–17**

The Norton amendment that sought to remove the restrictions on Department of Justice funding for abortions; and **Pages H8209–10**

The Hostettler amendment that sought to eliminate funding for the Economic Development Administration (rejected by a recorded vote of 99 ayes to 328 noes, Roll No. 345). **Pages H8210–15, H8217–18**

Withdrawn:

The Mink amendment was offered, but subsequently withdrawn, that sought to increase National Marine Fisheries funding by $760,500 for the Hawaiian Monk Seal and Sea Turtle programs; and **Pages H8231–32**

The Miller of Florida amendment was offered, but subsequently withdrawn, that sought to allocate National Ocean Service funding of $1 million for red tide research. **Page H8233**

Pending:

The Goss amendment that seeks to reduce Economic Development Administration funding by $98.500 million. **Pages H8226–28**

Order of Business: It was made in order that during further consideration of H.R. 3814, pursuant to H. Res. 479 and the other of the House of July 17, 1996: the remainder of the bill be considered as 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 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. 10 by Representative Hostettler for 10 minutes; amendment by Representative Jackson-Lee, regarding the National Telecommunications and Information Administration for 15 minutes; amendment No. 11 by Representative Mink for 10 minutes; amendment by Representative Rogers, regarding NOAA for 10 minutes, amendment by Representative Engel, regarding Public Broadcasting Grants, for 10 minutes, amendment No. 20 by Representative Brown of California for 20 minutes; amendment by Representative Allard, regarding the Technology Administration, for 10 minutes; amendment by Representative Goss, regarding EDA, for 10 minutes, amendment by Representative Porter, regarding Asia Broadcasting, for 20 minutes; amendment by Representative Obey, regarding the ABM treaty, for 15 minutes; amendment No. 19 by Representative Traficant for 5 minutes, amendment

No. 28 by Representative Gutknecht for 20 minutes; amendment by Representative Deutsch, regarding COPS, for 10 minutes; amendment by Representative Ensign, regarding sexually explicit material in prisons, for 10 minutes; amendment No. 5 by Representative Frank for 20 minutes; amendment No. 6 by Representative Frank for 20 minutes, amendment No. 16 by Representative Ganske for 20 minutes; amendment No. 17 by Representative Gekas for 20 minutes; amendment No. 33 by Representative Norton for 20 minutes; amendment by Representative Fowler, regarding COPS, for 10 minutes; amendment by Representative Collins of Georgia, regarding Federal Prison Industries, for 15 minutes; amendment by Representative Hutchinson, regarding deaths in prisons, for 10 minutes; and amendment by Representative Miller of Florida for 10 minutes. **Page H8215**

Presidential Message—National Emergency Re Iraq: Read a message from the President wherein he transmits his report concerning the national emergency with respect to Iraq—referred to the Committee on International Relations and ordered printed (H. Doc. 104–250). **Page H8234**

National Commission on the Advancement of Federal Law Enforcement: The Chair announced the Speaker's appointment of Ms. Victoria Toensig of Washington, D.C., from private life, to the National Commission on the Advancement of Federal Law Enforcement on the part of the House. **Page H8234**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H8248–49.

Quorum Calls—Votes: Two yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H8147–48, H8148, H8172–73, H8189, H8191–92, H8216, H8216–17, and H8217–18. There were no quorum calls.

Adjournment: Met at 9 a.m. and adjourned at 11:23 p.m.

Committee Meetings

CONDUCT OF MONETARY POLICY

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Policy held a hearing on the Conduct of Monetary Policy (Humphrey-Hawkins). Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

MISCELLANEOUS MEASURES

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information, and Technology approved for full Committee action the Electronic Reporting and Streamlining Act.

The Subcommittee also began markup of H.R. 1907, Federal-aid Facility Privatization Act of 1995.

Subcommittee recessed subject to call.

DRAFT REPORT

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs, and Criminal Justice, approved for full Committee action a draft report entitled: ''The Investigation into the Activities of Federal Law Enforcement Agencies Toward the Branch Davidians''.

MISCELLANEOUS MEASURE

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action amended H. Con. Res. 189, expressing the sense of the Congress regarding the importance of the United States membership in regional South Pacific organizations.

U.S. FOREIGN ASSISTANCE IN ASIA

Committee on International Relations: Subcommittee on Asia held a hearing on U.S. foreign assistance in Asia. Testimony was heard from Margaret Carpenter, Assistant Administrator, Asia and the Near East, AID, U.S. International Development Cooperation Agency; and public witnesses.

HUMAN RIGHTS UNDER PALESTINIAN AUTHORITY

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on Human Rights Under the Palestinian Authority. Testimony was heard from public witnesses.

PROTECT RELIGIOUS FREEDOM

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on legislation to further protect religious freedom. Testimony was heard from Representative Istook; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property approved for full Committee action the following: Federal Courts Improvement Act; S. 533, to clarify the rules governing removal of cases to Federal court; and S. 677, to repeal a redundant venue provision.

LAND CONVEYANCES

Committee on Resources: Held a hearing on H.R. 3061, to resolve certain conveyances under the Alaska Native Claims Settlement Act related to Cape Fox Corporation. Testimony was heard from Gray F. Reynolds, Deputy Chief, National Forest System, USDA; and public witnesses.

OVERSIGHT

Committee on Resources: Subcommittee on National Parks, Forests and Lands held an oversight hearing on the Forest Service's implementation of the Administration's Forest Plan. Testimony was heard from Representatives Herger and Riggs; James Lyons, Under Secretary, Natural Resources and Environment, USDA; Nancy Hayes, Chief of Staff and Counselor to the Acting Director, Bureau of Land Management, Department of the Interior; and public witnesses.

EFFECTS OF A SIX-YEAR BUDGET ON CIVILIAN R&D

Committee on Science: Held a hearing on the Effects of a Six-Year Balanced Budget on Civilian Research and Development. Testimony was heard from James L. Blum, Deputy Director, CBO; and a public witness.

Hearings continue tomorrow.

ANTARCTIC RESEARCH

Committee on Science: Subcommittee on Basic Research held a hearing on the Future of Antarctic Research. Testimony was heard from Ernest Moniz, Assistant Director, Science, Office of Science and Technology Policy; Cornelius Sullivan, Director, Office of Polar Programs, NSF; R. Tucker Scully, Director, Office of Ocean Affairs, Department of State; Robin Pirie, Assistant Secretary, Navy, Infrastructure and the Environment, Department of Defense; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

MEDICARE PAYMENT POLICIES

Committee on Ways and Means: Subcommittee on Health held a hearing on Issues Related to Medicare Payment Policies for Home Health Agency and Skilled Nursing Facility Services. Testimony was heard from Bruce C. Vladeck, Administrator, Health Care Financing Administration, Department of Health and Human Services; from the following officials of the Prospective Payment Assessment Commission: Joseph P. Newhouse, Chairman; and Don Young, M.D., Executive Director; and public witnesses.

GUATEMALA

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Guatemala. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *p. D784)*

H.R. 3121, to amend the Foreign Assistance Act of 1961 and the Arms Control Act to make improvements to certain defense and security assistance provisions under those Acts, and to authorize the transfer of naval vessels to certain foreign countries. Signed July 21, 1996. (P.L. 104–164)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 24, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, business meeting, to mark up S. 1166, to enhance public confidence in the safety of the American food supply, and facilitate the development and adoption of safe, effective pest control technologies, 9:30 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs, Subcommittee on Financial Institutions and Regulatory Relief, to hold hearings to examine the condition of consumer credit, focusing on the risks of deteriorating credit quality on financial institutions and the economy, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, to hold oversight hearings on the National Aeronautics and Space Admistration's (NASA) space station and space shuttle programs, 9:30 a.m., SR–253.

Committee on Environment and Public Works, business meeting, to consider pending calendar business; to be followed by a hearing on the nominations of Nils J. Diaz, of Florida, and Edward McGaffigan, Jr., of Virginia, each to be a Member of the Nuclear Regulatory Commission, 9:30 a.m., SD–406.

Committee on Foreign Relations, business meeting, to consider pending calendar business, 10 a.m., SD–419.

Committee on Governmental Affairs, Subcommittee on Financial Management and Accountability, to hold hearings on S. 1434, to amend the Congressional Budget Act of 1974 to provide for a two-year (biennial) budgeting cycle, 10 a.m., SD–342.

Full Committee, to continue hearings on the nomination of Franklin D. Raines, of the District of Columbia, to be Director of the Office of Management and Budget, 4 p.m., SD–342.

Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on proposed legislation authorizing funds for the U.S. Commission on Civil Rights, 2 p.m., SD–226.

Committee on Rules and Administration, to resume hearings to examine the role of the Federal Depository Library Program of the Government Printing Office in ensuring public access to Government information, 9:30 a.m., SR–301.

Committee on Small Business, to hold oversight hearings on implementation of the Small Business Regulatory Enforcement Fairness Act, 3 p.m., SR–428A.

Committee on Veterans' Affairs, business meeting, to mark up S. 1791, to increase, effective as of December 1, 1996, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and other pending committee business, 10 a.m., SR–418.

Committee on Indian Affairs, business meeting, to mark up S. 199, Trading with Indian Act Repeal, S. 1893, the Torres-Martinez Desert Cahuilla Indians Claims Settlement Act, S. 1962, the Indian Child Welfare Act Amendments, H.R. 2464, to add additional land to the Goshute Indian Reservation in Utah, H.R. 3068, to revoke the Charter of the Prairie Island Indian Community, S. 1970, the National Museum of the American Indian Act Amendments, S. 1972, the Older Americans Indian Technical Amendments Act, and S. 1973, the Navajo/Hopi Land Dispute Settlement Act, 9:30 a.m., SR–485.

Select Committee on Intelligence, to hold hearings on the status of the Dayton Peace Accord, 9:30 a.m., SH–216.

House

Committee on Agriculture, Subcommittee on Risk Management and Specialty Crops and the Subcommittee on General Farm Commodities, joint hearing to review cash market forward contracts between producers and merchants, commonly known as hedge-to-arrive contracts, 9:30 a.m., 1300 Longworth.

Committee on Banking and Financial Services, Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, oversight hearing on Fannie Mae and Freddie Mac, 10 a.m., 2128 Rayburn.

Committee on Commerce, to mark up the following bills: H.R. 3553, Federal Trade Commission Reauthorization Act of 1996; H.R. 447, to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; H.R. 2579, United States National Tourism Organization Act of 1996; H.R. 2976, Patient Right to Know Act of 1996; a measure to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations; H.R. 3056, to permit county-operated health insuring organization to qualify as an organization exempt from certain requirements otherwise applicable to health insuring organizations under the Medicaid program notwithstanding that the organization enrolls Medicaid beneficiaries residing in another county; the Developmental Disabilities Assistance and Bill of Rights Act of 1996; and a measure to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, to mark up H.R. 123, Language of Government Act of 1995, 10:30 a.m., 2175 Rayburn.

Committee on International Relations, to mark up the following: H.R. 3846, to amend the Foreign Assistant Act of 1961 to authorize the provision of assistance for microenterprises; a measure to provide severance payments to employees of the Agency for International Development who voluntarily resign; and H.R. 3735, to amend the Foreign Assistance Act of 1961 to reauthorize the Development Fund for Africa under chapter 10 of part I of that Act, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on the U.S. Trustee Program, 10 a.m., 2226 Rayburn.

Subcommittee on the Constitution, oversight hearing on the U.S. Commission on Civil Rights, 10 a.m., 2237 Rayburn.

Subcommittee on Crime, hearing on the Administration's efforts against the influence of organized crime in the Laborer's International Union of North America, 9:30 a.m., 2141 Rayburn.

Committee on Resources, to hold an oversight hearing on implementation of the Endangered Species Act with regard to Section 10(a) permits (Habit Conservation Plan) and other incentives, 2 p.m., 1324 Longworth.

Subcommittee on Native American and Insular Affairs, oversight hearing on territorial technical matters, and to discuss H.R. 3721, Omnibus Territories Act, 2 p.m., 1334 Longworth.

Committee on Rules, to Consider H.R. 2391, Working Families Flexibility Act of 1996, 2:30 p.m., H–313 Capitol.

Subcommittee on Rules and Organization of the House and the Subcommittee on Legislative and Budget Process, joint hearing on Building on Change: Preparing for the 105th Congress, 9:30 a.m., H–313 Capitol.

Committee on Science, to continue hearings on the Effects of a Six-Year Balanced Budget on Civilian Research and Development, Part II, 10 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on Space Commercialization Promotion Act of 1996, 2 p.m., 2325 Rayburn.

Committee on Small Business, Subcommittee on Government Programs, hearing on the FDA's compliance with the Paperwork Reduction Act of 1995, 10 a.m., 2359 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 24

Senate Chamber

Program for Wednesday: Senate will resume consideration of H.R. 3603, Agriculture Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 24

House Chamber

Program for Wednesday: Complete consideration of H.R. 3814, Commerce, Justice, State and the Judiciary Appropriations Act for FY 1997 (open rule, 1 hour of general debate); and

Consideration of H.R. 3816, Energy and Water Development Appropriations Act for FY 1997 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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