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House of Representatives

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4236) to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes, as amended.

The Clerk read as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, thank you for the chance to bring to the floor the biggest and most important parks and public lands package since 1978. In addition to provisions for protection of some of the most important natural landmarks, historic places and landscapes in the country, it includes a landmark bipartisan effort led by Representative BILL BAKER to protect the California Bay-Delta, a priority for both sides of the aisle. This package is chock full of solutions to local problems which have been brought to the attention of the committee by individual Members of the House or the other body.

Before a brief outline of the bills' many fine points, I am compelled to give a short history of how we arrived at such a massive package at this point in the session. Frankly, it was a few Members of the other body's fault. Though the Resource Committee has sent scores of individual bills to the Senate, holds by certain Members on these measures stopped the Committee on Energy and Natural Resources from moving individual or even small groups of bills for months. This hostage taking became so bad that when a large package of bills was finally freed in that body and attached to a Presidio bill we sent them, we made a conscious decision to try to place many of the bills stuck over there in this package. They followed suit.

As a result, many items were considered through this process, and some remain while others were dropped. I believe we have achieved a package which will benefit many Members, States and people throughout the Nation.

Mr. Speaker, I will also say I have Members that have been disappointed, such as myself, because I think this administration deals with a forked tongue. Every time we reach an agreement, they would move the goalposts. I am not sure, maybe my good friend, the gentleman from California [Mr. MILLER], knows we reached an agreement, and already the White House has tried to undo it. Already there are phone calls being made from the White

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WILLIAM M. THOMAS, *Chairman.*

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House to individual Members saying ''Oh, this has to be changed,'' after they signed off. That is not the way we should be doing business in this body.

A few highlights are in order: As I mentioned before, this bill has the monumental authorization for the environmental enhancement of the San Francisco Bay-Delta introduced by Congressman BILL BAKER.

In addition, it creates new units at Tallgrass Prairie National Preserve in Kansas; Nicodemus National Historic site in Kansas; New Bedford National Historic Park in Massachusetts and Boston Harbor Islands in Massachusetts.

It also protects important Historic Sites like Manzanar National Historic Site in California and Independence Hall in Philadelphia through boundary adjustments. It celebrates the Selma to Montgomery civil rights march trail and reauthorizes the National Council on Historic Preservation.

It provides for the protection of Sterling Forest to protect the watershed for New Jersey and New York.

It finalizes a creative approach to the management and funding for the new Presido Park in San Francisco; it protects rivers, from the Columbia in Washington to the Lamprey in New Hampshire; it helps out Olympic effort in the 2002 Olympics in Utah with its solution to the Snowbasin facility problems; it also resolves long standing necessary administrative reforms in the National Park Service; and it also solves many, many longstanding local problems, from helping the children of the Alpine School District in J.D. HAYWORTH's district with a land grant in Arizona, to solving a problem in Congresswoman SEASTRAND's district by rounding out the Channel Islands National Park.

While I am pleased we have the bill before us, let me say that just as important as the things in the bill, are the things which are not in the bill. Many of our Members, including myself, would have liked to have more in the bill, but we have deleted many provisions, based upon Administration and Member objections. This includes a grazing provision very important to family ranchers and the Representatives in the public land west and a provision to save over 1,000 jobs in my district in Alaska in the timber industry.

Mr. Speaker, this is late in the session. I hope though Members will understand, each and every one of the them, we will be back. As long as I am chairman, and I believe that will happen, we will again address those issues we were unable to obtain in this legislation, and it will happen very early in the session. We hope we will be able to urge our Senators to act with a little more responsibility.

Again, may I suggest there are over 43 Republican projects in the bill and there are over 54 Democrat projects in this bill, and if that is not a bipartisan effort, I do not know what is.

Mr. Speaker, many good provisions have been dropped from this bill to ensure its passage at this late hour, largely in response to concerns expressed by the Clinton White House, the minority and other Members. That is a shame, because many of these provisions were real but we intend to bring them back as soon as possible next year and fix them. I urge Members to support the bill.

Now, Mr. Speaker, I would suggest to all of you to understand one thing. We are going to vote on this legislation. I hope I do not see the fingerprints of the administration. Then it goes over to the other body to act on this legislation, and it is probably the only chance we have. There is a slight chance that we may have the conference up yet before this session is over, if we do not get out of here tonight, and God help us, I hope we get out of here tonight.

The Congress has been told that this will be vetoed by this administration. I do not think they will veto this. If they do, they are being very, very foolish.

Mr. Speaker, I want to compliment the staffs that were working on this very hard. I want to say this to the minority and majority side: I think we have worked out something that every Member will have some responsibilities for and can take home and say we have done our job.

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

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. STUDDS. Mr. Speaker, I mostly would like to thank a number of my colleagues: the gentleman from California [Mr. MILLER], the gentleman from Alaska [Mr. YOUNG], the gentleman from Ohio [Mr. REGULA], the gentleman from Utah [Mr. HANSEN], and many, many others.

For those who think that the only true reflection of this House is some of the partisan fire that preceded this debate a few moments ago, I would ask them to reflect on what is transpiring now. This is the House at its best. This is substantive, nonpartisan legislating about things that matter, where people who have been colleagues and friends for many, many years come together to do things that we are all here to do.

The gentleman from Alaska [Mr. YOUNG], I know what he meant when he said there are so many Republican projects and so many Democrat projects in this bill. What he meant, I know, is that this has been approached in an utterly bipartisan fashion. I do not know a project in this bill that can be characterized frankly as a Republican or Democrat project. I know the many projects in Alaska. I know the Boston Harbor islands in my own State to which the gentleman referred. There are 31 islands there, and so far as I know none of them has a partisan registration affiliated with it.

What we do here speaks to history, speaks to culture, speaks to aesthetics and speaks the environment; speaks to everything that is best in this House. And in this, undoubtedly my final moments of speaking on the floor after more years than I would care to reflect, I extend a warm personal thank you to DON YOUNG of Alaska, GEORGE MILLER of California, JIM HANSEN of Utah, RALPH REGULA of Ohio, and SHERWOOD BOEHLERT of New York. Many, many others have worked on this bill, so many others for so many years. This is this institution at its nonpartisan best, and Members ought to be very, very proud of what we do now.

Mr. Speaker, it is with that real pride that I do something which many of us find very hard to do which is sit down.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I am very glad that we are again acting to protect an extraordinary stretch of wild lands in Colorado, the North St. Vrain Creek watershed, extending from its headwaters in the Rocky Mountain National Park into the national forests area west of Longmont in the mountains.

Mr. Speaker, I appreciate the work of the gentleman from Alaska and of the many others who have gone through one of the more extraordinary dances of parliamentary maneuvering in getting this package put together in the last minutes of this Congress. I am delighted that we are now going to be able to protect this area, not just for Coloradans on the Front Range, but all Americans.

Mr. Speaker, I submit the following for the RECORD.

Mr. Speaker, I'm very glad that we are again acting to approve legislation that includes provisions to protect North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range.

The effect will be to prevent construction of new dams on North St. Vrain creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clarify public land ownership along the creek. Both of these provisions are based on freestanding legislation that I introduced last year, and I appreciate the inclusion of the North St. Vrain Protection Act in this bill.

North St. Vrain Creek, fed by countless rivulets and wild tributaries, is the primary stream flowing from the southeastern portion of Rocky Mountain National Park. From its beginnings at the continental divide, in snowfields near Long's peak, it courses through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches the Ralph Price Reservoir.

The watershed includes habitat for bighorn sheep, deer, elk, and mountain lions; for peregrine falcons, owls, hawks and songbirds; for native fish, insects, and other small creatures; and for a dazzling diversity of aquatic, riparian, and mountain plants. It provides popular hiking, fishing, and hunting terrain relatively near to some of Colorado's larger cities.

The stream, surrounded by a thousand shades of greenery cooled by the mist of tumbling water, provides a profound sense of refreshment, of inspiration, and of wonder. This joining of land and water is exceptional, even for Colorado—which is no small distinction.

The North St. Vrain should be kept free of additional dams and impoundments. To that end, my bill's provisions, now included in this bill, incorporate the recommendations of a citizens' advisory committee, which I appointed in conjunction with the Boulder County Commissioners. That committee spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

Thus, these provisions represent a great deal of work by Coloradans—especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal. I've never known such a dedicated and conscientious group of public servants as the unpaid members of this North St. Vrain Advisory Committee. They know the creek and its environs as thoroughly as any group of citizens anywhere knows a particular area in the United States.

The advisory committee reached four principal conclusions:

First, that the North St. Vrain Creek is deserving of National Wild and Scenic River status, but that it would be premature to seek legislation to so designate it, pending development of consensus on that point. This bill would not preclude such a designation later.

Second, that, for now a permanent prohibition should be placed on Federal approval or assistance for the construction of dams on the creek and on any part of its national park tributaries.

Third, that the National Park Service and the Forest Service should move promptly to reach agreement with the city of Longmont, CO, regarding Federal acquisition of lands the city owns along the creek.

And, fourth, that a series of the committee's recommendations should be followed in managing the Federal lands along the creek.

Three of these proposals are specified in the bill's language. I have submitted, as part of the hearing record, two documents related to the fourth proposal, regarding management of the relevant lands. One is a copy of the advisory committee's final report, and the other is a copy of the advisory committee's management plan outline. I will also present these documents to the Forest Service and National Park Service when they develop future management plans for the creek and adjoining lands.

The primary theme of these documents is that Federal management decisions should retain the current types and levels of recreational uses of the public lands in the corridor along North St. Vrain Creek. This can be done by restricting the expansion of trails and campgrounds, and through strategic land acquisitions to protect natural features from damage that would come from expanded or excessive uses. The documents also support continued good stewardship on private lands in the corridor under the guidance and control of Boulder County's land-use regulations, as well as continued protection against trespass.

Mr. Speaker, I introduced this legislation not only because of my belief in the importance of protecting the North St. Vrain, but also because of my firm conviction that the hundreds of Coloradans who have worked toward that goal have crafted a sound, effective consensus measure. Its provisions are good, clear, and straightforward, and they have the strong support of the people in the area. I urge the House to approve this bill, so that, with its enactment into law, the wonder of North St. Vrain Creek will be protected for all time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. HANSEN].

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

Mr. HANSEN. Mr. Speaker, I am grateful to the chairman of the full committee for yielding to me. I appreciate the kind words of the gentleman from Massachusetts, who has been a gentleman to deal with on the committee.

Mr. Speaker, I would like to point out that I do not know if Members of this House realize how many hundreds and hundreds of hours have gone into this. In the committee that I chair, the Subcommittee on National Parks, Forests and Lands, we have looked at over 100 pieces of legislation. We have held countless, countless hearings and markups, and it is sad that a lot of those things cannot come to pass. We wish they could, but they do not in this bill, but this is a good bill. This has a lot of good things in it.

I hope the folks realize that 37 out of the 50 States will be affected by this piece of legislation. Over 100 Members will be affected by this piece of legislation: things that many of us have been waiting to see come to pass in California, the Presidio bill, something we wondered, how do we handle this park that has been turned over by one sentence put in there by Phil Burton many years ago? In the event that the Army ever gives this up, what are going to do with it? It goes to the park system. However, it is not a park but it costs us $25 million a year. In here, we have a piece of legislation that takes care of this problem, which I compliment my friends California and others working in a bipartisan manner in handling this particular area.

We have some things about the 2002 winter games. It was not too long ago that over in Budapest all of those folks from America, all over the 48 lower States, were standing there and the gentleman got up and he made the statement, and he said the winter games for 2002 shall go to the City of Salt Lake. The place erupted, and who got on the television to talk about it? President Clinton go on, bless his heart, and he said ''I will do everything in my power to expedite the 2002 winter games.''

We will surely appreciate him signing this piece of legislation so a very, very minor land exchange can come about which will facilitate that, and 3 billion people around the globe will stand there and look at the downhill. For 100 years people will say so-and-so won the day going down this great, glorious and probably the best in the world downhill that we have got in the 2002 winter games, another piece of good legislation that is in this particular package.

□ 1800

There are just countless pieces of things that many Members are interested in. I am a little concerned about some of the phone calls many of us are getting regarding what we colloquially refer to as heritage areas. In most of thee heritage areas this language is in there.

I hope the folks from the West who are concerned are listening to this. No provision of this title shall be construed to impose any environmental, occupational safety or other rule, regulation standards or permit process that is differential from those that would be applicable had a national heritage area not been established.

So these great concerns of somebody swooping in and immediately taking over their ground is not really going to happen. I hope my good friends from that area totally understand that.

We have boundary adjustments in here. We have things of historical significance and we have things about civil areas. So we are very proud of this legislation. No one is ever 100 percent happy. Politics is the art of compromise. I look around this room and look at all the people who have compromised on this bill, and I know how that occurs.

I just want to say that on this thing I am very pleased to be a part of it. I appreciate all the people from the minority and majority side, Chairman YOUNG, Ranking Member MILLER, and others who have worked diligently with us on this piece of legislation.

I urge its support.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I want to note for my colleagues as well as my fellow Montanans that a long sought after land exchange called the Lost Creek land exchange involving directly approximately 14,000 acres of bighorn sheep habitat in a critical area in Montana is included in this bill. The trade is not without significant support and some opposition in Montana. I recognize that opposition.

I note for my colleagues, however, that the trade has received the bipartisan agreement of the two Democrats and the one Republican who make up the Montana congressional delegation. I and my two colleagues in the Senate will be working with the Forest Service to try to mitigate any concern that some in the timber industry have about this land exchange, but it clearly is in the best interest of the land, the people and the bighorn sheep of Montana. I thank my colleagues for agreeing to do this in the House. It turned out to be impossible to get it done in the Senate.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes and 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I, too, want to join my colleagues in commending the leadership of the committee for the bipartisan cooperation and effort that has been made to bring this legislation to the floor. To say that our differences have been hammered out is probably a good word to use, but they have and we are here.

I want to particularly acknowledge the leadership of the gentleman of Alaska, Chairman YOUNG, and the gentleman from Utah, Chairman HANSEN, as well as the gentleman from California, GEORGE MILLER, our champion for the Presidio. Of course we would not be here today without the full cooperation of the gentleman from Ohio, Chairman RALPH REGULA, and the gentleman from Illinois, SID YATES, the ranking member. I am grateful to them for all of their assistance in keeping the Presido going so that we this day can cross over a point where we reduce the cost to the taxpayer.

I also want to state that the support for the Presidio as it is bipartisan, it is bicameral and we have a great deal of support in the other body under the leadership of two great Senators, Senator BARBARA BOXER and Senator DIANNE FEINSTEIN. In our community the support is bipartisan as well.

One of our strongest and most staunch supporters, unfortunately, will not be able to enjoy this day with us. His name is Jim Harvey, a former chairman of the board of the Trans-America Corporation, who died in early June. Jim was largely responsible for creating the Presidio council in 1991 which organized national support and philanthropic as well as pro bono donations to the Presidio as a national park.

I will for the record, Mr. Speaker, present some of the accomplishments of Jim Harvey. I just want to say that it is as though Jim Harvey truly appreciated what Thoreau asserted many years ago: Goodness is the only investment that never fails. Jim Harvey was a good man. He will be pleased with our progress today.

This legislation is important in terms of the Presidio as it recognizes the Presidio's worth as a national park as well as the need to streamline the management into a cost-effective structure for the American taxpayer. The Presidio trust brings a new approach to the Presidio that incorporates the best of the National Park Service and the best at real estate management into an alliance that will realize the best of the Presidio.

Under this trust we will be able to give maximum access to the American people to enjoy the Presidio as a national park with minimum cost to the American taxpayer.

The most eloquent spokesperson for the Presidio is the Presidio itself. So I hope that all of our colleagues will visit to see its magnificent scenic beauty, enjoy the military history and, for the history buffs here, also the great environmental worth that the Presidio has.

Passing the Presidio trust bill as part of this omnibus bill is not the final act, but does open the curtain to a wonderful production that we can all be proud of. Phillip Burton's legacy lives on.

The gentleman, Mr. HANSEN, recognized the goal of Phillip Burton in authorizing the Presidio as a national park. I feel as the person who serves in Congress in Phillip Burton's seat that we have a responsibility to Phillip's legacy to make this a great national park. In doing so, and in closing, I want to acknowledge the work of Judy Lemons of my staff. Many staff people worked very, very hard on this. But Judy was present at the birth of Golden Gate national recreation area of which the Presidio will become a part. She has worked every day to preserve the integrity of the Presidio as a national park. This victory today is a triumph for Judy Lemons. I want to thank Judy and to all who have been faithful to the effort and part of our success today.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH], a member of the committee.

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

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the committee for this time.

I rise in support of this legislation to echo what the gentlewoman from California [Ms. PELOSI] said. Here we have a wonderful opportunity for a bipartisan piece of legislation for projects that benefit the American people.

In the Sixth District of Arizona, Mr. Speaker, there are two sites in particular. We will take them alphabetically, the Alpine school district needs land, a tiny school district asking for the conveyance of fewer than 40 acres to build school sites and athletic fields. The tax base has dwindled. Resource based industries for one reason or another have not been allowed to operate. This is a wonderful chance to truly put children first and help education in the Alpine school district.

Second, Mr. Speaker, the Walnut Canyon National Monument outside Flagstaff, regardless of partisan dispensation or political stripe, the people of Flagstaff, indeed the people of the Sixth District of Arizona hope to see the boundaries expand on this great natural landmark and national monument. We have a chance to do that. So I urge passage of this bill.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. KELLY].

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

Mrs. KELLY. Mr. Speaker, I rise in strong support of H.R. 4236.

Mr. Speaker, I rise in strong support of H.R. 4236, and draw particular attention to the provision in the bill to authorize the Federal acquisition of the Sterling Forest watershed in New York and New Jersey.

Acquisition of the important 17,500 acres Sterling Forest reserve, located in southern New York and northern New Jersey represents perhaps the most important environmental issue for our region, and represents an outstanding environmental accomplishment for the 104th Congress.

Sterling Forest is at the headwaters of a system of reservoirs which provide water for 1.8 million metropolitan area residents. It is heavily forested, accommodating a wide variety of wildlife and plant species, and also includes a portion of the Appalachian Trail. Twenty-six million Americans live within a 2-hour drive of this important environmental resource.

The acquisition of the Sterling Forest represents a unique partnership between the Federal Government, the States of New York and New Jersey, and environmental and other private sector interests. Protecting the Sterling Forest makes sense from an environmental standpoint, it makes sense from a recreational standpoint, and it represents a good deal for the taxpayer.

The modest Federal investment authorized by this legislation will protect the Sterling Forest watershed for generations to come, and do so in a very cost-effective and environmentally sound manner.

I urge my colleagues to join me in support of this important legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations.

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

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

We all know the words to the song, I am proud to be an American, that Lee Greenwood's sings so eloquently. Today, I am proud to be a Member of this body and proud to be an American. We have put aside our differences, our partisan parties. We worked with the White House, we developed a team effort to do something good for America. I speak to in our case the heritage corridor. Young men and women, Boy Scouts, Girl Scouts, 4–H Club kids, college kids will be able to walk a canal corridor 87 miles, long that is rich in history. Ohio was built by the canals. They will learn the story of yesterday's turnpikes. They will learn the story of the ecological development of our State because they will follow a river, they will follow the towpath of the canal.

What a wonderful opportunity this will be for young people to appreciate their heritage as young citizens of Ohio. It will happen because of what is being done today in this body and being done on a bipartisan basis with everybody being on the team.

I am grateful to all who had a part in shaping this legislation, and I hope

that it gets very strong support by all the Members. A great gift today for Americans in so many different ways.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to thank the committee and the ranking member for including in this legislation the text of H.R. 3911, which establishes the Great Falls Historic District in Paterson, NJ. I had introduced this bill earlier this session at the request of Assemblyman Bill Pascrell who is also the mayor of Paterson, NJ. It was a major piece of legislation that former Congressman Herb Klein had tried to get through this House. It is very important for the people of New Jersey, Passaic County and particularly, of course, for the residents of Paterson, NJ.

Mr. YOUNG of Alaska. Mr. Speaker, I would suggest that the previous speaker remember one thing, that there is a chairman, and he may not be recognized the next time in the committee.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I want to join the accolades to Mr. YOUNG and Mr. STUDDS. I have had many happy years in this Congress, but among the happiest is when I served with them both on something that used to be known as the Merchant Marine and Fisheries Committee. I never thought I would see the day when we were standing here in such comity. I am delighted that it is here.

I address much that is good in the bill and support it, of course, but I want to focus on the Coastal Barrier Islands provisions. Preserving the proper balance between protection of our natural resources and our private property rights is a critical point. I know how much this means to my home State of Florida with its miles and miles of fabulous beaches and outdoor recreational areas and opportunities on our barrier islands. I know that what we are doing here is going to continue that tradition and make possible enjoyment for more people in those wonderful areas.

I also would note that this is something that the legislative delegation, the people of Florida, the Governor, Senators from Florida, all are in accord on. It is wonderful when everybody is in agreement on something and it actually happens. I congratulate the Members who have made this happen.

Mr. MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON], ranking member of the Subcommittee on National Parks, Forests and Lands.

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

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

This is a good bill. We have a lot of good national parks legislation besides the Presidio Trust. We have got the Tallgrass Prairie National Preserve, the Selma to Montgomery National Historic Trail, the Colonial National Historic Park, Wupatki National Monument Boundary Adjustment, Cumberland Gap National Historic Park, the Zion National Park Boundary Adjustment, the Rocky Mountain National Park Visitor Center, the Walnut Canyon National Monument Boundary Adjustment, the Delaware Water Gap National Recreation Area, the Franklin D. Roosevelt National Historic Site, the Women's Rights National Historic Park, the Big Thicket National Preserve.

And, Mr. Speaker, it would be incomplete if I did not mention two initiatives in my own State of New Mexico, one the Rio Puerto Watershed Act, which cleans up the water and the boundaries in that area and, of course, the Taos Bottleneck legislation.

This is an historic bill that turns over 765 acres of the Wheeler Peak Wilderness to management by the Taos Pueblo as part of the Blue Lake Wilderness Act legislation signed by President Richard Nixon in 1970 returning to the Taos Pueblo all lands that had been seized by the Federal Government. There was a sect of land that was not turned over to the pueblo. This bill does it. It is a good piece of legislation.

It is critically important that this passage now move through the other body. I want to commend Chairman YOUNG for his leadership and Chairman HANSEN and, of course, the Honorable GEORGE MILLER for their work. This is an important piece of legislation with a lot of bills for a lot of Members, bipartisan. We should get it passed.

□ 1815

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI], who has done an excellent job.

Mr. MARTINI. Mr. Speaker, and I thank the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN] and the minority ranking members for this excellent bill.

Today is indeed an historic day, not just for New Jersey and New York but for all Americans concerned about clean drinking water and preserving the environment. Persistence and hard work has brought Sterling Forest here today again for another vote.

Unlike other issues we consider in this body, there is literally no tomorrow for preserving Sterling Forest. The contract for the purchase of the land would expire, and if we did not act tonight as we are doing, the safe drinking water for over millions of New Jersey citizens would be in jeopardy.

I am pleased to say that by the action tonight this body is showing its responsibility and assuring that we have safe drinking water for over 2 million New Jersey citizens.

In addition to drinking water, Sterling Forest serves as a sanctuary for millions of people in that area. This is the last pristine area that will serve millions of people for future generations to come.

Let me, if I may, thank the other Members who have worked so hard to bring this to fruition tonight: of course the gentlewoman from New Jersey, Mrs. ROUKEMA, to whom I will yield, if I may, but also Representatives BOEHLERT, ZIMMER, GILMAN, FRELINGHUYSEN, FRANKS, and KELLY, and finally, first and foremost, to our Speaker, who made a commitment back in December to preserve Sterling Forest. He has fulfilled that promise today.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. MARTINI. I yield to the gentlewoman from New Jersey.

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

Mrs. ROUKEMA. Mr. Speaker, I associate myself with the remarks of my colleague from New Jersey, Mr. MARTINI. This is truly a monument to patience, perseverance, common sense, consensus and compromise, and I want to thank the chairman of the committee and the ranking member for this wonderful work.

Mr. Speaker, I rise to associate myself with the comments of my colleague from New Jersey, Mr. MARTINI, the chairman and ranking member.

Mr. Speaker, I rise in strong support of this omnibus parks package and urge my colleagues on both sides of the aisle to support this important legislation. It is my understanding that the controversial measures included in previous versions of this bill have been removed and that this measure has been agreed to by both sides of the aisle and the Administration. This legislation is surely a monument to the patience, common sense, consensus and compromise wisdom of our colleagues who worked for so many months on this parks package.

This agreement is good news for the people of New Jersey and New York. Included in this legislation are provisions that will open the door toward the purchase of Sterling Forest. Enactment of this legislation is essential, if the Federal Government is to play a role in this public private partnership. This legislation along with the $9 million included in the omnibus budget package represents a big step toward our commitment to the preservation and protection of Sterling Forest once and for all.

First, I want to thank Chairman HANSEN for recognizing the overriding interest of the Nation—and for his willingness to understand that Sterling Forest is more than just a pristine piece of open space for camping, skiing, hiking, and fishing. It is the source of clean, safe drinking water for some 3 million northern New Jersey residents. If we allow that drinking water to be contaminated by development, we will pay the purchase price many times over in cleanup cost and the cost of building new water treatment plants. With this legislation, we are not being penny wise and pound foolish. Instead of reacting to a crisis after the fact, we are anticipating the problem now and taking steps to avoid it. This legislation is good public policy.

As you know, Sterling Forest is one of the largest tracts of privately-owned, undeveloped

forest land in the mid-Atlantic United States. This is heavily forested land—10 percent of which is located in my district in northern New Jersey and the remaining 90 percent of which is located in Orange County, New York, our colleague, BEN GILMAN's district. It currently provides countless recreational opportunities to millions of nearby residents and visitors. However, it is not recreation that brings me here today, but something far more fundamental: water.

As the primary source of drinking water to over 3 million residents of my State, preservation of Sterling Forest is essential. Numerous tributaries and feeder streams flow south from Sterling Forest right into the Wanaque Reservoir, which supplies drinking water for 25 percent of all residents of New Jersey.

Consequently, the protection of this unique natural resource in a region struggling to grapple with urban sprawl is a matter of utmost importance. This is a critical issue for the most densely-populated area of the nation's most densely-populated state, northern New Jersey.

Simply put, preserving Sterling Forest protects the drinking water supply of northern New Jersey and New York, and it is imperative for the 104th Congress to take action.

At the State level, the support for preserving Sterling Forest is equally strong. Governor Whitman has already signed into law legislation that commits our State to spending $10 million to help with the purchase of the Forest. In addition, Governor Pataki has committed his administration in Albany to match New Jersey's contribution dollar-for-dollar.

Here in Congress, legislation to protect Sterling Forest has enjoyed bipartisan support in both the New Jersey and New York delegations, as witnessed by the presence of those Members who are speaking today.

In these times of tight budget constraints, it is simply unrealistic to expect the government to carry the burden by itself. From the beginning, the coalition behind Sterling Forest firmly believe that the best method to use in preserving and protecting Sterling Forest was a public-private partnership, with its purchase price being funded using private, State, and Federal funds. That is why I introduced H.R. 194 in 1995 and have consistently supported H.R. 400 as passed by the Senate last July is the most expeditious solution to seeing that Sterling Forest was protected.

To date, at least $5 million in private contributions have been committed towards helping protect Sterling Forest. These efforts will continue, and private funds are expected to play an important role in the purchase of this land. And, as I've already mentioned, New Jersey and New York have committed to spending $10 million each.

I want to emphasize something about these Federal funds: this is a one-time funding request, because this legislation provides for the Palisades Interstate Park Commission [PIPC] and the State of New York to accept financial responsibility for the long-term management of the Sterling Forest.

I also want to thank Chairman REGULA. For years, I have worked with him in an effort to secure appropriate funding levels for this important project. I am happy to report that this year Chairman REGULA was instrumental in seeing that language was included in the Interior Appropriations bill which ranked Sterling Forest as one of the Nation's top two priorities for land acquisition and recommended that Sterling Forest receive $9 million as a down payment on the Federal Government's $17.5 million share of the purchase price.

Finally, I want to thank the Speaker for his strong endorsement of this important project to New Jersey. In March, Speaker GINGRICH visited Sterling Forest and promised that Congress would pass legislation to protect Sterling Forest this year. Clearly, his advocacy has been an important factor in reaching this point today, and I want to express my appreciation for his assistance.

On behalf the 3 million New Jersey residents who depend on this area for clean safe drinking water and the millions of recreational users who treasure this pristine open space, I urge your support.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, as we have just hard, this bill will authorize the Federal Government to participate in the purchase of Sterling Forest, the last piece of open space in the Metropolitan New York Area. It is a critically important thing to do, protects the watershed of 2 million people in New Jersey, an additional number in southeastern New York. That alone makes this bill extremely important.

Also, this bill sets aside a number of American Heritage Areas around the country, and I would particularly like to note the fact that the Hudson River Valley, probably the most historic area in the Nation, is recognized as an American Heritage Area in this legislation. The Hudson Valley of course contains West Point, it contains Washington's headquarters, the first national historic site in the Nation, and a wealth of other historic places recognized by this American Heritage Area.

I want to thank my leader, the gentleman from California [Mr. MILLER], the ranking member of the committee. I want to thank also the chairman the gentleman from Alaska [Mr. YOUNG], and the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], for their work on this bill. This is a very worthy product, and I appreciate the hard work that has gone into this by all the Members, and I would urge the Members in the other House to pay attention to this piece of legislation. It is critically important for millions of Americans and deserves to be passed by this Congress.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I want to congratulate the chairman and ranking member, Mr. YOUNG and Mr. MILLER, and Mr. HANSEN, the subcommittee chairman, as well as Mr. RICHARDSON and all the sponsors.

I actually do not have a measure in this particular bill with 116 sections, but I feel a little bit of ownership because many of these issues, as my colleagues will understand, are issues that did not develop just in this Congress but have spanned many Congresses. In fact, some of them, unfortunately, have become old friends because we sent them to the other body before and they did not come back or we were not able to get our act together.

But I think that generally while many may find some provision in here that they do not agree with, that by and large this is a good bill, and I hope that the outcome by sending this to the Senate is going to be positive, and I think that the President, I hope that the President, can be convinced to in fact sign this into law.

Unfortunately, we normally have not done business like this with so many measures in one issue at the end. I hope in the future that we can do this in a more orderly manner. These are important issues. I especially feel keenly about the Heritage Areas and the generic language that is in each particular Heritage Area, and I know how important it is that we do this work so that we as a Congress have been very zealous about guarding the responsibilities with regards to land use questions, and in acting in this way we can, of course, continue to earn that particular responsibility.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON].

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

Mr. MCKEON. Mr. Speaker, I rise in strong support of the bill, and I commend the gentleman from Alaska [Mr. YOUNG] and the gentleman from Utah [Mr. HANSEN] for their leadership in bringing it to the floor.

Mr. Speaker, I rise today to express my support for the conference report on the Omnibus Parks and Public Land Management Act.

This legislation is important for numerous reasons; many of which impact California. For example, this conference report creates a public-private Presidio Trust to manage hundreds of historical buildings which cover more than 1,400 scenic acres at the foot of the Golden Gate Bridge. Both residents of my district and throughout the State of California have visited this site and enjoyed its beauty. With passage of this bill, that will continue to happen for years to come.

Additionally, this conference report also contains a provision which I have worked hard for in behalf of my constituents in the Santa Clarita Valley. I have included language which protects a pristine canyon contained in the Angeles National Forest. For many years, some have wanted to destroy this beautiful treasure by constructing a 190-million ton landfill.

Mr. Speaker, it gives me great pleasure to announce today that the Omnibus Parks bill will preserve and protect Elsmere Canyon and prevent its destruction; not only for the residents of the Santa Clarita Valley, but for all residents of southern California.

I urge an "aye" vote on this historic, environmental legislation. It truly reflects a commitment to preserve our natural resources both today and in the future.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. Mr. Speaker, of course I want to rise in support of this important parks legislation and commend the bipartisan leadership of the chairman, and the ranking members and the committee members for moving this legislation.

I want to take a moment and note that this legislation contains a provision important to the south side of Chicago and the south suburbs of Chicago, a provision that directs the National Park Service to look at the feasibility of establishing an ecological park, a series of green ways linking the Indiana Dunes with the heritage corridor, a significant proposal because of its potential for establishing an urban park, open space and wildlife habitat and a rapidly growing older industrial area.

This proposal has locally strong bipartisan support from local conservation groups, elected officials and economic development organizations. Like the newly established tall grass prairie, the former Joliette Arsenal, the ecological park will become a major investment in the future of Illinois and the children of Illinois by setting aside open space and important wildlife habitat in an old urban area as well as a rapidly developing suburban area.

I thank the chairman and committee for their support, and I urge bipartisan support for this legislation.

Mr. MILLER of California. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am delighted to rise in support of this legislation, the Omnibus Park bill. This is, as many have already said, a product of bipartisan negotiations throughout many months, although it came down to the eleventh hour today, but throughout many months, over the provisions of this bill, and it makes some important additions and changes to our historic areas from San Francisco to Boston, from Alaska to Alabama.

I want to commend my colleagues and the chairman of the House Committee on Resources, the gentleman from Alaska [Mr. YOUNG] for his work and his patience, his patience in this effort. I know how he feels when we send bills to the Senate 1 year ago and 8 months ago and 6 months ago and they are never heard from until the eleventh hour. But because of his patience we are here tonight with this bill.

I want to thank the gentleman from New Mexico [Mr. RICHARDSON}, the ranking member of the Subcommittee on National Parks, Forests and Lands, the gentleman from Utah [Mr. HANSEN] for his effort as the chairman of the Subcommittee on National Parks, Forests and Lands, to the gentleman from New York [Mr. BOEHLERT], who was involved in brokering and helping to negotiate this, and to the gentleman from Ohio [Mr. REGULA] for his involvement and his perseverance on the matter of the Heritage Areas.

I also want to say that this bill also deals with the matter that is important to me, and that is that it authorizes $400 million to assure the implementation of crucial ecosystems restoration efforts to improve water quality, fishery and resources of San Francisco and Sacramento-San Juaquin Delta. This is an important step in implementing the Bay Area Accords that highlights the continuing success of the Central Valley Project Improvement Act of 1992 and moves us toward a consensus instead of conflict in California water policy, and I am particularly grateful for the bipartisan support that has been garnered for this effort.

Finally, let me say, Mr. Speaker, that this legislation started out as a single bill at one point, and that was to authorize the Presidio National Park in San Francisco, and I think every Member of this House knows how hard the gentlewoman from San Francisco [Ms. PELOSI] has worked on this effort. She has been absolutely tireless and relentless in her pursuit to see this, and I mean relentless as a compliment, in her pursuit to see this matter become law and to give a gift to this Nation of what is going to be one of the great, great national parks for visitors from across this Nation and from around the world as they visit this.

This is an effort to try to make sure that we can lessen the burden on the taxpayer and the operation of that park. And I also want to thank our Senators, Senator BOXER and Senator FEINSTEIN, for all of their effort, and I too want to recognize the effort of Judy Lemons in her support for this and her working on this and to John Lawrence and to Rick Healy for their negotiations today and to the minority staff.

Finally, let me say to the Members who are in strong support of this legislation, the gentleman from Alaska [Mr. YOUNG] knows that we were here in the last night of the last Congress and we lost many of these same projects, and we lost that effort. Those of my colleagues who are rising in strong support of this legislation, I would ask them to put in a kind word with their Senator on behalf of this legislation so these parks in some cases can be expanded or created and heritage areas can succeed, and I think this will turn out to be a major gift in terms of public lands management and to the people of this Nation.

Again, I want to thank all those who worked so terribly hard to get us here tonight and to Jeff Petrich, who worked very hard certainly on the Alaska provisions and was involved in these last hours of negotiations.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, how proud we should be of what we are about because this bill is exactly what the American people want, a parks bill that will benefit all areas of the country, a parks bill that will increase recreational and educational opportunities, a parks bill that will enhance environmental protection and most importantly for the long run, a parks bill that will ensure that future generations will have pristine areas to enjoy.

It is not easy putting this kind of package together. There are almost an infinite number of interests to balance. It is of necessity a lengthy and very difficult process.

I want to thank the gentleman from Alaska [Mr. YOUNG] and his staff for sticking to it, for continuing to work against all odds, for coming up with a final package that only the hypersensitive could quibble with on environmental grounds.

This is good legislation, this is a proud moment for this historic 104th Congress, and I urge my colleagues to give this measure the support it deserves.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Speaker, I rise in full support of this measure, and I urge my colleagues on both sides of the aisle to support the measure along with my colleagues, the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from New Jersey [Mr. MARTINI], the gentlewoman from New Jersey [Mrs. KELLY], and the gentleman from New Jersey [Mr. ZIMMER]. We have all worked long and hard for passage of this legislation that preserves Sterling Forest.

This 18,000-acre tract of land which stretches along the New York-New Jersey border is the last largely undeveloped forest in the New York Metropolitan Area, and it is our last chance to protect the watershed for the New Jersey-New York area. This legislation provides payments in lieu of taxes for those municipalities involved, which will be done by authorizing the Palisades Park Commission that managed Sterling Forest.

I want to thank the gentleman from Alaska [Mr. YOUNG], the chairman of the committee, the ranking minority leader, the gentleman from California [Mr. MILLER], as well as the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio, [Mr. REGULA], who have all worked hard in bringing this together, and I know it has been a difficult task, and I commend them for their work, as well as the gentlewoman from California [Ms. PELOSI], who brought us all together on her measure that made this measure move forward at this time.

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Accordingly, Mr. Speaker, I urge my colleagues to fully support this measure.

Mr. MILLER of California. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. FROST] for a somewhat related matter.

(Mr. FROST asked and was given permission to speak out of order and to revise and extend his remarks.)

CONGRATULATING TEXAS RANGERS ON LANDMARK SEASON

Mr. FROST. Mr. Speaker, 25 years ago the Washington Senators baseball team moved to Arlington, TX, in the heart of the 24th Congressional District.

For 25 seasons, that team—the Texas Rangers—played baseball without reaching the post-season playoffs. This Texas drought ended last night when the Texas Rangers won the Western Division of the American League.

No current team in major league baseball had played as many consecutive seasons without ever reaching post-season play.

There is joy today deep in the heart of Texas. I want to take this occasion to recognize the terrific season-long play of the Texas Rangers, the quiet steady leadership of their manager Johnny Oates and the skill of their front office headed by Club President Tom Schieffer.

The Rangers combined clutch hitting, excellent defense and improved pitching to take their first division crown. They enjoyed tremendous fan support in their new stadium, the ballpark, and now anxiously await their first post-season playoff series against the New York Yankees.

Congratulations Rangers on a landmark season.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS].

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

Mr. ROBERTS. Mr. Speaker, I have asked permission to revise and extend my remarks for the last time.

Mr. Speaker, like others before me, I rise to voice my strong support for the Omnibus Parks and Public Lands Act, and I also want to thank my chairman, the gentleman from Alaska [Mr. YOUNG], who has been an outstanding leader in this effort, the subcommittee chairman, the gentleman from Utah [Mr. HANSEN], a distinguished gentleman and friend, and that great athlete, the gentleman from California [Mr. MILLER], for his help in regards to this bill.

Mr. Speaker, I am interested in this because it contains a particular park designation, the Tallgrass Prairie National Preserve Act, that will create the first and only unit of the national park system solely devoted to the preservation of the tallgrass prairie ecosystem.

Mr. Speaker, like others have already stated on the floor, if the good Lord and certain Senators are willing, we will get this package through. I would urge my colleagues to contact everyone in the other body to that goal.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I rise in strong support of this parks bill, which I believe and I think people on both sides believe is one of the finest parks bills to ever pass this Congress in the long history of our great country.

I want to commend the chairmen, the gentleman from Alaska [Mr. YOUNG], the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. REGULA], and everyone on both sides of the aisle who worked so hard to put this package together. I urge its passage here, and I urge its passage in the U.S. Senate.

In my district, the Blackstone River Valley National Heritage Corridor has been reauthorized in this bill for 10 years. It is a tremendous public-private partnership that has done tremendous things for the environment, for economic development, for job creation. Now the great city of Worcester will be included in the headwaters, as the headwaters of the Blackstone River Valley National Heritage Corridor.

Near the southern tip of my district, the New Bedford Historical Whaling Park that myself and the gentleman from Massachusetts [Mr. FRANK] and so many others have supported for so long will now come to fruition if we can get this passed through the Senate.

Mr. Speaker, I think this is a tremendous bill for the entire country and it is a great environmental bill because these parks and heritage corridors will keep land open, and open space for our citizens for years and years and decades to come. I rise in strong support.

I think we all owe a great debt of gratitude to everyone on both sides of the aisle who worked on this bill, but particularly Chairman YOUNG, Chairman HANSEN, and Chairman REGULA, who really went to the mat for this bill and worked very, very hard. I also commend the ranking member and the administration for coming along with us.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BAKER], one of the leaders in this effort.

Mr. BAKER of California. Mr. Speaker, I rise in strong support of the omnibus parks bill. This bill includes provisions which are vital to the heritage and habitat of the San Francisco Bay area.

H.R. 1296 includes my bill, H.R. 4126, the California Bay Delta Environmental Enhancement and Water Security Act. I thank the chairman, the gentleman from Alaska [Mr. YOUNG] for including these provisions of Federal matching funds for proposition 204 on the ballot this November in California.

This historic agreement will authorize $430 million for fiscal year 1998 through 2000 for ecosystem protection and restoration of the San Francisco Bay Delta region. I have worked with the environmental community and California water districts to craft H.R. 4126, which is cosponsored by 48 California Members.

Further, I have worked closely with the gentlewoman from California [Ms. PELOSI] in support of the Presidio provisions of this bill, which will protect the Presidio in a sound and cost-effective manner. These provisions will preserve the Presidio of California for generations to come. I appreciate her leadership.

I hope that the Members will join this bipartisan contingency of bay area legislators who see this bill as key to the environment and historic preservation of northern California.

Mr. Speaker, I would like to close by saying this: What Congress in the last 50 years has included more park projects for the opposing party than this bipartisan 104th Congress?

Again, Mr. Speaker, my thanks to Chairman YOUNG and the ranking member, the gentleman from California, Mr. MILLER, my neighbor to the north, for this wonderful bill. I fully support it and hope that the Senate will join us.

Mr. MILLER of California. Mr. Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I am so delighted that the Presidio bill, which has been on the floor over and over again, is finally, hopefully, going to become law. I am glad it is such a strong engine to bring some other things along.

It was said about the Presidio in its life as an Army base that a shot was never fired in anger from the Presidio, or at the Presidio. As much as I thought we would come close, that seems to be true about the Presidio legislation again, thanks to the calm nature of the chairman and the ranking member of the committee.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I want to thank the gentleman from California [Mr. MILLER] and all those who have worked very hard on this legislation. It is not everything I wanted. As I stressed before, we will be back. MacArthur said that, and he came back, and I will come back with a bigger and better army, and we will achieve those goals.

I think it is important to understand one thing. There is little in this bill for this chairman. Most of this is, very frankly, in areas that passed the House, and as the gentlewoman from San Francisco said, this is a strong train with the Presidio, but most all of this legislation already passed the House.

It is the unworkable situation that occurs in the other body, where the holds can be put on and on and on, that really, I think, hurts the process. Somewhere and somehow we have to expedite that process so when the House speaks, at least there should be a time limit to return the bill to the floor. It is unfair to tie everything, very frankly, to one horse. It is not the correct way to legislate. We have done

that. Hopefully the Senate will see the wisdom of adopting it, and we will go on next year and hope to do bigger and greater things.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of H.R. 4236, the omnibus parks bill. This bipartisan legislation will improve the lives of thousands of Americans. I am particularly interested in this legislation because it includes a provision, the Hanford Reach Preservation Act, which impacts my district directly. I want to thank my fellow colleagues on the House Resources Committee, in particular Chairman YOUNG and Subcommittee Chairman HANSEN, for their hard work on this legislation.

Mr. Speaker, the Hanford Reach Preservation Act makes permanent the current moratorium on dam building, channeling, and navigational projects along the stretch of the Columbia River known as the Hanford Reach. Located in the heart of my Central Washington Congressional District, the Hanford Reach is regarded by many as the last free flowing stretch of the Columbia River. Running through the Hanford Nuclear Reservation, the Reach is also the location of some of the healthiest salmon runs anywhere in the Pacific Northwest.

For the past 8 years, the Federal Government has played an important role in protecting the Reach by prohibiting its agencies from constructing dams, channels, and other projects on this part of the River. The provision included in this bill permanently extends the current moratorium on these activities that is set to expire November 6, 1996.

The Hanford Reach Preservation Act will make a significant contribution to the continued protection of this pristine area. While more needs to be resolved within the local community before this area is completely protected, this language is a positive step in the right direction.

H.R. 4236 also includes a number of other positive proposals which improve the condition of our national parks, schools, and rivers. I also support this bill for what is not included in the package, namely a provision to establish a National Heritage Area program. While I have serious concerns about the individual heritage area designations in this bill, I am relieved that private property owners in my district will not have to worry about such designations infringing upon their Fifth Amendment rights.

Again, I thank my colleagues for their assistance and strongly urge the House to vote in favor of this measure. I yield back the balance of my time.

Mrs. CHENOWETH. Mr. Speaker, there are few people in this Congress that I have more respect for than the chairman of the House Resources Committee, DON YOUNG, and some of the other hardworking members of the Committee.

But I must oppose this so-called Presidio Package, H.R. 4236. Although there are many good things in this bill—badly needed boundary adjustments and local land exchange benefiting many worthy communities, to name a few—I simply cannot vote for a bill that creates five (5) new national parks, establishes as many as eleven (11) heritage areas, and facilities any number of other Federal designations that expand Federal ownership and control over public and private property. I would consider anything but a ''No'' vote on H.R. 4236 a dereliction of my duty as a Member of Congress from Idaho who came to this body promising to rein in our ever-expanding Federal Government. Although my Chairman and other Members speak eloquently of this compromise package, when boiled down to its essence, this bill expands the Federal Government's control on our land base.

Mr. Speaker, I would also like to object to the method by which this more than 600 page bill was brought to the Floor. H.R. 4236 was introduced yesterday. Although it was debated passed and considered in a Conference Committee as H.R. 1296, H.R. 4236 included provisions I've never seen. For example, the last version of H.R. 1296 made available to me or my staff included only two (2) heritage areas. However, it is my understanding that today's H.R. 4236 includes as many as eleven (11). Heritage Areas are a concern for me. In fact, from my perspective, H.R. 4236 has been crafted with a great deal of secrecy. I must ask Mr. Speaker, what else is included?

Lastly, Mr. Speaker, I am compelled to point out that, although there are five (5) specified Idaho projects, H.R. 4236 represents a compilation of measures supported by Members with very little interest or understanding of our public lands. I recognize that this so-called Omnibus Parks Bill is the result of a long difficult process. However, it has been pointed out that an Omnibus Bill was necessary because concerns, Senatorial holds, environmental community opposition and other legislative hurdles plugged the bills' legislative process. In total, it was argued tonight, an Omnibus bill was necessary to gain the legislative momentum to clear all hurdles. But I would ask, Mr. Speaker, that the Members would take a few moments to reflect on the difficulty by which this bill came to the Floor, and then to translate that difficulty to what a public lands state faces every time it must deal with the Federal Government. It is no different, and arguably worse.

Again, Mr. Speaker, I must oppose this measure and would hope the Members consider where we are going as a nation when we look up our resources.

Mr. WOLF. Mr. Speaker, I rise in strong support of this omnibus parks bill. It is good for the environment, preserves our natural, historic, and cultural resources, protects and improves our National Park System, and benefits tourism and business throughout the country. I urge its swift passage in the other body, and urge the President to sign this important legislation.

We are in the final hours of the 2d session of the historic 104th Congress and still have a good deal of business to conduct. I want my colleagues to know, on both sides of the isle, that I appreciate your hard work and tireless efforts as the Nation's business comes to a close. I want to recognize the efforts of Representatives YOUNG, HANSEN, REGULA, and MILLER for working together on a compromise package that should be signed by the President. I also appreciate the efforts of Senators WARNER and ROBB and Congressman GOODLATTE. Finally, I want to recognize the effort of the staff who worked on this legislation and who share our commitment to passing a meaningful parks bill this Congress.

Mr. Speaker, I recall the waning hours of the 103d Congress when the so-called Vento parks package was stalled. There were many talks and negotiations in the final hours, much like the negotiations which occurred last night and today. Members of Congress and staff were running back and forth from House to House and office to office trying to find a workable compromise. We were so close, but, at about midnight on the last day of the session, the gravel dropped and Congress adjourned without passing a parks bill.

That was a disappointing night. It was disappointing because all the hard work residents and leaders in the valley have put into preserving these important sites had to wait for another day. After that day, the citizens of the valley and I became even more determined to see this project through to the end. This is the culmination of years of work in the valley and it is a credit to their hard work.

So here we are, in the final hours of the 104th Congress, poised to pass legislation which would create the Shenandoah Valley Battlefields National Historic District. This is the culmination of 5 years of work, and it is my sincere hope that the Senate will pass this compromise in the coming days before the Congress adjourns sine die.

Mr. Speaker, I introduce legislation in the beginning of the 103d Congress and 104th Congress to protect these valley battlefield sites. Senators WARNER and ROBB introduced companion legislation in the Senate. After working with the administration, and other Members of Congress, a compromise was fashioned which passed the House in September 18, 1995, by a vote of 377 to 31 (H.R. 1091). As the body knows, Congressmen YOUNG and HANSEN were on the floor week after week after week passing park related measures, but the other body, for one reason or another, did not pass these bills. Finally, a package was put together with over 130 parks related provisions, the conference closed, and a veto threat issued.

Many thought the bill was doomed, but as I already stated, a group of members and staff stuck it out late at night to fashion a compromise. This legislation, if passed, will create the Shenandoah Valley Battlefields National Historic District—a one of a kind affiliated unit of the National Park Service. This legislation forms a partnership with Federal, State, and local governments to preserve, conserve, protect, and interpret the historically significant Shenandoah Valley Civil War sites. Specifically, it will protect the two major valley campaigns—the Thomas J. ''Stonewall'' Jackson Valley campaign of 1862 and the decisive Philip Sheridan campaign of 1864—are the major Civil War battlefields not yet preserved.

Mr. Speaker, I, again, would like to thank and congratulate all parties for their hard work and urge support for this legislation and its swift passage. In particular, I would like to thank, William Moschella of my staff. Without his perseverance in negotiations, skill at legislative drafting, and willingness to find solutions to new problems, we would not be here today.

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

The SPEAKER pro tempore (Mr. BURTON of Indiana). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4236, as amended.

The question was taken.

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and yeas.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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. 4236.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4236, OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes to the engrossment of the bill, H.R. 4236.

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

There was no objection.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 4233, SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill (H.R. 4233) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 4233.

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

A motion to reconsider was laid on the table.

CONCURRING IN SENATE AMENDMENT TO H.R. 2799, SAVINGS IN CONSTRUCTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2779) to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects, and for other purposes.

The Clerk read as follows:

Senate amendment:

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 measurements in its procurement, 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) In accordance with that Act and Executive Order 12770, of July 25, 1991, Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers.

SEC. 3. DEFINITIONS.

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

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking ''Commerce.'' in paragraph (4) and inserting ''Commerce;''; and

(3) by inserting after paragraph (4) the following:

''(5) 'full and open competition' has the same meaning as defined in section 403(6) of title 41, United States Code;

''(6) 'total installed price' means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

''(7) '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;

''(8) 'cost or pricing data or price analysis' has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b); and

''(9) 'Federal facility' means any public building (as defined under section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) and shall include any Federal building or construction project—

''(A) on lands in the public domain;

''(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

''(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

''(D) on or used in connection with housing and residential projects;

''(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

''(F) on installations of the Department of Veteran Affairs used for hospital or domiciliary purposes; or

''(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal Building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.''.

SEC. 4. IMPLEMENTATION IN ACQUISITION OF FEDERAL FACILITIES.

(a) The Metric Conversion Act of 1975 (15 U.S.C. 205 et sec.) is amended by inserting after section 13 the following new section:

''SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

''(a) IN GENERAL.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and section 3(2) of this Act. Determination of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c)). If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or section 314B of the Federal Property and Administrative Services Act of 1949, then the provisions of 2377 or 314B shall take precedence.

''(b) CONCRETE MASONRY UNITS.—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 the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

''(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

''(2) the following 2 criteria are met:

''(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

''(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

''(c) RECESSED LIGHTING FIXTURES.—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 the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

''(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

''(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

''(3) the following 2 criteria are met:

''(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

''(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

''(d) LIMITATION.—The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

''(e) EXPIRATION.—The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996.''.

SEC. 5. OMBUDSMAN.

Section 14 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:

''(f) AGENCY OMBUDSMAN.—(1) The head of each executive agency that awards construction contracts within the United States and its territories 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 contracts for the construction of Federal buildings; and

''(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

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 while ensuring that the goals of the Metric Conversion Act of 1975 are observed.

''(3) The ombudsman shall respond to each complaint in writing within 60 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) whether the agency is adequately applying the policies and procedures in this section;

''(B) whether the availability of hard-metric products and services from United States firms is sufficient to ensure full and open competition; and

''(C) the total installed price 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.

''(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31, United States Code.''.

SEC. 6. EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] will each control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, we will be very brief on this. Mr. Speaker, this particular bill is exactly the same as the one that the House just passed by voice vote that we considered earlier today, but the bill that we have before us in this form passed the Senate this afternoon with the same language. This is the final clearance of the bill to send it to the President. This has been cleared by the minority, and I know of no controversy in handling it this way.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks of the gentleman from Pennsylvania [Mr. WALKER] and I urge that we pass this bill for the third or fourth time. It is identical to what we have passed before.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and concur in the Senate amendment to H.R. 2779.

The question was taken; and (two-thirds of those having voted in favor therefore) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997, AND PASSAGE OF H.R. 4278, OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report to accompany the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read, and upon adoption of the conference report, notwithstanding any rule of the House to the contrary, the bill, H.R. 4278, making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes, be considered as passed.

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

There was no objection.

FUNDING FOR TV MARTI IN OMNIBUS APPROPRIATIONS BILL

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

Mr. SKAGGS. Mr. Speaker, given the business just concluded, we will be taking up shortly a bill that includes essentially an omnibus appropriations bill for the next fiscal year. It will come as no surprise that some things have survived in this pending omnibus spending bill which are an absolute, total, and incredible waste of money. At the top of that list is continued funding for TV Marti.

Mr. Speaker, this program is a fraud on the taxpayers. It purports to broadcast news about Cuba to Cuba from south Florida. But the travesty is that no one, absolutely no one, sees these broadcasts because of jamming by the Castro regime.

Even though the Committee on Appropriations agreed on a 2 to 1 bipartisan vote in the House to kill this boondoggle, it is back. After throwing away some $100 million over the last several years on this failed experiment, we are about to blow another $12 million or $15 million next year.

Mr. Speaker, this program continues in spite of all evidence, three or four independent investigations, that it is a total flop. It is a shame, Mr. Speaker, that this travesty continues.

□ 1845

RECESS

The SPEAKER pro tempore (Mr. BURTON of Indiana). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 7 p.m.

Accordingly (at 6 o'clock and 45 minutes p.m.), the House stood in recess until approximately 7 p.m.

□ 1902

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WALKER] at 7 o'clock and 2 minutes p.m.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the pending business is the question of agreeing to 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, 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, and then on the motion for the previous question on House Resolution 546.

Votes will be taken in the following order: H.R. 1332 by the yeas and nays; H.R. 1363 by the yeas and nays; H.R. 4236 by the yeas and nays; and the previous question on House Resolution 546, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series, except on the last question listed.

OMNIBUS INSULAR AREAS ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1332, 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 California [Mr. GALLEGLY] that the House suspend the rules and pass the bill, H.R. 1332, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 5, not voting 30, as follows:

[Roll No. 451]

YEAS—398

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
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
Quinn
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
Saxton
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
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
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)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—5

Chenoweth
Cooley
Radanovich
Scarborough
Stockman

NOT VOTING—30

Baker (LA)
Berman
Bliley
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Cubin
DeFazio
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Gephardt
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Markey
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

□ 1925

Messrs. RADANOVICH, SCARBOROUGH, and STOCKMAN changed their vote from ''yea'' to ''nay.''

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.

The SPEAKER pro tempore (Mr. WALKER). Without objection, a motion to reconsider is laid on the table.

Mr. THOMAS. Mr. Speaker, I object.

The SPEAKER pro tempore. The Chair having voted on the prevailing side will put the question on the motion to reconsider the motion by which the rules were suspended and the bill was passed.

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

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. Those in favor of a recorded vote will please stand.

An insufficient number having arisen, a recorded vote is refused.

The motion to reconsider is not agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

TREATMENT OF CERTAIN FEDERAL EMPLOYEES AT FEDERAL HYDROELECTRIC FACILITY ON COLUMBIA RIVER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3163.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS] that the House suspend the rules and pass the bill, H.R. 3163, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 199, nays 209, not voting 25, as follows:

[Roll No. 452]

YEAS—199

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Buyer
Calvert
Camp
Canady
Chabot
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dicks
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Stockman
Talent
Tate
Tauzin
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—209

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bevill
Bilbray
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Burton
Callahan
Campbell
Castle
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Cooley
Costello
Coyne
Cramer
Crane
Cummings
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dickey
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—25

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

Mrs. JOHNSON of Connecticut changed her vote from ''yea'' to ''nay.''

So (two-thirds having not voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Mr. THOMAS. I object.

The SPEAKER pro tempore (Mr. WALKER). I would say to the gentleman from California [Mr. THOMAS] there is no unanimous-consent request on the floor to object to.

Mr. THOMAS. Did the Speaker not ask that there be no objection to suspending the rules and placing it on the table?

The SPEAKER pro tempore. The Chair has not made such a statement. On a negative vote on a motion to suspend the rules, there is no motion to reconsider.

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4236, 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 4236, 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 404, nays 4, not voting 25, as follows:

[Roll No. 453]

YEAS—404

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
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
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis

McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
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
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
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
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)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Chenoweth
Coburn
Stockman
Taylor (MS)

NOT VOTING—25

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Doolittle
Durbin
Filner
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
Lincoln
Menendez
Myers
Quillen
Rose
Taylor (NC)
Waters
Waxman

□ 1946

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.

The SPEAKER pro tempore (Mr. WALKER). Without objection, a motion to reconsider is laid on the table.

Mr. THOMAS. Mr. Speaker, I object.

Mr. REGULA. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. HANSEN moves to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] to lay on the table the motion to reconsider.

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

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

The yeas and nays were refused.

So the motion to lay the motion to reconsider on the table was agreed to.

PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR ADJOURNMENT SINE DIE

The SPEAKER pro tempore. The pending business is the question de novo on ordering the previous question on House Resolution 546.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to insert material in the RECORD at this point.

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

There was no objection.

The material referred to is as follows:

Mr. MOAKLEY. Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. This provision would require that the 104th Congress be reconvened on the first Monday after the Special Counsel submits his report on the Speaker to the Investigative Subcommittee of the Committee on Standards of Official Conduct. This would ensure that Members of the 104th Congress have an opportunity to act upon the findings of this special investigation.

I believe it is imperative that the House take this action now to guarantee we can consider the Special Counsel's report. Let me make it clear to my colleagues, both Democrats and Republicans, that defeating the previous question and adopting this amendment is the only way to guarantee that the 104th Congress will be able to act on this matter.

I ask unanimous consent that the text of this amendment be entered into the RECORD at this point in the debate.

Vote "no" on the previous question.

At the end of the resolution add the following new section:

"SEC. 10. The House of Representatives shall reconvene on the first Monday after the submission of the Special Counsel's report on Speaker Newt Gingrich to the Investigative Subcommittee of the Committee on Standards of Official Conduct."

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 183, not voting 27, as follows:

[Roll No. 454]

YEAS—223

Allard
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—183

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Ford
Frost
Furse
Gejdenson

Gephardt	Martinez	Roemer
Geren	Mascara	Roybal-Allard
Gibbons	Matsui	Rush
Gonzalez	McCarthy	Sabo
Gordon	McDermott	Sanders
Gutierrez	McHale	Sawyer
Hall (OH)	McKinney	Schroeder
Hamilton	McNulty	Schumer
Harman	Meehan	Scott
Hastings (FL)	Meek	Serrano
Hefner	Millender-McDonald	Sisisky
Hilliard	Miller (CA)	Skaggs
Hinchey	Minge	Skelton
Holden	Mink	Slaughter
Hoyer	Moakley	Spratt
Hutchinson	Mollohan	Stark
Jackson (IL)	Montgomery	Stenholm
Jackson-Lee (TX)	Moran	Stokes
Jacobs	Murtha	Studds
Jefferson	Nadler	Stupak
Johnson (SD)	Neal	Tanner
Johnson, E. B.	Oberstar	Taylor (MS)
Johnston	Obey	Tejeda
Kanjorski	Olver	Thompson
Kaptur	Ortiz	Thornton
Kennedy (MA)	Orton	Thurman
Kennedy (RI)	Owens	Torres
Kennelly	Pallone	Torricelli
Kildee	Pastor	Towns
Kleczka	Payne (NJ)	Traficant
Klink	Payne (VA)	Velazquez
LaFalce	Pelosi	Vento
Lantos	Peterson (FL)	Visclosky
Levin	Peterson (MN)	Volkmer
Lewis (GA)	Pickett	Ward
Lipinski	Pomeroy	Watt (NC)
Lofgren	Poshard	Williams
Lowey	Rahall	Wilson
Luther	Rangel	Wise
Maloney	Reed	Woolsey
Manton	Richardson	Wynn
Markey	Rivers	Yates

NOT VOTING—27

Archer	Doolittle	Heineman
Baker (LA)	Durbin	Lincoln
Berman	Filner	Menendez
Blumenauer	Fowler	Myers
Boucher	Frank (MA)	Quillen
Cardin	Gekas	Rose
Collins (MI)	Green (TX)	Taylor (NC)
Conyers	Hancock	Waters
Dellums	Hayes	Waxman

□ 2005

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 546, House Resolution 551 is adopted.

Pursuant to section 4 of House Resolution 546, House Resolution 552 is adopted.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4148

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Nebraska [Mr. BARRETT] as a cosponsor of H.R. 4148.

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

There was no objection.

CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

Mr. BLILEY submitted the following conference report and statement on the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation:

CONFERENCE REPORT

(H. REPT. 104–864)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005), to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Securities Markets Improvement Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Severability.

TITLE I—CAPITAL MARKETS

Sec. 101. Short title.
Sec. 102. Creation of national securities markets.
Sec. 103. Broker-dealer exemptions from State law.
Sec. 104. Broker-dealer funding.
Sec. 105. Exemptive authority.
Sec. 106. Promotion of efficiency, competition, and capital formation.
Sec. 107. Privatization of EDGAR.
Sec. 108. Improving coordination of supervision.
Sec. 109. Increased access to foreign business information.

TITLE II—INVESTMENT COMPANY ACT AMENDMENTS

Sec. 201. Short title.
Sec. 202. Funds of funds.
Sec. 203. Flexible registration of securities.
Sec. 204. Facilitating use of current information in advertising.
Sec. 205. Variable insurance contracts.
Sec. 206. Reports to the Commission and shareholders.
Sec. 207. Books, records, and inspections.
Sec. 208. Prohibition on deceptive investment company names.
Sec. 209. Amendments to definitions.
Sec. 210. Performance fees exemptions.

TITLE III—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

Sec. 301. Short title.
Sec. 302. Funding for enhanced enforcement priority.
Sec. 303. Improved supervision through State and Federal cooperation.
Sec. 304. Interstate cooperation.
Sec. 305. Disqualification of convicted felons.
Sec. 306. Investor access to information.
Sec. 307. Continued State authority.
Sec. 308. Effective date.

TITLE IV—SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Authorization of appropriations.
Sec. 404. Registration fees.
Sec. 405. Transaction fees.
Sec. 406. Time for payment.
Sec. 407. Sense of the Congress concerning fees.

TITLE V—REDUCING THE COST OF SAVING AND INVESTMENT

Sec. 501. Exemption for economic, business, and industrial development companies.
Sec. 502. Intrastate closed-end investment company exemption.
Sec. 503. Definition of eligible portfolio company.
Sec. 504. Definition of business development company.
Sec. 505. Acquisition of assets by business development companies.
Sec. 506. Capital structure amendments.
Sec. 507. Filing of written statements.
Sec. 508. Church employee pension plans.
Sec. 509. Promoting global preeminence of American securities markets.
Sec. 510. Studies and reports.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Commission'' means the Securities and Exchange Commission; and

(2) the term ''State'' has the same meaning as in section 3 of the Securities Exchange Act of 1934.

SEC. 3. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—CAPITAL MARKETS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Capital Markets Efficiency Act of 1996''.

SEC. 102. CREATION OF NATIONAL SECURITIES MARKETS.

(a) IN GENERAL.—Section 18 of the Securities Act of 1933 (15 U.S.C. 77r) is amended to read as follows:

''SEC. 18. EXEMPTION FROM STATE REGULATION OF SECURITIES OFFERINGS.

''(a) SCOPE OF EXEMPTION.—Except as otherwise provided in this section, no law, rule, regulation, or order, or other administrative action of any State or any political subdivision thereof—

''(1) requiring, or with respect to, registration or qualification of securities, or registration or qualification of securities transactions, shall directly or indirectly apply to a security that—

''(A) is a covered security; or

''(B) will be a covered security upon completion of the transaction;

''(2) shall directly or indirectly prohibit, limit, or impose any conditions upon the use of—

''(A) with respect to a covered security described in subsection (b), any offering document that is prepared by or on behalf of the issuer; or

''(B) any proxy statement, report to shareholders, or other disclosure document relating to a covered security or the issuer thereof that is required to be and is filed with the Commission or any national securities organization registered under section 15A of the Securities Exchange Act of 1934, except that this subparagraph does not apply to the laws, rules, regulations, or orders, or other administrative actions of the State of incorporation of the issuer; or

''(3) shall directly or indirectly prohibit, limit, or impose conditions, based on the merits of such offering or issuer, upon the offer or sale of any security described in paragraph (1).

''(b) COVERED SECURITIES.—For purposes of this section, the following are covered securities:

''(1) EXCLUSIVE FEDERAL REGISTRATION OF NATIONALLY TRADED SECURITIES.—A security is a covered security if such security is—

''(A) listed, or authorized for listing, on the New York Stock Exchange or the American Stock Exchange, or listed on the National Market System of the Nasdaq Stock Market (or any successor to such entities);

''(B) listed, or authorized for listing, on a national securities exchange (or tier or segment thereof) that has listing standards that the Commission determines by rule (on its own initiative or on the basis of a petition) are substantially similar to the listing standards applicable to securities described in subparagraph (A); or

''(C) is a security of the same issuer that is equal in seniority or that is a senior security to a security described in subparagraph (A) or (B).

''(2) EXCLUSIVE FEDERAL REGISTRATION OF INVESTMENT COMPANIES.—A security is a covered security if such security is a security issued by an investment company that is registered, or that has filed a registration statement, under the Investment Company Act of 1940.

''(3) SALES TO QUALIFIED PURCHASERS.—A security is a covered security with respect to the offer or sale of the security to qualified purchasers, as defined by the Commission by rule. In prescribing such rule, the Commission may define the term 'qualified purchaser' differently with respect to different categories of securities, consistent with the public interest and the protection of investors.

''(4) EXEMPTION IN CONNECTION WITH CERTAIN EXEMPT OFFERINGS.—A security is a covered security with respect to a transaction that is exempt from registration under this title pursuant to—

''(A) paragraph (1) or (3) of section 4, and the issuer of such security files reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

''(B) section 4(4);

''(C) section 3(a), other than the offer or sale of a security that is exempt from such registration pursuant to paragraph (4) or (11) of such section, except that a municipal security that is exempt from such registration pursuant to paragraph (2) of such section is not a covered security with respect to the offer or sale of such security in the State in which the issuer of such security is located; or

''(D) Commission rules or regulations issued under section 4(2), except that this subparagraph does not prohibit a State from imposing notice filing requirements that are substantially similar to those required by rule or regulation under section 4(2) that are in effect on September 1, 1996.

''(c) PRESERVATION OF AUTHORITY.—

''(1) FRAUD AUTHORITY.—Consistent with this section, the securities commission (or any agency or office performing like functions) of any State shall retain jurisdiction under the laws of such State to investigate and bring enforcement actions with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.

''(2) PRESERVATION OF FILING REQUIREMENTS.—

''(A) NOTICE FILINGS PERMITTED.—Nothing in this section prohibits the securities commission (or any agency or office performing like functions) of any State from requiring the filing of any document filed with the Commission pursuant to this title, together with annual or periodic reports of the value of securities sold or offered to be sold to persons located in the State (if such sales data is not included in documents filed with the Commission), solely for notice purposes and the assessment of any fee, together with a consent to service of process and any required fee.

''(B) PRESERVATION OF FEES.—

''(i) IN GENERAL.—Until otherwise provided by law, rule, regulation, or order, or other administrative action of any State, or any political subdivision thereof, adopted after the date of enactment of the Capital Markets Efficiency Act of 1996, filing or registration fees with respect to securities or securities transactions shall continue to be collected in amounts determined pursuant to State law as in effect on the day before such date.

''(ii) SCHEDULE.—The fees required by this subparagraph shall be paid, and all necessary supporting data on sales or offers for sales required under subparagraph (A), shall be reported on the same schedule as would have been applicable had the issuer not relied on the exemption provided in subsection (a).

''(C) AVAILABILITY OF PREEMPTION CONTINGENT ON PAYMENT OF FEES.—

''(i) IN GENERAL.—During the period beginning on the date of enactment of the National Securities Market Improvement Act of 1996 and ending 3 years after that date of enactment, the securities commission (or any agency or office performing like functions) of any State may require the registration of securities issued by any issuer who refuses to pay the fees required by subparagraph (B).

''(ii) DELAYS.—For purposes of this subparagraph, delays in payment of fees or underpayments of fees that are promptly remedied shall not constitute a refusal to pay fees.

''(D) FEES NOT PERMITTED ON LISTED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(1), or will be such a covered security upon completion of the transaction, or is a security of the same issuer that is equal in seniority or that is a senior security to a security that is a covered security pursuant to subsection (b)(1).

''(3) ENFORCEMENT OF REQUIREMENTS.—Nothing in this section shall prohibit the securities commission (or any agency or office performing like functions) of any State from suspending the offer or sale of securities within such State as a result of the failure to submit any filing or fee required under law and permitted under this section.

''(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) OFFERING DOCUMENT.—The term 'offering document'—

''(A) has the meaning given the term 'prospectus' in section 2(10), but without regard to the provisions of subparagraphs (A) and (B) of that section; and

''(B) includes a communication that is not deemed to offer a security pursuant to a rule of the Commission.

''(2) PREPARED BY OR ON BEHALF OF THE ISSUER.—Not later than 6 months after the date of enactment of the Securities Amendments Act of 1996, the Commission shall, by rule, define the term 'prepared by or on behalf of the issuer' for purposes of this section.

''(3) STATE.—The term 'State' has the same meaning as in section 3 of the Securities Exchange Act of 1934.

''(4) SENIOR SECURITY.—For purposes of this paragraph, the term 'senior security' means any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness, and any stock of a class having priority over any other class as to distribution of assets or payment of dividends.''.

(b) STUDY AND REPORT ON UNIFORMITY.—The Commission shall conduct a study, after consultation with States, issuers, brokers, and dealers, on the extent to which uniformity of State regulatory requirements for securities or securities transactions has been achieved for securities that are not covered securities (within the meaning of section 18 of the Securities Act of 1933, as amended by paragraph (1) of this subsection). Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of such study.

SEC. 103. BROKER-DEALER EXEMPTIONS FROM STATE LAW.

(a) IN GENERAL.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

''(h) LIMITATIONS ON STATE LAW.—

''(1) CAPITAL, MARGIN, BOOKS AND RECORDS, BONDING, AND REPORTS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof shall establish capital, custody, margin, financial responsibility, making and keeping records, bonding, or financial or operational reporting requirements for brokers, dealers, municipal securities dealers, government securities brokers, or government securities dealers that differ from, or are in addition to, the requirements in those areas established under this title. The Commission shall consult periodically the securities commissions (or any agency or office performing like functions) of the States concerning the adequacy of such requirements as established under this title.

''(2) DE MINIMIS TRANSACTIONS BY ASSOCIATED PERSONS.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof may prohibit an associated person of a broker or dealer from affecting a transaction described in paragraph (3) for a customer in such State if—

''(A) such associated person is not ineligible to register with such State for any reason other than such a transaction;

''(B) such associated person is registered with a registered securities association and at least one State; and

''(C) the broker or dealer with which such person is associated is registered with such State.

''(3) DESCRIBED TRANSACTIONS.—

''(A) IN GENERAL.—A transaction is described in this paragraph if—

''(i) such transaction is effected—

''(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintained an account with the broker or dealer; and

''(II) by an associated person of the broker or dealer—

''(aa) to which the customer was assigned for 14 days prior to the day of the transaction; and

''(bb) who is registered with a State in which the customer was a resident or was present for at least 30 consecutive days during the 1-year period prior to the day of the transaction;

''(ii) the transaction is effected—

''(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintains an account with the broker or dealer; and

''(II) during the period beginning on the date on which such associated person files an application for registration with the State in which the transaction is effected and ending on the earlier of—

''(aa) 60 days after the date on which the application is filed; or

''(bb) the date on which such State notifies the associated person that it has denied the application for registration or has stayed the pendency of the application for cause.

''(B) RULES OF CONSTRUCTION.—For purposes of subparagraph (A)(i)(II)—

''(i) each of up to 3 associated persons of a broker or dealer who are designated to effect transactions during the absence or unavailability of the principal associated person for a customer may be treated as an associated person to which such customer is assigned; and

''(ii) if the customer is present in another State for 30 or more consecutive days or has permanently changed his or her residence to another State, a transaction is not described in this paragraph, unless the association person of the broker or dealer files an application for registration with such State not later than 10 business days after the later of the date of the transaction, or the date of the discovery of the presence of the customer in the other State for 30 or more consecutive days or the change in the customer's residence.''.

(b) TECHNICAL AMENDMENT.—Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended by striking ''Nothing'' and inserting ''Except as otherwise specifically provided in this title, nothing''.

SEC. 104. BROKER-DEALER FUNDING.

(a) MARGIN REQUIREMENTS.—

(1) EXTENSIONS OF CREDIT BY BROKER-DEALERS.—Section 7(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(c)) is amended to read as follows:

''(c) UNLAWFUL CREDIT EXTENSION TO CUSTOMERS.—

''(1) PROHIBITION.—It shall be unlawful for any member of a national securities exchange or any broker or dealer, directly or indirectly, to extend or maintain credit or arrange for the extension or maintenance of credit to or for any customer—

''(A) on any security (other than an exempted security), in contravention of the rules and regulations which the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the 'Board') shall prescribe under subsections (a) and (b); and

''(B) without collateral or on any collateral other than securities, except in accordance with such rules and regulations as the Board may prescribe—

''(i) to permit under specified conditions and for a limited period any such member, broker, or dealer to maintain a credit initially extended in conformity with the rules and regulations of the Board; and

''(ii) to permit the extension or maintenance of credit in cases where the extension or maintenance of credit is not for the purpose of purchasing or carrying securities or of evading or circumventing the provisions of subparagraph (A).

''(2) EXCEPTION.—This subsection and the rules and regulations issued under this subsection shall not apply to any credit extended, maintained, or arranged by a member of a national securities exchange or a broker or dealer to or for a member of a national securities exchange or a registered broker or dealer—

''(A) a substantial portion of whose business consists of transactions with persons other than brokers or dealers; or

''(B) to finance its activities as a market maker or an underwriter;

except that the Board may impose such rules and regulations, in whole or in part, on any credit otherwise exempted by this paragraph if the Board determines that such action is necessary or appropriate in the public interest or for the protection of investors.''.

(2) EXTENSIONS OF CREDIT BY OTHER LENDERS.—Section 7(d) of the Securities Exchange Act of 1934 (78 U.S.C. 78g(d)) is amended to read as follows:

''(d) UNLAWFUL CREDIT EXTENSION IN VIOLATION OF RULES AND REGULATIONS; EXCEPTION TO APPLICATION OF RULES, ETC.—

''(1) PROHIBITION.—It shall be unlawful for any person not subject to subsection (c) to extend or maintain credit or to arrange for the extension or maintenance of credit for the purpose of purchasing or carrying any security, in contravention of such rules and regulations as the Board shall prescribe to prevent the excessive use of credit for the purchasing or carrying of or trading in securities in circumvention of the other provisions of this section. Such rules and regulations may impose upon all loans made for the purpose of purchasing or carrying securities limitations similar to those imposed upon members, brokers, or dealers by subsection (c) and the rules and regulations thereunder.

''(2) EXCEPTIONS.—This subsection and the rules and regulations issued under this subsection shall not apply to any credit extended, maintained, or arranged—

''(A) by a person not in the ordinary course of business;

''(B) on an exempted security;

''(C) to or for a member of a national securities exchange or a registered broker or dealer—

''(i) a substantial portion of whose business consists of transactions with persons other than brokers or dealers; or

''(ii) to finance its activities as a market maker or an underwriter;

''(D) by a bank on a security other than an equity security; or

''(E) as the Board shall, by such rules, regulations, or orders as it may deem necessary or appropriate in the public interest or for the protection of investors, exempt, either unconditionally or upon specified terms and conditions or for stated periods, from the operation of this subsection and the rules and regulations thereunder.

''(3) BOARD AUTHORITY.—The Board may impose such rules and regulations, in whole or in part, on any credit otherwise exempted by subparagraph (C) if it determines that such action is necessary or appropriate in the public interest or for the protection of investors.''.

(b) BORROWING BY MEMBERS, BROKERS, AND DEALERS.—Section 8 of the Securities Exchange Act of 1934 (15 U.S.C. 78h) is amended—

(1) by striking subsection (a); and

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

SEC. 105. EXEMPTIVE AUTHORITY.

(a) GENERAL EXEMPTIVE AUTHORITY UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following new section:

''SEC. 28. GENERAL EXEMPTIVE AUTHORITY.

''The Commission, by rule or regulation, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation issued under this title, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.''.

(b) GENERAL EXEMPTIVE AUTHORITY UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

''SEC. 36. GENERAL EXEMPTIVE AUTHORITY.

''(a) AUTHORITY.—

''(1) IN GENERAL.—Except as provided in subsection (b), but notwithstanding any other provision of this title, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.

''(2) PROCEDURES.—The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

''(b) LIMITATION.—The Commission may not, under this section, exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from section 15C or the rules or regulations issued thereunder or (for purposes of section 15C and the rules and regulations issued thereunder) from any definition in paragraph (42), (43), (44), or (45) of section 3(a).''.

SEC. 106. PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.

(a) SECURITIES ACT OF 1933.—Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended—

(1) by inserting ''(a) DEFINITIONS.—'' after ''SEC. 2.''; and

(2) by adding at the end the following new subsection:

''(b) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.''.

(b) SECURITIES EXCHANGE ACT of 1934.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

''(f) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking, or in the review of a rule of a self-regulatory organization, and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.''.

(c) INVESTMENT COMPANY ACT of 1940.—Section 2 of the Investment Company Act of 1940 (15 U.S.C. 80a–2) is amended by adding at the end the following new subsection:

''(c) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is consistent with the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.''.

SEC. 107. PRIVATIZATION OF EDGAR.

(a) EXAMINATION.—The Commission shall examine proposals for the privatization of the EDGAR system. Such examination shall promote competition in the automation and rapid collection and dissemination of information required to be disclosed. Such examination shall include proposals that maintain free public access to data filings in the EDGAR system.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the Congress a report on the examination under subsection (a). Such report shall include such recommendations for such legislative action as may be necessary to implement the proposal that the Commission determines most effectively achieves the objectives described in subsection (a).

SEC. 108. IMPROVING COORDINATION OF SUPERVISION.

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following new subsection:

''(i) COORDINATION OF EXAMINING AUTHORITIES.—

''(1) ELIMINATION OF DUPLICATION.—The Commission and the examining authorities, through cooperation and coordination of examination and oversight activities, shall eliminate any unnecessary and burdensome duplication in the examination process.

''(2) COORDINATION OF EXAMINATIONS.—The Commission and the examining authorities shall share such information, including reports of examinations, customer complaint information, and other nonpublic regulatory information, as appropriate to foster a coordinated approach to regulatory oversight of brokers and dealers that are subject to examination by more than one examining authority.

''(3) EXAMINATIONS FOR CAUSE.—At any time, any examining authority may conduct an examination for cause of any broker or dealer subject to its jurisdiction.

''(4) CONFIDENTIALITY.—

''(A) IN GENERAL.—Section 24 shall apply to the sharing of information in accordance with this subsection. The Commission shall take appropriate action under section 24(c) to ensure

that such information is not inappropriately disclosed.

''(B) APPROPRIATE DISCLOSURE NOT PROHIBITED.—Nothing in this paragraph authorizes the Commission or any examining authority to withhold information from the Congress, or prevent the Commission or any examining authority from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

''(5) DEFINITION.—For purposes of this subsection, the term 'examining authority' means a self-regulatory organization registered with the Commission under this title (other than a registered clearing agency) with the authority to examine, inspect, and otherwise oversee the activities of a registered broker or dealer.''.

SEC. 109. INCREASED ACCESS TO FOREIGN BUSINESS INFORMATION.

Not later than 1 year after the date of enactment of this Act, the Commission shall adopt rules under the Securities Act of 1933 concerning the status under the registration provisions of the Securities Act of 1933 of foreign press conferences and foreign press releases by persons engaged in the offer and sale of securities.

TITLE II—INVESTMENT COMPANY ACT AMENDMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Investment Company Act Amendments of 1996''.

SEC. 202. FUNDS OF FUNDS.

Section 12(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)(1)) is amended—

(1) in subparagraph (E)(iii)—

(A) by striking ''in the event such investment company is not a registered investment company,''; and

(B) by inserting ''in the event that such investment company is not a registered investment company,'' after ''(bb)'';

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively;

(3) by striking ''this paragraph (1)'' each place that term appears and inserting ''this paragraph'';

(4) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) This paragraph does not apply to securities of a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquired company') purchased or otherwise acquired by a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquiring company') if—

''(I) the acquired company and the acquiring company are part of the same group of investment companies;

''(II) the securities of the acquired company, securities of other registered open-end investment companies and registered unit investment trusts that are part of the same group of investment companies, Government securities, and short-term paper are the only investments held by the acquiring company;

''(III) with respect to—

''(aa) securities of the acquired company, the acquiring company does not pay and is not assessed any charges or fees for distribution-related activities, unless the acquiring company does not charge a sales load or other fees or charges for distribution-related activities; or

''(bb) securities of the acquiring company, any sales loads and other distribution-related fees charged, when aggregated with any sales load and distribution-related fees paid by the acquiring company with respect to securities of the acquired fund, are not excessive under rules adopted pursuant to section 22(b) or section 22(c) by a securities association registered under section 15A of the Securities Exchange Act of 1934, or the Commission;

''(IV) the acquired company has a policy that prohibits it from acquiring any securities of registered open-end investment companies or registered unit investment trusts in reliance on this subparagraph or subparagraph (F); and

''(V) such acquisition is not in contravention of such rules and regulations as the Commission may from time to time prescribe with respect to acquisitions in accordance with this subparagraph, as necessary and appropriate for the protection of investors.

''(ii) For purposes of this subparagraph, the term 'group of investment companies' means any 2 or more registered investment companies that hold themselves out to investors as related companies for purposes of investment and investor services.''; and

(5) by adding at the end the following new subparagraph:

''(J) The Commission, by rule or regulation, upon its own motion or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of this subsection, if and to the extent that such exemption is consistent with the public interest and the protection of investors.''.

SEC. 203. FLEXIBLE REGISTRATION OF SECURITIES.

(a) AMENDMENTS TO REGISTRATION STATEMENTS.—Section 24(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(e)) is amended—

(1) by striking paragraphs (1) and (2);

(2) by striking ''(3) For'' and inserting ''For''; and

(3) by striking ''pursuant to this subsection or otherwise''.

(b) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—Section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) is amended to read as follows:

''(f) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—

''(1) REGISTRATION OF SECURITIES.—Upon the effective date of its registration statement, as provided by section 8 of the Securities Act of 1933, a face-amount certificate company, open-end management company, or unit investment trust, shall be deemed to have registered an indefinite amount of securities.

''(2) PAYMENT OF REGISTRATION FEES.—Not later than 90 days after the end of the fiscal year of a company or trust referred to in paragraph (1), the company or trust, as applicable, shall pay a registration fee to the Commission, calculated in the manner specified in section 6(b) of the Securities Act of 1933, based on the aggregate sales price for which its securities (including, for purposes of this paragraph, all securities issued pursuant to a dividend reinvestment plan) were sold pursuant to a registration of an indefinite amount of securities under this subsection during the previous fiscal year of the company or trust, reduced by—

''(A) the aggregate redemption or repurchase price of the securities of the company or trust during that year; and

''(B) the aggregate redemption or repurchase price of the securities of the company or trust during any prior fiscal year ending not more than 1 year before the date of enactment of the Investment Company Act Amendments of 1996, that were not used previously by the company or trust to reduce fees payable under this section.

''(3) INTEREST DUE ON LATE PAYMENT.—A company or trust paying the fee required by this subsection or any portion thereof more than 90 days after the end of the fiscal year of the company or trust shall pay to the Commission interest on unpaid amounts, at the average investment rate for Treasury tax and loan accounts published by the Secretary of the Treasury pursuant to section 3717(a) of title 31, United States Code. The payment of interest pursuant to this paragraph shall not preclude the Commission from bringing an action to enforce the requirements of paragraph (2).

''(4) RULEMAKING AUTHORITY.—The Commission may adopt rules and regulations to implement this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) the effective date of final rules or regulations issued in accordance with section 24(f) of the Investment Company Act of 1940, as amended by this section.

SEC. 204. FACILITATING USE OF CURRENT INFORMATION IN ADVERTISING.

Section 24 of the Investment Company Act of 1940 (15 U.S.C. 80a–24) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL PROSPECTUSES.—In addition to any prospectus permitted or required by section 10(a) of the Securities Act of 1933, the Commission shall permit, by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors, the use of a prospectus for purposes of section 5(b)(1) of that Act with respect to securities issued by a registered investment company. Such a prospectus, which may include information the substance of which is not included in the prospectus specified in section 10(a) of the Securities Act of 1933, shall be deemed to be permitted by section 10(b) of that Act.''.

SEC. 205. VARIABLE INSURANCE CONTRACTS.

(a) UNIT INVESTMENT TRUST TREATMENT.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by adding at the end the following new subsection:

''(e) EXEMPTION.—

''(1) IN GENERAL.—Subsection (a) does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account.

''(2) LIMITATION ON SALES.—It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract—

''(A) unless the fees and charges deducted under the contract, in the aggregate, are reasonable in relation to the services rendered, the expenses expected to be incurred, and the risks assumed by the insurance company, and, beginning on the earlier of August 1, 1997, or the earliest effective date of any registration statement or amendment thereto for such contract following the date of enactment of this subsection, the insurance company so represents in the registration statement for the contract; and

''(B) unless the insurance company—

''(i) complies with all other applicable provisions of this section, as if it were a trustee or custodian of the registered separate account;

''(ii) files with the insurance regulatory authority of the State which is the domiciliary State of the insurance company, an annual statement of its financial condition, which most recent statement indicates that the insurance company has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000, or such other amount as the Commission may from time to time prescribe by rule, as necessary or appropriate in the public interest or for the protection of investors; and

''(iii) together with its registered separate accounts, is supervised and examined periodically by the insurance authority of such State.

''(3) FEES AND CHARGES.—For purposes of paragraph (2), the fees and charges deducted under the contract shall include all fees and charges imposed for any purpose and in any manner.

''(4) REGULATORY AUTHORITY.—The Commission may issue such rules and regulations to carry out paragraph (2)(A) as it determines are

necessary or appropriate in the public interest or for the protection of investors.''.

(b) PERIODIC PAYMENT PLAN TREATMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

''(i)(1) This section does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2).

''(2) It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless—

''(A) such contract is a redeemable security; and

''(B) the insurance company complies with section 26(e) and any rules or regulations issued by the Commission under section 26(e).''.

SEC. 206. REPORTS TO THE COMMISSION AND SHAREHOLDERS.

Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended—

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

''(1) such information, documents, and reports (other than financial statements), as the Commission may require to keep reasonably current the information and documents contained in the registration statement of such company filed under this title;'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (g), and (h), respectively;

(3) by inserting after subsection (b) the following new subsection:

''(c)(1) The Commission shall take such action as it deems necessary or appropriate, consistent with the public interest and the protection of investors, to avoid unnecessary reporting by, and minimize the compliance burdens on, registered investment companies and their affiliated persons in exercising its authority—

''(A) under subsection (f); and

''(B) under subsection (b)(1), if the Commission requires the filing of information, documents, and reports under that subsection on a basis more frequently than semiannually.

''(2) Action taken by the Commission under paragraph (1) shall include considering, and requesting public comment on—

''(A) feasible alternatives that minimize the reporting burdens on registered investment companies; and

''(B) the utility of such information, documents, and reports to the Commission in relation to the costs to registered investment companies and their affiliated persons of providing such information, documents, and reports.'';

(4) by inserting after subsection (e) (as redesignated by paragraph (2) of this section), the following new subsection:

''(f) The Commission may, by rule, require that semi-annual reports containing the information set forth in subsection (e) include such other information as the Commission deems necessary or appropriate in the public interest or for the protection of investors.''; and

(5) in subsection (g) (as redesignated by paragraph (2) of this section), by striking ''subsections (a) and (d)'' and inserting ''subsections (a) and (e)''.

SEC. 207. BOOKS, RECORDS, AND INSPECTIONS.

Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) MAINTENANCE OF RECORDS.—

''(1) IN GENERAL.—Each registered investment company, and each underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of such a company, shall maintain and preserve such records (as defined in section 3(a)(37) of the Securities Exchange Act of 1934) for such period or periods as the Commission, by rules and regulations, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Each investment adviser that is not a majority-owned subsidiary of, and each depositor of any registered investment company, and each principal underwriter for any registered investment company other than a closed-end company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such records as are necessary or appropriate to record such person's transactions with such registered company.

''(2) MINIMIZING COMPLIANCE BURDEN.—In exercising its authority under this subsection, the Commission shall take such steps as it deems necessary or appropriate, consistent with the public interest and for the protection of investors, to avoid unnecessary recordkeeping by, and minimize the compliance burden on, persons required to maintain records under this subsection (hereafter in this section referred to as 'subject persons'). Such steps shall include considering, and requesting public comment on—

''(A) feasible alternatives that minimize the recordkeeping burdens on subject persons;

''(B) the necessity of such records in view of the public benefits derived from the independent scrutiny of such records through Commission examination;

''(C) the costs associated with maintaining the information that would be required to be reflected in such records; and

''(D) the effects that a proposed recordkeeping requirement would have on internal compliance policies and procedures.

''(b) EXAMINATIONS OF RECORDS.—

''(1) IN GENERAL.—All records required to be maintained and preserved in accordance with subsection (a) shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe.

''(2) AVAILABILITY.—For purposes of examinations referred to in paragraph (1), any subject person shall make available to the Commission or its representatives any copies or extracts from such records as may be prepared without undue effort, expense, or delay as the Commission or its representatives may reasonably request.

''(3) COMMISSION ACTION.—The Commission shall exercise its authority under this subsection with due regard for the benefits of internal compliance policies and procedures and the effective implementation and operation thereof.'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(3) by inserting after subsection (b) the following new subsections:

''(c) LIMITATIONS ON DISCLOSURE BY COMMISSION.—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any internal compliance or audit records, or information contained therein, provided to the Commission under this section. Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of the jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'internal compliance policies and procedures' means policies and procedures designed by subject persons to promote compliance with the Federal securities laws; and

''(2) the term 'internal compliance and audit record' means any record prepared by a subject person in accordance with internal compliance policies and procedures.'';

(4) in subsection (e), as redesignated, by inserting ''REGULATORY AUTHORITY.—'' before ''The Commission''; and

(5) in subsection (f), as redesignated, by inserting ''EXEMPTION AUTHORITY.—'' before ''The Commission''.

SEC. 208. PROHIBITION ON DECEPTIVE INVESTMENT COMPANY NAMES.

Section 35(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–34(d)) is amended to read as follows:

''(d) DECEPTIVE OR MISLEADING NAMES.—It shall be unlawful for any registered investment company to adopt as a part of the name or title of such company, or of any securities of which it is the issuer, any word or words that the Commission finds are materially deceptive or misleading. The Commission is authorized, by rule, regulation, or order, to define such names or titles as are materially deceptive or misleading.''.

SEC. 209. AMENDMENTS TO DEFINITIONS.

(a) EXCEPTED INVESTMENT COMPANIES.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.'';

(2) in subparagraph (A) of paragraph (1)—

(A) by inserting after ''issuer,'' the first place that term appears, the following: ''and is or, but for the exception provided for in this paragraph or paragraph (7), would be an investment company,''; and

(B) by striking ''unless, as of'' and all that follows through the end of the subparagraph and inserting a period;

(3) in paragraph (2)—

(A) by striking ''and acting as broker,'' and inserting ''acting as broker, and acting as market intermediary,'';

(B) by inserting ''(A)'' after ''(2)''; and

(C) by adding at the end the following new subparagraph:

''(B) For purposes of this paragraph—

''(i) the term 'market intermediary' means any person that regularly holds itself out as being willing contemporaneously to engage in, and that is regularly engaged in, the business of entering into transactions on both sides of the market for a financial contract or one or more such financial contracts; and

''(ii) the term 'financial contract' means any arrangement that—

''(I) takes the form of an individually negotiated contract, agreement, or option to buy, sell, lend, swap, or repurchase, or other similar individually negotiated transaction commonly entered into by participants in the financial markets;

''(II) is in respect of securities, commodities, currencies, interest or other rates, other measures of value, or any other financial or economic interest similar in purpose or function to any of the foregoing; and

''(III) is entered into in response to a request from a counter party for a quotation, or is otherwise entered into and structured to accommodate the objectives of the counter party to such arrangement.''; and

(4) by striking paragraph (7) and inserting the following:

''(7)(A) Any issuer, the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are qualified purchasers, and which is not making and does not at that time propose to make a public offering of such securities. Securities that are owned by persons who received the securities from a qualified purchaser as a gift or bequest, or in a case in which the transfer was

caused by legal separation, divorce, death, or other involuntary event, shall be deemed to be owned by a qualified purchaser, subject to such rules, regulations, and orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(B) Notwithstanding subparagraph (A), an issuer is within the exception provided by this paragraph if—

''(i) in addition to qualified purchasers, outstanding securities of that issuer are beneficially owned by not more than 100 persons who are not qualified purchasers, if—

''(I) such persons acquired any portion of the securities of such issuer on or before September 1, 1996; and

''(II) at the time at which such persons initially acquired the securities of such issuer, the issuer was excepted by paragraph (1); and

''(ii) prior to availing itself of the exception provided by this paragraph—

''(I) such issuer has disclosed to each beneficial owner, as determined under paragraph (1), that future investors will be limited to qualified purchasers, and that ownership in such issuer is no longer limited to not more than 100 persons; and

''(II) concurrently with or after such disclosure, such issuer has provided each beneficial owner, as determined under paragraph (1), with a reasonable opportunity to redeem any part or all of their interests in the issuer, notwithstanding any agreement to the contrary between the issuer and such persons, for that person's proportionate share of the issuer's net assets.

''(C) Each person that elects to redeem under subparagraph (B)(ii)(II) shall receive an amount in cash equal to that person's proportionate share of the issuer's net assets, unless the issuer elects to provide such person with the option of receiving, and such person agrees to receive, all or a portion of such person's share in assets of the issuer. If the issuer elects to provide such persons with such an opportunity, disclosure concerning such opportunity shall be made in the disclosure required by subparagraph (B)(ii)(I).

''(D) An issuer that is excepted under this paragraph shall nonetheless be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) relating to the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.

''(E) For purposes of determining compliance with this paragraph and paragraph (1), an issuer that is otherwise excepted under this paragraph and an issuer that is otherwise excepted under paragraph (1) shall not be treated by the Commission as being a single issuer for purposes of determining whether the outstanding securities of the issuer excepted under paragraph (1) are beneficially owned by not more than 100 persons or whether the outstanding securities of the issuer excepted under this paragraph are owned by persons that are not qualified purchasers. Nothing in this subparagraph shall be construed to establish that a person is a bona fide qualified purchaser for purposes of this paragraph or a bona fide beneficial owner for purposes of paragraph (1).''.

(b) QUALIFIED PURCHASER.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following new paragraph:

''(51)(A) 'Qualified purchaser' means—

''(i) any natural person (including any person who holds a joint, community property, or other similar shared ownership interest in an issuer that is excepted under section 3(c)(7) with that person's qualified purchaser spouse) who owns not less than $5,000,000 in investments, as defined by the Commission;

''(ii) any company that owns not less than $5,000,000 in investments and that is owned directly or indirectly by or for 2 or more natural persons who are related as siblings or spouse (including former spouses), or direct lineal descendants by birth or adoption, spouses of such persons, the estates of such persons, or foundations, charitable organizations, or trusts established by or for the benefit of such persons;

''(iii) any trust that is not covered by clause (ii) and that was not formed for the specific purpose of acquiring the securities offered, as to which the trustee or other person authorized to make decisions with respect to the trust, and each settlor or other person who has contributed assets to the trust, is a person described in clause (i), (ii), or (iv); or

''(iv) any person, acting for its own account or the accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than $25,000,000 in investments.

''(B) The Commission may adopt such rules and regulations applicable to the persons and trusts specified in clauses (i) through (iv) of subparagraph (A) as it determines are necessary or appropriate in the public interest or for the protection of investors.

''(C) The term 'qualified purchaser' does not include a company that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c), would be an investment company (hereafter in this paragraph referred to as an 'excepted investment company'), unless all beneficial owners of its outstanding securities (other than short-term paper), determined in accordance with section 3(c)(1)(A), that acquired such securities on or before April 30, 1996 (hereafter in this paragraph referred to as 'pre-amendment beneficial owners'), and all pre-amendment beneficial owners of the outstanding securities (other than short-term paper) of any excepted investment company that, directly or indirectly, owns any outstanding securities of such excepted investment company, have consented to its treatment as a qualified purchaser. Unanimous consent of all trustees, directors, or general partners of a company or trust referred to in clause (ii) or (iii) of subparagraph (A) shall constitute consent for purposes of this subparagraph.''.

(c) CONFORMING AMENDMENTS.—Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) is amended—

(1) by striking ''(1)'' and inserting ''(A)'';

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by striking ''(3)'' and inserting ''(C)'';

(4) by inserting ''(1)'' after ''(a)'';

(5) by striking ''As used'' and inserting ''(2) As used''; and

(6) in paragraph (2)(C), as designated by paragraph (5) of this subsection—

(A) by striking ''which are'' and inserting the following: ''which (i) are''; and

(B) by inserting before the period at the end, the following: '', and (ii) are not relying on the exception from the definition of investment company in paragraph (1) or (7) of subsection (c)''.

(d) RULEMAKING REQUIRED.—

(1) IMPLEMENTATION OF SECTION 3(C)(1)(B).—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules to implement the requirements of section 3(c)(1)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1)(B)), as amended by this section.

(2) IDENTIFICATION OF INVESTMENTS.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe rules defining the term, or otherwise identifying, ''investments'' for purposes of section 2(a)(51) of the Investment Company Act of 1940, as added by this Act.

(3) EMPLOYEE EXCEPTION.—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules pursuant to its authority under section 6 of the Investment Company Act of 1940 to permit the ownership of securities by knowledgeable employees of the issuer of the securities or an affiliated person without loss of the exception of the issuer under paragraph (1) or (7) of section 3(c) of that Act from treatment as an investment company under that Act.

(4) BENEFICIAL OWNERSHIP.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe rules defining the term ''beneficial owner'' for purposes of section 3(c)(7)(B) of the Investment Company Act of 1940, as amended by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) 180 days after the date of enactment of this Act; or

(2) the date on which the rulemaking required under subsection (d)(2) is completed.

SEC. 210. PERFORMANCE FEES EXEMPTIONS.

Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

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

''(4) apply to an investment advisory contract with a company excepted from the definition of an investment company under section 3(c)(7) of title I of this Act; or

''(5) apply to an investment advisory contract with a person who is not a resident of the United States.''; and

(2) by adding at the end the following new subsection:

''(e) The Commission, by rule or regulation, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from subsection (a)(1), if and to the extent that the exemption relates to an investment advisory contract with any person that the Commission determines does not need the protections of subsection (a)(1), on the basis of such factors as financial sophistication, net worth, knowledge of and experience in financial matters, amount of assets under management, relationship with a registered investment adviser, and such other factors as the Commission determines are consistent with this section.''.

TITLE III—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Investment Advisers Supervision Coordination Act''.

SEC. 302. FUNDING FOR ENHANCED ENFORCEMENT PRIORITY.

There are authorized to be appropriated to the Commission, for the enforcement of the Investment Advisers Act of 1940, not more than $20,000,000 in each of fiscal years 1997 and 1998, in addition to any funds authorized to be appropriated to the Commission for this or other purposes.

SEC. 303. IMPROVED SUPERVISION THROUGH STATE AND FEDERAL COOPERATION.

(a) STATE AND FEDERAL RESPONSIBILITIES.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

''SEC. 203A. STATE AND FEDERAL RESPONSIBILITIES.

''(a) ADVISERS SUBJECT TO STATE AUTHORITIES.—

''(1) IN GENERAL.—No investment adviser that is regulated or required to be regulated as an investment adviser in the State in which it maintains its principal office and place of business shall register under section 203, unless the investment adviser—

''(A) has assets under management of not less than $25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; or

''(B) is an adviser to an investment company registered under title I of this Act.

''(2) DEFINITION.—For purposes of this subsection, the term 'assets under management' means the securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services.

''(b) ADVISERS SUBJECT TO COMMISSION AUTHORITY.—

''(1) IN GENERAL.—No law of any State or political subdivision thereof requiring the registration, licensing, or qualification as an investment adviser or supervised person of an investment adviser shall apply to any person—

''(A) that is registered under section 203 as an investment adviser, or that is a supervised person of such person, except that a State may license, register, or otherwise qualify any investment adviser representative who has a place of business located within that State; or

''(B) that is not registered under section 203 because that person is excepted from the definition of an investment adviser under section 202(a)(11).

''(2) LIMITATION.—Nothing in this subsection shall prohibit the securities commission (or any agency or office performing like functions) of any State from investigating and bringing enforcement actions with respect to fraud or deceit against an investment adviser or person associated with an investment adviser.

''(c) EXEMPTIONS.—Notwithstanding subsection (a), the Commission, by rule or regulation upon its own motion, or by order upon application, may permit the registration with the Commission of any person or class of persons to which the application of subsection (a) would be unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes of this section.

''(d) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing.

''(e) STATE ASSISTANCE.—Upon request of the securities commissioner (or any agency or officer performing like functions) of any State, the Commission may provide such training, technical assistance, or other reasonable assistance in connection with the regulation of investment advisers by the State.''.

(b) ADVISERS NOT ELIGIBLE TO REGISTER.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (c), in the matter immediately following paragraph (2), by inserting ''and that the applicant is not prohibited from registering as an investment adviser under section 203A'' after ''satisfied''; and

(2) in subsection (h), in the second sentence—

(A) by striking ''existence or'' and inserting ''existence,''; and

(B) by inserting ''or is prohibited from registering as an investment adviser under section 203A,'' after ''adviser,''.

(c) DEFINITION OF ''SUPERVISED PERSON''.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended—

(1) by striking ''requires—'' and inserting ''requires, the following definitions shall apply:''; and

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

''(25) 'Supervised person' means any partner, officer, director (or other person occupying a similar status or performing similar functions), or employee of an investment adviser, or other person who provides investment advice on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.''.

(d) CONFORMING AMENDMENT.—Section 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(a)) is amended by striking ''subsection (b) of this section'' and inserting ''subsection (b) and section 203A''.

SEC. 304. INTERSTATE COOPERATION.

Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–18a) is amended to read as follows:

''SEC. 222. STATE REGULATION OF INVESTMENT ADVISERS.

''(a) JURISDICTION OF STATE REGULATORS.—Nothing in this title shall affect the jurisdiction of the securities commissioner (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder.

''(b) DUAL COMPLIANCE PURPOSES.—No State may enforce any law or regulation that would require an investment adviser to maintain any books or records in addition to those required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

''(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

''(2) is in compliance with the applicable books and records requirements of the State in which it maintains its principle place of business.

''(c) LIMITATION ON CAPITAL AND BOND REQUIREMENTS.—No State may enforce any law or regulation that would require an investment adviser to maintain a higher minimum net capital or to post any bond in addition to any that is required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

''(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

''(2) is in compliance with the applicable net capital or bonding requirements of the State in which it maintains its principal place of business.

''(d) NATIONAL DE MINIMIS STANDARD.—No law of any State or political subdivision thereof requiring the registration, licensing, or qualification as an investment adviser shall require an investment adviser to register with the securities commissioner of the State (or any agency or officer performing like functions) or to comply with such law (other than any provision thereof prohibiting fraudulent conduct) if the investment adviser—

''(1) does not have a place of business located within the State; and

''(2) during the preceding 12-month period, has had fewer than 6 clients who are residents of that State.''.

SEC. 305. DISQUALIFICATION OF CONVICTED FELONS.

(a) AMENDMENT.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

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

''(3) has been convicted during the 10-year period preceding the date of filing of any application for registration, or at any time thereafter, of—

''(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in paragraph (2); or

''(B) a substantially equivalent crime by a foreign court of competent jurisdiction.''.

(b) CONFORMING AMENDMENTS.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking ''this paragraph (5)'' and inserting ''this paragraph'';

(2) in subsection (f)—

(A) by striking ''paragraph (1), (4), (5), or (7) of subsection (e) of this section'' and inserting ''paragraph (1), (5), (6), or (8) of subsection (e)'';

(B) by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(C) by striking ''said subsection'' each place that term appears and inserting ''subsection''; and

(3) in subsection (i)(1)(D), by striking ''section 203(e)(5) of this title'' and inserting ''subsection (e)(6)''.

SEC. 306. INVESTOR ACCESS TO INFORMATION.

The Commission shall—

(1) provide for the establishment and maintenance of a readily accessible telephonic or other electronic process to receive inquiries regarding disciplinary actions and proceedings involving investment advisers and persons associated with investment advisers; and

(2) provide for prompt response to any inquiry described in paragraph (1).

SEC. 307. CONTINUED STATE AUTHORITY.

(a) PRESERVATION OF FILING REQUIREMENTS.—Nothing in this title or any amendment made by this title prohibits the securities commission (or any agency or office performing like functions) of any State from requiring the filing of any documents filed with the Commission pursuant to the securities laws solely for notice purposes, together with a consent to service of process and any required fee.

(b) PRESERVATION OF FEES.—Until otherwise provided by law, rule, regulation, or order, or other administrative action of any State, or any political subdivision thereof, adopted after the date of enactment of this Act, filing, registration, or licensing fees shall, notwithstanding the amendments made by this title, continue to be paid in amounts determined pursuant to the law, rule, regulation, or order, or other administrative action as in effect on the day before such date of enactment.

(c) AVAILABILITY OF PREEMPTION CONTINGENT ON PAYMENT OF FEES.—

(1) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending 3 years after that date of enactment, the securities commission (or any agency or office performing like functions) of any State may require registration of any investment adviser that fails or refuses to pay the fees required by subsection (b) in or to such State, notwithstanding the limitations on the laws, rules, regulations, or orders, or other administrative actions of any State, or any political subdivision thereof, contained in subsection (a), if the laws of such State require registration of investment advisers.

(2) DELAYS.—For purposes of this subsection, delays in payment of fees or underpayments of fees that are promptly remedied in accordance with the applicable laws, rules, regulations, or orders, or other administrative actions of the relevant State shall not constitute a failure or refusal to pay fees.

SEC. 308. EFFECTIVE DATE.

(a) IN GENERAL.—This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 3(38)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(38)(B)) is amended by inserting ''or under the laws of any State'' after ''1940''.

(2) SUNSET.—The amendment made by paragraph (1) shall cease to be effective 2 years after the date of enactment of this Act.

TITLE IV—SECURITIES AND EXCHANGE COMMISSION AUTHORIZATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''Securities and Exchange Commission Authorization Act of 1996''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to authorize appropriations for the Commission for fiscal year 1997; and

(2) to reduce over time the rates of fees charged under the Federal securities laws.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

Section 35 of the Securities Exchange Act of 1934 is amended to read as follows:

"SEC. 35. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission $300,000,000 for fiscal year 1997, in addition to any other funds authorized to be appropriated to the Commission.''.

SEC. 404. REGISTRATION FEES.

Section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) is amended to read as follows:

''(b) REGISTRATION FEE.—

''(1) RECOVERY OF COST OF SERVICES.—The Commission shall, in accordance with this subsection, collect registration fees that are designed to recover the costs to the government of the securities registration process, and costs related to such process, including enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

''(2) FEE PAYMENT REQUIRED.—At the time of filing a registration statement, the applicant shall pay to the Commission a fee that shall be equal to the sum of the amounts (if any) determined under the rates established by paragraphs (3) and (4). The Commission shall publish in the Federal Register notices of the fee rates applicable under this section for each fiscal year.

''(3) GENERAL REVENUE FEES.—The rate determined under this paragraph is a rate equal to $200 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered, except that during fiscal year 2007 and any succeeding fiscal year such rate is equal to $67 per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered. Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as general revenues of the Treasury.

''(4) OFFSETTING COLLECTION FEES.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the rate determined under this paragraph is a rate equal to the following amount per $1,000,000 of the maximum aggregate price at which such securities are proposed to be offered:

''(i) $95 during fiscal year 1998;

''(ii) $78 during fiscal year 1999;

''(iii) $64 during fiscal year 2000;

''(iv) $50 during fiscal year 2001;

''(v) $39 during fiscal year 2002;

''(vi) $28 during fiscal year 2003;

''(vii) $9 during fiscal year 2004;

''(viii) $5 during fiscal year 2005; and

''(ix) $0 during fiscal year 2006 or any succeeding fiscal year.

''(B) LIMITATION; DEPOSIT.—Except as provided in subparagraph (C), no amounts shall be collected pursuant to this paragraph (4) for any fiscal year except to the extent provided in advance in appropriations acts. Fees collected during any fiscal year pursuant to this paragraph shall be deposited and credited as offsetting collections in accordance with appropriations Acts.

''(C) LAPSE OF APPROPRIATIONS.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this paragraph at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

''(5) PRO RATA APPLICATION OF RATES.—The rates required by this subsection shall be applied pro rata to amounts and balances equal to less than $1,000,000.''.

SEC. 405. TRANSACTION FEES.

(a) AMENDMENT.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended to read as follows:

"SEC. 31. TRANSACTION FEES.

''(a) RECOVERY OF COST OF SERVICES.—The Commission shall, in accordance with this subsection, collect transaction fees that are designed to recover the costs to the Government of the supervision and regulation of securities markets and securities professionals, and costs related to such supervision and regulation, including enforcement activities, policy and rulemaking activities, administration, legal services, and international regulatory activities.

''(b) EXCHANGE-TRADED SECURITIES.—Every national securities exchange shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sales. Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

''(c) OFF-EXCHANGE TRADES OF EXCHANGE REGISTERED SECURITIES.—Each national securities association shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange of securities registered on such an exchange (other than bonds, debentures, and other evidences of indebtedness), except that for fiscal year 2007 or any succeeding fiscal year such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sales. Fees collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.

''(d) OFF-EXCHANGE-TRADES OF LAST-SALE-REPORTED SECURITIES.—

''(1) COVERED TRANSACTIONS.—Each national securities association shall pay to the Commission a fee at a rate equal to 1/300 of one percent of the aggregate dollar amount of sales transacted by or through any member of such association otherwise than on a national securities exchange of securities (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 subsection (c), except that for fiscal year 2007, or any succeeding fiscal year, such rate shall be equal to 1/800 of one percent of such aggregate dollar amount of sale.

''(2) LIMITATION; DEPOSIT OF FEES.—Except as provided in paragraph (3), no amounts shall be collected pursuant to subsection (d) for any fiscal year, except to the extent provided in advance in appropriations Acts. Fees collected during any such fiscal year pursuant to this subsection shall be deposited and credited as offsetting collections to the account providing appropriations to the Commission.

''(3) LAPSE OF APPROPRIATIONS.—If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until such a regular appropriation is enacted.

''(e) DATES FOR PAYMENT OF FEES.—The fees required by subsections (b), (c), and (d) of this section shall be paid—

''(1) on or before March 15, with respect to transactions and sales occurring during the period beginning on the preceding September 1 and ending at the close of the preceding December 31; and

''(2) on or before September 30, with respect to transactions and sales occurring during the period beginning on the preceding January 1 and ending at the close of the preceding August 31.

''(f) EXEMPTIONS.—The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.

''(g) PUBLICATION.—The Commission shall publish in the Federal Register notices of the fee rates applicable under this section for each fiscal year.''.

(b) EFFECTIVE DATES; TRANSITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to transactions in securities that occur on or after October 1, 1997.

(2) OFF-EXCHANGE TRADES OF LAST SALE REPORTED TRANSACTIONS.—The amendment made by subsection (a) shall apply with respect to transactions described in section 31(d)(1) of the Securities Exchange Act of 1934 (as amended by subsection (a) of this section) that occur on or after September 1, 1997.

SEC. 406. TIME FOR PAYMENT.

Section 4(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(e)) is amended by inserting before the period at the end thereof the following: ''and the Commission may also specify the time that such fee shall be determined and paid relative to the filing of any statement or document with the Commission''.

SEC. 407. SENSE OF THE CONGRESS CONCERNING FEES.

It is the sense of the Congress that, in order to maintain the competitiveness of United States securities markets relative to foreign markets, no fee should be assessed on transactions involving portfolios of equity securities taking place at times of day characterized by low volume and during nontraditional trading hours.

TITLE V—REDUCING THE COST OF SAVING AND INVESTMENT

SEC. 501. EXEMPTION FOR ECONOMIC, BUSINESS, AND INDUSTRIAL DEVELOPMENT COMPANIES.

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)) is amended by adding at the end the following new paragraph:

''(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which the company is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, in that State if—

''(i) the organizational documents of the company state that the activities of the company are limited to the promotion of economic, business, or industrial development in the State through the provision of financial or managerial assistance to enterprises doing business, or proposing to do business, in that State, and such other activities that are incidental or necessary to carry out that purpose;

''(ii) immediately following each sale of the securities of the company by the company or any underwriter for the company, not less than 80 percent of the securities of the company being offered in such sale, on a class-by-class basis, are held by persons who reside or who have a substantial business presence in that State;

''(iii) the securities of the company are sold, or proposed to be sold, by the company or by any underwriter for the company, solely to accredited investors, as that term is defined in section 2(a)(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

''(iv) the company does not purchase any security issued by an investment company or by any company that would be an investment company except for the exclusions from the definition of the term 'investment company' under paragraph (1) or (7) of section 3(c), other than—

''(I) any debt security that is rated investment grade by not less than 1 nationally recognized statistical rating organization; or

''(II) any security issued by a registered open-end investment company that is required by its investment policies to invest not less than 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

''(B) Notwithstanding the exemption provided by this paragraph, section 9 (and, to the extent necessary to enforce section 9, sections 38 through 51) shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

''(C) Any company proposing to rely on the exemption provided by this paragraph shall file with the Commission a notification stating that the company intends to do so, in such form and manner as the Commission may prescribe by rule.

''(D) Any company meeting the requirements of this paragraph may rely on the exemption provided by this paragraph upon filing with the Commission the notification required by subparagraph (C), until such time as the Commission determines by order that such reliance is not in the public interest or is not consistent with the protection of investors.

''(E) The exemption provided by this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.''.

SEC. 502. INTRASTATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(d)(1)) is amended by striking ''$100,000'' and inserting ''$10,000,000, or such other amount as the Commission may set by rule, regulation, or order''.

SEC. 503. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders' equity less retained earnings) of not less than $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or''.

SEC. 504. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(48)(B)) is amended by adding at the end the following: ''provided further that a business development company need not make available significant managerial assistance with respect to any company described in paragraph (46)(C)(iii), or with respect to any other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes of this title; and''.

SEC. 505. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.

Section 55(a)(1)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–54(a)(1)(A)) is amended—

(1) by striking ''or from any person'' and inserting ''from any person''; and

(2) by inserting before the semicolon '', or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors''.

SEC. 506. CAPITAL STRUCTURE AMENDMENTS.

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) in paragraph (2), by striking ''if such business development company'' and all that follows through the end of the paragraph and inserting a period;

(2) in paragraph (3)(A)—

(A) by striking ''senior securities representing indebtedness accompanied by'';

(B) by inserting ''accompanied by securities,'' after ''of such company,''; and

(C) in clause (ii), by striking ''senior''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end of clause (iv) and inserting ''; and''; and

(C) by inserting immediately after subparagraph (B) the following new subparagraph:

''(C) a business development company may issue warrants, options, or rights to subscribe to, convert to, or purchase voting securities not accompanied by securities, if—

''(i) such warrants, options, or rights satisfy the conditions in clauses (i) and (iii) of subparagraph (A); and

''(ii) the proposal to issue such warrants, options, or rights is authorized by the shareholders or partners of such business development company, and such issuance is approved by the required majority (as defined in section 57(o)) of the directors of or general partners in such company on the basis that such issuance is in the best interests of the company and its shareholders or partners.''.

SEC. 507. FILING OF WRITTEN STATEMENTS.

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–63(b)(1)) is amended by inserting ''and capital structure'' after ''portfolio''.

SEC. 508. CHURCH EMPLOYEE PENSION PLANS.

(a) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended by adding at the end the following new paragraph:

''(14) Any church plan described in section 414(e) of the Internal Revenue Code of 1986, if, under any such plan, no part of the assets may be used for, or diverted to, purposes other than the exclusive benefit of plan participants or beneficiaries, or any company or account that is—

''(A) established by a person that is eligible to establish and maintain such a plan under section 414(e) of the Internal Revenue Code of 1986; and

''(B) substantially all of the activities of which consist of—

''(i) managing or holding assets contributed to such church plans or other assets which are permitted to be commingled with the assets of church plans under the Internal Revenue Code of 1986; or

''(ii) administering or providing benefits pursuant to church plans.''.

(b) AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following new paragraph:

''(13) Any security issued by or any interest or participation in any church plan, company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.''.

(c) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTED SECURITIES.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—

(A) in clause (v), by striking ''and'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) solely for purposes of sections 12, 13, 14, and 16 of this title, any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and''.

(2) EXEMPTION FROM BROKER-DEALER PROVISIONS.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

''(g) CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, and no trustee, director, officer or employee of or volunteer for such plan, company, account person, or entity, acting within the scope of that person's employment or activities with respect to such plan, shall be deemed to be a 'broker', 'dealer', 'municipal securities broker', 'municipal securities dealer', 'government securities broker', 'government securities dealer', 'clearing agency', or 'transfer agent' for purposes of this title—

''(1) solely because such plan, company, person, or entity buys, holds, sells, trades in, or transfers securities or acts as an intermediary in making payments in connection with transactions in securities for its own account in its capacity as trustee or administrator of, or otherwise on behalf of, or for the account of, any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and

''(2) if no such person or entity receives a commission or other transaction-related sales compensation in connection with any activities conducted in reliance on the exemption provided by this subsection.''.

(d) AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

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

''(5) any plan described in section 414(e) of the Internal Revenue Code of 1986, any person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, or any trustee, director, officer, or employee of or volunteer for any such plan or person, if such person or entity, acting in such capacity, provides investment advice exclusively to, or with respect to, any plan, person, or entity or any company, account, or fund that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.''.

(e) AMENDMENT TO THE TRUST INDENTURE ACT OF 1939.—Section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(4)(A)) is amended by striking ''or (11)'' and inserting ''(11), or (14)''.

(f) PROTECTION OF CHURCH EMPLOYEE BENEFIT PLANS UNDER STATE LAW.—

(1) REGISTRATION REQUIREMENTS.—Any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and any offer, sale, or purchase thereof, shall be exempt from any law of a State that requires registration or qualification of securities.

(2) TREATMENT OF CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and no trustee, director, officer, or employee of or volunteer for any such plan, person, entity, company, or account shall be required to qualify, register, or be subject to regulation as an investment company or as a broker, dealer, investment adviser, or agent under the laws of

any State solely because such plan, person, entity, company, or account buys, holds, sells, or trades in securities for its own account or in its capacity as a trustee or administrator of or otherwise on behalf of, or for the account of, or provides investment advice to, for, or on behalf of, any such plan, person, or entity or any company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section.

(g) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended by adding at the end the following new subsections:

''(g) DISCLOSURE TO CHURCH PLAN PARTICIPANTS.—A person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) shall provide disclosure to plan participants, in writing, and not less frequently than annually, and for new participants joining such a plan after May 31, 1996, as soon as is practicable after joining such plan, that—

''(1) the plan, or any company or account maintained to manage or hold plan assets and interests in such plan, company, or account, are not subject to registration, regulation, or reporting under this title, the Securities Act of 1933, the Securities Exchange Act of 1934, or State securities laws; and

''(2) plan participants and beneficiaries therefore will not be afforded the protections of those provisions.

''(h) NOTICE TO COMMISSION.—The Commission may issue rules and regulations to require any person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) to file a notice with the Commission containing such information and in such form as the Commission may prescribe as necessary or appropriate in the public interest or consistent with the protection of investors.''.

SEC. 509. PROMOTING GLOBAL PREEMINENCE OF AMERICAN SECURITIES MARKETS.

It is the sense of the Congress that—

(1) the United States and foreign securities markets are increasingly becoming international securities markets, as issuers and investors seek the benefits of new capital and secondary market opportunities without regard to national borders;

(2) as issuers seek to raise capital across national borders, they confront differing accounting requirements in the various regulatory jurisdictions;

(3) the establishment of a high-quality comprehensive set of generally accepted international accounting standards in cross-border securities offerings would greatly facilitate international financing activities and, most significantly, would enhance the ability of foreign corporations to access and list in United States markets;

(4) in addition to the efforts made before the date of enactment of this Act by the Commission to respond to the growing internationalization of securities markets, the Commission should enhance its vigorous support for the development of high-quality international accounting standards as soon as practicable; and

(5) the Commission, in view of its clear authority under law to facilitate the access of foreign corporations to list their securities in United States markets, should report to the Congress, not later than 1 year after the date of enactment of this Act, on progress in the development of international accounting standards and the outlook for successful completion of a set of international standards that would be acceptable to the Commission for offerings and listings by foreign corporations in United States markets.

SEC. 510. STUDIES AND REPORTS.

(a) IMPACT OF TECHNOLOGICAL ADVANCES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of—

(i) the impact of technological advances and the use of on-line information systems on the securities markets, including steps that the Commission has taken to facilitate the electronic delivery of prospectuses to institutional and other investors;

(ii) how such technologies have changed the way in which the securities markets operate; and

(iii) any steps taken by the Commission to address such changes.

(B) CONSIDERATIONS.—In conducting the study under subparagraph (A), the Commission shall consider how the Commission has adapted its enforcement policies and practices in response to technological developments with regard to—

(i) disclosure, prospectus delivery, and other customer protection regulations;

(ii) intermediaries and exchanges in the domestic and international financial services industry;

(iii) reporting by issuers, including communications with holders of securities;

(iv) the relationship of the Commission with other national regulatory authorities and organizations to improve coordination and cooperation; and

(v) the relationship of the Commission with State regulatory authorities and organizations to improve coordination and cooperation.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(b) SHAREHOLDER PROPOSALS.—

(1) STUDY.—The Commission shall conduct a study of—

(A) whether shareholder access to proxy statements pursuant to section 14 of the Securities Exchange Act of 1934 has been impaired by recent statutory, judicial, or regulatory changes; and

(B) the ability of shareholders to have proposals relating to corporate practices and social issues included as part of proxy statements.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1), together with any recommendations for regulatory or legislative changes that it considers necessary to improve shareholder access to proxy statements.

(c) PREFERENCING.—

(1) STUDY.—The Commission shall conduct a study of the impact on investors and the national market system of the practice known as ''preferencing'' on one or more registered securities exchanges, including consideration of—

(A) how preferencing impacts—

(i) the execution prices received by retail securities customers whose orders are preferenced; and

(ii) the ability of retail securities customers in all markets to obtain executions of their limit orders in preferenced securities; and

(B) the costs of preferencing to such customers.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(3) DEFINITION.—For purposes of this subsection, the term ''preferencing'' refers to the practice of a broker acting as a dealer on a national securities exchange, directing the orders of customers to buy or sell securities to itself for execution under rules that permit the broker to take priority in execution over same-priced orders or quotations entered prior in time.

(d) BROKER-DEALER UNIFORMITY.—

(1) STUDY.—The Commission, after consultation with registered securities associations, national securities exchanges, and States, shall conduct a study of the impact of disparate State licensing requirements on associated persons of registered brokers or dealers and methods for States to attain uniform licensing requirements for such persons.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Congress a report on the study conducted under paragraph (1). Such report shall include recommendations concerning appropriate methods described in paragraph (1)(B), including any necessary legislative changes to implement such recommendations.

And the Senate agree to the same.

TOM BLILEY,
JACK FIELDS,
MICHAEL G. OXLEY,
BILLY TAUZIN,
DAN SCHAEFER,
NATHAN DEAL,
DAN FRISA,
RICK WHITE,
JOHN D. DINGELL,
EDWARD J. MARKEY,
BART GORDON,
ELIZABETH FURSE,
RON KLINK,
Managers on the Part of the House.

ALPONSE D'AMATO,
PHIL GRAMM,
ROBERT F. BENNETT,
PAUL S. SARBANES,
CHRIS DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

The Managers agreed to the following resolution of issues between the House and Senate bills.

The development and growth of the nation's capital markets has prompted the

Congress to examine the need for legislation modernizing and rationalizing our scheme of securities regulation to promote investment, decrease the cost of capital, and encourage competition. The Managers have sought to achieve these goals while also advancing the historic commitment of the securities laws to promoting the protection of investors. In particular, the system of dual Federal and state securities regulation has resulted in a degree of duplicative and unnecessary regulation. Securities offerings and the brokers and dealers engaged in securities transactions are all currently subject to a dual system of regulation that, in many instances, is redundant, costly, and ineffective.

During the course of consideration of this legislation, the Congress received testimony indicating that this duplicative regulation tends to raise the cost of capital to American issuers of securities without providing commensurate protection to investors or to our markets. Testimony also indicated that technological change has transformed the capital raising process, necessitating changes in the regulatory scheme to facilitate the flow of information to potential investors and reduce the marginal cost of capital to firms. The Managers have sought to eliminate duplicative and unnecessary regulatory burdens while preserving important investor protections by reallocating responsibility over the regulation of the nation's securities markets in a more logical fashion between the Federal government and the states.

With respect to securities offerings, the Managers have allocated regulatory responsibility between the Federal and state governments based on the nature of the securities offering. Some securities offerings, such as those made by investment companies, and certain private placements are inherently national in nature, and are therefore subject to only Federal regulation. Smaller, regional, and intrastate securities offerings remain subject to state regulation. The Managers have preserved the authority of the states to protect investors through application of state antifraud laws. This preservation of authority is intended to permit state securities regulators to continue to exercise their police power to prevent fraud and broker-dealer sales practice abuses, such as churning accounts or misleading customers. It does not preserve the authority of state securities regulators to regulate the securities registration and offering process through commenting on and/or imposing requirements on the contents of prospectuses or other offering documents, whether prior to their use in a state or after such use. The Conference Report requires the SEC to conduct a study on the lack of uniformity in state regulation of non-covered securities. Such study shall focus on the effect of such uniformity or lack thereof on the cost of capital, innovation and technological development in securities markets, and duplicative regulation with respect to securities issuers, including small business.

The National Securities Markets Improvement Act of 1996 eliminates burdens and enhances innovation and efficiency for investment companies. Among these changes are provisions to facilitate the creation of funds, including funds of funds comprising unit investment trusts, to facilitate and streamline the registration process for investment companies, and improve the efficiency and usefulness of investment company advertising. In addition, the legislation grants the Securities and Exchange Commission additional authority regarding investment company books and records, and the preparation of shareholder reports. This authority is limited, however, and permits the Commission only to examine records that the Commission requires investment companies to maintain for inspection. The legislation does not grant the Commission authority to inspect any other documents that an investment company may maintain.

The Managers agreed to include amendments to the Securities Act of 1933, and the Securities and Exchange Act of 1934 to eliminate duplication, promote efficiency and protect investors.

The Managers agreed to include amendments to the Investment Company Act of 1940 to eliminate duplication, promote efficiency and protect investors.

The Managers agreed to include reauthorization of the SEC to reauthorize the Commission, and to reduce over time the fees collected by the agency. It is the intent of the Managers that at the end of the applicable ten year period, the SEC collect in fees a sum approximately equal to the cost of running the agency.

The Managers agreed to include certain amendments to the Investment Advisers Act of 1940 to eliminate duplication, promote efficiency, and protect investors.

TOM BLILEY,
JACK FIELDS,
MICHAEL G. OXLEY,
BILLY TAUZIN,
DAN SCHAEFER,
NATHAN DEAL,
DAN FRISA,
RICK WHITE,
JOHN D. DINGELL,
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BART GORDON,
ELIZABETH FURSE,
RON KLINK,
Managers on the Part of the House.

ALFONSE D'AMATO,
PHIL GRAMM,
ROBERT F. BENNETT,
PAUL S. SARBANES,
CHRIS DODD,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.

The Clerk read the title of the bill.

(For conference report and statement see immediately preceding proceedings of the House.)

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Massachusetts [Mr. MARKEY] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

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

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

Mr. Speaker, it is with great pleasure that I rise in support of the National Securities Markets Improvement Act of 1996 today. This important legislation represents the most sweeping changes of the securities laws since their enactment. This legislation will eliminate unnecessary regulatory burdens and the costs that they impose on American businesses and investors. This legislation, at long last, makes sense of the regulatory responsibilities of the federal and state governments. It also is a bipartisan reduction of the fees paid by investors to the Treasury, which will reduce the size of our federal government. This landmark bill has been achieved through the cooperation of all of my colleagues of the House and Senate. Their ability to set aside their differences and reach sensible compromises is the reason we are here to mark this bipartisan legislative victory, and for that I thank each one of them.

I am proud to say that this legislation represents an agreement that reduces SEC fees through bipartisan support. The SEC currently collects more than double the costs of running the agency. This is a tax on capital that all investors pay, and a problem that this legislation will solve by substantially reducing the registration fee over time that is assessed on securities offerings. Not only will we put $850 million back into the pockets of American investors over the next 10 years, but we have eliminated the tax entirely starting in the 11th year, saving investors over $800 million each year thereafter. This is a vital step toward reigning in government spending and requiring Congress to be more fiscally responsible while striving for maintaining a balanced budget.

This legislation is the result of a long and difficult process, but it is well worth the effort. By reducing unnecessary regulation, the burdens and costs that businesses must overcome to access the capital markets will be significantly reduced. The most significant change this Act will effect is to create a national unified system of regulation. Securities offerings that are national in character, including securities offered by mutual funds and securities sold to sophisticated investors, will now be regulated only by the SEC.

By streamlining the regulation of the mutual fund industry, funds will benefit from significant administrative savings, which they can pass on to their investors. This means that we are putting money back in the pockets of nearly one third of American families This is real savings that is long overdue and is a result of a more logical and efficient approach to regulating the securities markets.

This legislation includes a creative new provision that will promote the capital formation process by increasing opportunities for private investment companies and venture capital firms. This new provision will enable these companies to include an unlimited number of qualified investors, rather than the 100 person limit they are subject to today. By increasing the domestic venues available to investors, we will help expand our investment capital. This will improve liquidity in this valuable market that many small business depend on for the capital they need to expand and create new jobs.

Furthermore, the National Securities Markets Improvement Act will require the SEC to conduct meaningful cost-benefit analysis of proposed rulemakings that directly affects all securities issuers. Under this new provision, the SEC must weigh the cost of every rule they propose against the burden those rules would impose on the engine of our economy. This provision is simply common sense: meaningful regulation should not impose unnecessary burdens and costs.

By passing this legislation today, we will be sending a bill to the President that facilitates the American dream without compromising the integrity of our markets. The cooperation and compromise that has led us to this consensus legislation speaks volumes for every participant in this process, and I urge you to support this legislation.

I would like to thank my friend FRITZ HOLLINGS for his assistance in finding a solution of SEC funding, my colleagues in the House, JACK FIELDS, JOHN DINGELL, ED MARKEY, MIKE OXLEY, BILLY TAUZIN, DAN SCHAEFER, DAN FRISA, RICK WHITE, NATHAN DEAL, RICK BOUCHER, and RON KLINK who have all worked hard to achieve this victory.

Mr. Speaker, this is the first major overhaul of securities law in 60 years. It is a good bill, it is a bipartisan bill, and I want to commend, first of all, the chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. This will be his last bill on the floor. He did yeoman work. And I want to commend the gentleman from Massachusetts [Mr. MARKEY] without whose help we would not be here right now. He and Mr. FIELDS worked together, we produced a bill that passed out of this House with 408 votes, it went to the other body, they passed theirs. We went to conference, and we did not get everything we wanted, as all of us know in the legislative process we do not do.

But I must say this. The gentleman from Massachusetts, the gentleman from Michigan, have been true statesmen. We have worked together. This is good policy, it is good for the Nation, and while we did not get everything we wanted, we have pulled together, and I would hope that we would pass this bill overwhelmingly.

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

Mr. MARKEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I seek recognition at this time so that I can properly recognize the work of the gentleman from Texas [Mr. FIELDS]. This is Mr. FIELDS' last bill out here on the floor of Congress, and it is indeed a historic bill. Paired with the telecommunications bill which passed the Congress in February of this year, this historic securities bill represents the other historic landmark legislation which has passed the Congress and will be signed by the President during the 2-year tenure of Mr. FIELDS as chairman of this committee.

Mr. Speaker, I would like all of the Members to pay recognition to the gentleman from Texas [Mr. FIELDS] at this time for the tremendous work which he has done.

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Mr. Speaker, JACK is more than a congressman and chairman to me; he is my good friend as well. That is why the gentleman from Michigan [Mr. DINGELL] and I and all the Members on our side have had such a wonderfully productive working relationship with him.

Mr. Speaker, there are a lot of good things in this bill, especially in the mutual funds area, where we are overhauling 50 year's worth of law, reforming it so it reflects now the new financial marketplace that has been constructed over the last 10 or 15 years in this country and around the globe.

It includes an 800 number that individual investors can call in order to find out what the record is of the investment advisers that are seeking the business of individuals with their life savings.

It includes much that is good, Mr. Speaker. That is largely a tribute to the gentleman from Texas [Mr. FIELDS]. I know that I join with all Members in standing here this evening in praise of his work, and in knowing that this final bipartisan effort is something that is in fact indicative of the way in which he conducted his subcommittee.

Mr. Speaker, I want to praise, as well, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Ohio [Mr. OXLEY]. They, along with the Members on our side, worked together patiently over the last year and a half toward the construction of this historic legislation, and I cannot tell the Members tonight how proud I am to be part of the team that brings it out here to the floor.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, very seldom do I actually come to the floor; very seldom have I, in the 16 years I have been in Congress. I have always enjoyed working in the committee and making whatever contributions that I can.

I think it is somewhat ironic that tonight, the last night of my legislative career here in the House, I am fortunate to have before the body, with my colleagues, a piece of legislation that is truly historic, that is truly landmark. I certainly appreciate the indulgence of our colleagues as we pass this particular piece of legislation.

Mr. Speaker, I have to say this has been a long process. I want to begin by thanking the staff. We usually tend to thank the staff at the very end, but I want to thank Linda Rich, David Cavicke, Brian McCullough, J.D., Charles, Steve Cope, Tim Forde, Jeff Duncan, Consuela Washington, Christy Strawman on my staff.

Without all of these people, we would not have been able to put this massive reform together, because this reforms the 1934 Securities Act and the 1940 Investment Company Act, so this is truly landmark legislation.

Mr. Speaker, I would be remiss if I did not begin by recognizing the work of the chairman, the gentleman from Virginia, Mr. BLILEY, saving $850 million over a 10-year period in fees for the financial industry; the work of the gentleman from Ohio, MIKE OXLEY; the work of the gentleman from New York, DAN FRISA; the work of someone who I admire as much as anyone in the House of Representatives, the person that many of us consider to be our mentor, even though he is on the other side of the aisle, the gentleman from Michigan, JOHN DINGELL.

I have really saved one person for last, Mr. Speaker. I am not, in my last speech, going to be outgracioused by the gentleman from Massachusetts [Mr. MARKEY]. But before I pay the accolades to the gentleman from Massachusetts, it is important that this House have perspective.

EDDIE and I really began to work on this product last year. We attempted to get some help from the other side of the Capitol. I have to point out to my colleagues that we did not have much engagement from the other side of the Capitol until this week, but it is important to recognize that the foundation for this bill, and I think that it is an example for the House, occurred several months ago, when the gentleman from Massachusetts, ED MARKEY, and I met in my office to talk about our commonality, what was in a bill that had been introduced. We did not focus on our differences. If we did, we could have stopped the process right there.

But instead, we talked about what was good for the consumer, the investing public, to make sure that the safeguards that have given us the strongest financial markets in the world with the highest integrity, that that would never be compromised. Everything that is in this piece of legislation started that night.

From that night, we had improvements made at the subcommittee, made at the full committee, even here on the floor. We did go into a conference with the Senate. I think we are fortunate to be able to report that that conference concluded. But again, I want to point out, particularly to my colleagues on this side of the aisle, that if it had not been for my friend and my colleague looking for commonality and looking to do the right thing for the investing public, the gentleman from Massachusetts, we would not be standing here.

I have to tell the Members, in all candor, the U.S. Senate was more of an obstacle than an asset in this particular process. It would have been very easy for my friends on this side of the aisle to say that an agreement that we had originally reached, a good agreement, that agreement was gone. But they did not walk away. None of us are completely happy with everything that is in this bill, or some things that are not here, but I know I have a commitment from my friend, and in talking to my friends on this side of the aisle, to continue to work next year for anything that we think needs to be added, any deficiencies that might be there.

Having said that, Mr. Speaker, let me come back to the substance of this particular piece of legislation. We bring the financial markets of this country into the 21st century. We end regulation in its duplicative sense that is

needless and costs money wastefully, but we do not compromise investor protection.

What the chairman said just a moment ago, the gentleman from Virginia [Mr. BLILEY], this is a bipartisan consensus product. This is my final legislative act. This will be one of my last votes. We all hope that it is an oral vote. We plan for it to be an oral vote. But we are proud of what we have been able to do in working together. Mr. Speaker, I am very proud that this is my last legislative act that I bring to the floor.

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

Mr. FIELDS of Texas. I yield to the gentleman from Ohio.

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

Mr. OXLEY. Mr. Speaker, I thank the chairman of the subcommittee for yielding to me. Let me also heap praise on him and the gentleman from Massachusetts [Mr. MARKEY]. Other than the fact that both gentlemen have funny accents, they have very little in common, except for their efforts to craft legislation that will last for a long, long time. In both the telecommunications legislation, the first major telecommunications legislation in 62 years, and now the Securities Act, both gentlemen have shown terrific leadership on both these very important issues.

Indeed, your legacy, JACK, will be with these two major pieces of legislation. For that the gentleman from Texas [Mr. FIELDS] is to be congratulated by all of the Members.

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

Mr. FIELDS of Texas. I yield to the gentleman from New York.

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

Mr. FRISA. Mr. Speaker, I would like to also, as a conferee on this legislation, express my thanks to the gentleman from Texas [Mr. FIELDS] and to the chairman, the gentleman from Virginia [Mr. BLILEY], for giving me the opportunity to participate as a new Member of this House on such an important piece of legislation, as they both did on the telecommunications act reform.

I support this legislation as well, and also extend my thanks to the gentleman from Massachusetts, Mr. MARKEY, and the gentleman from Michigan, Mr. DINGELL, as well, I must say, to the chairman of the Committee on Banking on the other side, Mr. D'AMATO, who is my Senator, and whom I represent, for his efforts on bringing this to final closure. I support this legislation.

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

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL], the ranking Democrat on the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I thank my friend, the gentleman from Massachusetts [Mr. MARKEY], for yielding time to me.

Mr. Speaker, I want to commend the gentleman for the outstanding job he has done on this, and also our chairman, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Ohio [Mr. OXLEY].

I also want to express my particular affection and respect for the distinguished gentleman from Texas [Mr. FIELDS] who is up, I think, for the last time tonight. He is a superb Member of this body. He will be missed. He has earned the respect and affection of his colleagues by dint of his integrity, his honesty, and the way in which he has handled legislation. I will miss him, although I will rejoice that he will continue to be my friend.

This is a good bill. It represents a huge amount of hard work, leadership, and effort. It is, as I mentioned, the last security bill for our good friend, the gentleman from Texas [Mr. FIELDS], and a fitting tribute to both him and to the gentleman from Massachusetts [Mr. MARKEY], and to our chairman, the gentleman from Virginia [Mr. BLILEY], because of the way they have worked together to see to it that this bill could come to fruition.

Mr. Speaker, the National Securities Improvements Act is an important piece of legislation. It enjoys, and properly so, bipartisan support, as well as the support of the industry. It is deregulatory in a proper fashion, while at the same time preserving and enhancing investor protections, something which is the real purpose of the American securities market and the American securities law.

Mr. Speaker, I am, I will observe, deeply disappointed in the investment advisers provisions. No fault attaches to my colleagues on this side, but rather, the fault exists over in the other body. This body and the other body, because of the impasse on this matter, have passed up an opportunity to better police investment advisers, financial planners, and to give the SEC the resources and regulatory tools that are needed to put in jail or to put out of business a number of scoundrels, crooks, swindlers, and others who, very frankly, are advantaging themselves and enriching themselves at the expense of the little investor. To do that is a great shame.

In that, there is one significant failure in this legislation. The bill before us on these matters essentially maintains the status quo. It does not contain the additional resources and investor protections sought by the House in this matter. Indeed, these provisions were passed by the House twice before. Nonetheless, no discredit attaches in this matter to any of my colleagues on the committee. They did their best in trying to protect and preserve these provisions, and they are important, as I reiterate, to the little investors in this country, who are being taken advantage of by a number of unprincipled, irresponsible, and incompetent people who function in this industry to their own great benefit and enrichment.

In any event, I urge the passing of this bill. I salute the gentleman from Texas [Mr. FIELDS]. I salute my colleagues who have worked on it. I do want to salute the staff, which has worked very hard to bring us to where we are today.

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

Mr. Speaker, I would ask if I could engage in a colloquy with the gentleman from Texas.

Mr. Speaker, I would ask the chairman, is it the manager's intention not to limit, alter, expand, or otherwise affect in any way any State, statutory, or common law with respect to fraud or deceit, including broker-dealer sales practices, in connection with securities or securities transactions?

Mr. FIELDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Speaker, the gentleman is corrected in his understanding.

Mr. MARKEY. Mr. Speaker, I thank the chairman very much for that statement.

Mr. Speaker, we have come a long way in the last year and a half on this legislation. I think many observers would have thought it was impossible that we could have had such a historic overhaul of securities laws.

At the beginning we were on different planets in terms of how we viewed these issues. But back in March, the gentleman from Texas, JACK FIELDS, and I, we went to his office for 2 hours, sat down and went through each and every issue trying to find the common ground in each and every one of them. The agreement in principle that we reached that night is the core of this legislation.

It is altogether fitting that it be the last bill before the continuing resolution that we in fact take up here, because when the history of this Congress is written, there is no question that this securities overhaul and the telecommunications overhaul will be at the top of the list in terms of constructive, productive use of this Congress. It is a tribute to JACK and his understanding of the need to develop bipartisanship in the development of legislation which will leave that legacy for him to look back at.

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We deal here with national securities offerings in a way that will preempt duplicative State review of mutual funds and stocks and bonds. We overhaul the margin provisions of this country.

The mutual fund company reforms that are included in this bill are the greatest since 1940 that have come through this Congress. We have gone

through months of discussion to reach this point. But it is, as technical as it may be, as significant a piece of legislation as we will have passed during this 2 years that the 104th Congress was convened.

Let me join as well in praising Linda Dallas Rich and David Cavicke; Steve Cope, who sits over there, J.D.; and on our side Consuela Washington; and Jeff Duncan; and David Moulton; and especially, because of his incredible efforts on this project over the last year and a half, consuming enormous amounts of time, with his wife pregnant, or just having had a baby, depending upon the circumstance a year and a half ago or right now, Tim Ford.

We all know, most of the Members here, how humble we have to be at moments like this with a continuing resolution and so much important legislation coming through here, that without the work of the staff, it would not be possible.

So let me finish again. Without question, the gentleman from New York, DAN FRISA; and the gentleman from Virginia, RICK BOUCHER; so many other Members, I see the gentleman from Michigan, BART STUPAK, here; all participated in this bill.

Again, for me, it is a moment where I say good-bye legislatively to my good friend, the gentleman from Texas, JACK FIELDS. And I say good-bye because, in a sea of acrimony, there was an air of good feeling that he was able to develop that produced historic legislation in two areas that could have been intractable in the wrong hands.

For that, I salute you, JACK.

The statement of managers on this conference report notes that ''The Managers agreed to include certain Amendments to the Investment Advisers Act of 1940 to eliminate publication, promote efficiency and protect investors.'' I would like to take just a few moments to describe what these amendments do and the congressional intent underlying them.

First, the bill provides a $20 million authorization for the enforcement of the Investment Advisers Act of 1940, which regulates investment advisers and financial planners. These funds are intended to be used to beef up the SEC's inspections, examinations, supervision, and enforcement of the Advisers Act. For too many years, the SEC has not devoted adequate resources to this area, and this authorization is intended to reverse that situation. I am committed to assuring that funds are appropriated for this area, and intend to work closely with the SEC and the administration to assure this is the case.

Second, the conference report provides for the establishment of a toll-free 800 number that investors can call to check on the disciplinary history of an investment adviser. This provision gives investors the tools they need to protect themselves against dishonest, unscrupulous, or shady individuals by letting them call a number to check and see whether the person they are considering turning over their life savings to has any history of previous disciplinary problems relating to fraud, sales practice abuse, or other misconduct. I expect the SEC to move quickly to assure that this 800 number is established, and that it provides investors with all the information they need to make informed decisions in this area. In this regard, I would expect the Hotline to include the same types of information available—or which is now slated to be made available—to investors over the existing NASD hotline for broker dealers. In addition, I expect that the new Hotline will also be supplemented by on-line services that will allow investors to access this type of information over the Internet—similar to what is now being planned for the current NASD broker-dealer Hotline.

With respect to Federal-State jurisdiction, the conference compromise assigns primary responsibility to the SEC for supervision of large investment advisers while reserving for the states primary supervisory responsibility for small advisers. At the same time, we agreed that the States should continue to have authority to license the individual representatives of investment advisers.

Finally, the bill provides for uniformity in State requirements in books and records, capitol, and bonding requirements.

This is an equitable compromise in this important area. However, it leaves unaddressed other issues that I continue to consider important to assuring investors are fully protected against wrongdoing by their investment advisers, such as enhanced disclosure of fees and conflicts-of-interest. I intend to continue to press for these reforms in the next Congress.

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

Mr. FIELDS of Texas. Mr. Speaker, I yield myself such time as I may consume, but let me inform the body that I will be very brief so that we can move on. I know everyone wants to get to the continuing resolution.

Mr. Speaker, I want to amplify something that my good friend, the gentleman from Massachusetts, ED MARKEY, said just a moment ago. We are taking a few minutes to talk in very general terms about a very complex piece of legislation, that is just as massive in reform as our reform was of telecommunications, and we are certainly not doing justice in this short time period to what we have done, and I want to acknowledge that.

But, again, I want to emphasize to this House that while this is my last speech, this is my last legislative act, the real magic here, which I hope is demonstrable to the rest of the House, is the fact that people who come from very different backgrounds, from different sides of the aisle, different political persuasions, put aside differences which we could have focused on and instead looked at what was best for the American consuming public, and we focused there, and we found commonality and looked for the best policy.

Again, this is not a singular effort. For 4 years, I have had the opportunity to work with the gentleman from Massachusetts, ED MARKEY, in the last Congress as the senior Republican on the Subcommittee on Telecommunication and Finance, and this year being fortunate to be its chairman. I am going to say that I am a blessed Member that I had this particular individual to work with for 4 years.

I also do not want to take away from the Members on my side. I know there are a lot of people who feel they sit on the best subcommittee or on the best committee, and certainly I do, in that particular regard. Our Members are engaged, both sides of the aisle, they are very intelligent, they are very focused, and I always feel that they are motivated for the right reason.

So it is a great moment of pride that, as I close out my legislative career, I am standing here tonight with a product that we all can be proud of as a Congress as we go home, and it is something that we should all talk about, but we should talk about this as a joint product that occurred from both sides of the aisle.

Mr. MARKEY. Mr. Speaker, will the gentleman yeild?

Mr. FIELDS of Texas. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Again, I thank the gentleman.

In conclusion, I also thank the gentleman from Virginia, TOM BLILEY, following the tradition of the gentleman from Michigan, JOHN DINGELL, in creating the climate at our committee historically that has made it possible. And Alan Roth and J.D. on this bill helped to create the environment where the Members worked together to produce this bill.

Mr. FIELDS of Texas. Mr. Speaker, the gentleman makes an excellent point. We would not be here if it had not been for the gentleman from Michigan, JOHN DINGELL, and Chairman BLILEY bringing all this to closure.

With that, Mr. Speaker, I think it is appropriate that we now pass the torch to the gentleman from Ohio [Mr. OXLEY] and the gentleman from Massachusetts [Mr. MARKEY] to continue the legacy of this particular subcommittee, the legacy that we have enjoyed over many sessions.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of H.R. 3005, the Securities Amendment of 1996. During three hearings held on securities amendments, the Commerce Committee of which I am a member, heard support for sensible, targeted efforts to reform Federal securities laws to promote greater efficiency and capital formation in U.S. financial markets. We also heard from a number of witnesses, including Securities and Exchange Commission Chairman Arthur Levitt, who urged us to proceed carefully and cautiously, keeping in mind the fact that investor confidence and consumer protection must not in any way be compromised in this undertaking. I agree fully. I was extremely pleased that a bipartisan agreement was reached that heeded Chairman Levitt's sage advice.

As we all know, U.S. capital markets are the strongest financial markets in the world. Today, nearly one-third of all families in the Nation have a portion of their savings invested in stocks, bonds, and mutual funds in order to ensure a better future for themselves and their loved ones. These investors have trust in their investments because our regulatory system has proven beneficial in protecting individuals from fraud and abuse perpetuated by unscrupulous brokers and dealers. We will be preserving and strengthening this trust with the legislation we consider before us today.

This legislation will maintain the authority of State securities regulators to police wrongdoing. In addition, the legislation ensures that the SEC mandate to protect American investors and the public interest as well as the long-term stability of our major markets remains intact. This is a most important point. While there is room to fine tune the regulatory functions of the SEC, reforms must never be structured in such a way that they undermine consumer confidence.

This bill, H.R. 3005, does not seek to greatly limit inspections of brokerage firms who have violated SEC rules or relieve firms of liability for recommending unsuitably risky investments to institutional clients. The bill also modifies previous language that would have eliminated the requirement in current law that investors be sent a prospectus and informed of the risks they face before they buy newly offered securities by requiring the SEC to move forward with its study of this issue.

Mr. Speaker, there is undoubtedly a need to monitor mutual fund regulation to fully account for the constantly evolving size, complexity, and investment opportunities of our Nation's financial markets. While mutual funds have grown by more than 20 percent annually throughout the 1980's and into the 1990's, Congress has not addressed the issue of fund regulation since 1970. This bill updates our securities laws and will support and improve the industry. I urge my colleagues to approve the conference report on H.R. 3005. I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. DREIER). The question is on the motion offered by the gentleman from Texas [Mr. FIELDS] that the House suspend the rules and agree to the conference report on the bill, H.R. 3005.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FIELDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3005.

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

There was no objection.

CONFERENCE REPORT ON H.R. 3610, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 3610) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

GENERAL LEAVE

Mr. LIVINGSTON. 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 the conference report to accompany H.R. 3610 and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, today I am pleased to bring before the House the Omnibus Consolidated Appropriations Act of 1997 that will fund the remaining appropriations bills for the full fiscal year and allow us to go home.

I want to say up front that the procedure that we were forced to follow was less than desirable. That procedure was initially caused by the other body's inability to complete consideration of five appropriation bills. We also had to address the demands of the Clinton administration to increase domestic spending.

But the House was able to get its work done. We passed all of our bills promptly this summer, all 13 appropriations bills. That would not have been the case without the dedicated, steadfast, and conscientious effort of all of the Members of the House, but most especially my friend the gentleman from Wisconsin, DAVID OBEY, the ranking minority member of the committee, as well as all of the subcommittee chairmen; all of the ranking members of subcommittees; all of the members of the Committee on Appropriations; and especially, the dedicated staff, majority and minority; the gentleman who sits next to me, the chief clerk of the Committee on Appropriations, Jim Dyer; the gentleman that sits next to him, Dennis Kedzior; Fred Mohrman, who is not here tonight but who helped get us started in the 104th Congress; Scott Lilly, the ranking minority clerk over there sitting next to the gentleman from Wisconsin [Mr. OBEY]; and all of the other dedicated staff, many of whom have not even slept a single minute over the last 3 or 4 days to prepare this bill.

They have done just an incredible job against overwhelming odds, bearing a tremendous work load, and I can tell them all that I am deeply appreciative of their efforts. Because of them we were able to get our work done.

Now the procedure we used to develop this conference report is brought about because some of the bills got stymied on the other side. But in order to come to closure on these matters as well as to address the needs for increased funding for antiterrorism programs, the drug initiative, disaster assistance for Hurricane Fran, wildfires in the West, and to consider the demands of the administration for funding certain programs, we had to combine all of these remaining bills into one legislative agenda, one legislative package, which sits before you so the trade-offs could be made and the package could be viewed as a balanced one.

As many of the Members know, the administration asked for additional domestic spending that would be offset by cuts in the defense appropriations bill. That was unacceptable to me, and it was unacceptable to the gentleman from Florida, BILL YOUNG, the chairman of the Subcommittee on National Security.

We both insisted that no further cuts be made to the level of funding in the defense bill and that other offsets must be found to pay for their wish list of domestic spending. We refused to cut defense further.

Mr. YOUNG put together a good defense appropriations bill that provides for a strong national defense and meets the needs of American servicemen, and women whether they be in Bosnia or flying over Iraq or Saudi Arabia or Kuwait or elsewhere all around the globe.

In a minute I will be happy to yield to the gentleman from Florida [Mr. YOUNG], so he can explain the portion of the bill that relates to the national defense. But in the meantime, I want to say that this appropriation measure carries full-time funding for 6 complete bills, virtually half of the budget of the United States Government. It includes the Subcommittee on Commerce, Justice, State and Judiciary; the Department of Defense, the Subcommittee on Foreign Operations, Export Financing and Related Programs; the Subcommittee on the Interior; the Subcommittee on Labor, Health and Human Services and Education; and the Subcommittee on Treasury, Postal Service, and General Government.

In addition to augmenting various programs in these annual spending bills, we are providing funding for the antiterrorism program of some $981 million, we are giving $8.8 billion for a drug initiative to combat drug abuse and to interdict the inflow of drugs into this country, and we are providing nearly $400 million for relief from disasters such as Hurricane Fran.

The sizable offsets included in the bill, for example, from the BIF/SAIF program that we will hear about the gentleman from Iowa [Mr. LEACH] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and the spectrum sale both fully fund the deficit impact in any spending in this bill.

I want to reiterate, this bill does not add to the deficit. In fact, this bill completes our final step in the 104th Congress toward securing some $53 billion in cumulative savings under the

previous Congress for the American taxpayer. Had the President gotten his wishes abided in his budget, frankly, we would have spent $75 billion more than we actually did.

Mr. Speaker, I believe the funding levels in this bill represent a good compromise. They have been working out in strict bipartisan fashion. My hat is off to the gentleman from Wisconsin [Mr. OBEY] and all of the Democrats and Republicans who sat with us in long, tedious hours over the last few weeks and with Mr. Panetta and all his staff over at the White House. They put in incredible hours with us.

Not many of us got any sleep at all, but we finally pounded out is, I think that a bipartisan package can be achieved if people of good will work together with one another. That is what happened here.

I believe we have a bill that is good for the departments and the agencies funded by these six subcommittees. It is good for the taxpayer because it is deficit neutral, and it is a good bill because it allows us to go home to our constituents.

In a few minutes I will be happy to yield to the subcommittee chairmen who helped to craft this package.

At this point in the RECORD I would like to insert several detailed tables showing the funding levels for the departments and agencies in this conference report.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expenses	74,181,000	83,256,000	78,493,000	70,653,000	75,773,000	+1,592,000
Emergency appropriations	.....	3,600,000	.....	.....	3,600,000	+3,600,000
Total, salaries and expenses	74,181,000	86,856,000	78,493,000	70,653,000	79,373,000	+5,192,000
Counterterrorism fund	16,898,000	9,688,000	9,450,000	40,000,000	9,450,000	-7,448,000
Emergency appropriations	.....	35,000,000	.....	.....	20,000,000	+20,000,000
Total, Counterterrorism fund	16,898,000	44,688,000	9,450,000	40,000,000	29,450,000	+12,552,000
Administrative review and appeals:						
Direct appropriation	38,791,000	73,411,000	64,000,000	59,909,000	62,000,000	+23,209,000
Emergency appropriations	.....	1,700,000	.....	.....	1,000,000	+1,000,000
Crime trust fund	47,780,000	52,847,000	48,000,000	48,000,000	48,000,000	+220,000
Total, Administrative review and appeals	86,571,000	127,958,000	112,000,000	107,909,000	111,000,000	+24,429,000
Office of Inspector General	28,960,000	51,949,000	31,960,000	31,960,000	31,960,000	+3,000,000
Total, General administration	206,610,000	311,451,000	231,903,000	250,522,000	251,783,000	+45,173,000
Appropriations	(158,830,000)	(218,304,000)	(183,903,000)	(202,522,000)	(179,183,000)	(+20,353,000)
Emergency appropriations	.....	(40,300,000)	.....	.....	(24,600,000)	(+24,600,000)
Crime trust fund	(47,780,000)	(52,847,000)	(48,000,000)	(48,000,000)	(48,000,000)	(+220,000)
United States Parole Commission						
Salaries and expenses	5,446,000	5,201,000	4,490,000	5,201,000	4,845,000	-601,000
Legal Activities						
General legal activities:						
Direct appropriation	401,929,000	450,277,000	420,793,000	421,278,000	420,793,000	+18,864,000
(By transfer)	(12,000,000)	.....	.....	.....	.....	(-12,000,000)
Emergency appropriations	.....	4,857,300	.....	.....	1,719,000	+1,719,000
Crime trust fund	7,591,000	7,750,000	7,750,000	7,750,000	7,750,000	+159,000
Total, General legal activities	(421,520,000)	(462,884,300)	(428,543,000)	(429,028,000)	(430,262,000)	(+8,742,000)
Vaccine injury compensation trust fund	4,028,000	4,028,000	4,028,000	4,028,000	4,028,000	.....
Independent counsel (permanent, indefinite)	2,884,000	3,000,000	3,000,000	3,000,000	3,000,000	+116,000
Antitrust Division	85,074,000	94,979,000	84,336,000	94,979,000	92,447,000	+7,373,000
Offsetting fee collections - carryover	-19,360,000	-10,643,000	-7,889,000	.....	-16,000,000	+3,360,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-94,979,000	-58,905,000	-10,643,000
Direct appropriation	17,452,000	25,431,000	17,542,000	.....	17,542,000	+90,000
United States Attorneys:						
Direct appropriation	894,346,000	949,279,000	931,029,000	934,316,000	923,340,000	+28,994,000
Emergency appropriations	.....	15,606,000	.....	.....	10,900,000	+10,900,000
Crime trust fund	30,000,000	44,409,000	43,876,000	31,000,000	43,876,000	+13,876,000
Total, United States Attorneys	924,346,000	1,009,294,000	974,905,000	965,316,000	978,116,000	+53,770,000
United States Trustee System Fund	102,272,000	111,633,000	107,950,000	107,950,000	107,950,000	+5,678,000
Offsetting fee collections	-44,191,000	-49,869,000	-49,869,000	-49,869,000	-49,869,000	-5,678,000
Direct appropriation	58,081,000	61,764,000	58,081,000	58,081,000	58,081,000	.....
Foreign Claims Settlement Commission	829,000	878,000	878,000	953,000	953,000	+124,000
United States Marshals Service:						
Direct appropriation	422,684,000	489,562,000	460,214,000	457,495,000	457,495,000	+34,811,000
Emergency appropriations	.....	2,000,000	.....	.....	.....	.....
Crime trust fund	25,000,000	25,477,000	25,000,000	25,000,000	25,000,000	.....
Total, United States Marshals Service	447,684,000	517,039,000	485,214,000	482,495,000	482,495,000	+34,811,000
Federal Prisoner Detention	252,820,000	405,262,000	405,262,000	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)	(405,262,000)	(405,262,000)	(+109,931,000)
Fees and expenses of witnesses	85,000,000	100,702,000	100,702,000	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	102,702,000	100,702,000	+15,702,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Community Relations Service	5,319,000	5,502,000	5,319,000	5,319,000	5,319,000	
Assets forfeiture fund	29,487,000	30,000,000	16,000,000	30,000,000	23,000,000	-6,487,000
Total, Legal activities	2,237,450,000	2,627,784,300	2,499,474,000	2,486,184,000	2,508,760,000	+271,310,000
Appropriations	(2,174,859,000)	(2,527,685,000)	(2,422,848,000)	(2,422,434,000)	(2,419,515,000)	(+244,656,000)
Emergency appropriations		(22,463,300)			(12,619,000)	(+12,619,000)
Crime trust fund	(62,591,000)	(77,636,000)	(76,626,000)	(63,750,000)	(76,626,000)	(+14,035,000)
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,000,000	2,000,000	2,000,000	2,000,000	-655,000
Payment to radiation exposure compensation trust fund		13,736,000	13,736,000	13,736,000	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	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	352,461,000	359,430,000	
Federal Bureau of Investigation						
Salaries and expenses	1,999,539,000	2,361,838,000	2,311,225,000	2,336,153,000	2,257,880,000	+258,341,000
(By transfer)	(22,000,000)					(-22,000,000)
Prior year carryover				-40,700,000		
Anti-terrorism activities (emergency appropriations)		153,600,000			115,610,000	+115,610,000
Counterintelligence and national security	102,345,000	102,345,000	133,081,000	195,200,000	147,081,000	+44,736,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000		84,400,000	
Health care fraud enforcement		-38,000,000			-38,000,000	-38,000,000
Subtotal	(2,208,284,000)	(2,664,183,000)	(2,528,706,000)	(2,490,653,000)	(2,566,971,000)	(+358,687,000)
Crime trust fund	218,300,000	133,123,000	153,000,000	160,000,000	169,000,000	-49,300,000
Telephone carrier compliance		100,000,000				
Emergency appropriations					60,000,000	+60,000,000
Construction	97,574,000	55,676,000	55,676,000		41,639,000	-55,935,000
Emergency appropriations		2,000,000				
Construction (crime trust fund)				28,144,000		
Total, Federal Bureau of Investigation	2,502,158,000	2,954,982,000	2,737,382,000	2,678,797,000	2,837,610,000	+335,452,000
Appropriations	(2,283,858,000)	(2,666,259,000)	(2,584,382,000)	(2,490,653,000)	(2,493,000,000)	(+209,142,000)
Emergency appropriations		(155,600,000)			(175,610,000)	(+175,610,000)
Crime trust fund	(218,300,000)	(133,123,000)	(153,000,000)	(188,144,000)	(169,000,000)	(-49,300,000)
Drug Enforcement Administration						
Salaries and expenses	796,315,000	870,862,000	785,862,000	811,824,000	798,212,000	+1,897,000
Diversion control fund	-47,241,000	-52,824,000	-52,824,000	-52,824,000	-52,824,000	-5,583,000
Direct appropriation	749,074,000	818,038,000	733,038,000	759,000,000	745,388,000	-3,686,000
Emergency appropriations		7,000,000			5,000,000	+5,000,000
Crime trust fund	60,000,000	138,000,000	172,000,000	165,000,000	220,000,000	+160,000,000
Transfer from Office of Justice Programs			71,000,000			
Construction					30,806,000	+30,806,000
Construction (crime trust fund)				36,306,000		
Total, Drug Enforcement Administration	809,074,000	963,038,000	976,038,000	960,306,000	1,001,194,000	+192,120,000
Appropriations	(749,074,000)	(818,038,000)	(733,038,000)	(759,000,000)	(776,194,000)	(+27,120,000)
Emergency appropriations		(7,000,000)			(5,000,000)	(+5,000,000)
Crime trust fund	(60,000,000)	(138,000,000)	(243,000,000)	(201,306,000)	(220,000,000)	(+160,000,000)
Immigration and Naturalization Service						
Salaries and expenses	1,393,064,000	1,683,914,000	1,667,614,000	1,470,449,000	1,590,159,000	+197,095,000
Prior year carryover				-36,300,000		
Direct appropriation	1,393,064,000	1,683,914,000	1,667,614,000	1,434,149,000	1,590,159,000	+197,095,000
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)
Emergency appropriations		15,000,000			15,000,000	+15,000,000
Immigration initiative (crime trust fund)	316,198,000	458,168,000	500,168,000	539,476,000	500,000,000	+183,802,000
Subtotal, Direct and crime trust fund	(1,709,262,000)	(2,157,082,000)	(2,167,782,000)	(1,973,625,000)	(2,105,159,000)	(+395,897,000)

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Fee accounts:						
Immigration legalization fund	(1,821,000)	(1,893,000)	(1,893,000)	(1,893,000)	(1,893,000)	(+72,000)
Immigration user fee	(356,187,000)	(388,664,000)	(388,664,000)	(423,631,000)	(388,664,000)	(+32,477,000)
Land border inspection fund	(5,960,000)	(11,054,000)	(11,054,000)	(11,054,000)	(11,054,000)	(+5,094,000)
Immigration examinations fund	(439,550,000)	(511,061,000)	(511,061,000)	(586,800,000)	(567,550,000)	(+128,000,000)
Cuban/Haitian resettlement (examinations fund)	(10,057,000)	.....	.....	.....	.....	(-10,057,000)
Breached bond fund	(6,351,000)	(6,613,000)	(6,613,000)	(6,613,000)	(6,613,000)	(+262,000)
Subtotal, Fee accounts	(819,926,000)	(919,285,000)	(919,285,000)	(1,029,991,000)	(975,774,000)	(+155,848,000)
Construction	24,960,000	5,541,000	9,841,000	5,541,000	9,841,000	-15,119,000
Total, Immigration and Naturalization Service	(2,554,148,000)	(3,081,908,000)	(3,096,908,000)	(3,009,157,000)	(3,090,774,000)	(+536,626,000)
Appropriations	(1,418,024,000)	(1,689,455,000)	(1,677,455,000)	(1,439,690,000)	(1,600,000,000)	(+181,976,000)
Emergency appropriations	.....	(15,000,000)	.....	.....	(15,000,000)	(+15,000,000)
Crime trust fund	(316,198,000)	(458,168,000)	(500,168,000)	(539,476,000)	(500,000,000)	(+183,802,000)
(Fee accounts)	(819,926,000)	(919,285,000)	(919,285,000)	(1,029,991,000)	(975,774,000)	(+155,848,000)
Federal Prison System						
Salaries and expenses	2,611,143,000	2,887,816,000	2,822,816,000	2,858,316,000	2,858,316,000	+247,173,000
Prior year carryover	-47,000,000	.....	-50,000,000	-90,000,000	-90,000,000	-43,000,000
Direct appropriation	2,564,143,000	2,887,816,000	2,772,816,000	2,768,316,000	2,768,316,000	+204,173,000
Crime trust fund	13,500,000	25,224,000	25,224,000	25,224,000	25,224,000	+11,724,000
Total, Salaries and expenses	2,577,643,000	2,913,040,000	2,798,040,000	2,793,540,000	2,793,540,000	+215,897,000
Buildings and facilities	334,728,000	295,700,000	395,700,000	385,700,000	395,700,000	+60,972,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
Total, Federal Prison System	2,912,371,000	3,208,740,000	3,193,740,000	3,179,240,000	3,189,240,000	+276,869,000
Office of Justice Programs						
Justice assistance:						
Direct appropriation	99,853,000	117,797,000	105,000,000	101,629,000	101,429,000	+1,576,000
Emergency appropriations	.....	2,000,000	.....	.....	17,000,000	+17,000,000
Total, Justice assistance	99,853,000	119,797,000	105,000,000	101,629,000	118,429,000	+18,576,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	60,000,000	.....	60,000,000	60,000,000	60,000,000	.....
Byrne grants (formula)	328,000,000	.....	255,000,000	300,000,000	301,000,000	-27,000,000
Weed and seed fund (earmark)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	(28,500,000)	.....
Subtotal, Direct appropriations	388,000,000	.....	315,000,000	360,000,000	361,000,000	-27,000,000
Crime trust fund:						
Byrne grants (formula)	147,000,000	535,000,000	245,000,000	175,000,000	199,000,000	+52,000,000
Community policing	1,399,980,000	1,950,000,000	1,400,000,000	1,400,000,000	1,400,000,000	+20,000
Transfer to State & local task forces/DEA	.....	.....	-71,000,000	.....	.....	.....
Youth violence initiative (earmark)	.....	.....	(30,500,000)	.....	.....	.....
Law enforcement scholarship program	.....	10,000,000	.....	.....	.....	.....
Police recruitment grants	.....	1,155,000	.....	.....	.....	.....
Drug testing initiative (earmark)	.....	(42,500,000)	.....	(42,500,000)	.....	.....
Police corps (direct)	.....	15,000,000	.....	.....	20,000,000	+20,000,000
Police corps (earmark)	(10,000,000)	.....	(10,000,000)	(20,000,000)	.....	(-10,000,000)
Local law enforcement block grant	503,000,000	.....	571,000,000	503,000,000	523,000,000	+20,000,000
Drug courts (direct)	.....	100,000,000	.....	.....	30,000,000	+30,000,000
Drug courts (earmark)	(18,000,000)	.....	(18,000,000)	(20,000,000)	.....	(-18,000,000)
Boys and Girls clubs (earmark)	(11,000,000)	.....	.....	(20,000,000)	(20,000,000)	(+9,000,000)
D.C. Police (earmark)	(15,000,000)	.....	.....	.....	.....	(-15,000,000)
Counterterrorism technologies grants	.....	.....	.....	10,000,000	.....	.....
Firefighter / Emergency services training grants	.....	.....	.....	5,000,000	.....	.....
Upgrade criminal history records	25,000,000	50,000,000	50,000,000	50,000,000	50,000,000	+25,000,000
State prison grants	617,500,000	630,000,000	680,000,000	640,000,000	670,000,000	+52,500,000
State criminal alien assistance program	300,000,000	330,000,000	330,000,000	330,000,000	330,000,000	+30,000,000
State courts assistance	.....	28,000,000	5,000,000	.....	.....	.....
Violence Against Women grants 1/	174,500,000	196,500,000	196,500,000	196,500,000	196,500,000	+22,000,000
State prison drug treatment 1/	27,000,000	36,000,000	35,000,000	29,700,000	30,000,000	+3,000,000
Other crime control programs	13,600,000	18,605,000	7,400,000	4,900,000	7,650,000	-5,950,000
Subtotal, Crime trust fund	3,207,580,000	3,900,260,000	3,448,900,000	3,344,100,000	3,456,150,000	+248,570,000
Total, State and local law enforcement	3,595,580,000	3,900,260,000	3,763,900,000	3,704,100,000	3,817,150,000	+221,570,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Juvenile justice programs	148,500,000	149,500,000	149,500,000	158,500,000	174,500,000	+26,000,000
Public safety officers benefits program:						
Death benefits	28,474,000	30,126,000	30,126,000	30,126,000	30,126,000	+1,652,000
Disability benefits	2,134,000	2,200,000	2,200,000	2,200,000	2,200,000	+66,000
Total, Office of Justice Programs	3,874,541,000	4,201,883,000	4,050,726,000	3,996,555,000	4,142,405,000	+267,864,000
Appropriations	(666,961,000)	(299,623,000)	(601,826,000)	(652,455,000)	(669,255,000)	(+2,294,000)
Emergency appropriations		(2,000,000)			(17,000,000)	(+17,000,000)
Crime trust fund	(3,207,580,000)	(3,900,260,000)	(3,448,900,000)	(3,344,100,000)	(3,456,150,000)	(+248,570,000)
Total, title I, Department of Justice	14,660,221,000	16,823,455,300	16,259,129,000	15,904,168,000	16,426,003,000	+1,765,782,000
Appropriations	(10,734,272,000)	(11,795,834,000)	(11,764,211,000)	(11,494,168,000)	(11,681,174,000)	(+946,902,000)
Emergency appropriations		(242,363,300)			(249,829,000)	(+249,829,000)
Crime trust fund	(3,925,949,000)	(4,785,258,000)	(4,494,918,000)	(4,410,000,000)	(4,495,000,000)	(+569,051,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
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	21,449,000	21,449,000	+587,000
International Trade Commission						
Salaries and expenses	39,954,000	41,707,000	40,000,000	41,707,000	40,850,000	+896,000
Total, Related agencies	60,816,000	63,156,000	61,449,000	63,156,000	62,299,000	+1,483,000
International Trade Administration						
Operations and administration	264,885,000	268,277,000	272,000,000	267,939,000	270,000,000	+5,115,000
Emergency appropriations		9,400,000				
Total, International Trade Administration	264,885,000	277,677,000	272,000,000	267,939,000	270,000,000	+5,115,000
Export Administration						
Operations and administration	38,604,000	43,651,000	38,604,000	34,698,000	36,000,000	-2,604,000
Emergency appropriations		3,900,000			3,900,000	+3,900,000
Total, Export Administration	38,604,000	47,551,000	38,604,000	34,698,000	39,900,000	+1,296,000
Economic Development Administration						
Economic development assistance programs	328,500,000	333,500,000	328,500,000	273,500,000	328,500,000	
Emergency appropriations (P.L. 104-134)	18,000,000					-18,000,000
Salaries and expenses	20,000,000	20,036,000	20,000,000	20,036,000	20,036,000	+36,000
Total, Economic Development Administration	366,500,000	353,536,000	348,500,000	293,536,000	348,536,000	-17,964,000
Minority Business Development Agency						
Minority business development	32,000,000	34,021,000	29,000,000	26,000,000	28,000,000	-4,000,000
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	775,941,000	749,553,000	685,329,000	748,735,000	-16,070,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	45,900,000	53,510,000	45,900,000	49,400,000	45,900,000	
Bureau of the Census						
Salaries and expenses	133,617,000	150,665,000	133,617,000	139,700,000	135,000,000	+1,383,000
Periodic censuses and programs	150,100,000	248,690,000	205,100,000	210,500,000	210,500,000	+60,400,000
Total, Bureau of the Census	283,717,000	399,355,000	338,717,000	350,200,000	345,500,000	+61,783,000
National Telecommunications and Information Administration						
Salaries and expenses	17,000,000	18,478,000	15,000,000	16,003,000	15,000,000	-2,000,000
Public broadcasting facilities, planning and construction	15,500,000	8,000,000	15,250,000	15,250,000	15,250,000	-250,000
Endowment for Children's Educational Television		2,497,000				
Information infrastructure grants	21,500,000	59,000,000	21,490,000	4,075,000	21,490,000	-10,000
Total, National Telecommunications and Information Administration	54,000,000	87,975,000	51,740,000	35,328,000	51,740,000	-2,260,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Patent and Trademark Office						
Salaries and expenses	81,252,000	115,000,000	61,252,000	61,252,000	61,252,000	-20,000,000
Fees collected	(532,100,000)	(601,700,000)	.....	(601,723,000)	(601,723,000)	(+69,623,000)
(Prior year carryover)	.....	.....	.....	(10,000,000)	(30,000,000)	(+30,000,000)
Total, Patent and Trademark Office	(613,352,000)	(716,700,000)	(61,252,000)	(672,975,000)	(692,975,000)	(+79,623,000)
Total, Economic and Information Infrastructure	464,869,000	655,840,000	497,609,000	496,180,000	504,392,000	+39,523,000
SCIENCE AND TECHNOLOGY						
Technology Administration						
Salaries and expenses	7,000,000	9,531,000	5,000,000	7,500,000	9,500,000	+2,500,000
National Institute of Standards and Technology						
Scientific and technical research and services	258,670,000	270,744,000	268,000,000	270,400,000	268,000,000	+9,330,000
Industrial technology services	300,927,000	450,000,000	200,400,000	159,900,000	320,000,000	+19,073,000
Construction of research facilities	59,977,000	105,240,000	.....	15,000,000	.....	-59,977,000
Total, National Institute of Standards and Technology	619,574,000	825,984,000	468,400,000	445,300,000	588,000,000	-31,574,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 2/	1,793,784,000	1,974,215,000	1,738,200,000	1,933,703,000	1,854,067,000	+60,283,000
Offsetting collections - fees	-3,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	.....
Direct appropriation	1,790,784,000	1,971,215,000	1,735,200,000	1,930,703,000	1,851,067,000	+60,283,000
(By transfer from Promote and Develop Fund)	(63,000,000)	(61,068,000)	(68,000,000)	(62,000,000)	(66,000,000)	(+3,000,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	3,900,000	6,000,000	6,000,000	6,000,000	6,000,000	+2,100,000
(Damage assessment and restoration revolving fund)	-3,900,000	-6,000,000	-6,000,000	-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	1,930,703,000	1,851,067,000	+60,283,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	.....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	.....
Construction	50,000,000	37,366,000	36,000,000	58,000,000	58,250,000	+8,250,000
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	8,000,000	8,000,000	.....
Fishing vessel and gear damage fund	1,032,000	200,000	200,000	200,000	200,000	-832,000
Fishermen's contingency fund	999,000	1,002,000	1,000,000	1,000,000	1,000,000	+1,000
Foreign fishing observer fund	196,000	196,000	196,000	196,000	196,000	.....
Fishing vessel obligations guarantees	250,000	250,000	250,000	250,000	250,000	.....
Total, National Oceanic and Atmospheric Administration	1,858,761,000	2,022,229,000	1,778,846,000	1,998,349,000	1,918,963,000	+60,202,000
Total, Science and Technology	2,485,335,000	2,857,744,000	2,252,246,000	2,451,149,000	2,516,463,000	+31,128,000
General Administration						
Salaries and expenses	29,100,000	29,100,000	27,400,000	29,100,000	28,490,000	-610,000
Office of Inspector General	19,849,000	20,849,000	19,445,000	20,849,000	20,140,000	+291,000
Working capital fund (by transfer)	.....	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(+3,000,000)
Total, General administration	48,949,000	49,949,000	46,845,000	49,949,000	48,630,000	-319,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)	-75,000,000	.....	.....	-31,800,000	-16,000,000	+59,000,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities (rescission)	.....	.....	-10,000,000	-10,000,000	-20,000,000	-20,000,000
Total, Department of Commerce	3,628,142,000	4,276,318,000	3,474,804,000	3,577,651,000	3,719,921,000	+91,779,000
Total, title II, Department of Commerce and related agencies	3,688,958,000	4,339,474,000	3,536,253,000	3,640,807,000	3,782,220,000	+93,262,000
Appropriations	(3,763,958,000)	(4,326,174,000)	(3,546,253,000)	(3,682,607,000)	(3,814,320,000)	(+50,362,000)
Emergency appropriations	.....	(13,300,000)	.....	.....	(3,900,000)	(+3,900,000)
(By transfer)	(63,000,000)	(64,068,000)	(71,000,000)	(65,000,000)	(69,000,000)	(+6,000,000)
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	1,704,000	1,704,000	+42,000
Other salaries and expenses	24,172,000	25,453,000	25,453,000	25,453,000	25,453,000	+1,281,000
Total, Salaries and expenses	25,834,000	27,157,000	27,157,000	27,157,000	27,157,000	+1,323,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Care of the building and grounds	3,313,000	3,313,000	2,490,000	3,100,000	2,800,000	-513,000
Total, Supreme Court of the United States	29,147,000	30,470,000	29,647,000	30,257,000	29,957,000	+810,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,892,000	1,898,000	1,898,000	1,898,000	1,898,000	+6,000
Other salaries and expenses	12,396,000	14,080,000	13,115,000	13,115,000	13,115,000	+719,000
Total, Salaries and expenses	14,288,000	15,978,000	15,013,000	15,013,000	15,013,000	+725,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,413,000	1,447,000	1,447,000	1,447,000	1,447,000	+34,000
Other salaries and expenses	9,446,000	9,667,000	9,667,000	9,667,000	9,667,000	+221,000
Total, Salaries and expenses	10,859,000	11,114,000	11,114,000	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	225,956,000	225,956,000	-68,000
Other salaries and expenses	2,207,117,000	2,521,390,000	2,313,000,000	2,352,690,000	2,330,044,000	+122,927,000
Emergency appropriations	.....	6,829,000	.....	.....	10,000,000	+10,000,000
Direct appropriation	2,433,141,000	2,754,175,000	2,538,956,000	2,578,646,000	2,566,000,000	+132,859,000
Crime trust fund	30,000,000	35,000,000	30,000,000	30,000,000	30,000,000	.....
Total, Salaries and expenses	2,463,141,000	2,789,175,000	2,568,956,000	2,608,646,000	2,596,000,000	+132,859,000
Vaccine Injury Compensation Trust Fund	2,318,000	2,390,000	2,390,000	2,390,000	2,390,000	+72,000
Defender services	267,217,000	318,905,000	297,000,000	311,900,000	308,000,000	+40,783,000
Emergency appropriations	.....	2,813,000	.....	.....	.....	.....
(Prior year carryover)	(28,544,000)	.....	.....	.....	.....	(-28,544,000)
Total, Defender services	(295,761,000)	(321,718,000)	(297,000,000)	(311,900,000)	(308,000,000)	(+12,239,000)
Fees of jurors and commissioners	59,028,000	68,083,000	66,000,000	68,083,000	67,000,000	+7,972,000
Emergency appropriations	.....	358,000	.....	.....	.....	.....
Court security	102,000,000	131,885,000	131,000,000	127,000,000	127,000,000	+25,000,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,893,704,000	3,313,609,000	3,065,346,000	3,118,019,000	3,100,390,000	+206,686,000
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,523,000	48,500,000	50,900,000	49,450,000	+1,950,000
Federal Judicial Center						
Salaries and expenses	17,914,000	19,625,000	17,495,000	17,914,000	17,495,000	-419,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	32,900,000	30,200,000	30,200,000	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	8,867,000	8,490,000	-10,000
Total, title III, the Judiciary	3,054,812,000	3,483,719,000	3,225,615,000	3,282,284,000	3,262,109,000	+207,297,000
Appropriations	(3,024,812,000)	(3,438,719,000)	(3,195,615,000)	(3,252,284,000)	(3,222,109,000)	(+197,297,000)
Emergency appropriations	.....	(10,000,000)	.....	.....	(10,000,000)	(+10,000,000)
Crime trust fund	(30,000,000)	(35,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	.....
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,716,196,000	1,747,209,000	1,691,450,000	1,700,900,000	1,700,900,000	-15,296,000
Registration fees	700,000	700,000	700,000	700,000	700,000	.....
Emergency appropriations	.....	23,700,000	.....	.....	23,700,000	+23,700,000
Total, Diplomatic and consular programs	1,716,896,000	1,771,609,000	1,692,150,000	1,701,600,000	1,725,300,000	+8,404,000
Salaries and expenses	364,698,000	358,159,000	352,300,000	357,000,000	352,300,000	-12,398,000
Capital investment fund	16,384,000	32,800,000	16,400,000	32,800,000	24,600,000	+8,216,000
Office of Inspector General	27,330,000	27,369,000	27,495,000	27,495,000	27,495,000	+165,000
Representation allowances	4,500,000	4,656,000	4,490,000	4,490,000	4,490,000	-10,000
Protection of foreign missions and officials	8,579,000	8,332,000	8,332,000	8,332,000	8,332,000	-247,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Security and maintenance of United States missions	385,043,000	386,060,000	370,000,000	360,000,000	364,495,000	-20,548,000
Emergency appropriations		14,300,000			24,825,000	+24,825,000
Total, Security and maintenance of United States missions	385,043,000	400,360,000	370,000,000	360,000,000	389,320,000	+4,277,000
Emergencies in the diplomatic and consular service	6,000,000	5,800,000	5,800,000	5,800,000	5,800,000	-200,000
International center, Washington DC		594,000				
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	
Administrative expenses	183,000	663,000	663,000	663,000	663,000	+480,000
Total, Repatriation loans program account	776,000	1,256,000	1,256,000	1,256,000	1,256,000	+480,000
Payment to the American Institute in Taiwan	15,145,000	15,001,000	15,001,000	14,165,000	14,490,000	-655,000
Payment to the Foreign Service Retirement and Disability Fund	125,402,000	126,491,000	126,491,000	126,491,000	126,491,000	+1,089,000
Total, Administration of Foreign Affairs	2,670,753,000	2,752,427,000	2,619,715,000	2,639,429,000	2,679,874,000	+9,121,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	892,000,000	1,045,000,000	875,000,000	550,000,000	892,000,000	
Advance appropriation, FY 1998		43,076,000				
Advance appropriation, FY 1999		43,076,000				
Advance appropriation, FY 2000		43,076,000				
Advance appropriation, FY 2001		43,076,000				
Contributions for international peacekeeping activities, current year	359,000,000	425,000,000	332,400,000	282,600,000	352,400,000	-6,600,000
Advance appropriation, FY 1998		150,070,000				
Advance appropriation, FY 1999		150,070,000				
Advance appropriation, FY 2000		150,070,000				
Advance appropriation, FY 2001		150,070,000				
International conferences and contingencies	2,996,000	5,820,000				-2,996,000
Total, International Organizations and Conferences	1,253,996,000	2,248,404,000	1,207,400,000	832,600,000	1,244,400,000	-9,596,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,044,000	18,516,000	18,490,000	18,490,000	15,490,000	+3,446,000
Construction	6,625,000	7,322,000	6,463,000	7,568,000	6,463,000	-162,000
American sections, international commissions	5,791,000	5,627,000	5,490,000	5,627,000	5,490,000	-301,000
International fisheries commissions	14,666,000	14,669,000	10,450,000	9,051,000	14,549,000	-117,000
Total, International commissions	39,126,000	46,134,000	40,893,000	40,736,000	41,992,000	+2,866,000
Other						
Payment to the Asia Foundation	5,000,000	5,000,000	8,000,000		8,000,000	+3,000,000
Total, Department of State	3,968,875,000	5,051,965,000	3,876,008,000	3,512,765,000	3,974,266,000	+5,391,000
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	38,638,000	48,455,000	38,495,000	30,000,000	41,500,000	+2,862,000
United States Information Agency						
Salaries and expenses	445,371,000	468,016,000	439,300,000	440,000,000	440,000,000	-5,371,000
Emergency appropriations		2,500,000			1,375,000	+1,375,000
Total, salaries and expenses	445,371,000	470,516,000	439,300,000	440,000,000	441,375,000	-3,996,000
Technology fund	5,050,000	10,000,000	5,050,000	5,050,000	5,050,000	
Educational and cultural exchange programs	199,727,000	202,412,000	185,000,000	183,000,000	185,000,000	-14,727,000
Eisenhower Exchange Fellowship Program, trust fund	509,000	600,000	600,000	600,000	600,000	+91,000
Israeli Arab scholarship program	397,000	400,000	400,000	400,000	400,000	+3,000
International Broadcasting Operations	324,858,000	365,406,000	335,700,000	325,000,000	325,000,000	+142,000
Broadcasting to Cuba (direct)	24,775,000			25,000,000	25,000,000	+225,000
Broadcasting to Cuba (earmark)		(25,000,000)	(13,775,000)			
Radio construction	39,946,000	39,164,000	39,000,000	32,000,000	35,490,000	-4,456,000
East-West Center	11,750,000	8,800,000		11,750,000	10,000,000	-1,750,000
North/South Center	2,000,000	970,000		2,000,000	1,495,000	-505,000
National Endowment for Democracy	30,000,000	30,000,000	30,000,000		30,000,000	
Total, United States Information Agency	1,084,383,000	1,128,268,000	1,035,050,000	1,024,800,000	1,059,410,000	-24,973,000
Total, related agencies	1,123,021,000	1,176,723,000	1,073,545,000	1,054,800,000	1,100,910,000	-22,111,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Total, title IV, Department of State	5,091,896,000	6,228,688,000	4,949,553,000	4,567,565,000	5,075,176,000	-16,720,000
Appropriations	(5,091,896,000)	(6,188,188,000)	(4,949,553,000)	(4,567,565,000)	(5,025,276,000)	(-66,620,000)
Emergency appropriations	.....	(40,500,000)	.....	.....	(49,900,000)	(+49,900,000)
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)	(148,430,000)	(148,430,000)	(-14,180,000)
Maritime Security Program	46,000,000	100,000,000	63,000,000	.....	54,000,000	+8,000,000
Operations and training	66,600,000	78,097,000	62,300,000	66,600,000	65,000,000	-1,600,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	40,000,000	40,000,000	37,450,000	37,450,000	37,450,000	-2,550,000
Administrative expenses	3,500,000	4,000,000	3,450,000	3,450,000	3,450,000	-50,000
Total, Maritime guaranteed loan program account	43,500,000	44,000,000	40,900,000	40,900,000	40,900,000	-2,600,000
Total, Maritime Administration	156,100,000	222,097,000	166,200,000	107,500,000	159,900,000	+3,800,000
Commission on the Advancement of Federal Law Enforcement						
Salaries and expenses	.....	.....	2,000,000	.....	.....	.....
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	206,000	206,000	206,000	206,000	.....
Commission on Civil Rights						
Salaries and expenses	8,740,000	11,400,000	8,740,000	8,740,000	8,740,000	.....
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,498,000	2,196,000	2,196,000	2,196,000	+302,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,090,000	1,090,000	1,090,000	1,090,000	.....
Competitiveness Policy Council						
Salaries and expenses	50,000	897,000	.....	.....	.....	-50,000
Equal Employment Opportunity Commission						
Salaries and expenses	232,740,000	268,000,000	239,740,000	239,740,000	239,740,000	+7,000,000
Federal Communications Commission						
Salaries and expenses	185,619,000	222,538,000	185,619,000	192,538,000	189,079,000	+3,460,000
Offsetting fee collections - current year	-126,400,000	-152,523,000	-126,400,000	-152,523,000	-152,523,000	-26,123,000
Direct appropriation	59,219,000	70,015,000	59,219,000	40,015,000	36,556,000	-22,663,000
Federal Maritime Commission						
Salaries and expenses	14,836,000	15,000,000	11,000,000	14,450,000	14,000,000	-836,000
Federal Trade Commission						
Salaries and expenses	98,889,000	104,462,000	93,819,000	104,462,000	101,930,000	+3,041,000
Offsetting fee collections - carryover	-19,360,000	-10,643,000	-7,889,000	.....	-16,000,000	+3,360,000
Offsetting fee collections - current year	-48,262,000	-58,905,000	-58,905,000	-104,462,000	-58,905,000	-10,643,000
Direct appropriation	31,267,000	34,914,000	27,025,000	.....	27,025,000	-4,242,000
Gambling Impact Study Commission						
Salaries and expenses	.....	.....	.....	2,000,000	4,000,000	+4,000,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	.....	1,250,000	.....	-1,247,000
(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	250,000,000	288,000,000	283,000,000	+5,000,000
Marine Mammal Commission						
Salaries and expenses	1,189,000	1,334,000	975,000	1,385,000	1,189,000	.....
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	350,000	.....	.....	.....	.....	-350,000
National Bankruptcy Review Commission						
Salaries and expenses	.....	500,000	490,000	498,000	494,000	+494,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Ounce of Prevention Council						
Direct appropriation	1,500,000				1,500,000	
Crime trust fund		9,000,000				
Securities and Exchange Commission						
Salaries and expenses 3/	297,021,000	308,189,000	297,021,000	306,400,000	305,400,000	+8,379,000
Offsetting fee collections	-184,293,000		-193,974,000	-193,974,000	-222,622,000	-38,329,000
Offsetting fee collections - carryover	-9,667,000		-45,000,000	-48,000,000	-45,000,000	-35,333,000
Direct appropriation	103,061,000	308,189,000	58,047,000	64,426,000	37,778,000	-65,283,000
Small Business Administration						
Salaries and expenses	222,144,000	238,701,000	220,419,000	236,490,000	239,547,000	+17,403,000
Offsetting fee collections	-3,300,000	-3,300,000	-6,000,000	-3,300,000	-4,500,000	-1,200,000
Direct appropriation	218,844,000	235,401,000	214,419,000	233,190,000	235,047,000	+16,203,000
Office of Inspector General	8,500,000	9,985,000	8,900,000	9,000,000	9,000,000	+500,000
Business Loans Program Account:						
Direct loans subsidy	4,500,000	2,792,000	2,792,000	2,792,000	1,691,000	-2,809,000
Guaranteed loans subsidy	155,010,000	316,263,000	160,660,000	210,000,000	179,700,000	+24,690,000
Micro loan guarantees	1,216,000	2,317,000	1,216,000	2,317,000	2,317,000	+1,101,000
Administrative expenses	92,622,000	94,090,000	93,485,000	94,090,000	94,000,000	+1,378,000
Total, Business loans program account	253,348,000	415,462,000	258,153,000	309,199,000	277,708,000	+24,360,000
Disaster Loans Program Account:						
Direct loans subsidy	34,432,000	65,800,000	105,432,000	65,800,000	105,432,000	+71,000,000
Emergency appropriations (P.L. 104-134)	71,000,000					-71,000,000
Administrative expenses	71,578,000	78,000,000	92,578,000	78,000,000	86,500,000	+14,922,000
Emergency appropriations (P.L. 104-134)	29,000,000					-29,000,000
Contingency fund (emergency)		100,000,000				
Total, Disaster loans program account	206,010,000	243,800,000	198,010,000	143,800,000	191,932,000	-14,078,000
Surety bond guarantees revolving fund	2,530,000	3,730,000	3,730,000	3,730,000	3,730,000	+1,200,000
Total, Small Business Administration	689,232,000	908,378,000	683,212,000	698,919,000	717,417,000	+28,185,000
State Justice Institute						
Salaries and expenses 4/	5,000,000	13,550,000		10,000,000	6,000,000	+1,000,000
Total, title V, Related agencies	1,585,721,000	2,208,318,000	1,510,140,000	1,480,415,000	1,540,831,000	-44,890,000
Appropriations	(1,585,721,000)	(2,199,318,000)	(1,510,140,000)	(1,480,415,000)	(1,540,831,000)	(-44,890,000)
Crime trust fund		(9,000,000)				
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(148,430,000)	(148,430,000)	(-14,180,000)
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)	-65,000,000			-30,000,000	-30,000,000	+35,000,000
Immigration and Naturalization Service						
Immigration Emergency fund (rescission)				-34,779,000	-34,779,000	-34,779,000
Total, Department of Justice	-65,000,000			-64,779,000	-64,779,000	+221,000
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 VII, Rescissions	-136,900,000			-64,779,000	-64,779,000	+72,121,000
TITLE VIII - FY 1996 SUPPLEMENTAL APPROPRIATION AND RESCISSION						
DEPARTMENT OF JUSTICE						
Federal Prison System						
Salaries and expenses					40,000,000	+40,000,000
Rescission					-40,000,000	-40,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3814) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE IX - EMERGENCY DISASTER APPROPRIATIONS						
DEPARTMENT OF COMMERCE						
Economic Development Administration						
Economic development assistance programs 5/	.....	.....	.....	.....	25,000,000	+25,000,000
INDEPENDENT AGENCY						
Small Business Administration						
Disaster Loans Program Account:						
Direct loans subsidy 5/	.....	.....	.....	.....	113,000,000	+113,000,000
Administrative expenses	.....	.....	.....	.....	22,000,000	+22,000,000
Total, Small Business Administration	.....	.....	.....	.....	135,000,000	+135,000,000
Total, Title IX:						
New budget (obligational) authority	.....	.....	.....	.....	160,000,000	+160,000,000
Grand total:						
New budget (obligational) authority	27,944,708,000	33,083,654,300	29,480,690,000	28,810,460,000	30,181,560,000	+2,236,852,000
Appropriations	(24,200,659,000)	(27,948,233,000)	(24,965,772,000)	(24,477,039,000)	(25,283,710,000)	(+1,083,051,000)
Emergency appropriations	.....	(306,163,300)	.....	.....	(473,629,000)	(+473,629,000)
Rescissions	(-211,900,000)	.....	(-10,000,000)	(-106,579,000)	(-100,779,000)	(+111,121,000)
Crime trust fund	(3,955,949,000)	(4,829,258,000)	(4,524,918,000)	(4,440,000,000)	(4,525,000,000)	(+569,051,000)
(By transfer)	(106,000,000)	(64,068,000)	(71,000,000)	(65,000,000)	(69,000,000)	(-37,000,000)
(Limitation on administrative expenses)	(2,861,000)	(3,740,000)	(3,042,000)	(3,042,000)	(3,042,000)	(+181,000)
(Limitation on direct loans)	.....	.....	.....	.....	.....	.....
(Liquidation of contract authority)	(162,610,000)	(148,430,000)	(148,430,000)	(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/ Included under Justice Assistance in FY 1996.
2/ Does not include legislative proposals to be transmitted later.
3/ Does not include legislative proposal regarding fees to be transmitted later.
4/ President's budget proposes $5,000,000 for State Justice Institute.
5/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	19,946,187,000	20,580,738,000	20,692,838,000	20,559,042,000	20,633,998,000	+687,811,000
Military Personnel, Navy	17,008,563,000	16,942,956,000	17,000,856,000	16,943,581,000	16,986,976,000	-21,587,000
Military Personnel, Marine Corps	5,885,740,000	6,102,108,000	6,103,808,000	6,099,182,000	6,111,728,000	+225,988,000
Military Personnel, Air Force	17,207,743,000	17,043,150,000	17,099,550,000	17,021,810,000	17,069,490,000	-138,253,000
Reserve Personnel, Army	2,122,466,000	2,043,679,000	2,083,379,000	2,052,136,000	2,073,479,000	-48,987,000
Reserve Personnel, Navy	1,355,523,000	1,386,306,000	1,392,406,000	1,396,989,000	1,405,606,000	+50,083,000
Reserve Personnel, Marine Corps	378,151,000	381,143,000	387,943,000	389,325,000	388,643,000	+10,492,000
Reserve Personnel, Air Force	784,586,000	775,967,000	780,497,000	785,842,000	783,697,000	-889,000
National Guard Personnel, Army	3,242,422,000	3,242,493,000	3,279,393,000	3,259,169,000	3,266,393,000	+23,971,000
National Guard Personnel, Air Force	1,259,627,000	1,284,290,000	1,294,490,000	1,295,511,000	1,296,490,000	+36,863,000
Total, title I, Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	18,321,965,000	18,031,145,000	18,365,679,000	17,700,859,000	17,519,340,000	-802,625,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,334,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Navy	21,279,425,000	20,112,864,000	20,390,397,000	20,241,517,000	20,061,961,000	-1,217,464,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Marine Corps	2,392,522,000	2,203,777,000	2,465,077,000	2,275,977,000	2,254,119,000	-138,403,000
Operation and Maintenance, Air Force	18,606,167,000	17,830,122,000	17,938,755,000	17,331,309,000	17,263,193,000	-1,342,974,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Defense-Wide	10,388,595,000	10,156,468,000	10,212,985,000	9,953,142,000	10,044,200,000	-344,395,000
(By transfer)	(15,000,000)	.....	.....	.....	.....	(-15,000,000)
Operation and Maintenance, Army Reserve	1,119,191,000	1,084,436,000	1,116,436,000	1,129,436,000	1,119,436,000	+245,000
Operation and Maintenance, Navy Reserve	859,542,000	843,927,000	882,927,000	861,527,000	886,027,000	+26,485,000
Operation and Maintenance, Marine Corps Reserve	100,283,000	99,667,000	108,467,000	115,367,000	109,667,000	+9,384,000
Operation and Maintenance, Air Force Reserve	1,519,287,000	1,488,553,000	1,491,553,000	1,494,953,000	1,496,553,000	-22,734,000
Operation and Maintenance, Army National Guard	2,440,808,000	2,208,477,000	2,268,477,000	2,294,477,000	2,254,477,000	-186,331,000
Operation and Maintenance, Air National Guard	2,776,121,000	2,654,473,000	2,671,373,000	2,721,973,000	2,716,379,000	-59,742,000
United States Court of Appeals for the Armed Forces	6,521,000	6,797,000	6,797,000	6,185,000	6,797,000	+276,000
Environmental Restoration, Army	.....	356,916,000	.....	356,916,000	339,109,000	+339,109,000
Environmental Restoration, Navy	.....	302,900,000	.....	302,900,000	287,788,000	+287,788,000
Environmental Restoration, Air Force	.....	414,700,000	.....	414,700,000	394,010,000	+394,010,000
Environmental Restoration, Defense-Wide	.....	258,500,000	.....	38,650,000	36,722,000	+36,722,000
Formerly Used Defense sites	.....	.....	.....	269,850,000	256,387,000	+256,387,000
Environmental Restoration, Defense	1,422,200,000	.....	1,333,016,000	.....	.....	-1,422,200,000
Summer Olympics	15,000,000	.....	.....	.....	.....	-15,000,000
Former Soviet Union threat reduction	300,000,000	327,900,000	302,900,000	327,900,000	327,900,000	+27,900,000
Overseas Humanitarian, Disaster, and Civic Aid	50,000,000	80,544,000	60,544,000	49,000,000	49,000,000	-1,000,000
(Transfer out)	(-15,000,000)	.....	.....	.....	.....	(+15,000,000)
Overseas Contingency operations transfer account	.....	.....	.....	1,069,957,000	1,140,157,000	+1,140,157,000
Quality of Life Enhancements, Defense	.....	.....	975,000,000	.....	600,000,000	+600,000,000
Reduction of funds	.....	.....	-35,000,000	.....	.....	.....
Total, title II, Operation and maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
(By transfer)	(150,000,000)	(250,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	.....
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,558,805,000	970,815,000	1,308,709,000	1,283,815,000	1,348,434,000	-210,371,000
Missile Procurement, Army	865,555,000	766,329,000	988,567,000	982,829,000	1,041,867,000	+176,312,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,652,745,000	1,102,014,000	1,500,414,000	1,449,714,000	1,470,286,000	-182,459,000
Procurement of Ammunition, Army	1,110,685,000	853,428,000	1,150,128,000	1,118,329,000	1,127,149,000	+16,464,000
Other Procurement, Army	2,769,443,000	2,627,440,000	2,899,040,000	3,295,486,000	3,172,485,000	+403,042,000
Aircraft Procurement, Navy	4,589,394,000	5,881,952,000	6,896,552,000	7,239,704,000	7,027,010,000	+2,437,616,000
Weapons Procurement, Navy	1,669,827,000	1,400,363,000	1,384,408,000	1,500,154,000	1,389,913,000	-279,914,000
Procurement of Ammunition, Navy and Marine Corps	430,053,000	.....	341,689,000	.....	289,695,000	-140,358,000
Shipbuilding and Conversion, Navy	6,643,958,000	4,911,930,000	4,469,930,000	6,193,330,000	5,613,665,000	-1,030,293,000
Other Procurement, Navy	2,483,581,000	2,714,195,000	2,889,591,000	2,944,519,000	3,067,944,000	+584,363,000
Procurement, Marine Corps	458,947,000	555,507,000	623,973,000	660,507,000	569,073,000	+110,126,000
Aircraft Procurement, Air Force	7,367,983,000	5,779,228,000	7,274,628,000	6,630,370,000	6,404,980,000	-963,003,000
Missile Procurement, Air Force	2,943,931,000	2,733,877,000	2,279,500,000	2,713,944,000	2,297,145,000	-646,786,000
Procurement of Ammunition, Air Force	338,800,000	.....	272,177,000	.....	293,153,000	-45,647,000
Other Procurement, Air Force	6,284,230,000	5,998,819,000	6,078,539,000	5,577,787,000	5,944,680,000	-339,550,000
Procurement, Defense-Wide	2,124,379,000	1,841,212,000	2,247,812,000	1,773,794,000	1,978,005,000	-146,374,000
National Guard and Reserve Equipment	777,000,000	.....	908,000,000	759,800,000	780,000,000	+3,000,000
Total, title III, Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	4,870,684,000	4,320,640,000	4,874,537,000	5,107,283,000	5,062,763,000	+192,079,000
(By transfer)	(8,000,000)					(-8,000,000)
Research, Development, Test and Evaluation, Navy	8,758,132,000	7,334,734,000	8,399,357,000	8,067,543,000	8,208,946,000	-549,186,000
Research, Development, Test and Evaluation, Air Force	13,126,567,000	14,417,456,000	14,869,573,000	14,778,540,000	14,499,606,000	+1,373,039,000
Research, Development, Test and Evaluation, Defense-Wide	9,461,057,000	8,398,836,000	9,068,558,000	9,190,092,000	9,362,800,000	-98,257,000
Developmental Test and Evaluation, Defense	251,082,000	252,038,000	272,038,000	269,038,000	282,038,000	+30,956,000
Operational Test and Evaluation, Defense	22,587,000	21,968,000	26,968,000	21,968,000	24,968,000	+2,381,000
Total, title IV, Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense business operations fund	878,700,000	947,900,000	947,900,000	947,900,000	947,900,000	+69,200,000
National Defense Sealift Fund:						
Ready Reserve Force	289,000,000	261,000,000	261,000,000	261,000,000	268,000,000	-23,000,000
Acquisition	735,220,000	702,002,000	1,643,002,000	832,002,000	1,162,002,000	+426,782,000
Total	1,024,220,000	963,002,000	1,904,002,000	1,093,002,000	1,428,002,000	+403,782,000
Total, title V, Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense health program:						
Operation and maintenance	9,938,325,000	9,358,288,000	9,398,188,000	9,936,638,000	9,937,838,000	-487,000
(Transfer out)	(-8,000,000)					(+8,000,000)
Procurement	288,033,000	269,470,000	269,470,000	319,470,000	269,470,000	-18,563,000
Total, Defense Health Program	10,226,358,000	9,627,758,000	9,667,658,000	10,256,108,000	10,207,308,000	-19,050,000
Chemical Agents & Munitions Destruction, Defense: 1/						
Operation and maintenance	353,850,000	477,947,000	477,947,000	478,947,000	478,947,000	+125,097,000
Procurement	265,000,000	273,600,000	273,600,000	191,200,000	191,200,000	-73,800,000
Research, development, test, and evaluation	53,400,000	48,300,000	48,300,000	88,300,000	88,300,000	+34,900,000
Total, Chemical Agents	672,250,000	799,847,000	799,847,000	758,447,000	758,447,000	+86,197,000
Drug Interdiction Defense	688,432,000	642,724,000	774,724,000	789,024,000	807,800,000	+119,368,000
Office of the Inspector General	178,226,000	138,501,000	138,501,000	139,157,000	139,157,000	-39,069,000
Anti-Terrorism activities, Defense				14,000,000		
Total, title VI, Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Intelligence Community Management Account	90,683,000	91,739,000	149,555,000	94,739,000	129,164,000	+38,481,000
National Security Education Trust Fund	7,500,000	5,100,000		5,100,000	5,100,000	-2,400,000
Payment to Kaho'olawe Island conveyance remediation and Environmental Restoration Fund	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	-15,000,000
Total, title VII, Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Contractor ADP	-30,000,000					+30,000,000
Inflation Reestimate	-832,000,000					+832,000,000
Management efficiencies	-442,000,000					+442,000,000
Disposal & lease of DOD real property (sec. 8045)	8,000,000	26,565,000	26,565,000	26,565,000	26,565,000	+18,565,000
Overseas Military Fac Investment Recovery (sec. 8049)		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
National Science Center, Army (sec. 8060)	85,000	120,000	120,000	120,000	120,000	+35,000
Rescissions (sec. 8070)	-561,217,000			-126,900,000	-137,108,000	+424,109,000
Coast Guard transfer (sec 8087)				300,000,000	300,000,000	+300,000,000
Excess funded carryover (sec. 8088)			-500,000,000		-150,000,000	-150,000,000
Export loan guarantee PGM (sec. 8093)				1,000,000	1,000,000	+1,000,000
RDT&E general reduction (sec. 8136)					-680,552,000	-680,552,000
Air Force DBOF pass through (sec. 8096)			-195,000,000		-194,500,000	-194,500,000
Spare parts inventories			-400,000,000			
FFRDC's/consultants (sec. 8037)	-90,000,000			-52,286,000	-154,572,000	-64,572,000
Prostate Cancer research				(93,000,000)		

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)— continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Senate Sec. 8099:						
Military Personnel, Navy				4,900,000		
Military Personnel, Air Force				4,400,000		
Operation and Maintenance, Army				-4,200,000		
Operation and Maintenance, Air Force				-4,400,000		
Operation and Maintenance, Defense-Wide				-66,000,000		
Overseas Contingency Operations Transfer Fund				70,200,000		
Defense Health				-4,900,000		
Sec. 8128:						
Weapons of Mass Destruction				150,000,000	100,000,000	+100,000,000
RDT&E, Defense-Wide				-12,000,000		
O&M, Defense-Wide (not scored)				(-138,000,000)		
Anti-terrorism, counter-terrorism, and security enhancement activities:						
Emergency funding, FY 1997 (sec. 8137)					230,680,000	+230,680,000
General reduction (sec. 8138)					-230,680,000	-230,680,000
Total, title VIII	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
FY 1997 grand total	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
TITLE IX						
FY 1996 SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR ANTI-TERRORISM, COUNTER-TERRORISM, AND SECURITY ENHANCEMENT ACTIVITIES						
Emergency supplemental, FY 1996					122,600,000	+122,600,000
Rescissions (sec. 9001)					-122,600,000	-122,600,000
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)		250,000,000	150,000,000	150,000,000	150,000,000	+150,000,000
Stockpile collections (unappropriated)		-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000
Operations and Maintenance, Army (not scored)				(-1,500,000)		
Burdensharing contribution, misc. receipts	-50,000,000					+50,000,000
Effect of P.L. 104-134:						
Rescissions, fiscal year 1995	-820,000,000					+820,000,000
Rescissions, fiscal year 1996	-174,900,000					+174,900,000
Emergency funding	(820,000,000)					(-820,000,000)
Administrative reductions (P.L. 104-134)	-294,000,000					+294,000,000
Emergency funding for anti-terrorism: FY 1997 (sec. 8138)					-230,680,000	-230,680,000
Total adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
RECAPITULATION						
Title I - Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
Title II - Operation and Maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
Title III - Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000
Title IV - Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
Title V - Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
Title VI - Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
Title VII - Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
Title VIII - General provisions	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
(Additional transfer authority)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Total, Department of Defense	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
Scorekeeping adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000
Allocation recap (sec. 602b):						
Mandatory	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Discretionary	241,853,397,000	234,482,033,000	245,020,103,000	244,712,704,000	243,750,478,000	+1,897,081,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000

1/ Included in Budget under Procurement title.

2/ FY 1996 includes effects of P.L. 104-134: $820,000,000 in Emergency Sup Appropriations, +104,900,000 in new budget authority and -1,288,900,000 in rescissions.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
EXPORT-IMPORT BANK OF THE UNITED STATES						
Limitation on Program Activity:						
Subsidy appropriations	744,551,000	736,551,000	726,000,000	730,000,000	726,000,000	-18,551,000
Administrative expenses	45,614,000	47,614,000	46,614,000	40,000,000	46,614,000	+1,000,000
Negative subsidy	-89,646,000	-58,000,000	-58,000,000	-58,000,000	-58,000,000	+31,646,000
Total, Export-Import Bank of the United States	700,519,000	726,165,000	714,614,000	712,000,000	714,614,000	+14,095,000
OVERSEAS PRIVATE INVESTMENT CORPORATION						
Administrative expenses	26,000,000	32,000,000	30,000,000	32,000,000	32,000,000	+6,000,000
Insurance fees and other offsetting collections	-202,500,000	-224,000,000	-224,000,000	-224,000,000	-224,000,000	-21,500,000
Direct loans:						
Loan subsidy	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	
(Loan authorization)	(79,523,000)	(80,000,000)	(80,000,000)	(80,000,000)	(80,000,000)	(+477,000)
Guaranteed loans:						
Loan subsidy	68,000,000	68,000,000	68,000,000	68,000,000	68,000,000	
(Loan authorization)	(1,351,900,000)	(1,360,000,000)	(1,360,000,000)	(1,360,000,000)	(1,360,000,000)	(+8,100,000)
Total, Overseas Private Investment Corporation	-104,500,000	-120,000,000	-122,000,000	-120,000,000	-120,000,000	-15,500,000
FUNDS APPROPRIATED TO THE PRESIDENT						
Trade and Development Agency						
Trade and development agency	40,000,000	40,000,000	38,000,000	40,000,000	40,000,000	
(By transfer)		(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Total, title I, Export and investment assistance	636,019,000	646,165,000	630,614,000	632,000,000	634,614,000	-1,405,000
(Loan authorizations)	(1,431,423,000)	(1,440,000,000)	(1,440,000,000)	(1,440,000,000)	(1,440,000,000)	(+8,577,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
Agency for International Development						
Sustainable development assistance		1,006,000,000				
Child survival and disease programs fund			600,000,000		600,000,000	+600,000,000
Development assistance	1,675,000,000		1,150,000,000	1,262,000,000	1,181,500,000	-493,500,000
Population, development assistance				410,000,000		
Development Fund for Africa		704,000,000				
International disaster assistance	181,000,000	190,000,000	190,000,000	190,000,000	190,000,000	+9,000,000
Debt restructuring	10,000,000	47,000,000	10,000,000	27,000,000	27,000,000	+17,000,000
(By transfer)	(5,000,000)					(-5,000,000)
Micro and Small Enterprise Development program:						
Subsidy appropriations	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	
Administrative expenses	500,000	500,000	500,000	500,000	500,000	
(Direct loan authorization)	(1,435,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(-435,000)
(Guaranteed loan authorization)	(16,700,000)	(17,000,000)	(17,000,000)	(17,000,000)	(17,000,000)	(+300,000)
Housing and other credit guaranty programs:						
Subsidy appropriations	4,000,000	5,000,000	500,000	4,000,000	3,500,000	-500,000
Operating expenses	7,000,000	6,000,000	6,000,000	6,000,000	6,000,000	-1,000,000
(Guaranteed loan authorization)	(33,700,000)	(42,000,000)	(10,000,000)	(33,600,000)	(29,400,000)	(-4,300,000)
Subtotal, development assistance	1,879,000,000	1,960,000,000	1,958,500,000	1,901,000,000	2,010,000,000	+131,000,000
Payment to the Foreign Service Retirement and Disability Fund	43,914,000	43,826,000	43,826,000	43,826,000	43,826,000	-88,000
Operating expenses of the Agency for International Development	465,750,000	495,000,000	465,750,000	495,000,000	470,750,000	+5,000,000
Emergency appropriations		600,000				
Operating expenses of the Agency for International Development Office of Inspector General	30,200,000	30,000,000	30,000,000	28,000,000	30,000,000	-200,000
Subtotal, Agency for International Development	2,418,864,000	2,529,426,000	2,498,076,000	2,467,826,000	2,554,576,000	+135,712,000
Other Bilateral Economic Assistance						
Economic support fund:						
Camp David countries	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	2,015,000,000	
Other	325,000,000	393,000,000	321,000,000	325,000,000	328,000,000	+3,000,000
Subtotal, Economic support fund	2,340,000,000	2,408,000,000	2,336,000,000	2,340,000,000	2,343,000,000	+3,000,000

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
International fund for Ireland	19,600,000	.....	19,600,000	.....	19,600,000	.....
Assistance for Eastern Europe and the Baltic States	522,000,000	475,000,000	475,000,000	475,000,000	475,000,000	-47,000,000
Assistance for the New Independent States of the Soviet Union	641,000,000	640,000,000	590,000,000	640,000,000	625,000,000	-16,000,000
Subtotal, Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	3,455,000,000	3,462,600,000	-60,000,000
Total, Agency for International Development	5,941,464,000	6,052,426,000	5,918,676,000	5,922,826,000	6,017,176,000	+75,712,000
African Development Foundation						
Appropriations	(11,500,000)	12,500,000	11,500,000	.....	.....	.....
Inter-American Foundation						
Appropriations	(20,000,000)	20,000,000	20,000,000	.....	.....	.....
Total, Funds Appropriated to the President	5,941,464,000	6,084,926,000	5,950,176,000	5,922,826,000	6,017,176,000	+75,712,000
Peace Corps						
Appropriations	205,000,000	220,000,000	212,000,000	205,000,000	208,000,000	+3,000,000
(By transfer)	.....	(5,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
Department of State						
International narcotics control	115,000,000	213,000,000	150,000,000	213,000,000	213,000,000	+98,000,000
(By transfer)	(20,000,000)	.....	.....	.....	.....	(-20,000,000)
Migration and refugee assistance	671,000,000	650,000,000	650,000,000	650,000,000	650,000,000	-21,000,000
Refugee resettlement assistance	5,000,000	.....	5,000,000	.....	5,000,000	.....
United States Emergency Refugee and Migration Assistance Fund	50,000,000	50,000,000	50,000,000	50,000,000	50,000,000	.....
Anti-terrorism assistance	16,000,000	17,000,000	.....	.....	.....	-16,000,000
Emergency appropriations	.....	2,000,000	.....	.....	.....	.....
Nonproliferation and Disarmament Fund	20,000,000	20,000,000	.....	.....	.....	-20,000,000
Nonproliferation and antiterrorism	.....	.....	135,000,000	140,000,000	133,000,000	+133,000,000
(By transfer)	.....	.....	.....	(12,000,000)	.....	.....
Counter-terrorism assistance to Israel	50,000,000	50,000,000	.....	.....	.....	-50,000,000
Total, Department of State	927,000,000	1,002,000,000	990,000,000	1,053,000,000	1,051,000,000	+124,000,000
Total, title II, Bilateral economic assistance	7,073,464,000	7,306,926,000	7,152,176,000	7,180,826,000	7,276,176,000	+202,712,000
(By transfer)	(25,000,000)	(5,000,000)	(12,000,000)	(24,000,000)	(12,000,000)	(-13,000,000)
(Loan authorizations)	(51,835,000)	(60,000,000)	(28,000,000)	(51,600,000)	(47,400,000)	(-4,435,000)
TITLE III - MILITARY ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Military Education and Training	39,000,000	45,000,000	43,475,000	40,000,000	43,475,000	+4,475,000
Foreign Military Financing Program:						
Grants:						
Camp David countries	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	3,100,000,000	.....
Other	178,390,000	128,250,000	122,250,000	124,000,000	64,000,000	-114,390,000
Subtotal, grants	3,278,390,000	3,228,250,000	3,222,250,000	3,224,000,000	3,164,000,000	-114,390,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
Direct concessional loans:						
Subsidy appropriations	64,400,000	40,000,000	35,000,000	60,000,000	60,000,000	-4,400,000
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)
FMF program level	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(3,764,000,000)	(3,704,000,000)	(-118,390,000)
(By transfer)	.....	.....	.....	(20,000,000)	.....	.....
Total, Foreign military assistance	3,342,790,000	3,268,250,000	3,257,250,000	3,284,000,000	3,224,000,000	-118,790,000
Special Defense Acquisition Fund:						
Offsetting collections	-220,000,000	-166,000,000	-166,000,000	-166,000,000	-166,000,000	+54,000,000
Peacekeeping operations	70,000,000	70,000,000	65,000,000	65,000,000	.....	-70,000,000
Total, title III, Military assistance	3,231,790,000	3,217,250,000	3,199,725,000	3,223,000,000	3,101,475,000	-130,315,000
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
(Loan authorization)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
FUNDS APPROPRIATED TO THE PRESIDENT						
International Financial Institutions						
World Bank Group						
Contribution to the International Bank for Reconstruction and Development:						
Paid-in capital	28,189,963	...	...	...	...	-28,189,963
(Limitation on callable capital)	(911,475,013)	...	...	...	...	(-911,475,013)
Contribution to the International Finance Corporation	60,900,000	6,656,000	6,656,000	6,656,000	6,656,000	-54,244,000
Contribution to the Global Environment Facility	35,000,000	100,000,000	30,000,000	35,000,000	35,000,000	...
Total, contribution to the International Bank for Reconstruction and Development	(1,035,564,976)	(106,656,000)	(36,656,000)	(41,656,000)	(41,656,000)	(-993,908,976)
Contribution to the International Development Association	700,000,000	934,503,100	525,000,000	700,000,000	700,000,000	...
Total, World Bank Group	(1,735,564,976)	(1,041,159,100)	(561,656,000)	(741,656,000)	(741,656,000)	(-993,908,976)
Budget authority	824,089,963	1,041,159,100	561,656,000	741,656,000	741,656,000	-82,433,963
(Limitation on callable capital)	(911,475,013)	...	...	...	...	(-911,475,013)
Contribution to the Inter-American Development Bank:						
Inter-regional paid-in capital	25,952,110	25,610,667	25,610,667	25,610,667	25,610,667	-341,443
(Limitation on callable capital)	(1,523,767,142)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(1,503,718,910)	(-20,048,232)
Fund for special operations	10,000,000	31,411,000	10,000,000	10,000,000	10,000,000	...
Enterprise for the Americas Multilateral Investment Fund	53,750,000	27,500,000	27,500,000	27,500,000	27,500,000	-26,250,000
Total, contribution to the Inter-American Development Bank	(1,613,469,252)	(1,588,240,577)	(1,566,829,577)	(1,566,829,577)	(1,566,829,577)	(-46,639,675)
Contribution to the Asian Development Bank:						
Paid-in capital	13,221,596	13,221,596	13,221,596	13,221,596	13,221,596	...
(Limitation on callable capital)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	(647,858,204)	...
Development fund	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	...
Total, contribution to the Asian Development Bank	(761,079,800)	(761,079,800)	(761,079,800)	(761,079,800)	(761,079,800)	...
Contribution to the African Development Fund	...	50,000,000	...	...	...	...
Contribution to the African Development Bank:						
Paid-in capital	...	16,000,000	...	...	...	...
(Limitation on callable capital)	...	(112,000,000)	...	...	...	...
Total, contribution to the African Development Bank	...	(128,000,000)	...	...	...	...
Contribution to the European Bank for Reconstruction and Development:						
Paid-in capital	70,000,000	11,916,447	11,916,447	11,916,447	11,916,447	-58,083,553
(Limitation on callable capital)	(163,333,333)	(27,805,043)	(27,805,043)	(27,805,043)	(27,805,043)	(-135,528,290)
Total, contribution to the European Bank for Reconstruction and Development	(233,333,333)	(39,721,490)	(39,721,490)	(39,721,490)	(39,721,490)	(-193,611,843)
North American Development Bank:						
Paid-in capital	56,250,000	56,250,000	50,625,000	56,250,000	56,000,000	-250,000
(Limitation on callable capital)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	(318,750,000)	...
Contribution to the Bank for Economic Cooperation and Development in the Middle East and North Africa:						
Paid-in capital	...	52,500,000	...	...	...	...
(Limitation on callable capital)	...	(157,500,000)	...	...	...	...
International Monetary Fund						
Contribution to the enhanced structural adjustment facility	...	7,000,000	...	...	...	...
Total, International Financial Institutions	(4,718,447,361)	(4,200,200,967)	(3,298,661,867)	(3,484,286,867)	(3,484,036,867)	(-1,234,410,494)
Budget authority	1,153,263,669	1,432,568,810	800,529,710	986,154,710	985,904,710	-167,358,959
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 1997 (H.R. 3540) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
International Organizations and Programs						
International organizations and programs	285,000,000	325,000,000	136,000,000	270,000,000	169,950,000	-115,050,000
(By transfer)	(30,000,000)	.....	.....	(53,500,000)	(17,500,000)	(-12,500,000)
Total, title IV, Multilateral economic assistanc	(5,003,447,361)	(4,525,200,967)	(3,434,661,867)	(3,754,286,867)	(3,653,986,867)	(-1,349,460,494)
Budget authority	1,438,263,669	1,757,568,810	936,529,710	1,256,154,710	1,155,854,710	-282,408,959
(By transfer)	(30,000,000)	.....	.....	(53,500,000)	(17,500,000)	(-12,500,000)
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)
Grand total, all titles:						
New budget (obligational) authority	12,379,536,669	12,927,909,810	11,919,044,710	12,291,980,710	12,168,119,710	-211,416,959
Appropriations	(12,379,536,669)	(12,925,309,810)	(11,919,044,710)	(12,291,980,710)	(12,168,119,710)	(-211,416,959)
Emergency appropriations	.....	(2,600,000)	.....	.....	.....	.....
(By transfer)	(55,000,000)	(10,000,000)	(17,000,000)	(102,500,000)	(34,500,000)	(-20,500,000)
(Limitation on administrative expenses)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	(23,250,000)	.....
(Limitation on callable capital)	(3,565,183,692)	(2,767,632,157)	(2,498,132,157)	(2,498,132,157)	(2,498,132,157)	(-1,067,051,535)
(Loan authorizations)	(2,027,258,000)	(1,870,028,000)	(1,791,815,000)	(2,031,600,000)	(2,027,400,000)	(+142,000)
TITLE I - EXPORT AND INVESTMENT ASSISTANCE						
Export Assistance Appropriations	928,165,000	928,165,000	912,614,000	914,000,000	916,614,000	-11,551,000
Negative Subsidies and Offsetting Collections	-292,146,000	-282,000,000	-282,000,000	-282,000,000	-282,000,000	+10,146,000
Total, Export Assistance	636,019,000	646,165,000	630,614,000	632,000,000	634,614,000	-1,405,000
TITLE II - BILATERAL ECONOMIC ASSISTANCE						
Bilateral Development Assistance	3,550,864,000	3,783,926,000	3,731,576,000	3,725,826,000	3,813,576,000	+262,712,000
Other Bilateral Economic Assistance	3,522,600,000	3,523,000,000	3,420,600,000	3,455,000,000	3,462,600,000	-60,000,000
Total, Bilateral Economic Assistance	7,073,464,000	7,306,926,000	7,152,176,000	7,180,826,000	7,276,176,000	+202,712,000
TITLE III - MILITARY ASSISTANCE						
Foreign Military Financing Program:						
Grants	3,278,390,000	3,228,250,000	3,222,250,000	3,224,000,000	3,164,000,000	-114,390,000
Direct loans, subsidy costs	64,400,000	40,000,000	35,000,000	60,000,000	60,000,000	-4,400,000
(Estimated level of direct loans)	(544,000,000)	(370,028,000)	(323,815,000)	(540,000,000)	(540,000,000)	(-4,000,000)
Subtotal, Foreign Military Financing Program:						
Budget authority	3,342,790,000	3,268,250,000	3,257,250,000	3,284,000,000	3,224,000,000	-118,790,000
(Program level)	(3,822,390,000)	(3,598,278,000)	(3,546,065,000)	(3,764,000,000)	(3,704,000,000)	(-118,390,000)
Other, Military	109,000,000	115,000,000	108,475,000	105,000,000	43,475,000	-65,525,000
Special Defense Acquisition Fund	-220,000,000	-166,000,000	-166,000,000	-166,000,000	-166,000,000	+54,000,000
Total, Military Assistance Programs	3,231,790,000	3,217,250,000	3,199,725,000	3,223,000,000	3,101,475,000	-130,315,000
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE						
Contributions to International Financial Institutions	1,153,263,669	1,425,568,810	800,529,710	986,154,710	985,904,710	-167,358,959
International Monetary Fund (IMF)	.....	7,000,000	.....	.....	.....	.....
International organizations and programs	285,000,000	325,000,000	136,000,000	270,000,000	169,950,000	-115,050,000
Total, contribution for Multilateral Economic Assistance	1,438,263,669	1,757,568,810	936,529,710	1,256,154,710	1,155,854,710	-282,408,959
Grand total, all titles	12,379,536,669	12,927,909,810	11,919,044,710	12,291,980,710	12,168,119,710	-211,416,959

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	567,453,000	575,892,000	566,514,000	578,692,000	572,164,000	+4,711,000
Wildland fire management	235,924,000	247,924,000	247,924,000	264,609,000	252,042,000	+16,118,000
Central hazmat account	10,000,000	20,500,000	12,000,000	12,000,000	12,000,000	+2,000,000
Construction	3,115,000	3,103,000	3,103,000	4,333,000	4,333,000	+1,218,000
Emergency appropriations (P.L. 104-134)	5,000,000	.....	.....	.....	.....	-5,000,000
Payments in lieu of taxes	113,500,000	101,500,000	113,500,000	115,000,000	113,500,000	.....
Land acquisition	12,800,000	12,800,000	10,000,000	14,060,000	10,410,000	-2,390,000
Oregon and California grant lands	97,452,000	108,379,000	98,365,000	102,656,000	100,515,000	+3,063,000
Emergency appropriations (P.L. 104-134)	35,000,000	.....	.....	.....	.....	-35,000,000
Range improvements (indefinite)	9,113,000	9,113,000	9,113,000	9,113,000	9,113,000	.....
Service charges, deposits, and forfeitures (indefinite)	8,993,000	8,993,000	8,993,000	8,993,000	8,993,000	.....
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	.....
Total, Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	1,117,061,000	1,090,675,000	-15,280,000
United States Fish and Wildlife Service						
Resource management	501,010,000	540,372,000	520,519,000	529,527,000	523,947,000	+22,937,000
Emergency appropriations (P.L. 104-134)	1,600,000	.....	.....	.....	.....	-1,600,000
Construction	37,655,000	37,587,000	38,298,000	45,306,000	43,365,000	+5,710,000
Emergency appropriations (P.L. 104-134)	37,300,000	.....	.....	.....	.....	-37,300,000
Natural resource damage assessment and restoration fund	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	.....
Land acquisition	36,900,000	36,900,000	30,000,000	50,802,000	44,479,000	+7,579,000
Cooperative endangered species conservation fund	8,085,000	16,085,000	14,085,000	14,085,000	14,085,000	+6,000,000
National wildlife refuge fund	10,779,000	10,779,000	10,779,000	10,779,000	10,779,000	.....
Rewards and operations	600,000	600,000	1,000,000	600,000	1,000,000	+400,000
North American wetlands conservation fund	6,750,000	11,750,000	7,750,000	10,750,000	9,750,000	+3,000,000
Lahontan Valley and Pyramid Lake fish and wildlife fund	152,000	.....	.....	.....	.....	-152,000
Rhinoceros and tiger conservation fund	200,000	200,000	400,000	200,000	400,000	+200,000
Wildlife conservation and appreciation fund	800,000	800,000	800,000	800,000	800,000	.....
Total, United States Fish and Wildlife Service	645,831,000	659,073,000	627,631,000	666,849,000	652,605,000	+6,774,000
National Park Service						
Operation of the national park system	1,082,481,000	1,173,304,000	1,135,139,000	1,156,784,000	1,152,311,000	+69,830,000
National recreation and preservation	37,649,000	40,218,000	36,476,000	39,476,000	37,976,000	+327,000
Historic preservation fund	36,212,000	38,290,000	36,212,000	36,612,000	36,612,000	+400,000
Construction	143,225,000	143,225,000	119,745,000	165,418,000	163,444,000	+20,219,000
C&O Canal (P.L. 104-99)	2,000,000	.....	.....	.....	.....	-2,000,000
Emergency appropriations (P.L. 104-134)	47,000,000	.....	.....	.....	.....	-47,000,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	.....
Land acquisition and state assistance	49,100,000	36,300,000	30,000,000	48,415,000	53,915,000	+4,815,000
Everglades restoration fund	.....	100,000,000	.....	.....	.....	.....
Fixed asset acquisitions (sec. 621)	.....	111,000,000	.....	.....	.....	.....
Total, National Park Service (net)	1,367,667,000	1,612,337,000	1,327,572,000	1,416,705,000	1,414,258,000	+46,591,000
United States Geological Survey						
Surveys, investigations, and research	730,163,000	746,380,000	730,163,000	737,040,000	738,913,000	+8,750,000
Emergency appropriations (P.L. 104-134)	2,000,000	.....	.....	.....	.....	-2,000,000
Minerals Management Service						
Royalty and offshore minerals management	182,555,000	182,994,000	182,555,000	159,555,000	156,955,000	-25,600,000
Oil spill research	6,440,000	6,440,000	6,440,000	6,440,000	6,440,000	.....
Total, Minerals Management Service	188,995,000	189,434,000	188,995,000	165,995,000	163,395,000	-25,600,000
Bureau of Mines						
Mines and minerals	64,000,000	.....	.....	2,000,000	.....	-64,000,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	95,470,000	94,272,000	94,272,000	94,172,000	94,172,000	-1,298,000
Receipts from performance bond forfeitures (indefinite)	500,000	500,000	500,000	500,000	500,000	.....
Subtotal	95,970,000	94,772,000	94,772,000	94,672,000	94,672,000	-1,298,000
Abandoned mine reclamation fund (definite, trust fund)	173,887,000	179,385,000	175,887,000	179,085,000	177,085,000	+3,198,000
Total, Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	273,757,000	271,757,000	+1,900,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Bureau of Indian Affairs						
Operation of Indian programs	1,384,434,000	1,579,423,000	1,381,623,000	1,413,606,000	1,436,902,000	+52,468,000
Emergency appropriations (P.L. 104-134)	500,000					-500,000
Construction	100,833,000	122,824,000	85,831,000	93,933,000	94,531,000	-6,302,000
Emergency appropriations (P.L. 104-134)	16,500,000					-16,500,000
Indian land and water claim settlements and miscellaneous payments to Indians	80,645,000	69,241,000	65,241,000	69,241,000	69,241,000	-11,404,000
Technical assistance of Indian enterprises	500,000					-500,000
Indian guaranteed loan program account	5,000,000	5,002,000	5,000,000	5,000,000	5,000,000	
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
Total, Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	1,581,780,000	1,605,674,000	+17,262,000
Departmental Offices						
Insular Affairs:						
Assistance to Territories	37,468,000	37,468,000	37,368,000	37,668,000	37,468,000	
Northern Marianas Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal, Assistance to Territories	65,188,000	65,188,000	65,088,000	65,388,000	65,188,000	
Emergency appropriations (P.L. 104-134)	13,000,000					-13,000,000
Compact of Free Association	10,038,000	10,038,000	10,138,000	9,938,000	10,038,000	
Mandatory payments	14,900,000	13,500,000	13,500,000	13,500,000	13,500,000	-1,400,000
Subtotal, Compact of Free Association	24,938,000	23,538,000	23,638,000	23,438,000	23,538,000	-1,400,000
Total, Insular Affairs	103,126,000	88,726,000	88,726,000	88,826,000	88,726,000	-14,400,000
Departmental management	56,912,000	59,196,000	53,691,000	58,991,000	58,286,000	+1,374,000
Office of the Solicitor	34,427,000	35,208,000	35,208,000	35,443,000	35,443,000	+1,016,000
Office of Inspector General	23,939,000	24,439,000	24,439,000	24,439,000	24,439,000	+500,000
Construction Management	500,000					-500,000
Office of Special Trustee for American Indians	16,338,000	36,338,000	19,126,000	36,338,000	32,126,000	+15,788,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Total, Departmental Offices	236,242,000	244,907,000	222,190,000	245,037,000	240,020,000	+3,778,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,199,122,000	6,598,587,000	5,982,022,000	6,206,224,000	6,177,297,000	-21,825,000
Appropriations	(6,071,222,000)	(6,628,587,000)	(6,012,022,000)	(6,236,224,000)	(6,207,297,000)	(+136,075,000)
Emergency appropriations	(157,900,000)					(-157,900,000)
Rescissions	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	178,000,000	179,786,000	179,000,000	180,200,000	179,786,000	+1,786,000
State and private forestry	136,884,000	164,000,000	148,884,000	156,811,000	155,461,000	+18,577,000
National forest system	1,257,057,000	1,291,553,000	1,258,057,000	1,285,881,000	1,274,781,000	+17,724,000
Emergency appropriations (P.L. 104-134)	26,600,000					-26,600,000
Wildland fire management	385,485,000	385,485,000	411,485,000	661,485,000	530,016,000	+144,531,000
Emergency appropriations		109,531,000		109,531,000		
Reconstruction and construction	163,600,000	169,662,000	164,100,000	172,167,000	174,974,000	+11,374,000
Emergency appropriations (P.L. 104-134)	60,800,000					-60,800,000
Timber receipts transfer to general fund (indefinite)	(-44,548,000)					(+44,548,000)
Timber purchaser credits	(50,000,000)	(50,000,000)				(-50,000,000)
Land acquisition	39,400,000	41,200,000	30,000,000	39,660,000	40,575,000	+1,175,000
Acquisition of lands for national forests, special acts	1,069,000	1,069,000	1,069,000	1,069,000	1,069,000	
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	3,976,000	3,995,000	3,995,000	3,995,000	3,995,000	+19,000
Gifts, donations and bequests for forest and rangeland research	92,000	92,000	92,000	92,000	92,000	
Southeast Alaska economic disaster fund	110,000,000					-110,000,000
Total, Forest Service	2,363,173,000	2,346,583,000	2,196,892,000	2,611,101,000	2,360,959,000	-2,214,000
DEPARTMENT OF ENERGY						
Clean coal technology:						
Rescission		-325,000,000		-150,000,000	-123,000,000	-123,000,000
Deferral		-312,879,000				
Subtotal		-637,879,000		-150,000,000	-123,000,000	-123,000,000
Fossil energy research and development	417,018,000	348,508,000	354,754,000	367,504,000	364,704,000	-52,314,000
Alternative fuels production (indefinite)	-2,400,000	-4,000,000	-4,000,000	-4,000,000	-4,000,000	-1,600,000
Naval petroleum and oil shale reserves	148,786,000	149,500,000	132,022,000	133,000,000	143,786,000	-5,000,000
Energy conservation	553,189,000	735,363,000	523,444,000	570,452,000	569,762,000	+16,573,000
Biomass Energy Development (transfer)	-16,000,000					+16,000,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Economic regulation	6,297,000	2,725,000	2,725,000	2,725,000	2,725,000	-3,572,000
Strategic Petroleum Reserve	.....	221,300,000	220,000,000	.....	.....	.....
(By transfer)	(187,000,000)	.....	.....	(220,000,000)	(220,000,000)	(+33,000,000)
Energy Information Administration	72,266,000	66,120,000	66,120,000	64,120,000	66,120,000	-6,146,000
Total, Department of Energy:						
New budget (obligational) authority (net)	1,179,156,000	881,637,000	1,295,065,000	983,801,000	1,020,097,000	-159,059,000
Appropriations	(1,179,156,000)	(1,519,516,000)	(1,295,065,000)	(1,133,801,000)	(1,143,097,000)	(-36,059,000)
Rescission	.....	(-325,000,000)	.....	(-150,000,000)	(-123,000,000)	(-123,000,000)
Deferral	.....	(-312,879,000)	.....	.....	.....	.....
(By transfer)	(187,000,000)	.....	.....	(220,000,000)	(220,000,000)	(+33,000,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,747,842,000	1,898,941,000	1,779,561,000	1,800,836,000	1,806,269,000	+58,427,000
Indian health facilities	238,958,000	275,251,000	227,701,000	251,957,000	247,731,000	+8,773,000
Total, Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	2,052,793,000	2,054,000,000	+67,200,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	52,500,000	81,500,000	52,500,000	52,500,000	61,000,000	+8,500,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	20,345,000	25,000,000	20,345,000	19,345,000	19,345,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	.....
Smithsonian Institution						
Salaries and expenses	311,188,000	328,716,000	317,188,000	317,582,000	317,557,000	+6,369,000
Construction and improvements, National Zoological Park	3,250,000	4,000,000	3,250,000	4,000,000	3,850,000	+600,000
Repair and restoration of buildings	33,954,000	38,000,000	39,954,000	38,000,000	39,000,000	+5,046,000
Construction	27,700,000	13,000,000	7,000,000	12,000,000	10,000,000	-17,700,000
Total, Smithsonian Institution	376,092,000	383,716,000	367,392,000	371,582,000	370,407,000	-5,685,000
National Gallery of Art						
Salaries and expenses	51,844,000	53,899,000	53,899,000	53,899,000	53,899,000	+2,055,000
Repair, restoration and renovation of buildings	6,442,000	5,942,000	5,942,000	5,942,000	5,942,000	-500,000
Total, National Gallery of Art	58,286,000	59,841,000	59,841,000	59,841,000	59,841,000	+1,555,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,875,000	10,875,000	10,875,000	10,875,000	+552,000
Construction	8,983,000	9,000,000	9,000,000	9,000,000	9,000,000	+17,000
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	19,875,000	19,875,000	+569,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840,000	5,840,000	5,840,000	5,840,000	5,840,000	.....
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	82,259,000	115,000,000	82,734,000	82,734,000	82,734,000	+475,000
Matching grants	17,235,000	21,000,000	16,760,000	16,760,000	16,760,000	-475,000
Total, National Endowment for the Arts	99,494,000	136,000,000	99,494,000	99,494,000	99,494,000	.....
National Endowment for the Humanities						
Grants and administration	94,000,000	118,250,000	92,994,000	87,994,000	96,100,000	+2,100,000
Matching grants	16,000,000	17,750,000	11,500,000	11,500,000	13,900,000	-2,100,000
Total, National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	99,494,000	110,000,000	.....

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
Institute of Museum Services						
Grants and administration	21,000,000	23,000,000	21,000,000	21,000,000	22,000,000	+1,000,000
Total, National Foundation on the Arts and the Humanities	230,494,000	295,000,000	224,988,000	219,988,000	231,494,000	+1,000,000
Commission of Fine Arts						
Salaries and expenses	834,000	867,000	867,000	867,000	867,000	+33,000
National Capital Arts and Cultural Affairs						
Grants	6,000,000	6,733,000	6,000,000	6,000,000	6,000,000	.....
Advisory Council on Historic Preservation						
Salaries and expenses	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	.....
National Capital Planning Commission						
Salaries and expenses	5,090,000	5,885,000	5,390,000	5,390,000	5,390,000	+300,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	147,000	125,000	125,000	500,000	500,000	+353,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	30,707,000	30,707,000	+2,000,000
Total, title II, related agencies:						
New budget (obligational) authority (net)	6,340,770,000	6,326,056,000	6,300,089,000	6,448,130,000	6,254,322,000	-86,448,000
Appropriations	(6,253,370,000)	(6,854,404,000)	(6,300,089,000)	(6,488,599,000)	(6,377,322,000)	(+123,952,000)
Emergency appropriations	(87,400,000)	(109,531,000)	.....	(109,531,000)	.....	(-87,400,000)
Rescission	.....	(-325,000,000)	.....	(-150,000,000)	(-123,000,000)	(-123,000,000)
Deferral	.....	(-312,879,000)	.....	.....	.....	.....
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)	.....	.....	.....	.....	(+44,548,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	.....	.....	.....	(-50,000,000)
(By transfer)	(187,000,000)	.....	.....	(220,000,000)	(220,000,000)	(+33,000,000)
TITLE IV - EMERGENCY APPROPRIATIONS						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	.....	.....	.....	.....	3,500,000	+3,500,000
Wildland fire management 1/	.....	.....	.....	.....	100,000,000	+100,000,000
Oregon and California grant lands	.....	.....	.....	.....	2,500,000	+2,500,000
Total, Bureau of Land Management	.....	.....	.....	.....	106,000,000	+106,000,000
United State Fish and Wildlife Service						
Resource management	.....	1,500,000	.....	.....	2,100,000	+2,100,000
Construction	.....	.....	.....	.....	15,891,000	+15,891,000
Total, United States Fish and Wildlife Service	.....	1,500,000	.....	.....	17,991,000	+17,991,000
National Park Service						
Operation of the national park system	.....	2,300,000	.....	.....	2,300,000	+2,300,000
Construction	.....	6,300,000	.....	.....	9,300,000	+9,300,000
Total, National Park Service	.....	8,600,000	.....	.....	11,600,000	+11,600,000
United States Geological Survey						
Surveys, investigations, and research	.....	.....	.....	.....	1,138,000	+1,138,000
Bureau of Indian Affairs						
Operation of Indian programs	.....	.....	.....	.....	6,600,000	+6,600,000
Contruction	.....	.....	.....	.....	6,000,000	+6,000,000
Total, Bureau of Indian Affairs	.....	.....	.....	.....	12,600,000	+12,600,000
Total, Department of the Interior	.....	10,100,000	.....	.....	149,329,000	+149,329,000
DEPARTMENT OF AGRICULTURE						
Forest Service						
National forest system	.....	.....	.....	.....	3,395,000	+3,395,000
Wildland fire management 1/	.....	.....	.....	.....	550,000,000	+550,000,000
Construction	.....	.....	.....	.....	5,210,000	+5,210,000
Total, Forest Service	.....	.....	.....	.....	558,605,000	+558,605,000

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1997 (H.R. 3662) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate Reported	Conference	Conference compared with enacted
OTHER RELATED AGENCIES						
Smithsonian Institution						
Salaries and expenses		935,000			935,000	+935,000
National Gallery of Art						
Salaries and expenses		382,000			382,000	+382,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance		1,600,000			1,600,000	+1,600,000
Construction		3,400,000			3,400,000	+3,400,000
Total, John F. Kennedy Center for the Performing Arts		5,000,000			5,000,000	+5,000,000
United States Holocaust Memorial Council						
Holocaust Memorial Council		1,000,000			1,000,000	+1,000,000
Total, title IV:						
New budget (obligational) authority		17,417,000			715,251,000	+715,251,000
Grand total:						
New budget (obligational) authority (net)	12,539,892,000	12,942,060,000	12,282,111,000	12,654,354,000	13,146,870,000	+606,978,000
Appropriations	(12,324,592,000)	(13,482,991,000)	(12,312,111,000)	(12,724,823,000)	(12,584,619,000)	(+260,027,000)
Emergency appropriations	(245,300,000)	(126,948,000)		(109,531,000)	(715,251,000)	(+469,951,000)
Rescissions	(-30,000,000)	(-355,000,000)	(-30,000,000)	(-180,000,000)	(-153,000,000)	(-123,000,000)
Deferral		(-312,879,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,548,000)					(+44,548,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)				(-50,000,000)
(Limitation on guaranteed loans)	(35,914,000)	(34,615,000)	(34,615,000)	(34,615,000)	(34,615,000)	(-1,299,000)
(By transfer)	(187,000,000)			(220,000,000)	(220,000,000)	(+33,000,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,105,955,000	1,095,809,000	1,077,117,000	1,117,061,000	1,090,675,000	-15,280,000
United States Fish and Wildlife Service	645,831,000	659,073,000	627,631,000	666,849,000	652,605,000	+6,774,000
National Park Service	1,367,667,000	1,612,337,000	1,327,572,000	1,416,705,000	1,414,258,000	+46,591,000
United States Geological Survey	732,163,000	746,380,000	730,163,000	737,040,000	738,913,000	+6,750,000
Minerals Management Service	188,995,000	189,434,000	188,995,000	165,995,000	163,395,000	-25,600,000
Bureau of Mines	64,000,000			2,000,000		-64,000,000
Office of Surface Mining Reclamation and Enforcement	269,857,000	274,157,000	270,659,000	273,757,000	271,757,000	+1,900,000
Bureau of Indian Affairs	1,588,412,000	1,776,490,000	1,537,695,000	1,581,780,000	1,605,674,000	+17,262,000
Departmental Offices	236,242,000	244,907,000	222,190,000	245,037,000	240,020,000	+3,778,000
Total, Title I - Department of the Interior	6,199,122,000	6,598,587,000	5,982,022,000	6,206,224,000	6,177,297,000	-21,825,000
TITLE II - RELATED AGENCIES						
Forest Service	2,363,173,000	2,346,583,000	2,196,892,000	2,611,101,000	2,360,959,000	-2,214,000
Department of Energy	1,179,156,000	881,637,000	1,295,065,000	983,801,000	1,020,097,000	-159,059,000
Indian Health Service	1,986,800,000	2,174,192,000	2,007,262,000	2,052,793,000	2,054,000,000	+67,200,000
Indian Education	52,500,000	81,500,000	52,500,000	52,500,000	61,000,000	+8,500,000
Office of Navajo and Hopi Indian Relocation	20,345,000	25,000,000	20,345,000	19,345,000	19,345,000	-1,000,000
Institute of American Indian and Alaska Native Culture and Arts Development	5,500,000	5,500,000	5,500,000	5,500,000	5,500,000	
Smithsonian Institution	376,092,000	383,716,000	367,392,000	371,582,000	370,407,000	-5,685,000
National Gallery of Art	58,286,000	59,841,000	59,841,000	59,841,000	59,841,000	+1,555,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,875,000	19,875,000	19,875,000	19,875,000	+569,000
Woodrow Wilson International Center for Scholars	5,840,000	5,840,000	5,840,000	5,840,000	5,840,000	
National Endowment for the Arts	99,494,000	136,000,000	99,494,000	99,494,000	99,494,000	
National Endowment for the Humanities	110,000,000	136,000,000	104,494,000	99,494,000	110,000,000	
Institute of Museum Services	21,000,000	23,000,000	21,000,000	21,000,000	22,000,000	+1,000,000
Commission of Fine Arts	834,000	867,000	867,000	867,000	867,000	+33,000
National Capital Arts and Cultural Affairs	6,000,000	6,733,000	6,000,000	6,000,000	6,000,000	
Advisory Council on Historic Preservation	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	
National Capital Planning Commission	5,090,000	5,885,000	5,390,000	5,390,000	5,390,000	+300,000
Franklin Delano Roosevelt Memorial Commission	147,000	125,000	125,000	500,000	500,000	+353,000
Holocaust Memorial Council	28,707,000	31,262,000	29,707,000	30,707,000	30,707,000	+2,000,000
Total, Title II - Related Agencies	6,340,770,000	6,326,056,000	6,300,089,000	6,448,130,000	6,254,322,000	-86,448,000
TITLE IV - EMERGENCY APPROPRIATIONS						
Emergency appropriations		17,417,000			715,251,000	+715,251,000
Grand total	12,539,892,000	12,942,060,000	12,282,111,000	12,654,354,000	13,146,870,000	+606,978,000

1/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756)

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	105,929,000	120,577,000	108,447,000	111,348,000	111,760,000	+5,831,000
Automation Enhancement			27,100,000	27,100,000	27,100,000	+27,100,000
Office of Inspector General	29,319,000	30,153,000	29,319,000	30,153,000	29,736,000	+417,000
Office of Professional Responsibility					1,500,000	+1,500,000
(By transfer)			(3,000,000)			
Treasury Buildings and Annex Repair and Restoration	21,491,000	7,684,000	22,892,000	43,684,000	28,213,000	+6,722,000
Financial Crimes Enforcement Network	22,198,000	23,137,000	22,387,000	22,387,000	22,387,000	+189,000
Treasury Forfeiture Fund (limitation on availability of deposits)	10,000,000	10,000,000	7,500,000	10,000,000	10,000,000	
Violent Crime Reduction Programs:						
Departmental Offices			5,971,000		18,300,000	+18,300,000
Bureau of Alcohol, Tobacco and Firearms	21,010,000	21,437,000	47,624,000	31,450,000	36,595,000	+15,585,000
Gang Resistance Education and Training: Grants	7,200,000	7,200,000	7,200,000	8,000,000	8,000,000	+800,000
United States Customs Service	25,690,000	35,283,000	15,005,000	38,900,000		-25,690,000
United States Secret Service	21,600,000	28,761,000	20,200,000	24,500,000	20,000,000	-1,600,000
Federal Law Enforcement Training Center: Salaries and Expenses	1,014,000	4,519,000		3,150,000		-1,014,000
Financial Crimes Enforcement Network			1,000,000	1,000,000	1,000,000	+1,000,000
ONDCP - HIDTA				13,000,000	13,105,000	+13,105,000
Total, Violent Crime Reduction Programs	76,514,000	97,200,000	97,000,000	120,000,000	97,000,000	+20,486,000
Federal Law Enforcement Training Center:						
Salaries and Expenses	36,070,000	50,518,000	51,681,000	52,242,000	54,831,000	+18,761,000
Acquisition, Construction, Improvements, & Related Expenses	9,663,000	9,884,000	18,884,000	19,884,000	18,884,000	+9,221,000
Total, Federal Law Enforcement Training Center	45,733,000	60,402,000	70,565,000	72,126,000	73,715,000	+27,982,000
Financial Management Service	184,300,000	198,070,000	191,799,000	196,338,000	196,069,000	+11,769,000
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses	377,971,000	406,005,000	389,982,000	395,597,000	393,971,000	+16,000,000
Laboratory facilities		62,000,000		6,978,000	6,978,000	+6,978,000
Total, Bureau of Alcohol, Tobacco and Firearms	377,971,000	468,005,000	389,982,000	402,575,000	400,949,000	+22,978,000
United States Customs Service:						
Salaries and Expenses	1,387,153,000	1,466,170,000	1,487,224,000	1,421,543,000	1,487,250,000	+100,097,000
Operation and Maintenance, Air and Marine Interdiction Programs	64,843,000	83,363,000	83,363,000	83,363,000	83,363,000	+18,520,000
Air Interdiction Procurement			28,000,000	45,000,000		
Customs Services at Small Airports (to be derived from fees collected)	1,406,000	2,406,000	2,406,000	2,406,000	2,406,000	+1,000,000
Harbor Maintenance Fee Collection	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
Total, United States Customs Service	1,456,402,000	1,554,939,000	1,603,993,000	1,555,312,000	1,576,019,000	+119,617,000
Bureau of the Public Debt	170,000,000	171,910,000	165,335,000	165,335,000	165,335,000	-4,665,000
Payment of Government Losses in Shipment	500,000					-500,000
Internal Revenue Service:						
Processing, Assistance, and Management	1,723,764,000	1,779,663,000	1,722,985,000	1,728,840,000	1,779,840,000	+56,076,000
Tax Law Enforcement	4,097,294,000	4,527,821,000	4,052,586,000	4,052,586,000	4,104,211,000	+6,917,000
Information Systems	1,527,154,000	1,687,674,000	1,077,450,000	1,240,473,000	1,323,075,000	-204,079,000
Rescission			-174,447,000	-174,447,000	-174,447,000	-174,447,000
Total, Internal Revenue Service	7,348,212,000	7,995,158,000	6,678,574,000	6,847,452,000	7,032,679,000	-315,533,000
United States Secret Service:						
Salaries and Expenses	531,944,000	516,182,000	528,368,000	519,265,000	528,262,000	-3,682,000
Rescission					-7,600,000	-7,600,000
Acquisition, Construction, Improvement, & Related Expenses		29,165,000	31,298,000	29,165,000	37,365,000	+37,365,000
Total, United States Secret Service	531,944,000	545,347,000	559,666,000	548,430,000	558,027,000	+26,083,000
Total, Title I, Department of the Treasury	10,380,513,000	11,282,582,000	9,974,559,000	10,152,240,000	10,330,489,000	-50,024,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	85,080,000	102,817,000	85,080,000	90,433,000	85,080,000	
Payment to the Postal Service Fund for Nonfunded Liabilities	36,828,000			35,536,000	35,536,000	-1,292,000
Total, Title II, Postal Service	121,908,000	102,817,000	85,080,000	125,969,000	120,616,000	-1,292,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	.....
Salaries and Expenses	39,459,000	40,193,000	40,193,000	40,193,000	40,193,000	+734,000
Executive Residence at the White House:						
Operating Expenses	7,827,000	7,827,000	7,827,000	7,827,000	7,827,000	.....
White House Repair and Restoration	2,200,000	.....	.....	.....	.....	-2,200,000
Special Assistance to the President and the Official Residence of the Vice President:						
Operating expenses	324,000	324,000	324,000	324,000	324,000	.....
Salaries and Expenses	3,280,000	3,280,000	3,280,000	3,280,000	3,280,000	.....
Council of Economic Advisers	3,180,000	3,439,000	3,439,000	3,439,000	3,439,000	+259,000
Office of Policy Development	3,867,000	3,867,000	3,867,000	3,867,000	3,867,000	.....
National Security Council	6,648,000	6,648,000	6,648,000	6,648,000	6,648,000	.....
Office of Administration	25,736,000	26,100,000	26,100,000	26,100,000	26,100,000	+364,000
Office of Management and Budget	55,573,000	55,573,000	55,573,000	55,573,000	55,573,000	.....
Office of National Drug Control Policy	26,900,000	34,838,000	34,838,000	34,838,000	35,838,000	+8,938,000
Unanticipated Needs	1,000,000	1,000,000	.....	1,000,000	.....	-1,000,000
Federal Drug Control Programs: High Intensity Drug Trafficking Areas Program	103,000,000	103,000,000	113,000,000	135,769,000	127,102,000	+24,102,000
Total, Title III, Executive Office of the President and Funds Appropriated to the President	279,244,000	286,339,000	295,339,000	319,108,000	310,441,000	+31,197,000
TITLE IV - INDEPENDENT AGENCIES						
Advisory Commission on Intergovernmental Relations	784,000	.....	.....	.....	.....	-784,000
Administrative Conference of the United States	600,000	.....	.....	.....	.....	-600,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	.....
Federal Election Commission	26,521,000	29,371,000	27,524,000	28,700,000	28,165,000	+1,644,000
Federal Labor Relations Authority	20,542,000	21,988,000	21,588,000	21,588,000	21,588,000	+1,046,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	82,600,000	517,925,000	209,193,000	257,162,000	400,544,000	+317,944,000
Rescissions	(-55,000,000)	.....	.....	.....	.....	(+55,000,000)
Limitations on availability of revenue:						
Construction & acquisition of facilities	(545,002,000)	(715,179,000)	(540,000,000)	(657,724,000)	(657,711,000)	(+112,709,000)
Repairs and alterations	(637,000,000)	(775,034,000)	(635,000,000)	(616,990,000)	(639,000,000)	(+2,000,000)
Installment acquisition payments	(181,963,000)	(173,075,000)	(173,075,000)	(173,075,000)	(173,075,000)	(-8,888,000)
Rental of space	(2,326,200,000)	(2,348,850,000)	.....	(2,343,795,000)	(2,343,795,000)	(+17,595,000)
Building Operations	(1,302,551,000)	(1,575,151,000)	.....	(1,532,465,000)	(1,552,651,000)	(+250,100,000)
Operations and leasing	.....	.....	(3,903,205,000)	.....	.....	.....
Repayment of Debt	(73,433,000)	(88,312,000)	(88,312,000)	(88,312,000)	(88,312,000)	(+14,879,000)
Environmental cleanup activities	.....	.....	(20,000,000)	.....	(20,000,000)	(+20,000,000)
Consolidated Federal Law Enforcement Bldg	.....	.....	.....	.....	(81,000,000)	(+81,000,000)
Automation enhancements	.....	.....	(4,800,000)	.....	.....	.....
Total, Federal Buildings Fund	82,600,000	517,925,000	209,193,000	257,162,000	400,544,000	+317,944,000
(Limitations)	(5,066,149,000)	(5,675,601,000)	(5,364,392,000)	(5,412,361,000)	(5,555,544,000)	(+489,395,000)
Policy and Operations	119,091,000	110,173,000	109,091,000	110,173,000	110,173,000	-8,918,000
Office of Inspector General	33,274,000	33,863,000	33,274,000	33,863,000	33,863,000	+589,000
Allowances and Office Staff for Former Presidents	2,181,000	2,180,000	2,180,000	2,180,000	2,180,000	-1,000
Expenses, presidential transition	.....	5,600,000	5,600,000	5,600,000	5,600,000	+5,600,000
Total, General Services Administration	237,146,000	669,741,000	359,338,000	408,978,000	552,360,000	+315,214,000
John F. Kennedy Assassination Record Review Board	2,150,000	2,150,000	2,150,000	2,150,000	2,150,000	.....
Merit Systems Protection Board:						
Salaries and Expenses	24,549,000	24,549,000	23,297,000	24,549,000	23,923,000	-626,000
(Limitation on administrative expenses)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	(2,430,000)	.....
National Archives and Records Administration:						
Operating expenses	199,633,000	196,964,000	195,109,000	198,964,000	196,963,000	-2,670,000
Reduction of debt	-4,012,000	-4,012,000	-4,012,000	-4,012,000	-4,012,000	.....
Rescission	.....	.....	-4,500,000	.....	.....	.....
Repairs and Restoration	1,500,000	2,750,000	9,500,000	18,229,000	16,229,000	+14,729,000
National Historical Publications and Records Commission:						
Grants program	5,000,000	4,000,000	4,000,000	5,000,000	5,000,000	.....
Total, National Archives and Records Administration	202,121,000	199,702,000	200,097,000	218,181,000	214,180,000	+12,059,000
Office of Government Ethics	7,776,000	8,078,000	8,078,000	8,078,000	8,078,000	+302,000

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1997 (H.R. 3756) — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Pending Senate	Conference	Conference compared with enacted
Office of Personnel Management:						
Salaries and Expenses	88,000,000	87,076,000	86,576,000	87,076,000	87,076,000	-924,000
(Limitation on administrative expenses)	(102,536,000)	(94,736,000)	(93,486,000)	(94,736,000)	(94,736,000)	(-7,800,000)
Office of Inspector General	4,009,000	960,000	960,000	960,000	960,000	-3,049,000
(Limitation on administrative expenses)	(6,181,000)	(8,645,000)	(8,645,000)	(8,645,000)	(8,645,000)	(+2,464,000)
Revolving fund		5,000,000	4,755,000	5,000,000		
Government Payment for Annuitants, Employees Health Benefits	3,746,337,000	4,059,000,000	4,059,000,000	4,059,000,000	4,059,000,000	+312,663,000
Government Payment for Annuitants, Employee Life Insurance	32,647,000	33,000,000	33,000,000	33,000,000	33,000,000	+353,000
Payment to Civil Service Retirement and Disability Fund	7,945,998,000	7,989,000,000	7,989,000,000	7,989,000,000	7,989,000,000	+43,002,000
Total, Office of Personnel Management	11,816,991,000	12,174,036,000	12,173,291,000	12,174,036,000	12,169,036,000	+352,045,000
Office of Special Counsel	7,840,000	8,311,000	7,840,000	8,116,000	8,116,000	+276,000
United States Tax Court	33,269,000	34,293,000	33,269,000	34,293,000	33,781,000	+512,000
Total, Title IV, Independent Agencies	12,382,089,000	13,174,019,000	12,858,272,000	12,930,469,000	13,063,177,000	+681,088,000
(Limitation on administrative expenses)	(5,122,296,000)	(5,781,412,000)	(5,468,953,000)	(5,518,172,000)	(5,661,355,000)	(+539,059,000)
SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS						
Bureau of Alcohol, Tobacco and Firearms:						
Salaries and Expenses			12,011,000	12,011,000		
(By transfer)		(12,000,000)				
Internal Revenue Service: Information Systems (rescission)			-12,011,000	-16,500,000		
Total, Supplemental Appropriations and Rescissions (net)				-4,489,000		
TITLE VII - COUNTERTERRORISM AND DRUG LAW ENFORCEMENT						
DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses		288,000			288,000	+288,000
Counterterrorism fund		15,000,000			15,000,000	+15,000,000
Office of Inspector General		34,000			34,000	+34,000
Federal Law Enforcement Training Center:						
Salaries and Expenses		1,354,000			1,354,000	+1,354,000
Acquisition, Construction, Improvements, & Related Expenses		2,700,000			2,700,000	+2,700,000
Financial Management Service		449,000			449,000	+449,000
Bureau of Alcohol, Tobacco and Firearms: Salaries & expenses		66,423,000			66,423,000	+66,423,000
United States Customs Service: Salaries and expenses		62,335,000			62,335,000	+62,335,000
Bureau of the Public Debt		161,000			161,000	+161,000
Internal Revenue Service: Processing, Assistance, and Management		10,448,000			10,448,000	+10,448,000
United States Secret Service: Salaries and expenses		3,026,000			3,026,000	+3,026,000
Total, Department of the Treasury		162,218,000			162,218,000	+162,218,000
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Special forfeiture fund					112,900,000	+112,900,000
INDEPENDENT AGENCY						
Office of Personnel Management: Salaries and expenses		210,000			210,000	+210,000
Total, title VII, Counterterrorism and Drug Law Enforcement		162,428,000			275,328,000	+275,328,000
Grand total	23,163,754,000	25,008,185,000	23,213,250,000	23,523,297,000	24,100,051,000	+936,297,000
Fiscal year 1997 (net)	(23,163,754,000)	(25,008,185,000)	(23,213,250,000)	(23,527,786,000)	(24,100,051,000)	(+936,297,000)
Appropriations	(23,163,754,000)	(25,008,185,000)	(23,392,197,000)	(23,702,233,000)	(24,282,098,000)	(+1,118,344,000)
Rescissions			(-178,947,000)	(-174,447,000)	(-182,047,000)	(-182,047,000)
Fiscal year 1996 (net)				(-4,489,000)		
(Limitations)	(5,122,296,000)	(5,781,412,000)	(5,468,953,000)	(5,518,172,000)	(5,661,355,000)	(+539,059,000)
CONGRESSIONAL BUDGET RECAP						
Total amount in this bill	23,163,754,000	25,008,185,000	23,213,250,000	23,523,297,000	24,100,051,000	+936,297,000
Scorekeeping adjustments	-31,840,000	-33,428,000	104,000,000	-82,511,000	-163,328,000	-131,488,000
Total mandatory and discretionary	23,131,914,000	24,974,757,000	23,317,250,000	23,440,786,000	23,936,723,000	+804,809,000
Mandatory	11,889,400,000	12,210,250,000	12,210,250,000	12,245,786,000	12,245,786,000	+356,386,000
Discretionary:						
Crime trust fund	76,514,000	97,200,000	97,000,000	120,000,000	97,000,000	+20,486,000
General purposes	11,166,000,000	12,667,307,000	11,010,000,000	11,075,000,000	11,593,937,000	+427,937,000
Total, Discretionary	11,242,514,000	12,764,507,000	11,107,000,000	11,195,000,000	11,690,937,000	+448,423,000

TITLE V - ADDITIONAL APPROPRIATIONS

	FY 1997 Estimate	Conference
TITLE V		
ADDITIONAL APPROPRIATIONS		
CHAPTER I		
DEPARTMENT OF AGRICULTURE		
Cooperative State Research, Education, and Extension Service:		
Extension activities	.....	753,000
Natural Resources Conservation Service:		
Watershed and flood prevention operations (emergency) 1/	.....	63,000,000
Farm Service Agency:		
Emergency conservation program (emergency) 1/	.....	25,000,000
Total, Chapter I:		
New budget (obligational) authority	.....	88,753,000
Appropriations	.....	(753,000)
Emergency appropriations	.....	(88,000,000)
CHAPTER III		
DEPARTMENT OF DEFENSE - CIVIL		
DEPARTMENT OF THE ARMY		
Corps of Engineers - Civil		
Operation and maintenance, general (emergency) 1/	.....	19,000,000
Bureau of Reclamation		
Operation and maintenance (emergency)	5,825,000	.....
DEPARTMENT OF ENERGY		
Atomic Energy Defense Activities		
Weapons activities (emergency)	15,000,000	.....
Other Defense activities (emergency)	8,000,000	.....
Total, Department of Energy	23,000,000	.....
Total, Chapter III:		
New budget (obligational) authority	28,825,000	19,000,000
CHAPTER IV		
CONGRESSIONAL OPERATIONS		
HOUSE OF REPRESENTATIVES		
Salaries and Expenses		
Allowances and Expenses		
Government contributions (rescission, FY 1996)	.....	-500,000
JOINT ITEMS		
Capitol Police Board		
Capitol Police		
Salaries (rescission, FY 1996)	.....	-3,000,000
General expenses	.....	3,250,000
Total, Joint Items	.....	250,000
ARCHITECT OF THE CAPITOL		
Capitol Buildings and Grounds		
Capitol buildings	.....	250,000
Senate office buildings (reappropriation)	.....	650,000
Total, Architect of the Capitol	.....	900,000
Total, Chapter IV:		
New budget (obligational) authority (net)	.....	650,000
Appropriations, FY 1997	.....	(4,150,000)
Rescissions, FY 1996	.....	(-3,500,000)
CHAPTER V		
DEPARTMENT OF TRANSPORTATION		
Federal Aviation Administration		
Operations (Airport and Airway Trust Fund) (emergency)	32,400,000	57,900,000
Facilities and equipment (Airport and Airway Trust Fund) (emergency)	144,200,000	147,700,000
Research, engineering, and development (Airport and Airway Trust Fund) (emergency)	21,000,000	21,000,000
Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authority)	.....	-50,000,000
Total, Federal Aviation Administraiton	197,600,000	176,600,000

TITLE V - ADDITIONAL APPROPRIATIONS — Continued

	FY 1997 Estimate	Conference
Federal Highway Administration		
Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)		-9,100,000
Federal-aid highways (Highway Trust Fund):		
Emergency relief program (emergency) 1/		82,000,000
Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)		-12,300,000
Total, Federal Highway Administration		60,600,000
National Highway Traffic Safety Administration		
Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)		-11,800,000
Federal Railroad Administration		
Northeast corridor improvement program		60,000,000
Direct Loan Financing Program:		
Direct loan subsidy		58,680,000
(Limitation on direct loans)		(400,000,000)
Grants to the National Railroad Passenger Corporation:		
Operations		22,500,000
Total, Federal Railroad Administration		129,380,000
Research and Special Programs Administration		
Research and special programs (emergency)	3,000,000	3,000,000
Total, Department of Transportation	200,600,000	369,580,000
RELATED AGENCY		
National Transportation Safety Board		
Salaries and expenses (emergency)	6,000,000	6,000,000
Emergency fund (emergency)	1,000,000	1,000,000
Total, National Transportation Safety Board	7,000,000	7,000,000
Total, Chapter V:		
New budget (obligational) authority (net)	207,600,000	376,580,000
Appropriations		(141,180,000)
Rescissions of contract authority		(-83,200,000)
Emergency appropriations	(207,600,000)	(318,600,000)
CHAPTER VI		
INDEPENDENT AGENCIES		
Community Development Financial Institutions		
Community development financial institutions fund program account		5,000,000
Environmental Protection Agency		
Science and technology		10,000,000
Environmental programs and management		42,221,000
State and tribal assistance grants		35,000,000
Total, Environmental Protection Agency		87,221,000
Federal Emergency Management Agency		
Salaries and expenses		3,000,000
Emergency appropriation	5,405,000	
Emergency management planning and assistance		12,000,000
Emergency appropriation	18,343,000	
Total, Federal Emergency Management Agency	23,748,000	15,000,000
Department of Health and Human Services		
Office of Consumer Affairs		1,500,000
National Aeronautics and Space Administration		
Science, aeronautics and technology		5,000,000
Total, Chapter VI:		
New budget (obligational) authority	23,748,000	113,721,000
Appropriations		(113,721,000)
Emergency appropriations	(23,748,000)	

TITLE V - ADDITIONAL APPROPRIATIONS — Continued

	FY 1997 Estimate	Conference
CHAPTER VII		
BILATERAL ECONOMIC ASSISTANCE		
Department of State		
Nonproliferation and antiterrorism		18,000,000
MILITARY ASSISTANCE		
FUNDS APPROPRIATED TO THE PRESIDENT		
Foreign Military Financing Program:		
Grants: Other		60,000,000
Peacekeeping operations		65,000,000
Total, Military assistance		125,000,000
Total, Chapter VII:		
New budget (obligational) authority (net)		143,000,000
CHAPTER VIII		
GENERAL PROVISIONS		
DEPARTMENT OF DEFENSE		
Research, Development, Test and Evaluation		
Research, development, test and evaluation, Defense-wide		100,000,000
Total, title V:		
New budget (obligational) authority (net)	260,173,000	841,704,000
Fiscal year 1997	(260,173,000)	(845,204,000)
Appropriations		(502,804,000)
Rescissions of contract authority		(-83,200,000)
Emergency appropriations	(260,173,000)	(425,600,000)
Fiscal year 1996		(-3,500,000)

1/ Funds were requested by the Administration as FY 1996 supplemental appropriations.

Mr. Speaker, when the conference report on H.R. 3666, an act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and independent agencies for fiscal year 1997 was approved by this body late last week, the spending tables accompanying this measure were inadvertently not included in the RECORD. I now would like to include them at this place in the RECORD.

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	18,331,561,000	18,671,259,000	18,497,854,000	18,671,259,000	18,671,259,000	+339,698,000
Readjustment benefits	1,345,300,000	1,377,000,000	1,227,000,000	1,377,000,000	1,377,000,000	+31,700,000
Veterans insurance and indemnities	24,890,000	38,970,000	38,970,000	38,970,000	38,970,000	+14,080,000
Guaranty and indemnity program account (indefinite)	504,122,000	158,643,000	158,643,000	158,643,000	158,643,000	-345,479,000
Negative subsidy for guaranteed loans	-185,500,000	.....	.....	.....	.....	+185,500,000
Administrative expenses	65,226,000	107,703,000	105,226,000	105,226,000	105,226,000	+40,000,000
Loan guaranty program account (indefinite)	22,950,000	14,091,000	14,091,000	14,091,000	14,091,000	-8,859,000
Administrative expenses	52,138,000	33,810,000	33,810,000	33,810,000	33,810,000	-18,328,000
(By transfer)	(6,000,000)	.....	.....	.....	.....	(-6,000,000)
Direct loan program account (indefinite)	28,000	30,000	30,000	30,000	30,000	+2,000
(Limitation on direct loans)	(300,000)	(300,000)	(300,000)	(300,000)	(300,000)	.....
Administrative expenses	459,000	80,000	80,000	80,000	80,000	-379,000
(Loan level)	(99,000)	(64,000)	(64,000)	(64,000)	(64,000)	(-35,000)
Education loan fund program account	1,000	1,000	1,000	1,000	1,000	.....
(Limitation on direct loans)	(4,000)	(3,000)	(3,000)	(3,000)	(3,000)	(-1,000)
Administrative expenses	195,000	204,000	195,000	195,000	195,000	.....
Vocational rehabilitation loans program account	54,000	49,000	49,000	49,000	49,000	-5,000
(Limitation on direct loans)	(1,964,000)	(2,822,000)	(1,964,000)	(2,822,000)	(2,822,000)	(+858,000)
Administrative expenses	377,000	507,000	377,000	377,000	377,000	.....
Native American Veteran Housing Loan Program Account	205,000	434,000	205,000	205,000	205,000	.....
Total, Veterans Benefits Administration	20,162,006,000	20,402,781,000	20,076,531,000	20,399,936,000	20,399,936,000	+237,930,000
Veterans Health Administration						
Medical care	15,775,000,000	16,438,447,000	16,498,447,000	16,412,447,000	16,313,447,000	+538,447,000
(Transfer out)	(-4,500,000)	.....	.....	.....	.....	(+4,500,000)
Delayed equipment obligation	789,000,000	570,000,000	570,000,000	596,000,000	700,000,000	-89,000,000
Total	16,564,000,000	17,008,447,000	17,068,447,000	17,008,447,000	17,013,447,000	+449,447,000
Medical and prosthetic research	257,000,000	257,000,000	277,000,000	262,000,000	262,000,000	+5,000,000
Medical administration and miscellaneous operating expenses	63,602,000	62,207,000	59,207,000	62,207,000	61,207,000	-2,395,000
(By transfer)	(4,500,000)	.....	.....	.....	.....	(-4,500,000)
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	.....
Administrative expenses (by transfer)	(54,000)	(54,000)	(54,000)	(54,000)	(54,000)	.....
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	.....
General post fund (transfer out)	(-61,000)	(-61,000)	(-61,000)	(-61,000)	(-61,000)	.....
Total, Veterans Health Administration	16,884,602,000	17,327,654,000	17,404,654,000	17,332,654,000	17,336,654,000	+452,052,000
Departmental Administration						
General operating expenses	848,143,000	843,730,000	840,584,000	813,730,000	827,584,000	-20,559,000
Offsetting receipts	(32,000,000)	(32,000,000)	(32,000,000)	(32,000,000)	(32,000,000)	.....
(Transfer out)	(-6,000,000)	.....	.....	.....	.....	(+6,000,000)
Total, Program Level	(874,143,000)	(875,730,000)	(872,584,000)	(845,730,000)	(859,584,000)	(-14,559,000)
National Cemetery System	72,604,000	76,864,000	76,864,000	76,864,000	76,864,000	+4,260,000
Office of Inspector General	30,900,000	31,175,000	30,900,000	30,900,000	30,900,000	.....
Construction, major projects	136,155,000	249,900,000	245,358,000	178,250,000	250,858,000	+114,703,000
(Transfer out)	(-7,000,000)	.....	.....	.....	.....	(+7,000,000)
Construction, minor projects	190,000,000	189,241,000	160,000,000	190,000,000	175,000,000	-15,000,000
Parking revolving fund	.....	.....	12,300,000	.....	12,300,000	+12,300,000
(By transfer)	(7,000,000)	.....	.....	.....	.....	(-7,000,000)
Grants for construction of state extended care facilities	47,397,000	39,909,000	47,397,000	47,397,000	47,397,000	.....
Grants for the construction of state veterans cemeteries	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	.....
Total, Departmental Administration	1,326,199,000	1,431,819,000	1,414,403,000	1,338,141,000	1,421,903,000	+95,704,000
Total, title I, Department of Veterans Affairs	38,372,807,000	39,162,254,000	38,895,588,000	39,070,731,000	39,158,493,000	+785,686,000
(By transfer)	(17,561,000)	(61,000)	(61,000)	(61,000)	(61,000)	(-17,500,000)
(Limitation on direct loans)	(2,437,000)	(3,259,000)	(2,401,000)	(3,259,000)	(3,259,000)	(+822,000)
Consisting of:						
Mandatory	(20,043,351,000)	(20,259,993,000)	(19,936,588,000)	(20,259,993,000)	(20,259,993,000)	(+216,642,000)
Discretionary	(18,329,456,000)	(18,902,261,000)	(18,959,000,000)	(18,810,738,000)	(18,898,500,000)	(+569,044,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Selected Housing Programs						
Annual contributions for assisted housing	9,818,795,000	5,597,000,000	5,132,000,000			-9,818,795,000
Prepayment authority	4,000,000					-4,000,000
Rescission		-123,000,000				
Transfer to housing certificates funds		(-100,000,000)				
Housing for special populations: Elderly and disabled		769,000,000	909,000,000			
Rental housing assistance:						
Rescission of budget authority, indefinite	-35,119,000					+35,119,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-163,000,000					+163,000,000
Housing certificates funds		290,000,000	166,000,000			
Transfer from annual contributions		(100,000,000)				
Public housing operating fund	2,800,000,000	2,900,000,000	2,850,000,000			-2,800,000,000
Public and Indian housing capital funds		2,700,000,000	2,700,000,000			
Public and Indian housing bonus program		500,000,000				
Revitalization of severely distressed public housing (HOPE VI)	480,000,000	650,000,000	550,000,000		550,000,000	+70,000,000
Drug elimination grants for low-income housing	290,000,000	290,000,000	290,000,000		290,000,000	
Development of additional subsidized housing				969,464,000	1,039,000,000	+1,039,000,000
Prevention of resident displacement				4,775,000,000	4,640,000,000	+4,640,000,000
Transfer from recaptures					(50,000,000)	(+50,000,000)
Total				(4,775,000,000)	(4,690,000,000)	(+4,690,000,000)
Preserving existing housing investment				6,740,000,000	5,750,000,000	+5,750,000,000
Prepayment authority				2,000,000	2,000,000	+2,000,000
Rescission of recaptures				-150,000,000	-150,000,000	-150,000,000
Violent crime reduction program		3,000,000				
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	
Community Planning and Development						
Community development grants	4,600,000,000	4,600,000,000	4,300,000,000	4,600,000,000	4,600,000,000	
Delay of obligation			300,000,000			
Emergency appropriations	(50,000,000)					(-50,000,000)
Total	4,600,000,000	4,600,000,000	4,600,000,000	4,600,000,000	4,600,000,000	
CDBG/economic development bonus program		300,000,000				
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,500,000,000)	(2,000,000,000)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	
Credit subsidy	31,750,000	46,000,000	31,750,000	31,750,000	31,750,000	
Administrative expenses	675,000	675,000	675,000	675,000	675,000	
Total	4,632,425,000	4,946,675,000	4,632,425,000	4,632,425,000	4,632,425,000	
HOME investment partnerships program	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	1,400,000,000	
HOME fund challenge grant bonus program		150,000,000				
Total, Selected housing programs (net)	19,230,101,000	20,075,675,000	18,632,425,000	18,371,889,000	18,156,425,000	-1,073,676,000
Homeless Assistance						
Homeless assistance grants	823,000,000	1,010,000,000	823,000,000	823,000,000	823,000,000	
Homeless grant bonus program		110,000,000				
Total	823,000,000	1,120,000,000	823,000,000	823,000,000	823,000,000	
Housing opportunities for persons with AIDS		171,000,000	171,000,000	171,000,000	171,000,000	+171,000,000
Transfer from recaptures					(25,000,000)	(+25,000,000)
Total		(171,000,000)	(171,000,000)	(171,000,000)	(196,000,000)	(+196,000,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	.....
(Limitation on direct loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	.....
Administrative expenses	341,595,000	350,595,000	341,595,000	350,595,000	350,595,000	+9,000,000
Offsetting receipts	-341,595,000	-350,595,000	-341,595,000	-350,595,000	-350,595,000	-9,000,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	.....
(Limitation on direct loans)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	.....
Administrative expenses	202,470,000	207,470,000	202,470,000	207,470,000	207,470,000	+5,000,000
Program costs	85,000,000	160,000,000	85,000,000	85,000,000	85,000,000	.....
Subsidy - multifamily	-37,996,000	-18,000,000	-18,000,000	-18,000,000	-18,000,000	+19,996,000
Subsidy - single family	-27,044,000	-64,000,000	-64,000,000	-64,000,000	-64,000,000	-36,956,000
Subsidy - Title I	-23,777,000	-25,000,000	-25,000,000	-25,000,000	-25,000,000	-1,223,000
Total, Federal Housing Administration	198,653,000	260,470,000	180,470,000	185,470,000	185,470,000	-13,183,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	.....
Administrative expenses	9,101,000	9,383,000	9,101,000	9,383,000	9,383,000	+282,000
Offsetting receipts	-508,300,000	-218,000,000	-218,000,000	-218,000,000	-218,000,000	+290,300,000
Policy Development and Research						
Research and technology	34,000,000	45,000,000	34,000,000	34,000,000	34,000,000	.....
Fair Housing and Equal Opportunity						
Fair housing activities	30,000,000	33,000,000	30,000,000	30,000,000	30,000,000	.....
Management and Administration						
Salaries and expenses	420,000,000	430,718,000	376,589,000	420,000,000	420,000,000	.....
(By transfer, limitation on FHA corporate funds)	(532,782,000)	(546,782,000)	(532,782,000)	(546,782,000)	(546,782,000)	(+14,000,000)
(By transfer, GNMA)	(9,101,000)	(9,383,000)	(9,101,000)	(9,383,000)	(9,383,000)	(+282,000)
(By transfer, Community Planning & Development)	(675,000)	(675,000)	(675,000)	(675,000)	(675,000)	.....
Total, Salaries and expenses	(962,558,000)	(987,558,000)	(919,147,000)	(976,840,000)	(976,840,000)	(+14,282,000)
Office of Inspector General	36,567,000	36,567,000	36,567,000	36,567,000	36,567,000	.....
(By transfer, limitation on FHA corporate funds)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	.....
(By transfer from Drug Elimination Grants)	.....	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Total, Office of Inspector General	(47,850,000)	(52,850,000)	(52,850,000)	(52,850,000)	(52,850,000)	(+5,000,000)
Office of federal housing enterprise oversight	14,895,000	15,751,000	14,895,000	15,751,000	15,500,000	+605,000
Offsetting receipts	-14,895,000	-15,751,000	-14,895,000	-15,751,000	-15,500,000	-605,000
Administrative Provisions						
1-year extension of HECM's demonstration	-7,000,000	.....	.....	.....	.....	+7,000,000
FHA Assignment Reform	-1,066,000,000	.....	.....	.....	.....	+1,066,000,000
FHA Assignment Reform, 1997	-96,000,000	.....	-128,000,000	-128,000,000	-128,000,000	-32,000,000
Multifamily property disposition - FHA fund	-40,000,000	.....	-80,000,000	-80,000,000	-80,000,000	-40,000,000
Sec. 210 - financing adjustment	.....	.....	.....	.....	464,442	+464,442
Sec. 212 - demonstration	30,000,000	.....	.....	10,000,000	10,000,000	-20,000,000
Sec. 224 - FHA fund	33,000,000	.....	.....	.....	.....	-33,000,000
Total, administrative provisions	-1,146,000,000	.....	-208,000,000	-198,000,000	-197,535,558	+948,464,442
Total, title II, Department of Housing and Urban Development (net)	19,127,122,000	21,963,813,000	19,867,152,000	19,665,309,000	19,450,309,442	+323,187,442
Appropriations	(19,325,241,000)	(21,963,813,000)	(19,867,152,000)	(19,665,309,000)	(19,450,309,442)	(+125,068,442)
Rescissions	(-198,119,000)	.....	.....	.....	.....	(+198,119,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	.....
(Limitation on guaranteed loans)	(238,900,000,000)	(239,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	.....
(Limitation on corporate funds)	(553,841,000)	(573,123,000)	(558,841,000)	(573,123,000)	(573,123,000)	(+19,282,000)

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,265,000	20,400,000	22,265,000	22,265,000	22,265,000	+2,000,000
Community Development Financial Institutions						
Community development financial institutions fund program account	45,000,000	125,000,000	45,000,000	45,000,000	45,000,000	.....
Consumer Product Safety Commission						
Salaries and expenses	40,000,000	42,500,000	42,500,000	42,500,000	42,500,000	+2,500,000
Corporation for National and Community Service						
National and community service programs operating expenses	400,500,000	543,549,000	.....	400,500,000	400,500,000	.....
Office of Inspector General	2,000,000	2,125,000	.....	2,000,000	2,000,000	.....
Total	402,500,000	545,674,000	.....	402,500,000	402,500,000	.....
Court of Veterans Appeals						
Salaries and expenses	9,000,000	8,795,000	10,640,000	9,229,000	9,229,000	+229,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	11,946,000	11,600,000	11,600,000	11,600,000	11,600,000	-346,000
Environmental Protection Agency						
Science and Technology	525,000,000	578,748,000	538,500,000	545,000,000	542,000,000	+17,000,000
Transfer from hazardous substance superfund	.....	43,000,000	35,000,000	35,000,000	35,000,000	+35,000,000
Subtotal, Science and Technology	525,000,000	621,748,000	573,500,000	580,000,000	577,000,000	+52,000,000
Environmental Programs and Management	1,677,300,000	1,894,329,000	1,704,500,000	1,713,000,000	1,710,000,000	+32,700,000
Office of Inspector General	28,500,000	30,744,000	28,500,000	28,500,000	28,500,000	.....
Transfer from Hazardous Substance Superfund	11,000,000	11,000,000	11,000,000	11,000,000	11,000,000	.....
Transfer from Leaking Underground Storage Tanks	500,000	1,000,000	577,000	577,000	577,000	+77,000
Subtotal, OIG	40,000,000	42,744,000	40,077,000	40,077,000	40,077,000	+77,000
Buildings and facilities	110,000,000	209,220,000	107,220,000	27,220,000	87,220,000	-22,780,000
Hazardous substance superfund	1,213,400,000	1,394,245,000	2,201,200,000	1,294,245,000	1,294,245,000	+80,845,000
Reauthorization legislation contingency	.....	.....	-861,000,000	.....	.....	.....
Delay of obligation	100,000,000	.....	.....	100,000,000	100,000,000	.....
Transfer to OIG	-11,000,000	-11,000,000	-11,000,000	-11,000,000	-11,000,000	.....
Transfer to science and technology	.....	-43,000,000	-35,000,000	-35,000,000	-35,000,000	-35,000,000
Subtotal, Hazardous substance superfund	1,302,400,000	1,340,245,000	1,294,200,000	1,348,245,000	1,348,245,000	+45,845,000
Leaking underground storage tank trust fund	45,827,000	67,119,000	66,500,000	60,000,000	60,000,000	+14,173,000
Transfer to OIG	-500,000	-1,000,000	-577,000	-577,000	-577,000	-77,000
(Limitation on administrative expenses)	(7,000,000)	.....	(7,000,000)	(7,000,000)	(7,000,000)	.....
Subtotal, LUST	45,327,000	66,119,000	65,923,000	59,423,000	59,423,000	+14,096,000
Oil spill response	15,000,000	15,305,000	15,000,000	15,000,000	15,000,000	.....
(Limitation on administrative expenses)	(8,000,000)	.....	(8,000,000)	(8,000,000)	(8,000,000)	.....
State and Tribal Assistance Grants	2,813,000,000	2,852,207,000	2,768,207,000	2,815,207,000	2,875,207,000	+62,207,000
Working capital fund	.....	(101,526,000)	(101,526,000)	(101,526,000)	(101,526,000)	(+101,526,000)
Total, EPA	6,528,027,000	7,041,917,000	6,568,627,000	6,598,172,000	6,712,172,000	+184,145,000
Executive Office of the President						
Office of Science and Technology Policy	4,981,000	4,932,000	4,932,000	4,932,000	4,932,000	-49,000
Council on Environmental Quality and Office of Environmental Quality	2,150,000	2,436,000	2,250,000	2,436,000	2,436,000	+286,000
Total	7,131,000	7,368,000	7,182,000	7,368,000	7,368,000	+237,000

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Emergency Management Agency						
Disaster relief	222,000,000	320,000,000	1,120,000,000	1,320,000,000	1,320,000,000	+1,098,000,000
Rescission of emergency appropriations	(-1,000,000,000)					(+1,000,000,000)
Disaster assistance direct loan program account:						
State share loan	2,155,000	1,385,000	1,385,000	1,385,000	1,385,000	-770,000
(Transfer from Disaster relief - emergency)	(104,000,000)					(-104,000,000)
(Limitation on direct loans)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	
Administrative expenses	95,000	548,000	548,000	548,000	548,000	+453,000
Salaries and expenses	168,900,000	166,733,000	168,000,000	166,733,000	167,500,000	-1,400,000
Office of the Inspector General	4,673,000	4,533,000	4,533,000	4,673,000	4,673,000	
Emergency management planning and assistance	203,044,000	199,101,000	209,101,000	199,101,000	206,701,000	+3,657,000
Emergency food and shelter program	100,000,000	100,000,000	100,000,000	100,000,000	100,000,000	
Administrative provision REP savings	-12,257,000	-12,251,000	-12,251,000	-12,251,000	-12,251,000	+6,000
Equipment sales (sec. 519)	-10,000,000					+10,000,000
Working capital fund		(16,816,000)	(16,816,000)	(16,816,000)	(16,816,000)	(+16,816,000)
National Flood Insurance:						
Salaries and expenses	(20,562,000)	(20,981,000)	(20,981,000)	(20,981,000)	(20,981,000)	(+419,000)
Flood mitigation	(70,464,000)	(78,464,000)	(78,464,000)	(78,464,000)	(78,464,000)	(+8,000,000)
Total, Federal Emergency Management Agency	678,610,000	780,049,000	1,591,316,000	1,780,189,000	1,788,556,000	+1,109,946,000
General Services Administration						
Consumer Information Center Fund	2,061,000	2,060,000	2,260,000	2,260,000	2,260,000	+199,000
(Limitation on administrative expenses)	(2,602,000)		(2,602,000)			(-2,602,000)
Department of Health and Human Services						
Office of Consumer Affairs	1,800,000	1,811,000				-1,800,000
National Aeronautics and Space Administration						
Human space flight	5,456,600,000	5,362,900,000	5,362,900,000	5,362,900,000	5,362,900,000	-93,700,000
Science, aeronautics and technology	5,928,900,000	5,862,100,000	5,662,100,000	5,762,100,000	5,762,100,000	-166,800,000
Mission support	2,502,200,000	2,562,200,000	2,562,200,000	2,562,200,000	2,562,200,000	+60,000,000
Office of Inspector General	16,000,000	17,000,000	17,000,000	17,000,000	17,000,000	+1,000,000
Administrative provision: Transfer authority	(50,000,000)				(177,000,000)	(+127,000,000)
Fixed asset acquisitions (sec. 621):						
Tracking and Data Relay Satellite Replenishment program		558,000,000				
New Millennium program		342,000,000				
Total, NASA	13,903,700,000	14,704,200,000	13,604,200,000	13,704,200,000	13,704,200,000	-199,500,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
(Limitation on administrative expenses, corporate funds)	(560,000)	(560,000)	(560,000)	(560,000)	(560,000)	
Revolving loan program			1,000,000	1,000,000	1,000,000	+1,000,000
National Science Foundation						
Research and related activities	2,314,000,000	2,472,000,000	2,431,110,000	2,432,000,000	2,432,000,000	+118,000,000
Major research equipment	70,000,000	95,000,000	80,000,000	80,000,000	80,000,000	+10,000,000
Academic research infrastructure	100,000,000					-100,000,000
Education and human resources	599,000,000	619,000,000	612,000,000	624,000,000	619,000,000	+20,000,000
Salaries and expenses	127,310,000	134,310,000	125,200,000	134,310,000	134,310,000	+7,000,000
Office of Inspector General	4,490,000	4,690,000	4,690,000	4,690,000	4,690,000	+200,000
National Science Foundation headquarters relocation	5,200,000					-5,200,000
Total, NSF	3,220,000,000	3,325,000,000	3,253,000,000	3,275,000,000	3,270,000,000	+50,000,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	50,000,000	49,900,000	49,900,000	+11,233,000
Selective Service System						
Salaries and expenses	22,930,000	22,930,000	22,930,000	22,930,000	22,930,000	
Total, title III, Independent agencies	24,931,637,000	26,694,304,000	25,232,520,000	25,974,113,000	26,091,480,000	+1,159,843,000
(Limitation on administrative expenses)	(17,602,000)		(17,602,000)	(15,000,000)	(15,000,000)	(-2,602,000)
(Limitation on direct loans)	(716,026,000)	(724,445,000)	(724,445,000)	(724,445,000)	(724,445,000)	(+8,419,000)
(Limitation on corporate funds)	(560,000)	(560,000)	(560,000)	(560,000)	(560,000)	
CORPORATIONS						
Resolution Trust Corporation: Office of Inspector General	11,400,000					-11,400,000

H.R. 3666 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997 — continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE V						
SUPPLEMENTAL APPROPRIATION - FY 1996						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	.....	.....	.....	100,000,000	100,000,000	+100,000,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	.....	(20,000,000,000)	.....	(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)
Total, title V, Supplemental Appropriations	.....	.....	.....	100,000,000	100,000,000	+100,000,000
Grand total (net)	82,442,966,000	87,820,371,000	83,995,260,000	84,810,153,000	84,800,282,442	+2,357,316,442
Fiscal year 1997 (net)	(82,442,966,000)	(87,820,371,000)	(83,995,260,000)	(84,710,153,000)	(84,700,282,442)	(+2,257,316,442)
Appropriations	(82,641,085,000)	(87,820,371,000)	(83,995,260,000)	(84,710,153,000)	(84,700,282,442)	(+2,059,197,442)
Rescissions	(-198,119,000)	.....	.....	.....	.....	(+198,119,000)
Fiscal year 1996	.....	.....	.....	(100,000,000)	(100,000,000)	(+100,000,000)
(By transfer)	(121,561,000)	(100,061,000)	(61,000)	(61,000)	(75,061,000)	(-46,500,000)
(Limitation on administrative expenses)	(17,602,000)	.....	(17,602,000)	(15,000,000)	(15,000,000)	(-2,602,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	.....
(Limitation on direct loans)	(1,075,363,000)	(1,084,604,000)	(1,063,746,000)	(1,084,604,000)	(1,084,604,000)	(+9,241,000)
(Limitation on guaranteed loans, FY 1996)	.....	(20,000,000,000)	.....	(20,000,000,000)	(20,000,000,000)	(+20,000,000,000)
(Limitation on guaranteed loans, FY 1997)	(238,900,000,000)	(239,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	.....
(Limitation on corporate funds)	(554,401,000)	(573,683,000)	(559,401,000)	(573,683,000)	(573,683,000)	(+19,282,000)
CONGRESSIONAL BUDGET RECAP						
Total amounts in this bill	82,442,966,000	87,820,371,000	83,995,260,000	84,810,153,000	84,800,282,442	+2,357,316,442
Scorekeeping adjustments	-51,000,000	25,000,000	15,000,000	-108,000,000	-132,100,000	-81,100,000
Total mandatory and discretionary	82,391,966,000	87,845,371,000	84,010,260,000	84,702,153,000	84,668,182,442	+2,276,216,442
Mandatory	20,043,351,000	20,259,993,000	19,936,588,000	20,259,993,000	20,259,993,000	+216,642,000
Discretionary:						
Crime trust fund	.....	3,000,000	.....	.....	.....	.....
General purposes:						
Defense (Function 050):						
Federal Emergency Management Agency:						
Salaries and expenses	43,874,000	24,000,000	24,000,000	24,000,000	24,000,000	-19,874,000
Emergency management planning and assistance	24,025,000	15,000,000	16,000,000	15,000,000	16,000,000	-8,025,000
Selective Service System	22,930,000	22,930,000	22,930,000	22,930,000	22,930,000	.....
National Science Foundation: Research and related activities	62,600,000	63,000,000	63,000,000	63,000,000	63,000,000	+400,000
Total, Defense	153,429,000	124,930,000	125,930,000	124,930,000	125,930,000	-27,499,000
Nondefense discretionary	62,195,186,000	67,457,448,000	63,947,742,000	64,317,230,000	64,282,259,442	+2,087,073,442
Total, General purposes	62,348,615,000	67,582,378,000	64,073,672,000	64,442,160,000	64,408,189,442	+2,059,574,442
Total, Discretionary	62,348,615,000	67,585,378,000	64,073,672,000	64,442,160,000	64,408,189,442	+2,059,574,442

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

□ 2045

Mr. OBEY. Mr. Speaker, I yield myself 12 minutes.

Mr. Speaker, I think it is useful for us to take just a few moments to analyze just how different this appropriation bill is from a number of appropriation bills which this House was considering just about a year ago.

A year ago, the majority tried to force the Clinton administration to sign a budget that set us on the path to cutting real levels of support for education by 30 percent, by cutting real levels of support for training by 40 percent, by cutting real levels of support for the environment by 30 percent.

This year, that will not happen. This year, the Government is not shutting down, and this year we are not seeing in the bill before us today those kinds of deep reductions in the investments that are necessary to make this country grow.

Last year, the Government was shut down on purpose in order to force the President to sign a bill which made very deep reductions in these investments. This year, we came within 3 days of seeing the Government shut down by accident. Thank God, it did not happen. I think a lot of people are due credit for that.

First of all, I would like to point out why we are here in this position tonight. Four months ago the House passed appropriations bills which asked the President to spend $11 billion more than he wanted to spend in the area of military spending. They put us on the road to a 5-year real reduction in support for education of 20 percent. They put us on the road to similar reductions in support for training, for Cops on the Beat, and other critical areas.

This committee did its job in passing all 13 appropriation bills, but half of the appropriation bills never finished their passage through the Congress, as the chairman has indicated.

In addition, there are a huge number of other authorizations which did not make it through the Congress. This bill must pass tonight because all of those others didn't.

I support the bill because it is the only way that we can keep our obligation to keep Government open and to make some of the investments necessary to help our people. I also support it because it does restore some of the reductions in those investments that are so important to our children and our workers.

For instance, Head Start will now add children rather than dumping them off the rolls, as this Congress was asked to do just a year ago.

Title I, the most important education program we have to help young children learn how to read, to deal with math, to deal with science, title I will be helping an additional 400,000 children, rather than dumping almost 1 million of them off the rolls as we were asked to do just about a year ago.

School-to-Work under this bill is strengthened rather than being eliminated, as this Congress tried to do just a few short months ago.

Safe and Drug-Free Schools is also strengthened under this bill in comparison to the very deep reductions that this Congress was asked to make just a few months ago.

Pell grants, the major grant to enable the children of working families to go to college: there will be 150,000 more working-class students who will get help under Pell grants.

There will be over 700,000 young people who will receive Perkins loan help, rather than zeroing out the program.

Job training is 6 percent stronger than the original House bill this year alone, not to mention the deep reductions that were made in it a year ago.

The Older Americans Act: we will be providing adjustments in the minimum wage for 74,000 seniors who work part time at minimum wage salaries trying to do public service work and staying off the welfare rolls at the same time.

The attack that we saw in this House earlier this year on the enforcement of labor laws which protect workers from abuse at the bargaining table is turned back in this bill. There will be no crippling of the National Labor Relations Board. There will be no handcuffs placed on government efforts to strengthen health and safety protections for workers in the workplace. And thanks to the insistence of the Clinton administration, working people and kids are going to be put at the top of our priority list again, rather than near the bottom, as we feel they were a year ago.

These restorations are paid for and will not add to the deficit, the taxpayers will be happy to hear.

But this bill also contains a string of other authorizing legislation. In fact, there are some 31 separate major authorization provisions being attached.

I have been asked by many Members of the House, ''DAVE, can you guarantee that there is not some provision in here which we will regret when we hear about it in the weeks to come?''

My answer is simply to invite you to take a look at the stack on that table, or on the table in front of the gentlewoman from Ohio. That bill is not measured in pages, it is measured in feet. It is about a foot and a half long. I do not know how much it weighs, but you could get a double hernia lifting it.

I would simply say that I think I know most of the legislative decisions that were made by the Committee on Appropriations, but I certainly cannot verify that there are not some provisions in these other portions of the bill which we will wish we had not seen because they were managed by many other committees, there were not managed by the Committee on Appropriations. This is simply the vehicle by which all of that other legislation is getting done.

You have an immense amount of legislation that has never been considered by either body, and, as a result, I think that in many ways, unfortunately, this legislation is a case study in institutional failure because of the massive amount of somebody else's unfinished business that had to be attached to the appropriations legislation.

As a result, we have had a huge number of Members, the vast majority of the people's Representatives, who have been cut out of the process, and I think that that is a terrible abuse of the legislative process. It has also meant, frankly, that the administration has played a much heavier role in the direct drafting of legislation than I am, frankly, comfortable with. But I think that was made necessary by the lack of ability of the Congress as a bicameral institution to pass all of the legislation that it was required to pass without that kind of involvement.

Having said all of that, I simply want to say a few things about the gentleman from Louisiana [Mr. LIVINGSTON]. The House Committee on Appropriations did do its job by finishing its appropriations bills on time, even if the Senate did not and even if the Congress, as an institution, did not.

You may have noticed that BOB LIVINGSTON and I disagree often. You may have noticed that we have strong views, often in the opposite direction. We have different priorities, I think it is safe to say. But I would like to think that he and I have demonstrated a relationship that shows that people of the opposite political parties can have a relationship that demonstrates respect and even deep friendship, even while differing over very important and fundamental issues.

I think our relationship demonstrates that opponents do not have to be enemies. I certainly regard the gentleman as being one of the strongest and closest friends I have on Capitol Hill.

I would simply like to congratulate him for all of the work he has done. It has taken an immense amount of work to get to this point, including coordinating an awful lot of issues about which we knew absolutely nothing because that responsibility was thrust upon us.

I would also like to thank every single member of the Committee on Appropriations staff, and especially on the Democratic side, Greg Dahlberg, Mark Murray, Nancy Madden, Bob Bonner, Cheryl Smith, Mark Mioduski, Scott Lilly, Tom Forhan, Pat Schlueter, and Del Davis. Many of them have, indeed, gone 2 and 3 days without sleep. Others perhaps have been able to catch an hour or two at the most. I think the American public would be profoundly impressed if they could see the dedication which all of them have brought to their jobs.

I would also like to thank Leon Panetta, the President's Chief of Staff. Without his involvement we would be facing a government shutdown. There is absolutely no doubt about that.

Mr. Speaker, anyone who watched those meetings this week understands

that Mr. Panetta truly has a profound understanding of the way this Government does work and the way it is supposed to work, and without him we would never have been here with this legislation tonight.

I would also like to especially thank Senator MARK HATFIELD and Senator ROBERT BYRD, two truly fine gentlemen, two truly outstanding public servants. They helped us over many a rough spot, and without their help, we also would not be here tonight.

So Mr. Speaker, at this point I would simply like to stop my remarks. I know we have several other Members who would like to make short comments on our side of the aisle. I would again like to thank everyone who cooperated.

I am sorry we could not help a lot of Members on a lot of items they would have liked help on, but we felt we could not do it because we, frankly, did not have the time to examine each of those items and we did not want to embarrass this institution by accepting many items that we knew very little or nothing about. So I thank all of the Members of the House for their understanding.

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

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I thank the gentleman for his gracious comments and say that, frankly, I believe that we had an enormously successful 2 years on the Committee on Appropriations, and that would not have been possible without the close advice and consultation with Mr. OBEY. He has indeed been a friend.

We have been adversaries, but we have been adversaries in a friendly way. It has been a pleasure to deal with him. I appreciate his assistance and, likewise, the great assistance effort we got from the two gentlemen on the other side, Senator BYRD and Senator HATFIELD.

Mr. Speaker, I yield to the outstanding and vigorous gentleman from Florida, the chairman of the Subcommittee on National Security who has been like my right arm, only he is on the left side of my office. His office is right next to mine, one-stop shopping for the Defense Department, my friend, BILL YOUNG from Florida.

□ 2100

I want to also pay special tribute to the gentleman from Pennsylvania [Mr. MURTHA] who is the ranking member on our subcommittee.

In our section of this bill today, we bring in a true bipartisan fashion, as we always have. This is an excellent bill as far as the national defense and intelligence appropriation is concerned. And when we came from conference, had it not been for the tremendous cooperation of our counterparts, Senator STEVENS and Senator INOUYE, we could not have come to the conclusion that we did nearly 3 weeks ago with a bill that was very close to the House-passed bill earlier on.

This conference report is the product of the work of each and every subcommittee member who spent hours and days in hearings, on inspections in the field, and in the markup and conference sessions. On our side of the aisle, I'm particularly appreciative of the wise counsel of Joe McDade. Joe and I joined the subcommittee at the same time, 16 years ago and we have sat side by side through all of those years. Earlier, I thanked BOB LIVINGSTON for his great leadership of the full committee, and in spite of his very active schedule, he still finds time to devote a lot of energy toward our National Security efforts. JERRY LEWIS and JOE SKEEN each chair their own subcommittees, yet they still play a very active role on our subcommittee. DAVE HOBSON and HENRY BONILLA have a very strong interest in our National Security and have been there every step of the way. Two new members to our effort are GEORGE NETHERCUTT and ERNEST ISTOOK. They may not have as much experience as others on the subcommittee but they each have played a very important role in our work.

Earlier, I referred to the bipartisanship of our committee. Anyone who attends our hearings or observes the work of this subcommittee would have a hard time telling which party each of us belongs to, because we all have such a strong commitment to a strong National Defense. JACK MURTHA has been a great partner, a wise counselor, and a true patriot in the work of this subcommittee. NORM DICKS is a knowledgeable and hard working member who plays a particularly important role in our Intelligence effort. CHARLIE WILSON is leaving the Congress, and we will miss his great contribution and his sense of humor which has more than once allowed us to get through a tough hearing or markup. BILL HEFNER and MARTY SABO also play a very important role on our committee, and still find time to do so even with their other important responsibilities as ranking minority members on the Military Construction subcommittee and the Budget Committee.

I also want to compliment the great work of our staff. They work hard, long hours, with many nights and weekends away from their families. They also have an expertise in their individual areas that is astounding. Kevin Roper, our clerk and staff director, combines a computer like brain with a day that starts and ends when most of the rest of this town is in bed. He is supported by a group of analysts who, as I said before, are not only very knowledgeable but have a particularly strong devotion themselves to a strong National Defense for our Nation. They are Doug Gregory, Tina Jonas, Alicia Jones, Paul Juola, Patricia Ryan, David Killian, Steve Nixon, Julie Pacquing, John Plashal, Greg Walters, and Stacy Trimble. I also want to thank Paige Schreiner for her work for the committee before she left to have a baby earlier this year and Katy Hagen who joined us just recently.

This conference bill had to come down in numbers and we are basically a billion dollars under the House-passed bill. We were able to do that with a lot of heartburn and a lot of heartache. We had to eliminate programs that we did not want to eliminate, but it had to be done.

But I want to report to my colleagues, Mr. Speaker, that two-thirds of the bill, as it relates to the national defense and intelligence section of this bill, two thirds of those dollars go for readiness, for training, for military personnel, pay raises, health issues, educational issues, matters of this type. The other third goes for research and development, procurement and other types of investment in our national security.

We fully funded the 3 percent pay raise. We added $475 million to the health care budget shortfall in the President's budget. We added $600 million over the budget for barracks and facilities repair for our people in uniform for a decent place to live. We added $138 million to continue the DOD breast cancer research and care programs. We fully funded all the readiness and training programs, and we added significant amounts for very key programs such as $353 million for the new counterterrorism programs, $165 million over the budget for Department of Defense drug interdiction operations. We provided $300 million additional for the defense operations of the U.S. Coast Guard.

This is a good bill. For those who might be wondering if they should vote for this overall package or not, but they believe in a strong national defense, the defense section of this bill is strong enough to overcome those apprehensions and overcome those fears. They should be able to vote for this bill based on the strength of the section dealing with national defense.

Mr. Speaker, I include for the RECORD tabular material, as we normally do on a conference report.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	19,946,187,000	20,580,738,000	20,692,838,000	20,559,042,000	20,633,998,000	+687,811,000
Military Personnel, Navy	17,008,563,000	16,942,956,000	17,000,856,000	16,943,581,000	16,986,976,000	-21,587,000
Military Personnel, Marine Corps	5,885,740,000	6,102,108,000	6,103,808,000	6,099,182,000	6,111,728,000	+225,988,000
Military Personnel, Air Force	17,207,743,000	17,043,150,000	17,099,550,000	17,021,810,000	17,069,490,000	-138,253,000
Reserve Personnel, Army	2,122,466,000	2,043,679,000	2,083,379,000	2,052,136,000	2,073,479,000	-48,987,000
Reserve Personnel, Navy	1,355,523,000	1,386,306,000	1,392,406,000	1,396,989,000	1,405,606,000	+50,083,000
Reserve Personnel, Marine Corps	378,151,000	381,143,000	387,943,000	389,325,000	388,643,000	+10,492,000
Reserve Personnel, Air Force	784,586,000	775,967,000	780,497,000	785,842,000	783,697,000	-889,000
National Guard Personnel, Army	3,242,422,000	3,242,493,000	3,279,393,000	3,259,169,000	3,266,393,000	+23,971,000
National Guard Personnel, Air Force	1,259,627,000	1,284,290,000	1,294,490,000	1,295,511,000	1,296,490,000	+36,863,000
Total, title I, Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	18,321,965,000	18,031,145,000	18,365,679,000	17,700,859,000	17,519,340,000	-802,625,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,334,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Navy	21,279,425,000	20,112,864,000	20,390,397,000	20,241,517,000	20,061,961,000	-1,217,464,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Marine Corps	2,392,522,000	2,203,777,000	2,465,077,000	2,275,977,000	2,254,119,000	-138,403,000
Operation and Maintenance, Air Force	18,606,167,000	17,830,122,000	17,938,755,000	17,331,309,000	17,263,193,000	-1,342,974,000
(By transfer - National Defense Stockpile)	(50,000,000)	(83,333,000)	(50,000,000)	(50,000,000)	(50,000,000)	.....
Operation and Maintenance, Defense-Wide	10,388,595,000	10,156,468,000	10,212,985,000	9,953,142,000	10,044,200,000	-344,395,000
(By transfer)	(15,000,000)	.....	.....	.....	.....	(-15,000,000)
Operation and Maintenance, Army Reserve	1,119,191,000	1,084,436,000	1,116,436,000	1,129,436,000	1,119,436,000	+245,000
Operation and Maintenance, Navy Reserve	859,542,000	843,927,000	882,927,000	861,527,000	886,027,000	+26,485,000
Operation and Maintenance, Marine Corps Reserve	100,283,000	99,667,000	108,467,000	115,367,000	109,667,000	+9,384,000
Operation and Maintenance, Air Force Reserve	1,519,287,000	1,488,553,000	1,491,553,000	1,494,953,000	1,496,553,000	-22,734,000
Operation and Maintenance, Army National Guard	2,440,808,000	2,208,477,000	2,268,477,000	2,294,477,000	2,254,477,000	-186,331,000
Operation and Maintenance, Air National Guard	2,776,121,000	2,654,473,000	2,671,373,000	2,721,973,000	2,716,379,000	-59,742,000
United States Court of Appeals for the Armed Forces	6,521,000	6,797,000	6,797,000	6,185,000	6,797,000	+276,000
Environmental Restoration, Army	.....	356,916,000	.....	356,916,000	339,109,000	+339,109,000
Environmental Restoration, Navy	.....	302,900,000	.....	302,900,000	287,788,000	+287,788,000
Environmental Restoration, Air Force	.....	414,700,000	.....	414,700,000	394,010,000	+394,010,000
Environmental Restoration, Defense-Wide	.....	258,500,000	.....	38,650,000	36,722,000	+36,722,000
Formerly Used Defense sites	.....	.....	.....	269,850,000	256,387,000	+256,387,000
Environmental Restoration, Defense	1,422,200,000	.....	1,333,016,000	.....	.....	-1,422,200,000
Summer Olympics	15,000,000	.....	.....	.....	.....	-15,000,000
Former Soviet Union threat reduction	300,000,000	327,900,000	302,900,000	327,900,000	327,900,000	+27,900,000
Overseas Humanitarian, Disaster, and Civic Aid	50,000,000	80,544,000	60,544,000	49,000,000	49,000,000	-1,000,000
(Transfer out)	(-15,000,000)	.....	.....	.....	.....	(+15,000,000)
Overseas Contingency operations transfer account	.....	.....	.....	1,069,957,000	1,140,157,000	+1,140,157,000
Quality of Life Enhancements, Defense	.....	.....	975,000,000	.....	600,000,000	+600,000,000
Reduction of funds	.....	.....	-35,000,000	.....	.....	.....
Total, title II, Operation and maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
(By transfer)	(150,000,000)	(250,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	.....
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,558,805,000	970,815,000	1,308,709,000	1,283,815,000	1,348,434,000	-210,371,000
Missile Procurement, Army	865,555,000	766,329,000	988,567,000	982,829,000	1,041,867,000	+176,312,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,652,745,000	1,102,014,000	1,500,414,000	1,449,714,000	1,470,286,000	-182,459,000
Procurement of Ammunition, Army	1,110,685,000	853,428,000	1,150,128,000	1,118,329,000	1,127,149,000	+16,464,000
Other Procurement, Army	2,769,443,000	2,627,440,000	2,899,040,000	3,295,486,000	3,172,485,000	+403,042,000
Aircraft Procurement, Navy	4,589,394,000	5,881,952,000	6,896,552,000	7,239,704,000	7,027,010,000	+2,437,616,000
Weapons Procurement, Navy	1,669,827,000	1,400,363,000	1,384,408,000	1,500,154,000	1,389,913,000	-279,914,000
Procurement of Ammunition, Navy and Marine Corps	430,053,000	.....	341,689,000	.....	289,695,000	-140,358,000
Shipbuilding and Conversion, Navy	6,643,958,000	4,911,930,000	4,469,930,000	6,193,330,000	5,613,665,000	-1,030,293,000
Other Procurement, Navy	2,483,581,000	2,714,195,000	2,889,591,000	2,944,519,000	3,067,944,000	+584,363,000
Procurement, Marine Corps	458,947,000	555,507,000	623,973,000	660,507,000	569,073,000	+110,126,000
Aircraft Procurement, Air Force	7,367,983,000	5,779,228,000	7,274,628,000	6,630,370,000	6,404,980,000	-963,003,000
Missile Procurement, Air Force	2,943,931,000	2,733,877,000	2,279,500,000	2,713,944,000	2,297,145,000	-646,786,000
Procurement of Ammunition, Air Force	338,800,000	.....	272,177,000	.....	293,153,000	-45,647,000
Other Procurement, Air Force	6,284,230,000	5,998,819,000	6,078,539,000	5,577,787,000	5,944,680,000	-339,550,000
Procurement, Defense-Wide	2,124,379,000	1,841,212,000	2,247,812,000	1,773,794,000	1,978,005,000	-146,374,000
National Guard and Reserve Equipment	777,000,000	.....	908,000,000	759,800,000	780,000,000	+3,000,000
Total, title III, Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	4,870,684,000	4,320,640,000	4,874,537,000	5,107,283,000	5,062,763,000	+192,079,000
(By transfer)	(8,000,000)					(-8,000,000)
Research, Development, Test and Evaluation, Navy	8,758,132,000	7,334,734,000	8,399,357,000	8,067,543,000	8,208,946,000	-549,186,000
Research, Development, Test and Evaluation, Air Force	13,126,567,000	14,417,458,000	14,869,573,000	14,778,540,000	14,499,606,000	+1,373,039,000
Research, Development, Test and Evaluation, Defense-Wide	9,461,057,000	8,398,836,000	9,088,558,000	9,190,092,000	9,362,800,000	-98,257,000
Developmental Test and Evaluation, Defense	251,082,000	252,038,000	272,038,000	269,038,000	282,038,000	+30,956,000
Operational Test and Evaluation, Defense	22,587,000	21,968,000	26,968,000	21,968,000	24,968,000	+2,381,000
Total, title IV, Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense business operations fund	878,700,000	947,900,000	947,900,000	947,900,000	947,900,000	+69,200,000
National Defense Sealift Fund:						
Ready Reserve Force	289,000,000	261,000,000	261,000,000	261,000,000	266,000,000	-23,000,000
Acquisition	735,220,000	702,002,000	1,643,002,000	832,002,000	1,162,002,000	+426,782,000
Total	1,024,220,000	963,002,000	1,904,002,000	1,093,002,000	1,428,002,000	+403,782,000
Total, title V, Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense health program:						
Operation and maintenance	9,938,325,000	9,358,288,000	9,398,188,000	9,936,638,000	9,937,838,000	-487,000
(Transfer out)	(-8,000,000)					(+8,000,000)
Procurement	288,033,000	269,470,000	269,470,000	319,470,000	269,470,000	-18,563,000
Total, Defense Health Program	10,226,358,000	9,627,758,000	9,667,658,000	10,256,108,000	10,207,308,000	-19,050,000
Chemical Agents & Munitions Destruction, Defense: 1/						
Operation and maintenance	353,850,000	477,947,000	477,947,000	478,947,000	478,947,000	+125,097,000
Procurement	265,000,000	273,600,000	273,600,000	191,200,000	191,200,000	-73,800,000
Research, development, test, and evaluation	53,400,000	48,300,000	48,300,000	88,300,000	88,300,000	+34,900,000
Total, Chemical Agents	672,250,000	799,847,000	799,847,000	758,447,000	758,447,000	+86,197,000
Drug Interdiction Defense	688,432,000	642,724,000	774,724,000	789,024,000	807,800,000	+119,368,000
Office of the Inspector General	178,226,000	138,501,000	138,501,000	139,157,000	139,157,000	-39,069,000
Anti-Terrorism activities, Defense				14,000,000		
Total, title VI, Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Intelligence Community Management Account	90,683,000	91,739,000	149,555,000	94,739,000	129,164,000	+38,481,000
National Security Education Trust Fund	7,500,000	5,100,000		5,100,000	5,100,000	-2,400,000
Payment to Kaho'olawe Island conveyance remediation and Environmental Restoration Fund	25,000,000	10,000,000	10,000,000	10,000,000	10,000,000	-15,000,000
Total, title VII, Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
TITLE VIII						
GENERAL PROVISIONS						
Additional transfer authority (sec. 8005)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Contractor ADP	-30,000,000					+30,000,000
Inflation Reestimate	-832,000,000					+832,000,000
Management efficiencies	-442,000,000					+442,000,000
Disposal & lease of DOD real property (sec. 8045)	8,000,000	26,565,000	26,565,000	26,565,000	26,565,000	+18,565,000
Overseas Military Fac Investment Recovery (sec. 8049)		1,000,000	1,000,000	1,000,000	1,000,000	+1,000,000
National Science Center, Army (sec. 8060)	85,000	120,000	120,000	120,000	120,000	+35,000
Rescissions (sec. 8070)	-561,217,000			-126,900,000	-137,108,000	+424,109,000
Coast Guard transfer (sec 8087)				300,000,000	300,000,000	+300,000,000
Excess funded carryover (sec. 8088)			-500,000,000		-150,000,000	-150,000,000
Export loan guarantee PGM (sec. 8093)				1,000,000	1,000,000	+1,000,000
RDT&E general reduction (sec. 8136)					-680,552,000	-680,552,000
Air Force DBOF pass through (sec. 8096)			-195,000,000		-194,500,000	-194,500,000
Spare parts inventories			-400,000,000			
FFRDC's/consultants (sec. 8037)	-90,000,000			-52,286,000	-154,572,000	-64,572,000
Prostate Cancer research				(93,000,000)		

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 1997 (H.R. 3610)—continued

	FY 1996 Enacted	FY 1997 Estimate	House	Senate	Conference	Conference compared with enacted
Senate Sec. 8099:						
Military Personnel, Navy				4,900,000		
Military Personnel, Air Force				4,400,000		
Operation and Maintenance, Army				-4,200,000		
Operation and Maintenance, Air Force				-4,400,000		
Operation and Maintenance, Defense-Wide				-66,000,000		
Overseas Contingency Operations Transfer Fund				70,200,000		
Defense Health				-4,900,000		
Sec. 8128:						
Weapons of Mass Destruction				150,000,000	100,000,000	+100,000,000
RDT&E, Defense-Wide				-12,000,000		
O&M, Defense-Wide (not scored)				(-138,000,000)		
Anti-terrorism, counter-terrorism, and security enhancement activities:						
Emergency funding, FY 1997 (sec. 8137)					230,680,000	+230,680,000
General reduction (sec. 8138)					-230,680,000	-230,680,000
Total, title VIII	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
FY 1997 grand total	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
TITLE IX						
FY 1996 SUPPLEMENTAL APPROPRIATIONS AND RESCISSION FOR ANTI-TERRORISM, COUNTER-TERRORISM, AND SECURITY ENHANCEMENT ACTIVITIES						
Emergency supplemental, FY 1996					122,600,000	+122,600,000
Rescissions (sec. 9001)					-122,600,000	-122,600,000
BUDGET SCOREKEEPING ADJUSTMENTS						
Adjustment for unapprop'd balance transfer (Stockpile)		250,000,000	150,000,000	150,000,000	150,000,000	+150,000,000
Stockpile collections (unappropriated)		-150,000,000	-150,000,000	-150,000,000	-150,000,000	-150,000,000
Operations and Maintenance, Army (not scored)				(-1,500,000)		
Burdensharing contribution, misc. receipts	-50,000,000					+50,000,000
Effect of P.L. 104-134:						
Rescissions, fiscal year 1995	-820,000,000					+820,000,000
Rescissions, fiscal year 1996	-174,900,000					+174,900,000
Emergency funding	(820,000,000)					(-820,000,000)
Administrative reductions (P.L. 104-134)	-294,000,000					+294,000,000
Emergency funding for anti-terrorism: FY 1997 (sec. 8138)					-230,680,000	-230,680,000
Total adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
RECAPITULATION						
Title I - Military Personnel	69,191,008,000	69,782,830,000	70,115,160,000	69,802,587,000	70,016,500,000	+825,492,000
Title II - Operation and Maintenance	81,597,627,000	78,462,166,000	80,555,383,000	78,956,595,000	79,163,222,000	-2,434,405,000
Title III - Procurement	44,069,316,000	38,137,109,000	43,513,657,000	44,124,082,000	43,815,484,000	-253,832,000
Title IV - Research, Development, Test and Evaluation	36,490,109,000	34,745,672,000	37,511,031,000	37,434,464,000	37,441,121,000	+951,012,000
Title V - Revolving and Management Funds	1,902,920,000	1,910,902,000	2,851,902,000	2,040,902,000	2,375,902,000	+472,982,000
Title VI - Other Department of Defense Programs	11,765,266,000	11,208,830,000	11,380,730,000	11,956,736,000	11,912,712,000	+147,446,000
Title VII - Related agencies	337,083,000	303,239,000	355,955,000	294,039,000	340,664,000	+3,581,000
Title VIII - General provisions	-1,947,132,000	27,685,000	-1,067,315,000	287,499,000	-888,047,000	+1,059,085,000
(Additional transfer authority)	(3,100,000,000)	(2,000,000,000)	(2,000,000,000)	(1,200,000,000)	(2,000,000,000)	(-1,100,000,000)
Total, Department of Defense	243,406,197,000	234,578,433,000	245,216,503,000	244,896,904,000	244,177,558,000	+771,361,000
Scorekeeping adjustments	-1,338,900,000	100,000,000			-230,680,000	+1,108,220,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000
Allocation recap (sec. 602b):						
Mandatory	213,900,000	196,400,000	196,400,000	184,200,000	196,400,000	-17,500,000
Discretionary	241,853,397,000	234,482,033,000	245,020,103,000	244,712,704,000	243,750,478,000	+1,897,081,000
Grand total 2/	242,067,297,000	234,678,433,000	245,216,503,000	244,896,904,000	243,946,878,000	+1,879,581,000

1/ Included in Budget under Procurement title.

2/ FY 1996 includes effects of P.L. 104-134: $820,000,000 in Emergency Sup Appropriations, +104,900,000 in new budget authority and -1,288,900,000 in rescissions.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank our ranking member for yielding me this time and I want to join with our colleagues in commending him for his leadership in helping to, once again I say in relationship to this bill, hammering out a compromise or a continuing resolution.

I also want to commend the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, for his leadership, his cooperation, and his patience.

I wanted to mention one provision in the bill that I was particularly pleased survived the process and that is the addition of $100 million for the ADP program, the AIDS drug program, that provides some of the new therapies, the proteus inhibitors to people with HIV and AIDS.

This $100 million is a very good investment because it will result in a savings to the taxpayer, but, more importantly, it will improve the quality of life and prolong life for people with HIV and AIDS. It will enable them to continue to work, to produce revenues for the Federal Government. So in speaking to it just on strictly fiscal terms, it is a good investment. It is a dynamic investment in that it will save money but, more importantly, as I say, it improves the quality of life.

What will happen with the $100 million, I hope, is that half of it will be spent for the drugs themselves and the other half for the primary care necessary to provide the drugs to patients. Now that these proteus inhibitors are there, people have hope.

Many more people are coming forward and being tested or seeking care because they know there is an answer. And those people need the primary care that goes with going on to a new protocol, a new drug program.

Mr. Speaker, this is about wise spending. More importantly it is about giving hope. It is protecting the investment that the American taxpayers have made of billions of dollars into research for AIDS research. Now that we have found some encouraging therapies, it is important to make them available to everyone regardless of the ability to pay.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LEACH] the distinguished chairman of the Committee on Banking and Financial Services and the author of the BIF–SAIF legislation that is part of this package.

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

Mr. LEACH. Mr. Speaker, I thank my distinguished colleague and friend for yielding me this time.

Mr. Speaker, I would just like to report briefly on the banking title of the bill. This is a solid nonpartisan approach which balances consumer, taxpayer and industry concerns; less extensive than I would have like but, nonetheless, of historic dimensions.

The provision will have lasting effects but, most importantly, failure to act would have led to serious disintermediation in the financial community, failure of the S&L insurance fund and new tax liability for S&L losses.

This banking section, on the other hand, provides a basis for long-term banking modernization based on the existence of the strongest financial industry fund in the Nation's history. Indeed, absent a calamity with passage of this legislation, America's insured financial institutions will reach an historic first, a prefunded insurance fund capable of regenerating itself ad infinitum with interest returns likely to cover all normal losses in the system as well as normal asset growth.

America's bank customers as well as our competitive international financial position are well served.

I'd like to speak about Title II of the bill before the House today. This title includes important legislation for the taxpayers of the United States, customers of the financial services industry and the industry itself.

While I would have preferred to be here seeking support for more comprehensive financial services reform, the pending measure provides for Congressional action on several of the most pressing issues facing banking and financial services today.

The provisions of Title II are carefully balanced. They enjoy the support of the administration, the American Bankers Association, the Independent Bankers Association of America, America's Community Bankers [S&Ls], the securities industry, the Conference of State Bank Supervisors, American Financial Services Association, and the Financial Services Council. The American Council of Life Insurance and the National Association of Life Underwriters do not oppose the title. In addition, many of the concerns of the Consumers Union have been addressed to their satisfaction. It is a common sense product.

Title II combines sections of several pieces of legislation the Banking and Financial Services Committee has reported out over the past 15 months. Perhaps the most important is the resolution of the last remaining issue from the savings and loan debacle of the 1980's—refurbishing of the SAIF fund. The approach taken has received the support of the thrift and banking industries, a near miracle in itself in that S&Ls must pay a whopping multi-billion dollar, one-time assessment to the fund while the banks are required to pick up part of the S&L industry's long term FICO bond interest liabilities, with no additional contributions by the taxpayers.

By our actions today Congress will be ensuring that there will be no default on the $780 million per year interest payments on the $8 billion of Financing Corporation [FICO] bonds issued as a part of the savings and loan bailout. These bonds were issued in the late 1980's to capitalize the defunct Federal Savings and Loan Insurance Corporation. So far, all principal and interest on these bonds have been paid by the private sector. This bill retains private sector responsibility for these bonds and by broadening industrial accountability guarantees against further taxpayer losses.

Title II would capitalize the Savings Association Insurance Fund through a one-time assessment of $4.7 billion on the thrift industry to be followed by a sharing of the FICO interest payments by the Bank Insurance Fund [BIF] and the Savings Association Insurance Fund [SAIF]. It is important to stress that the taxpayers, who have already contributed some $130 billion directly to the bailout with another $200 million in interest payments to come, are not being called upon for any additional funding. They have paid more than their fair share.

Title II also provides an important budgetary offset to the entire bill, allowing for increased spending for education, crime fighting, the war on drugs, the President's anti-terrorism proposal and other items of the Federal budget. Therefore, the taxpayers are twice saved—once from taking on any additional spending for resolving the savings and loan bailout and second from helping fund the President's supplemental spending requests.

The second section of the bill provides for significant regulatory relief for the Nation's banks, reducing duplicative and unnecessary paperwork and costs to the industry, which are inevitably being passed along to customers.

While we have not added additional regulatory burdens and gone as far in one direction as the minority would have liked, we also have not gone nearly as far in the other direction as some would have hoped.

In addition, the title contains a reform of the Fair Credit Reporting Act to further protect Americans from abusive invasion of privacy. This provision picks up many of the concepts approved by the House in the 103d Congress, but never enacted into law.

I retain reservations about certain provisions, but on balance the burden relief and fair credit reporting sections are finely tuned, reducing regulatory costs while retaining credible consumer protections.

The need for the fair credit section was apparent during a hearing before the Banking Committee last spring when several individuals gave compelling testimony about how criminal gangs used modern computer technology to steal and misuse their credit identity. One Minnesota woman dramatically told about how attempts were made to withdraw funds from her mutual fund and retirement accounts and how multiple applications for credit cards in her name were issued, based upon information somehow obtained about here credit history.

Hence, an amendment was added requiring the Federal Reserve Board, in consultation with the Federal Trade Commission, to further review whether organizations which collect sensitive consumer identification information are engaged in activities which create undue potential for fraud and to recommend appropriate legislative or administrative remedies.

The Committee also heard testimony from law enforcement agencies and bank regulators about the use of fictitious financial documents to scam individuals, banks, pension funds and charities. Title II makes it a Federal crime to produce or use fictitious documents fraudulently. This new anti-crime provision will be another arrow in the FBI's and Secret Service's quivers in combating financial crimes.

I would like to note several specific provisions of the legislation to clarify the intent of the Congress.

The amendments to the Consumer Leasing Act retain current law which provides a special

rule for the type of disclosure that must be included in radio advertising of consumer leases. This special rule recognizes that all of the required disclosure cannot be provided in a short spoken advertisement. Instead it requires that radio advertisements for consumer leases refer the listener to either an 800 number or a written advertisement in order to obtain additional information.

Title II also includes a House provision to require bank regulators to take appropriate actions to prevent depository institutions and depository institution holding companies from facilitating or encouraging the shifting of deposits from SAIF deposits to BIF deposits. It is the intent of Congress that this provision be interpreted and implemented by the FDIC with great care to ensure that Constitutionally-protected free speech in the commercial marketplace is not abridged.

Furthermore Section 2702 requires that the FDIC impose a special assessment on SAIF-assessable deposits. This payment is due on the first business day of the first month beginning after the date of the enactment of this act and is to be paid to the FDIC on the latter of the first business day of the first month beginning after the date of enactment or such other date as the FDIC chooses, but not later than 60 days after the enactment date. Given the liquidity and regulatory difficulties that accrue to institutions with the presentation of a sudden large liability, it is the intent of Congress that the FDIC provide institutions the maximum latitude possible within the 60-day context to pay their special assessment.

Section 2301 amends certain provisions governing the scope and mechanics of the audit functions for insured depository institutions. This provision eliminates the independent auditor attestation requirement for safety and soundness compliance, and allows the agencies the discretion to waive the requirement that all members—but not less than a majority—of the independent audit committee be outside directors in the case of hardship. Factors weighing in favor of a decision to grant a waiver include, but are not limited to, the following: that the institution is small, that qualified outside independent directors are unavailable, that the institution is closely held, and-or that the institution is well-managed.

Further, Section 2615 prohibits Government-Sponsored Enterprises [GSEs] from certain kinds of associations with banks, credit unions and thrifts. However, it is the congressional intent that Subsection 2615(a) would not preclude a GSE from sponsoring or providing financial support to an insured credit union established by a GSE with a field of membership comprised of the GSE's present and former full-time employees. The fact that a few such employees may also be customers of the GSE should not preclude such sponsorship or financial support.

I'd also like to comment on the provision of the bill which clarifies the liability of financial institutions with regard to a 1992 Environmental Protection Agency rule. Under this provision, lenders would be financially liable for environmental clean up costs only if they actually participated in the management of the firm which allegedly caused the pollution. The mere holding of a financial interest or having ownership of the property as a result of a foreclosure does not make the lender liable.

Finally, I worked for inclusion in this bill of bank modernization language and within such context—preferably full-blown Glass-Steagall reform, but at a minimum greater holding company and Section 20 latitude—a provision supported by the independent insurance agents which would require all parties, including banks, which sell general insurance products to be State licensed. Regrettably these proposals have proven to be so controversial that agreement on them could not be reached in time for them to be included in this bill.

These issues are not going away and will be addressed in the next session of the Congress.

I realize partisanship hallmarks many end-of-the-session issues, but based on the content and context of this legislative package, I would hope support would come from both sides for final passage of the Title II provisions.

In this regard, I am somewhat bewildered by the complaints from some quarters about process. Most of the provisions before the House today have been reported out of the House Banking and Financial Services Committee following extensive hearings. This Title, for instance, includes numerous sections or amendments offered by the minority side. Further changes were made within the past 24 hours in negotiations with the executive branch.

Indeed, the BIF-SAIF section, arguably the most important in the bill, is basically picked up from legislation passed by the House a year ago and then reworked by the committee this past summer. The principal change from the provisions approved by the committee in July is the deletion of a Democratic-sponsored amendment to shift part of the FICO cost sharing to the taxpayer. That provision has been struck from the bill. Members of this Congress can go back to their constituents and report that they have addressed the last remaining aspect of the savings and loan debacle without any further taxpayer accountability.

The other major portion of the Title incorporates regulatory relief measures approved by the committee last year. It is my view that the House Banking Committee went further than was judicious in early approaches to regulatory relief and that a number of provisions in earlier bills were properly pared back with my support because of administration and minority member concerns. Let me stress in this regard that in putting this legislation together, there has been far more minority input than on any piece of legislation considered in any of my years in the minority.

This is solid non-partisan legislation. Less extensive than I would have liked, but nonetheless of historic dimensions. The provisions will have lasting affects, but most importantly, failure to act would have led to serious disintermediation in the financial community, failure of the SAIF, and new taxpayer liability for S&L losses. This banking title, on the other hand, provides a basis for long-term banking modernization based on the existence of the strongest financial industry insurance fund in the Nation's history. Indeed, absent a calamity, with passage of this legislation America's insured financial institutions will reach an historical first—a prefunded insurance fund capable of regenerating itself ad infinitum, with interest returns likely to cover all normal losses in the system as well as normal asset growth. America's bank customers, as well as our competitive international financial position, are well served.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in support of this conference. I think it is nothing short of a great victory for us to come to a compromise after the struggle last year, and I want to commend my friend and colleague from Wisconsin [Mr. OBEY] for the great work he did in helping us with the provisions dealing with BIF–SAIF.

I follow in line with the remarks of our chairman, the gentleman from Iowa, Congressman JIM LEACH, in terms of recognizing the problem today. All of us are together in terms of trying to solve this problem in terms of BIF–SAIF and providing some streamlining and regulatory measures.

These are reasonable, they are reasoned, and I think they are a positive step in the right direction. Hopefully, next year we will be able to do this on our own without relying on the strength of the appropriation bill and working this out in the House.

This has been a tough measure to compromise on and to come to agreement on. I appreciate the patience of all who have worked on it. I want to commend the Clinton administration for standing up for consumers and making certain that the price of and the cost of this was not borne by reduction in terms of 30 years of consumer law, which happened to be undone and upset by a lot of misunderstandings and action that were proposed in earlier iterations of this bill.

So I rise in support of this conference and ask my colleagues to support it.

Mr. Speaker, I rise to express my support for title II of this bill, the Banking Committee's product in this bill.

Mr. Speaker, although I would have liked to proceed this Congress on broader approaches addressing financial services modernization, the future of the deposit insurance funds, the merging of regulators; the issues of charter reform; and other power's issues, in the end, this product before the House today is an important step forward and one which is the result of a tremendous amount of work and seemingly nonstop negotiations over its innumerable iterations.

This bill importantly recognizes that Congress must act today to resolve the differential between bank and S&L deposit insurance premiums. The so-called BIF–SAIF solution, including charter reform modernization is basically a product of bipartisan work of the Financial Institutions Subcommittee in 1995 that ended up in the failed Republican budget bill. Many other pieces of this bill's title II began in separate initiatives of the respective Banking Committees of the House and Senate. These key policy provisions that we will hopefully pass tonight envisions that the 105th Congress will act on charters, but this measure merges the funds and provides a pro rata FICO bond payment sharing and puts it in place regardless of the merger issue because all insured depositories, both bank insurance and savings association insurance fund will become a part of the one FDIC deposit base.

Mr. Speaker, this Congress needs to move BIF–SAIF this year. SAIF institutions have

been moving forward with plans to work themselves out from under a 23-basis point differential. Many SAIF-insured institutions have been seeking, in fact, to form national banks. Congress needs to act now while we can before it is too late and the SAIF deposit base erodes and the taxpayers of this country are once again liable. The banking and thrift industries have worked in good faith over the course of this Congress to achieve the product and policy in this measure, and hopefully this initiative will finally bring to conclusion the repair to the deposit insurance funds.

Nevertheless, no group is entitled to a prize or reward of relaxed consumer protections or safety and soundness regulation for addressing and accepting the responsibility to assure a solvent deposit insurance fund. By recognizing some limits and a need to have bipartisan agreement on provisions, we were finally able to finally move forward. To that end the Clinton administration advocacy for streamlining and regulatory reform has averted the loss of many key consumer protection laws and policies.

In addition to BIF–SAIF, title II of this legislation provides the lender environmental liability relief provisions, that is relief provisions for financial institutions which foreclose on properties involving hazardous or toxic materials. It also provides for many tempered regulatory burden relief provisions the result of compromises. Title II includes provisions clarifying the tax or deposit insurance covered status of retirement certificates of deposit. It includes Fair Credit Reporting Act, a measure that has passed both the House and Senate in the past, that will provide improved privacy protections for consumers and remedies for the risk and experience electronic muggings, the crime of today and tomorrow that we must do much more to arrest.

This final agreement represents a victory of sorts for those of us who wanted to pass regulatory burden relief for financial institutions but did not unravel consumer protection laws of the past 25 years nor the potential safety and soundness of financial institutions. This bill provides regulatory streamlining, burden relief and sensible improvements in policy without harming key consumer laws nor jeopardizing the safety and soundness of financial institutions backed by the Federal deposit insurance fund.

With improvements being made until the very end, the banking package before us was excised of many provisions that gave me great pause and to which I was opposed. Provisions which would have weakened the Community Reinvestment Act, Consumer Leasing, Truth in Savings, Truth in Lending, Rent to Own, the Home Mortgage Disclosure Act, high-cost mortgages protections, and a number of highly controversial Real Estate Settlement Procedure Act changes have finally been set aside as we receive the final package tonight. In previous forms, this legislation would have relaxed restrictions on permissible insider lending, weakened the legal responsibilities for outside directors of financial institutions, limited the ability of regulators to recover funds from the officers of failed institutions, and even weakened the role of independent audit committees, fortunately these policies were also removed.

I want to recognize the important role of the Clinton administration in reaching many of these final compromises which eluded us for so long this session, I would have hoped that committee members could have accomplished more but I want to thank the Members and staff of the Banking Committee who I have worked with throughout this process and am pleased we have a product. We have here a adequate product, a compromise, a lesson learned. While I think this title is imperfect, on the whole, the package deserves our support. I remain hopeful that the committee will in the future regain a better comity and bipartisanship as we reconvene for the 105th Congress.

Mr. LIVINGSTON. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations who has done an outstanding job in that field.

Mr. PORTER. Mr. Speaker, I begin my remarks by commending my chairman and his outstanding staff led by Jim Dyer. No one has worked harder to perfect this bill. They have done an outstanding job for the Congress and for the American people.

I want to thank my wonderful staff, headed by Tony McCann. I thank the gentleman from Wisconsin, DAVID OBEY, and his fine staff for their cooperation in bringing this bill to fruition.

Mr. Speaker, our section of the omnibus bill continues Congress' initiative to terminate duplicative and ineffective programs. There are 13 new terminations in addition to the 100 that we achieved last year. We have frozen or reduced many administrative accounts.

At the same time, we have increased funding for programs that work for people and that are a high priority for our country. For example, with respect to biomedical research through the National Institutes of Health, we have increased spending by $820 million, a 6.5-percent increase, and $371 million above the President's request.

We have in that section of the bill preserved the principle that science, not politics, should decide how the money is best spent, there is no earmarking in the bill by disease and no line item for AIDS. However, we appropriate directly to the Office of AIDS Research to support that important research.

The bill preserves NIH and gives it a substantial increase, because basic research can only be organized and supported through government. Research that is conducted by our universities and academic medical centers across the United States pays for itself thousands of times over in terms of health care cost savings. Biomedical research is an area where we lead the world both in the basic research and the applied research through the biotech and pharmaceutical industries of our country.

Student aid in the bill is increased by $1.3 billion more than requested in the President's 1997 budget; and we increase Pell grants under the Republican Congress by 15 percent, whereas in the previous Congress they went down by 3 percent. The maximum Pell grant is increased from $2,470 to $2,700 in this bill, the highest maximum ever; the largest single increase ever in one year.

Work-study is increased by over $200 million to $830 million, $151 million more than the President's request. Perkins loans are increased by $65 million over the President's request. TRIO programs are increased by $37 million, to a total of $500 million.

Head Start is increased by over $400 million to almost $4 billion. Special education, championed by the chairman of the authorizing committee, the gentleman from Pennsylvania, BILL GOODLING, increased by almost $800 million to $3.8 billion.

Mr. Speaker, there is a summary of highlights of the bill available. I commend the work of my subcommittee members of both sides of the aisle and my chairman. We have fashioned a bill that meets the needs of the American people and does so in a fiscally responsible manner.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to add my appreciation to the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] for their cooperative effort and to briefly acknowledge that today we can stand here and say that we are not going to shut the Government down. A great difference and a strike for balance over divisiveness. The American people are the benefactors of this process.

Let me make several points regarding this legislation that represent a positive change. I would like to note, and that now the youth in Houston and around the Nation will have summer jobs, and we will have turned the corner from classifying the summer youth program as baby-sitting jobs and have over $800 million in that program through this appropriation bill.

Rather than continue to build jail cells, we will now have increased moneys in the Pell Grant Program, some $577 million.

And, yes, through the Ryan White funding, we will be able to take home $450 million for emergency assistance, $470 million for comprehensive care, and $70 million for early intervention.

I am concerned, however, that we do not have enough dollars for the census effort that will be very important to some of our urban centers, and would hope we will have an opportunity to remedy that.

And, lastly, I would say that we need to consider the spectrum sale so that we would do it in a reasonable manner that would appropriately utilize this valuable resource for the benefit of America.

I rise to express my views on this important omnibus appropriations bill that funds the Departments of Commerce, Defense, Education, Health and

Human Services, Interior, Justice, and State as well as many independent agencies for fiscal year 1997. Additionally I would like to add my appreciation for the work of Chairman LIVINGSTON, my friend ranking member OBEY along with Leon Panetta of the President's staff for their solid effort.

I support the provisions of the bill that have increased funding for education such as the increases for the Pell grant scholarship program and expand the number of low and moderate income students who receive financial assistance by 150,000 students from $3,650,000 to $3,800,000. The direct lending program is also funded at the amount requested by the President.

Additionally, the funding for Head Start will enable the program to serve approximately 50,000 additional disadvantaged students. The Goals 2000 program is funded at the amount of funding requested by the President, which will help raise academic standards for more than 6 million students in over 11,000 schools.

I am also very pleased about the $90 million increase in funding for the Safe and Drug Free Schools Program that will help us to reduce the increasing level of drug use among our Nation's teens. The recent report from the Department of Health and Human Services about increased drug use by teens is certainly disheartening and we must strongly support the Safe and Drugs Free Schools Program. More money, however, is needed for treatment and drug prevention if we are going to be serious on this effort.

Throughout the 104th Congress, I have worked diligently to strengthen and adequately fund the Summer Jobs Program. This bill provides $871 million for the Summer Jobs Program, which is $246 million more than the amount appropriated in 1996. This will allow more than 550,000 young men and women to have the important experience of going to work everyday, earning money, and developing a strong work ethic. This bill provides $895 million for adult training, which is $45 million over fiscal year 1996, and $200 million for the School-to-Work Program, which is $25 million over fiscal year 1996.

As a member of the House Judiciary Committee, I have been concerned about the issue of crime and violence and terrorism. This bill continues to provide adequate funding to implement the President's plan to put 100,000 police on the streets of our Nation. Furthermore, the bill contains provisions to make it difficult for individuals who have committed domestic violence to purchase handguns.

With respect to antiterrorism, the bill fully funds the President's request of $1 billion to reduce terrorism and gives the Departments of Justice and Treasury the necessary resources to accomplish this goal. Hopefully, safety at our Nation's airports will be improved by funding to hire additional aviation security personnel and purchase new state-of-the-art equipment to screen luggage. With the bombing during the Olympics and the crash of the TWA flight still fresh in our minds, it is the right thing for us to support funding for these initiatives.

Moreover, additional funding for the Office of Drug Control Policy and the Drug Enforcement Administration will help us in our drug interdiction efforts and implementation of our overall national strategy to reduce drug use and drug trafficking in the country. However, this funding does not negate this Congress' responsibility to investigate charges of illegal drug sale moneys—sold in our inner city communities in the 1980's—used for funding the Contra's by this Government.

As a member of the Texas delegation, I have been active in efforts to reform our Nation's immigration laws. The compromise on the immigration provisions was reached after much debate. As a result of this compromise, our Nation's borders will be more secure. I am pleased that there is no provision that would allow States to deny free public education to the children of illegal aliens.

I was concerned about the restrictions on income levels for sponsoring legal immigrants but at the least the final version of the bill requires immigrants to have incomes of 125 percent above the poverty level to sponsor immigrants instead of 140 percent above the poverty level, which was the original proposal. Additionally, the proposal to deport and deny naturalization for immigrants who used means-tested benefits was dropped from the bill. The original provision to make sponsors responsible for emergency Medicaid costs for immigrants was also deleted from the bill.

The verification requirements for immigrants in this bill are not more stringent than the requirements that were contained in the welfare reform bill. Moreover, the bill exempts charitable organizations from the verification requirements in the new welfare reform law and exempts battered immigrants and indigent immigrants from some of the deeming restrictions in the welfare reform law. Finally, the provision of the bill that would have restricted HIV treatment for immigrants was deleted from the final version of the bill.

During the 104th Congress, I have been very concerned about the issue of health care reform and providing adequate funding for many research programs. The bill does provide an increase of $239 million for the Ryan White AIDS Program and funding to purchase new AIDS drugs. Funding for substance abuse prevention and treatment also received an increase of $221 million over fiscal year 1996. Finally, this bill has not increased the deficit, however more study should have been given to the proposed sale of the spectrum. This should not be done randomly or without study in order to suggest the best approach.

The 104th Congress has been both difficult and demanding. I am grateful that we were able to finish this term on a positive note. We have preserved Medicare and Medicaid, and protected our families, seniors, and our children. And we have not shut the Government down!

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], the chairman of the Subcommittee on Financial Institutions and Consumer Credit of the House Committee on Banking and Financial Services.

□ 2115

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

Mrs. ROUKEMA. Mr. Speaker, I want to say that this is a proud moment here. We have worked for well over a year on legislation that would not only provide meaningful regulatory relief but to conclude the final payment for the savings and loan debacle of the 1980's once and for all, and with this legislation, we are doing that.

As the chairwoman of the Subcommittee on Financial Institutions and Consumer Credit, which has the jurisdiction over these issues, I would like to say that the committee has worked very hard to see to it that we were fair in this closeout. Everything is very difficult to say when you say you are being fair. It is difficult to get everybody around the table. That is a big challenge, but I believe that we have done that here, and we have now achieved a solid BIF/SAIF package with regulatory relief, limited but nevertheless meaningful.

First, let me be clear about the fact that I believe that it is essential that we successfully close the book on the deposit insurance system problems. And as a battle scarred veteran of the savings and loan debacle, I believe that if we were to leave this year without resolving this problem once and for all, it would have been a terrible dereliction of our responsibility.

But here tonight with this action, we will have done the right thing, the right thing for the taxpayers, the right thing for the financial institutions that are involved.

Mr. Speaker, as I have said, we tried to be fair to all parties and I believe that we have. The BIF/SAIF package is a strong one, and I would like to point out that if I had my way we would do the total charter merger as a companion piece to this, but what we have in here, the so-called Frist language, which defines when the insurance funds would be merged and when the mergers would take place, I think it is not only a good compromise but it is one that will work and work in the best interest of all people.

Mr. Speaker, I am proud to be here tonight, and I am very pleased to have worked with all the members of the committee to reach this conclusion.

For almost 2 years, Congress has been working to develop legislation that would provide meaningful regulatory relief for insured financial institutions and to conclude the final payments for the savings and loan debacle of the 1980's once and for all.

As chairwoman of the Financial Institutions & Consumer Credit Subcommittee which has jurisdiction over these key issues, my committee has worked hard to see that the final package is one that is fair to all parties concerned. Of course, fairness is a relative term. Everyone has a different view of what is truly fair to them. Getting all parties around the table was a challenge. Until now, as is always the case with issues relating to the financial services industry, developing a consensus package has been elusive.

However, we have now achieved a solid BIF/SAIF package with a limited regulatory burden relief that will lay the groundwork for further debate in the 105th Congress.

First, let me be clear about the fact that I believe that it is essential that we successfully close the book on the deposit insurance system problems. As a battle-scarred veteran of

the S&L debacle, I believe to leave this year without resolving this problem once and for all, would have been a dereliction of our responsibility. We have done the right thing for the taxpayers and for the financial industries wanted.

Members from both sides of the aisle in the House worked hard to craft a bipartisan bill that was fair to all parties concerned which is included in this package. This proposal includes several key provisions that I believe are necessary for this BIF/SAIF package. As many of you know, I am a strong supporter of not only resolving the issue, but also for dealing with the problem in its entirety, which includes merging the commercial bank and thrift charters. That is why my subcommittee reported out HR 2363, the Thrift Charter Conversion Act of 1995, which not only dealt with SAIF/FICO funding but with fund and charter merger restructuring issues as well.

At the very least, however, the so-called ''Frist language'', is included as part of the package. This language prevents the merger of the BIF and SAIF insurance funds until the charters are merged. The package also includes the so-called ''rebate'' provision that prohibits the FDIC from setting SAIF rates lower than BIF premium rates and requires the FDIC to rebate any excess amounts in the BIF.

Aside from the BIF/SAIF issue, it was my sincere hope that any package would have included strong regulatory relief measures. The bill reported out of my subcommittee included important provisions to provide meaningful relief for the financial services industry. For example, my subcommittee-passed bill included meaningful reforms on CRA and the Truth in Savings Act. Unfortunately, the most recent package is a far cry from the originally reported bill. Nevertheless, be assured that in the next Congress I will continue to work for strong regulatory relief. In addition, I will continue to seek greater reform of the overly burdensome provisions in CRA, the Truth in Savings Act, Truth in Lending Act and the Real Estate Settlement Procedures Act. I am pleased, however, that the package includes strong lender liability language that provides relief and exemptions to institutions to banks which foreclose on properties that contain hazardous materials.

Finally, as you know, in addition to regulatory relief and BIF/SAIF, the House Banking Committee has been working to craft legislation that will modernize the financial services industry. Unfortunately, this has led into a powers debate focused on bank sales of insurance. While I am a strong proponent of modernization legislation, I believe that it was right not to include any controversial insurance provisions. This is neither the time nor the place for taking up such a controversial debate. I am particularly pleased though that a provision was included that prohibits deposit insurance for the retirement CD, a tax deferred annuity contract that I believe could affect the safety and soundness of banks. This provision already has passed the House on the Suspension Calendar in a bill I introduced last session.

I am pleased with this consensus package and I commend Chairman LEACH for his leadership and commitment to pass such meaningful legislation. I would also like to thank Laurie Schaffer, Stephen Johnson, Gary Parker of my subcommittee staff, and in particular, Cindy Chetti of my personal staff, for all of their dedication and hard work during this Congress.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding, and I want to rise and first of all say to Chairman LIVINGSTON and Ranking Member OBEY, congratulations on the work that they have done. I want to tell my colleagues that I am one of those, like so many before me on the other side of the aisle in the eighties, who said, the omnibus appropriations or continuing resolutions are not the appropriate vehicles in which we ought to legislate, and I think that is true. This process is not one that ought to be emulated. This process is one that will leave many people in the dark as to what this final product is.

Having said that, I am supportive of this product. It is a product which came about through intensive negotiations and discussions between the administration, between the Republican majority with the sometimes participation, but mostly participation during the last couple of days of the Democratic minority.

As to substance, as someone who, A, supports a balanced budget, and, B, supported the coalition budget which made room for investment in programs critically important to the welfare of this country, to the security and the opportunity of our American families and of our young people, I support the priorities that have been restored to this budget. I was one of those who argued in subcommittee and in full committee that we ought to restore at least $2.3 billion to the education component. In fact, we have done more than that. I congratulate the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] for that accomplishment.

The fact of the matter is that it is critically important for us to tell the American taxpayers that in terms of their investment in discretionary spending, that has consistently gone down while payment of interest and entitlements have consistently gone up. We cannot continue as a Nation to squeeze out discretionary investment in education, environment, job training, all the programs that enhance the capability of our people, our greatest resource to compete in world markets.

I also would, Mr. Speaker, rise and say that the chairman of my subcommittee on which I am the ranking member will be leaving, the gentleman from Iowa, Congressman JIM LIGHTFOOT, my friend, Congressman JIM LIGHTFOOT is the kind of legislator that Americans should be and, in my opinion, are very proud. He is a man of common sense, integrity, honesty and commitment. And I want to say to my friend, JIM LIGHTFOOT, that we will miss him, not only in this House but in this Congress and in this country from this House. And I want to say that I thank you for the bipartisan way in which you have shared with me the proceedings of our subcommittee, and given me the opportunity to work towards what I believe to be not perfect, but a good solution as it relates to the bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the really great, hard bargaining gentleman from Kentucky [Mr. ROGERS], the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Speaker, I thank the chairman for the time and, Mr. Speaker, in addition to those who have been thanked already, I want to thank the staff of my subcommittee, Jim Kulikowski, the chief of staff, Therese McCauliffe, Jennifer Miller and all of the others who have not slept in three nights, who have just done absolutely yeoman work and they are still at it even as we speak.

Mr. Speaker, I rise in support of this, I am going to say, ''ominous'' appropriations bill. As Mark Twain said about Wagner's music, ''It's really better than it sounds.''

We do not like omnibus bills. Nobody does. They are big, they are huge, you do not have time to go through them, and we have reason to fear them. But this one is really better than it sounds. Let me give a couple of good reasons.

In my chapter of the bill, Commerce, Justice, State, there is $29.6 billion in discretionary spending. Most of that money is for fighting crime, the Department of Justice, State and local law enforcement, the war on drugs, and getting control of our borders. $7.3 billion of it is for the war on drugs, $150 million more than the President wanted, to rekindle the fight against drugs, with major new initiatives in source countries and on the Southwest border where 70 percent of the illegal drugs enter our country. It included $3.1 billion to stop illegal immigrants and gain control of our borders, which is above what the President wanted, with 1,000 new Border Patrol agents, 300 more than the President requested. There are serious increases in funding for detaining and importing criminal aliens. There is $300 million more to combat terrorism. There is $523 million for the local law enforcement block grant for your police force to apply and receive a grant. There is $1.4 billion for Cops on the Beat for the police in your local department, $770 million for your States to build prisons, and $25 million as an incentive to States to treat kids who commit adult crimes with adult punishment.

This is a good bill. Strike a blow against crime and vote for this bill.

Let me close by thanking Chairman LIVINGSTON for a tremendous job.

The SPEAKER pro tempore (Mr. DREIER). The Chair wishes to inform the Members that the gentleman from Wisconsin [Mr. OBEY] has 12 minutes remaining and the gentleman from Louisiana [Mr. LIVINGSTON] has 12 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank the gentleman from Wisconsin, Mr. OBEY, for yielding time to me, and I want to say that this conference bill does add money and increases the number of Pell grants available our young people, and that is a laudable section of this bill, given the fact that Senator CLAIBORNE PELL comes from my State.

Mr. Speaker, I do want to take everyone's attention to section 320 of the Interior appropriations of this bill, which contains a prohibition on Indian gaming in Rhode Island that singles out one tribe, the Narragansett Tribe, and says that the Indian Gaming Regulatory Act does not apply to them and therefore they cannot engage in any type of gaming activities. By singling out this one tribe among 558 tribes in this Nation and removing them from the scope of IGRA, we are setting a terrible and dangerous precedent and, not only that, we are once again breaking our word to the native Americans.

I want to just say that IGRA provides that for any Native American tribe seeking the authority to game that they can game insofar as the State in which they reside allows for that gaming. And our State, we allow for quite a bit of gaming, over $558 million a year. Roughly 90 million a year goes to provide for our citizens in the State of Rhode Island, and yet we are engaging in a double standard with our Narragansett Tribe. They are the only tribe in this conference report that is singled out like this.

We had no hearings on this issue in the Committee on Resources. I think it is a really discriminatory measure for us to say it is all right for us to game, provide for our people, but at the same time say no, Native Americans, we are not going to allow you to do what we are doing ourselves.

I think it is a double standard and unfortunately it marks one more in a repeated list of issues where this Congress has come down against the sovereignty of the Native Americans, and I think it is a sorry thing that it is in this CR.

I would like to take this opportunity to express my opposition to a provision regarding the Narragansett Indian Tribe which was included in the Omnibus Continuing Resolution for fiscal year 1997.

Although I will be voting in support of the overall legislation, I want to make it clear that I feel that section 330 of the bill is a direct violation of the civil and sovereign right of the Narragansett Tribe in Rhode Island.

In 1978, the Narragansetts signed a legitimate compact with the Federal Government and the State of Rhode Island in exchange for a portion of land that they could call their home and maintain their heritage. The Rhode Island Claims Settlement Act was a fair attempt to rectify years of culture anonymity and I am happy to say is still in place today. In 1983, the Narragansetts became a Federally recognized tribe with all the rights and privileges that accompany it, provided that they are consistent with the 1978 treaty. That year, the Narragansett's became a sovereign nation and fully earned the right to be treated on a government to government basis with other entities. The Tribe pledged to care for its people in much the same way the State of Rhode Island cares for her citizens. Education, housing, health care, to name but a few, are the concerns of the tribe just as they are the concerns of the Ocean State,

Supreme Court Chief Justice John Marshall held many years ago, in the case of Worcester v. Georgia, that ''Indian nations had always been considered as distinct independent political communities, retaining their original natural rights, as the undisputed possessors of their soil.''

It is my belief as well that the Federal Government made a compact with Native Americans in exchange for a great deal of their land and resources. That deal was to respect the treaties that were made, and to recognize tribes on a government to government basis.

In recent years, the Supreme Court has held that gaming is consistent with a Federally recognized tribe's sovereign rights. Understanding the sensitive nature of gaming, Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988 to codify U.S. law regarding the sovereign right to Tribes to engage in gaming on their lands. I believe that IGRA is fair legislation which was enacted on a bipartisan basis to balance the rights of tribes and interests of States and local communities.

The agreed purpose of IGRA was not to provide a method by which tribes could become rich. As the law clearly states, the revenue generated from gaming goes directly to essential tribal needs such as the health care, education, and security of the tribe. I am sure that if the public truly knew about the challenge that most Native Americans face, they would embrace IGRA as I have: as a mechanism for fair economic development.

While the Rhode Island Indian Claims Settlement Act allows the State to share some jurisdiction over the Tribe's settlement lands, it gives the State no authority at all respect to gaming. Under existing law, the State has no authority to dictate to the Narragansetts how they may conduct gaming, other than by making gaming illegal for everyone in the State. If the State did that, then IGRA would not allow the Narragansetts to do gaming. But if the State allows bingo in any form, then the Tribe has a right under IGRA to have a bingo hall.

Section 330, violates this concept and would fundamentally alter the balances that were struck in IGRA. Advocates of the provision have said that all they are trying to accomplish is to force the Narragansetts to be treated just like any other entity in the State of Rhode Island. It is clear, however, that by virtue of their treaties, and by the ruling of the Federal Court of Appeals, the Narragansetts are not simply any other entity, and should be afforded all the rights and privileges that are consistent with their existing agreements.

In the end, I believe that this issue has become a fight to protect the civil and sovereign rights of a single Native American tribe. Unfortunately, because the Omnibus Continuing Resolution will not be amendable, I will not have an opportunity to strike this callous language from an otherwise fairly sound piece of legislation.

Mr. LIVINGSTON. Mr. Speaker, 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. Speaker, I rise to congratulate the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, this bill represents a victory for America—it's a milestone along the road toward balancing the budget. It hasn't been easy, but the Republican majority of this historic Congress has already delivered $53 billion in tangible savings for the taxpayers of this great country, while locking in program changes that will make those savings multiply in years to come. Sure, there had to be compromises—and certainly all of us feel regret that we couldn't accomplish more.

Of course, we are frustrated by the way the White House constantly moved the goalposts, at times to the point where some questioned whether the administration wanted a bipartisan agreement at all. We also had to contend continually with certain defenders-of-the-status-quo naysayers in the other party who attempted to block us at every turn. But I am proud that this Republican majority held firm to its basic common sense principles for America: We will not abandon our glidepath toward a balanced budget; we will not eviscerate our national defense; and we will not accept endless government intrusion into our lives just because the President and the liberal wing of the Democrat Party have again made big government and more give away spending the centerpiece of their election-year gameplan.

Mr. Speaker, we head home tonight proud in the knowledge that we have replaced the tired debate of whether we should balance the budget with a brave new dialogue about how to accomplish balance. We have ended the failed dependency trap of the welfare entitlement and implemented tough new illegal immigration policies. We have delivered common sense health insurance reforms to allay the anxiety of job lock and pre-existing condition exclusions. We have brought about true reform to this institution, clearing away 40 years of rot caused by out of touch one-party rule. And, we have finally begun to reduce the reach of the Federal Government into our everyday lives. This bill represents a sizeable downpayment on the brighter future that we promised to deliver for America's children and grandchildren. We kept our promises to America—and we have only just gotten started. Vote for this rule and this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA], a terrific magician, the very distinguished chairman of the Subcommittee on the Interior, who has just done an outstanding job with competing forces.

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

Mr. REGULA. Mr. Speaker, it is truly a bill with magic in it because of the magic of our national treasures and what it does for the lives of people, the magic of going to a national park, the magic of taking your children to the national zoo where they will for the first time be given an opportunity to see the wildlife that is part of our ecological heritage. Truly it is magic, and

we have tried to protect those treasures in this bill.

We have given the parks $70 million more for operations. We have provided more money for maintenance in the bill. We have provided for the Indians because they are part of the magic, too. They were the original people in this Nation. We have treaty obligations to our Native Americans for education and health. We enjoy much of what is part of our national heritage with the Native Americans. We have increased by $123 million the dollars that they will receive.

We have put in money for fire suppression, for the hurricane damage, for terrorism. One of the less than magic parts of the bill is that we have to recognize on reality in terms of terrorism. But overall, and I think this is a little bit of magic in this, we are appropriating $1.3 billion less than we appropriated for the same bill in 1995. This in spite of inflation, in spite of new responsibilities we have $1.3 billion in savings. And that is a little bit of magic for our children because that means they will have less to pay in terms of debts and deficits.

So I think it is a good bill with some innovative initiatives. We are putting money in a habitat conservation program in California that I think will be a model for the Nation. In this program they look at the economic as well as the ecological values and they work it out so that we can do both. And that is the magic of more jobs while at the same time preserving the quality of life. A provision for fees, also 4 million in a clean streams initiative. This is a good bill.

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Mr. LIVINGSTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. SMITH], a member of the Committee on the Judiciary, who helped craft and is the author of the immigration provisions in this bill.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on Appropriations for yielding me this time.

Mr. Speaker, I rise in support of this bill which contains the strongest illegal immigration measures ever passed. Every illegal immigration measure that we passed in the stand-alone bill last week, every phrase, every word, every comma remains in this omnibus bill. It secures America's borders. It stems the pointless flow of illegal drugs, protects American jobs and saves taxpayers billions of dollars.

This bill also requires new immigrants and their sponsors to be self-reliant rather than relying on taxpayers for support.

For the first time ever, we require every new immigrant to have a sponsor. Just as we asked deadbeat dads to support the children they bring into the world, this bill requires deadbeat sponsors to support the immigrants they bring into this country.

This bill has been changed though, Mr. Speaker. The administration put American taxpayers last when they insisted that we make it easier for noncitizens to receive welfare. They threatened to shut down the Government unless we make it harder to deport noncitizens who use welfare.

I wish that all of these provisions had remained, but still this is a landmark bill. It puts our taxpayers, workers and communities first. I urge my colleagues to support it.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

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

I want to commend both sides of the aisle for responding to the disaster that those of us in five States were affected by Fran and to recognize that there was a bipartisan response. Not all of the time do we respond in a bipartisan way, but indeed this is appreciated by those people who were suffering, $400 million is not all we need, but it is a significant movement in the right direction. I want to express my sincere appreciation for all those who are suffering in North Carolina.

Mr. LIVINGSTON. Mr. Speaker, I yield one-half minute to the distinguished gentleman from Pennsylvania [Mr. GOODLING], chairman of the committee on Economic and Educational Opportunities.

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

Mr. GOODLING. Mr. Speaker, for 20 years I pleaded with the Democrat majority to please fund the unfunded mandate, the biggest we ever had in the history of this country, which of course is special ed. For 20 months I have hounded the new Republican majority to please begin funding it. Tonight I am happy to say that there is a 10 percent increase in there. So I thank everyone, the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Illinois [Mr. PORTER], everybody else who was responsible. But, more importantly, every school district in the United States says thank you.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I would simply like to point out, based on the comments that the chairman made earlier, we have saved $53 billion for the taxpayers during this session of Congress. I always like to put that in terms of my constituents. A quick back-of-the-envelope calculation shows that that amounts to $200 per capita in this Nation, $200 for every man, woman and child, or approximately $325 per taxpayer or somewhere in the neighborhood of $450 to $500 per average family.

That is a very substantial amount of money. Compared to the President's budget as submitted, it is even greater, 50 percent greater than the numbers I quoted.

I think we as the 104th Congress can be very proud of this accomplishment that we have run a tight ship. We have reduced spending and we have saved the average family in America approximately $450 to $500 during this session of Congress.

Mr. OBEY. 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, I thank the gentleman for yielding me the time.

I would like to mention that the agreement includes a provision proposed by the other body that $5 million be expended in substance abuse and mental health services for Native American populations, rural and Native American populations. No similar provision had been approved by the House, but this is a very important provision in Indian country. We passed a bill very important that dealt with Native American housing earlier. I want to commend the conferees for putting this money in for mental health services and substance abuse.

Mr. Speaker, this is a good bill. Let me conclude with the immigration provisions. I think the President deserves credit for sticking up for legal immigrants in the bill. The bill still has some flaws on the immigration side but nonetheless deserves support.

The conference agreement provides $2,134,743,000 for the Substance Abuse and Mental Health Services Administration [SAMHSA] instead of $1,849,235,000 as proposed by the House in H.R. 3755 and $1,873,943,000 as proposed by the Senate in H.R. 3755 as reported from committee. Within this total, the conference agreement makes available $58,032,000 for the mental health knowledge development and application [KDA] program, $69,927,000 for the children's mental health program, $1,310,107,000 for the substance abuse performance partnership, $156,000,000 for the substance abuse treatment KDA program, and $168,800,000 for the substance abuse prevention KDA program.

The agreement includes a provision proposed by the Senate in H.R. 3755 as reported from committee to require that of the amount provided for SAMHSA, at least $5,000,000 be expended for projects serving rural and native American populations. No similar provision was included in H.R. 3755 as passed by the House.

The conferees agree that SAMHSA should comply with the directives in the House and Senate reports accompanying H.R. 3755. The conferees have provided $1,500,000 for child care wrap around services for a continuing grantee under the Pregnant and Postpartum Women and Children Program. The conferees expect these funds to be awarded as a competitive supplement.

The conferees have included sufficient funds for university-based evaluations of public and private collaborations which provided year-round, school-based, early prevention and transition programs, which include middle school transition programs.

Mr. LIVINGSTON. Mr. Speaker, the 105th Congress will not have the presence of the gracious gentlewoman that I would like to yield to at this point. I would like to thank her for her outstanding service as a Member of Congress for so many years, but also as the most recent chairman of the Committee on Small Business.

Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in what will probably be my last time before this institution. I have enjoyed serving in this body, and I thank my colleagues for their friendship and support over the years.

I particularly want to thank the gentleman from Louisiana, Chairman LIVINGSTON, and the gentleman from Wisconsin [Mr. OBEY], the ranking member, for including the SBA in this bill. The small business provisions included in the Omnibus Appropriation Act make a number of changes in many of our SBA programs. However, all of them have passed this House by a total of 408 to nothing fairly recently.

The overall theme of the legislation, however, is better management of the loan programs. SBA guaranteed approximately $10 billion in life-giving capital to small businesses every year. The 7(a) guaranteed loan program, the largest loan program at SBA, will provide over $7 billion in financing to small businesses this year.

This bill preserves the 504 program, which is for bricks and mortar, lending through fees it allows for an expanded SBIC program, which is venture capital for small business. And all of this with greater safety and soundness for the American taxpayer.

I want to thank all the members of the committee and the staff for their hard work.

Mr. Speaker, I rise today in what will probably be my last address before this institution. I have enjoyed serving in this body, and I thank my colleagues for their friendship and support over the years. As the Chair of the House Committee on Small Business, I am proud to take this opportunity to describe an excellent package of small business program reforms that is contained in this Omnibus Appropriations Act.

This package is based in large part on H.R. 3719, the Small Business Programs Improvement Act of 1996, which the Committee on Small Business reported out in July of this year by unanimous vote. The bill was the product of intensive, bipartisan work. Earlier this month, H.R. 3719 passed this body by a vote of 408 to 0. I appreciate the support that my colleagues gave to that bill, and I think that it speaks well of the spirit of teamwork and commitment to the welfare of the small business community that resides in the Committee on Small Business and this Congress.

The small business provisions included in the Omnibus Appropriation Act makes a number of changes in many of our SBA programs. The overall theme of the legislation, however, is better management of the loan programs. SBA-guaranteed loans provide approximately $10 billion in life-giving capital to small businesses every year. The 7(a) guaranteed loan program, the largest loan program at the SBA, will provide over $7 billion in financing to small businesses this year. As volume in the loan programs has increased, SBA staffing has decreased. I believe these events can be compatible, but only if the SBA relies on its private-sector partners to carry out the day-to-day operations of making, servicing, and liquidating loans.

The SBA does not have the manpower or resources to be a retail operation. They cannot efficiently process every loan or handle the liquidation of each loan that goes into default. This is clear from the new subsidy rates—rates that have dramatically increased in the past year due to low recovery rates on liquidated loans. The time period for liquidating loans is substantially longer than the average in the private sector. It is time for the SBA to move the liquidation function to the private sector, where our bank and non-bank lending partners conduct these types of actions everyday, and harness those efficiencies. The SBA must assume the role of monitoring our lending partners, not trying to recreate operations that are done faster and better in the private sector.

My colleagues and I realized the SBA's limitations, and this legislation will turn more functions of the SBA lending programs over to the private sector. In the 7(a), 504, and disaster loan programs, pilot projects have been created, giving lenders the freedom to liquidate defaulted loans. This should increase our returns and improve service delivery in our loan programs. The SBA simply cannot handle the load currently on its plate, as reflected in the increased subsidy rates.

Other critical provisions in this legislation are those dealing with the 504 or Certified Development Company program. When the President released his budget for fiscal year 1997, we were hit with dramatically higher estimates of the subsidy rates for the 504 and 7(a) guaranteed loan programs. Last year, the Committee on Small Business moved legislation that reduced the subsidy rate in the 504 program to zero, making it a self-financed program that requires no appropriated funds. While the committee was disappointed and frustrated by the SBA's and OMB's inability to notify us in a timely way about these new estimates, we are committed to preserving the 504 program, if necessary, at a zero subsidy.

A combination of new fees, to be shared by the lenders, the certified development companies, and the borrowers, and several program-management improvements in this legislation, including the liquidation pilot project, result in the maintenance and strengthening of the 504 program. It is vital that this lending program, which provides long-term financing for expanding small businesses to purchase new physical space or equipment, continue to help small businesses and our economy grow. As my colleagues probably know, the 504 program is the only SBA lending program with a job creation requirement. While no one likes to place additional fees on small business borrowers, that was the only way to keep this important program going within the parameters of the available funds.

This legislation also addresses some management issues in the 7(a) program and requires an extensive, private sector study of the subsidy rate calculations done by the SBA and the OMB. I hope this study will unlock the mysteries of the OMB subsidy rate assumptions and prevent future year surprises in this calculation. As with the 504 program, we are moving more of the day-to-day responsibilities for the loan programs to our most trusted private sector partners, our preferred lenders or PLP's. Accordingly, the preferred lenders will be provided with the full authority and responsibility to liquidate their own loans. The SBA has delegated many responsibilities to the PLP's, but has retained most of the liquidation functions with the agency. In addition, certified lenders [CLP's] will be able to conduct their own liquidations, with the assistance and oversight of the SBA. It is anticipated that the private sector will be able to perform this function faster and more efficiently, maximizing returns to the Government.

In addition, this legislation requires that the low documentation or low doc program, which is an abbreviated form for the borrower seeking a guaranteed loan of $100,000 or less, be conducted only by PLP's, CLP's, or lenders with significant small business lending experience. This program, which was a pilot initiated by the SBA, has proven to be very popular among borrowers and banks, alike. However, the Committee on Small Business has received a good deal of anecdotal evidence suggesting that many lenders who have little or no small business lending experience, and no experience with SBA loans, are doing large volumes of low doc loans. As the low doc program now comprises about 25 percent of the 7(a) program volume, my colleagues and I felt it important to act to preserve the integrity of the SBA's own regulations, which stipulate that low doc is for use by our most experienced lenders. We also place a limitation on any new pilot programs. The administration may experiment and try out new ideas and concepts to meet small business' needs. However, no pilot may comprise more than 10 percent of the 7(a) program volume. As we have seen, the program's subsidy rate is very sensitive to changes in the portfolio composition. Any pilot deemed successful can be statutorily created through the legislative process.

Other provisions in the legislation continue to echo the theme of more reliance on the private sector to carry out the functions of the SBA programs. The SBA is required to contract out to one or more private entities responsibility for the servicing of 30 percent of the residential loans in our disaster portfolio. This pilot should show that the private sector can perform this function at less cost than the SBA and, hopefully, lead to a complete contracting out of this function.

Finally, the Small Business Competitiveness Demonstration Program and the Small Business Technology Transfer Program are reauthorized through fiscal year 1997. The Small Business Competitiveness Demonstration Program eliminates small business set-asides in four categories of industry, as long as small business participation in these industries are at least 40 percent. This innovative demonstration program has worked well, allowing all business to compete for Government contracts on an equal footing, without locking small business out of the process, or into a certain number or type of projects. This legislation does require extensive reporting on the progress of this program, to ensure that it is not operating to small businesses detriment.

The small business technology transfer, or STTR program, is a 3 year old pilot program

created to harness the tremendous creativity and flexibility of small business to promote the commercialization of innovations derived from Federal research and development. This program partners small companies with nonprofit research institutions, such as universities or federally funded research and development centers. Through STTR, small businesses are allowed the opportunity to compete for a very small portion of Federal agenciess' extramural research and development budgets. In a very competitive environment, small businesses seek approval for proposals to turn Federal research into new products and applications for the commercial marketplace. I am very pleased that the STTR program will be continuing in fiscal year 1997, and hopefully, in years thereafter.

The small business provisions included in the Omnibus Appropriation Act also contain improvements to the Small Business Investment Company [SBIC] program, which were inserted by the Senate and are based on S. 1784, which passed the Senate by unanimous consent in July of this year. The Senate provisions restructure the SBIC program to incorporate a number of vital changes to program operations.

Under the Senate's language the minimum capital requirements for new license applicants is increased. To be a debenture licensee, new applicants must have $5 million in private capital. To be a participating security licensee, new applicants must have $10 million in private capital; however, the SBA can approve a participating security applicant if it has between $5 and $10 million provided that its investment plan is sound. Furthermore, the language grandfathers all existing licensees, and there will be no restrictions on the availability of capital to any licensee—all licensees will be able to refinance or borrow additional leverage.

The Senate provisions also includes two increases in fees to be paid by SBIC's. First, SBIC's would pay an annual charge of 1 percent on the value of all outstanding leverage granted after the effective date. In addition, the non-refundable up-front fee, which is currently 2 percent, would be increased to 3 percent of new leverage amounts. These fees will greatly reduce the subsidy cost of the program enabling this Congress to provide more venture capital funding for small business than ever before.

In addition to the reforms of the financing provisions, there are a number of changes designed to enhance the safety and soundness of the SBIC program. The SBA must ensure that each applicant for a license maintain diversification between the management and ownership of the licensee, and regulate SBICs closely to first, ensure that they do not incur excessive third-party debt; second, ensure that no SBIC receives leverage when it is under capital impairment; and third, require each SBIC to adopt valuation criteria set forth by the SBA to establish the values of loans and investments of each SBIC and that an independent certified accountant review these valuations annually. Finally, the SBA is directed to submit to the Senate and House Committees on Small Business a detailed plan to expedite the orderly liquidation of all licensee assets in liquidation. This plan is to include a timetable for liquidating the liquidation portfolio of assets owned by the SBA.

The Omnibus Act also includes provisions to speed up the processing of applications from business entities who want to be licensed by the SBA as an SBIC, and requires the SBA to provide a report detailing the status of the application within 90 days. In addition, it states that no application can be denied because Congress has not appropriated sufficient funds to meet leverage demands. These provisions also permit the SBA to approve a new license applicant that has at least $3 million in private capital, so long as the applicant meet all other licensing requirements. Once approved as a licensee, however, the SBIC would not be eligible for leverage until its private capital reaches $5 million.

Under the Senate provisions, section 301(d) of the Small Business Investment Company Act of 1958 will be repealed and all former 301(d) licensees, the Specialized Small Business Investment Companies [SSBIC's], will now become regular Small Business Investment Companies. The 301(d) licensees are currently restricted to investing in socially or economically disadvantaged businesses, mostly those owned by women and minorities. However, the SSBIC's have long complained that this restriction has hindered the ability of these important companies to grow like other SBIC's.

In order to enable their growth, the legislation removes the investment restriction, but creates a special reserve of leverage available only to SBIC's who invest at least half of their funds in small enterprises. A small enterprise is a small business with a net worth of less than $6 million and a net income of less than $2 million. This merger will enable the smaller SBIC's to maintain their focus on financing for primarily minority- and women-owned businesses, which that are the smallest of our entrepreneurs, without any specific restrictions that might negatively affect the ability to seize investment opportunities.

In lieu of the prior funding mechanism for the 301(d) licensees, the Senate language provides a new reserve of debenture funding for these smaller SBIC's. The fund will be financed through the proceeds of the existing preferred stock repurchase program. The availability of this special pool of leverage, along with leverage available to all SBIC's, will substantially increase the capital available for minority- and women-owned business investments.

In addition, the Senate provisions require that each SBIC, regardless of its size, invest at least 20 percent of its aggregate dollar investments in smaller enterprises. This new focus is designed to ensure that the smaller businesses continue to obtain full benefit of the SBIC program from all its participants.

The SSBIC provisions in the Omnibus Act contain some changes from the text of S. 1784, which unanimously passed the Senate. These changes are designed to address a number of the concerns raised by the SSBIC industry. Specifically,

First, the SSBIC's will be completely grandfathered from the new capital standards, which are contained in the legislation;

Second, the smaller SBIC's, which are essentially the SSBIC industry, will be unrestricted with regard to obtaining rollover or new leverage;

Third, investment companies with less than $10 million in capital, but more than $5 million, will be eligible for the participating securities program; and

Fourth, funds from the repurchase of SSBIC preferred stock will be set aside as a special reserve for debentures for the smaller SBIC's which is essentially the SSBIC industry. In addition, the specially set-aside debenture funds will be dedicated to investments in smaller enterprises—many of which are minority owned.

I believe that the SBIC and SSBIC provisions set forth in the Senate amendment are reasonable and will in turn benefit the small business community. In the bipartisan spirit of cooperation that has historically surrounded small-business legislation, I urge my colleagues to support the small business program reforms included in the Omnibus Appropriations Act.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would simply like to add additionally my thanks to the distinguished gentleman from Illinois [Mr. PORTER] for the cooperation which he has given us in handling the labor, health, education, social services bill. He is a good chairman, and we very much appreciate the courtesies that he has shown our side of the aisle.

I would also like to extend my appreciation to Martha Foley from the White House and also to Jack Lew, to Barbara Chow, Charles Keiffer, to John Hiley and to Franklin Raines, the new OMB director. A special thanks to Jim Dyer, who in his capacity as staff director has worked very well and very closely with all of us on both sides. Also from the committee, Jack Kole, and from my personal staff Christina Hamilton, Anne Georges, Joe Crapa, Paul Carver. Without the work of all of these people, we would not have been able to finish this monstrous effort without all winding up in the hospital. I appreciate their efforts very much.

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

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. CALLAHAN], distinguished 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 rise in support of this measure.

Mr. LIVINGSTON. Mr. Speaker, to conclude the argument and debate today on this final bill, I yield the balance of my time to the very distinguished gentleman from Georgia, the Honorable NEWT GINGRICH, Speaker of the House.

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Georgia [Mr. GINGRICH] is recognized for 6 minutes.

Mr. GINGRICH. Mr. Speaker, let me start by saying I think this is truly a historic evening and that I want to thank everyone on both sides who made this possible.

It took a tremendous amount of effort both here and in the other body and in the executive branch. It took a bipartisan effort.

I want to particularly single out Mr. OBEY and all of his staff and all the

members of his committee on the Democratic side who worked so hard, and I want to thank Chairman LIVINGSTON and his members and his staff who worked so hard.

I want to pick up a little bit on what Mr. OBEY said. Leon Panetta was up here, our former colleague, for 2 nights, until, I think, 4:30 one night and until 7 a.m. the next, working to get this done, not to drag it out, not to get into some kind of a mess, not to hang around for an extra 10 days, but to get it done and to get it done in a very detailed, very thorough and, I think, remarkably bipartisan way.

This Congress may at times have been very partisan. In the last week I think we have truly pulled the wagon together, the American people's wagon, in a remarkably solid way.

I also have to say that John Hiley did a very able job representing the President. And at one point last night we were sitting right over here with ALAN SIMPSON and LAMAR SMITH working on the illegal immigration bill. It was a truly bipartisan effort to scrub the bill and, I think, went from many, many changes to a very narrow range of changes and did it in a way that was very intelligent and very professional. I commend not just John but all the staff he brought with him from the executive branch.

I would also say that Martha Foley very ably represented the interests of the President. That is the way it should be in our constitutional system. Remember, our Founding Fathers designed, in the Constitution, they saw themselves as engineers. They wanted a machine so inefficient that no dictator could make it work. So they put part of the power over here, and we get elected every 2 years and we all pay a lot of attention, every morning, to what the American people think. Then across the way they created the Senate to represent the States, where we represent the people and where this is the people's House in the constitutional model, that is the States House, and only one-third of the Senators are up. And so their view is different than ours. And where we are a new body every 2 years, they are a continuing body. And they never quite change their rules.

They are deliberately and legitimately slower. When the country becomes more liberal, they do so more slowly. When the country becomes more conservative, they do so more slowly. That is the way it should be. Then the Founding Fathers took part of the power and put it downtown, and they elected an Executive every 4 years. That Executive has the power of the veto. And as we on our side found occasionally, it is a very powerful weapon.

On the other hand, back when we were in the minority and we had a Republican President, we thought it was a wonderful weapon. I think all of us in this House have learned a little more about this process in the last 2 years.

And then, just to make it really complicated, the Founding Fathers put a little building right over there called the Supreme Court which watches all of us. And their deliberate design was to create a system so complex and so cumbersome that no dictator could seize power and force it to happen and to create a system so cumbersome that no temporary tidal wave of popularity could force us to do dumb things that were not changeable.

Some days it is very frustrating. Some days it is very partisan. And then occasionally it matures and it comes together and people listen to each other and you have a few weeks, as we did this summer, when in one short week we reformed the health insurance system so every American had a chance to go out and change jobs without preconditions. In 1 short week, we passed the minimum wage. I would say to my friends, the Democratic Party, you won a great victory. Some of us swallowed more than we wanted to, yet it was clearly the American people's will. And the system worked exactly as it is supposed to.

In that same short week, we reformed welfare, ending an entitlement after 61 years. And for some it was a bitter defeat and for others it was wonderful victory. Yet at the end of the week, everyone had won something and everyone had somehow felt accommodated that the process was working.

Now we are here tonight. I could not say enough about Chairman LIVINGSTON, the team he assembled, the tremendous staff that Jim Dyer leads and the way in which this committee has served, saving $53 billion in domestic spending for the American people, the most successful Committee on Appropriations from a taxpayer's standpoint since World War II. The gentleman from Louisiana [Mr. LIVINGSTON] clearly played the lead role week in and week out and carried that burden.

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And I would say candidly, without the tough negotiations, the hard work and the willingness of the gentleman from Wisconsin [Mr. OBEY] to fight for his team but to fight within the process, this would not have happened, and I say to the gentleman, ''DAVE, I commend you.''

And I would say across the way, if I might, we have two great giants in the Senate, MARK HATFIELD, who we will all miss, who whether one agreed or disagreed, whether it was early in his career as a young boy governor reformer, whether it was as one of earliest opponents of the Vietnam war as an act of conscience, whether it was the vote last year against the balanced budget, because he honestly voted out of conscience, or whether it was working with him as we all did the last week, a remarkable tribute to the American system.

And his counterpart, I think probably the wiliest, the most clever and certainly the most knowledgeable Member of the Senate, BOB BYRD, who is just a giant who people will study for many centuries and say: That personifies the Senate at its most cagey, its most obstinate, and at the same time cherishes the ideals of why we have a Senate, even if we in the House often wonder why we have a Senate.

And they, of course, look over here and wonder why we have a House, and that is how the Founding Fathers intended. And I would say of Keith Kennedy and that fine staff, they were absolutely invaluable.

Illegal immigration. A tremendous breakthrough for all Americans who really do believe we must remain open as a land of legal migration, a beacon of hope for the whole planet, but we cannot be open for those who would break the law and come here. And yet tempered to some extent; we would argue about the tempering by very tough negotiations with the White House and with our friends, the Democrats.

The defense bill: I would just say to my colleagues watching what is happening in the Middle East, and I say this as an Army brat, we in this Congress stood firm for our men and women in uniform, and we have provided them on a bipartisan basis with better equipment, better training and better resources, and it was the right thing for us to do for those who risked their life for America. And I am proud of the gentleman from Florida [Mr. YOUNG], and I am proud of the gentleman from Pennsylvania [Mr. MURTHA], and I am proud of everybody who has worked on that, and I am proud of the gentleman from South Carolina [Mr. SPENCE], and I am proud of the gentleman from California [Mr. DELLUMS] and everybody who works on the Committee on National Security, and the two committees have worked together for a better America and for the young men and women who serve us.

On health care I have to say fighting to balance the budget, saving money, the gentleman from Illinois [Mr. PORTER] was a giant for research, for the National Institutes of Health, for breast cancer research, and I say to the gentleman, ''JOHN, we all owe you something,'' and those who get ill 20 years from now, who are saved by miracles of research that are undreamed of today, can look back to this Congress which said, yes, we will pinch pennies where it is wise, but we will not stint on the research that will save lives in the future. I thank the gentleman from Illinois for his leadership.

On parks I would just have to say that the gentleman from Ohio [Mr. REGULA] has done a tremendous job on the Interior bill, we worked very closely together, and I thank all my friends on both sides of the aisle, and I thank, I hope, the other body which I do not think yet acted, that we may actually get a bipartisan parks bill through before the evening is out or before next week is out because it is good for America and there are a lot of things

we can agree on on strengthening parks.

And finally, all of us are going home to a country that has the scourge of drugs and violent crime, and I just want to thank the gentleman from Kentucky [Mr. ROGERS] for his tremendous leadership in doing the right things to strengthen the FBI and the Drug Enforcement Administration and all the things that are happening there.

And as we think about what is happening in the Middle East, I want to thank our good friend, the gentleman from Alabama [Mr. CALLAHAN] for his leadership on the foreign operations bill. It is a very hard task, and no one thanks them for doing it, but it is for America's future and for our role in the world, and we are grateful.

Let me just say in closing I know some of my friends never quite got over my becoming Speaker, but that is all right in the historical process. I know that others were delighted that I was Speaker. I know that the American people will choose November 5. This is the peoples' House. It has been great to work with everyone, I think we are closing on the right bipartisan note, I think we do have accomplishments all of us can be proud of, from every background, from every part of the country, in both parties.

This is one of the earliest times we have adjourned, I think the earliest since I have been here that we will adjourn, and I just want to say in what is quite unusual this early in this season:

I wish all of you a very good time at home, a very safe journey whichever party you are in, whatever your campaign. I hope all of you have a very good future, and while it's very, very early, since we are not formally going to be in session, I actually wish all of you a very Merry Christmas. Thank you very, very much.

Mr. LAFALCE. Mr. Speaker, this bill contains one vital piece of banking legislation—a resolution of the BIF–SAIF problem. This provision—which has been developed on a bipartisan basis, in cooperation with the administration—would protect depositors and taxpayers by providing for the full near-term capitalization of the Savings Association Insurance Fund and ensuring against default on the FICO bonds issued to pay for the previous crisis in the thrift industry. The banks will help in this effort—as they should. Both banks and thrifts reap the benefits of Federal deposit insurance, and current healthy members of the thrift industry are no more responsible than are the banks for the thrift problems of the past. Both industries are now acting responsibility to put a potential crisis in the deposit insurance system behind us.

I have always contended that BIF–SAIF was the only banking legislation that must pass Congress this year, and I am pleased that it will. In addition, regulatory relief legislation—most notably in the lender liability area—is also a part of this package. The lender liability provisions in the pending bill in fact build upon bipartisan legislation I first introduced in 1989, and reintroduced repeatedly over the years, eventually garnering 290 bipartisan cosponsors. In my view, the lender liability provisions are among the most significant elements of the reg relief package.

I am also pleased the package contains the provisions granting limited purpose banks relief from the artificial and anticompetitive restrictions long placed on their operations. Since 1987, I have repeatedly introduced legislation or sponsored amendments that would correct this fundamental inequity. It is appalling that the correction has taken so long, but I am pleased to see it.

In broader terms, there has long been bipartisan support for legislation truly targeted at reduction of regulatory burden, yet during this House session the issue has become highly controversial. In part that is because of issues left unresolved in the Banking Committee's deliberations on financial modernization legislation. We will not see modernization legislation in this session of Congress and I see that as a fundamental failure of the committee. This country's financial services policy is seriously outdated and modernization legislation is essential and long past due. But this is not an area where any one policymaker's vision can be imposed. Nor is it an area where the pull and tug between affected interest groups can or should be allowed to be determinative. All the affected parties have legitimate concerns and deserve a fair hearing, but it is not for them to resolve the issue. I believe a proper balance of competing interests could have been achieved, and consensus legislation on financial modernization produced, if we had worked cooperatively on a bipartisan basis to that end.

Financial modernization is a policy area of national importance—highly technical and politically controversial. It is an area where Members of Congress can and should do what only they can do best—work in a seriously deliberative and bipartisan fashion with the Administration to craft the best possible consensus legislation. If we move in that direction during the next Congress, we can succeed.

The broader regulatory relief package has also been controversial in its own right, separate and apart from modernization issues. The central reason for that controversy was the gratuitous inclusion of provisions in the House bill that undercut important consumer protection laws under the guise of ''regulatory relief''. This ill-advised effort to undercut consumer protection, coupled with unnecessarily partisan deliberations, has seriously and unnecessarily jeopardized our ability to accomplish anything in this area to date. Thankfully, House and Senate Democrats working with the Administration have ensured that all of the provisions adversely affecting the Community Reinvestment Act have been stricken from the bill and other provisions which had an adverse impact on consumer protection have been largely revised to our satisfaction. While the bill is not perfect in these respects, the final draft of the banking provisions represents a major turnaround on these key issues.

BIF-SAIF

This legislation includes proposals I have advocated throughout this Congress for the reform of the federal deposit insurance system. Two years ago, I joined with Senator D'AMATO in requesting the GAO to study the deteriorating condition of the Savings Association Insurance Fund [SAIF] and to make recommendations to Congress. The study—issued in March of 1995—confirmed our worst suspicions that the SAIF was dangerously underfunded and that several major thrift failures could precipitate a new thrift crisis that could require additional funding from taxpayers. It also found that a projected 20-point disparity in insurance premiums paid by banks and thrifts would encourage further weakening of the SAIF and threaten potential default on the FICO bonds issued to help pay the cost of the last thrift crisis.

Shortly after the report was issued, I introduced twelve separate bills that outlined several alternative approaches for addressing the problems of the SAIF fund. Many of these proposals were incorporated in the so-called ''BIF–SAIF'' legislation approved by the Banking Committee last year and are now included in this legislation. These provisions provide for the immediate recapitalization of the SAIF fund by SAIF-member institutions, the merger of the SAIF with the Banking Insurance Fund [BIF] in 1999 and the sharing of the long-term FICO bond debt by all insured institutions.

These measures will finally bring closure to the thrift crisis of the 1980s and will do so without any additional cost to American taxpayers. The thrift industry will commit over $5 billion to fully capitalize the SAIF this year and the bank and thrift industries will provide $16 billion over 20 years to finance the FICO bonds. This is a significant financial outlay and a necessary one. While today's banks and thrifts cannot be held responsible for the thrift failures of a decade ago, they have an equal stake in preserving public confidence in our deposit insurance system.

REGULATORY RELIEF

Earlier House versions of the regulatory relief section of this bill raised very troubling concerns in the area of consumer protection. I am pleased that, because of the input of Senate and House Democrats working cooperatively with the administration, the bill has been very substantially improved in this area. I will speak only to three key areas of concern.

Earlier versions of the bill would have effectively eliminated the vital Community Reinvestment Act by exempting most banks from its coverage and eliminating the only existing enforcement mechanism. The final draft of the banking section of this bill does not adversely affect CRA in any regard.

Another major area of concern for me has been the elimination of civil liability under the Truth In Savings Act. Such an elimination would have totally undercut efforts to ensure compliance. The current bill would sunset the civil liability provisions in 5 years. It would certainly be my hope that long before we ever reach that date we will readily conclude that eliminating civil liability is a very poor idea.

Finally, I do not believe the consumer leasing provisions belong in this bill. The absence of full and comprehensible disclosure in the area of auto leasing confuses, and at worst deceives, more and more consumers each day. We are very ill-advised to legislate on this issue without a full understanding of the problem and alternative ways to approach its resolution. Yet provisions were incorporated in the House bill without any prior consideration by the Committee whatsoever. The provisions which have survived are less problematic than the original House provisions, which actually eliminated civil liability in key areas, but they are very troubling nonetheless. I will continue to press for serious pro-consumer action in this area during the next session.

LENDER LIABILITY

This continuing resolution also incorporates lender liability provisions which I strongly support and have advocated for 7 years. I introduced the first lender liability bill in 1989 in response to a small business in my district whose efforts to develop property were held up, not because of lack of interest or need, but by bank concerns about environmental liability.

In 1980, the Superfund law was passed after the well-known problems at Love Canal, located in my district, came to light. As part of that law, we recognized that not everyone with a tie to polluted property should be held liable. Lenders, who hold a mortgage or security interest in property, could potentially be construed as ''owners or operators,'' so the 1980 statute carved them out from liability if they didn't take part in the management of the vessel or facility.

However, court cases in 1985, culminating in the well-known Fleet Factors decision of 1990, eroded the certainty of the Superfund exemption. As a result, we witnessed a serious contraction in lending to certain types of borrowers and to certain parts of communities because of bank concerns about potential environmental liability.

After hearings in the House and co-sponsorship by some 290 members of a bill I introduced to clarify secured party and fiduciary liability, the Environmental Protection Agency promulgated a rule for lenders. That rule was overturned on procedural grounds and the clarity provided by the rule was lost.

Today, this bill provides the certainty sought for so long. The legislation effectively codifies elements of the 1992 EPA rule into statutory language to provide clarity and certainty regarding the liability of secured parties and fiduciaries for contaminated properties. These provisions will spur lending to borrowers and encourage the clean-up and redevelopment of hundreds of unused properties across the country. This is done without any expenditure of taxpayer dollars and without any weakening of current EPA liability standards.

The bill does not alter a lender's potential liability, in cases where liability is warranted; it does provide clarity and certainty on how to avoid liability. The bill restores elements of the EPA rule to protect Government agencies, notably the Federal Deposit Insurance Corporation, in the role of receiver or conservator of property. It provides certainty for fiduciaries, such as trustees, executors of estates, universities, pension fund managers and those involved in a trust role for securities. Finally, the bill provides reinforcement for the EPA rule on lender liability under the Solid Waste Disposal Act, a rule that is limited to petroleum underground storage tanks.

The beneficiaries of this bill will be banks, insurers, guarantors, and others in the business of extending or supporting credit and those to whom they will now be able to lend without artificial constraint. But the ultimate beneficiary should be our environment. With lenders and fiduciaries free to undertake their responsibilities, they may be better able to support environmental cleanup of damaged properties. All lenders, at large or small institutions, will have a clear blueprint on how to be involved with properties with environmental damage and to help restore these properties to use. Fiduciaries, who frequently acquire properties in trust after they assume their duties, will be able to make decisions on properties without fear that simply taking real property could trigger personal liability.

I am pleased that this measure, after so many years of effort, has finally been adopted. I must note that it was a pleasure to work with Congressman DOUG BEREUTER and Congresswoman MARGE ROUKEMA in the House Banking Committee to produce a version of this legislation not unlike the package that is before us today.

I also want to acknowledge the many industry groups and individual firms who have worked for years to see this resolution attained. I would note in particular the work of the Environmental Lender Liability Coalition with some 100 companies, trade groups, State officials and others in remaining a constant source of support, information and expertise on this important subject.

This small provision will have major ramifications for secured parties, fiduciaries, communities and the environment across the country and, I believe, all for the good.

Ms. MOLINARI. Mr. Speaker, I rise to support and explain an amendment in the Continuing Resolution which clarifies the effective date provision for Rules 413 through 415 of the Federal Rules of Evidence. The immediate enactment of this amendment is necessary to prevent the reversal of the convictions of rapists and child molesters, and the supervision of relevant evidence in pending sex offense prosecutions.

Congress enacted Rules 413 through 415 in the 1994 Crime Act. These rules broaden the admissibility of evidence that the defendant, in a sexual offense case, has committed offenses of the same type on the other occasions. At that time, Congress agreed to a deferred effective date provision when the rules were enacted, to accommodate procedural objections raised by opponents of the reform. Everyone understood that this would defer the application of the rules for at most 3000 days, and that they would be fully in effect after the end of that period. Under this effective date provision, the rules went into effect on July 10, 1995.

Recently, a problem has arisen in the cases where the indictment was filed before July 10, 1995, but the trial in the case has occurred, or will occur, after the date. Some judges have properly interpreted the effective date provision to make the rule apply in all cases in which the relevant proceeding—the trial—commences on or after the effective date of July 10, 1995, even though the case would be tried after that date. In *United States* v. *Hollis Earl Roberts*, 88 F.3d 872 (10th Cir. 1996), the Tenth Circuit Court of Appeals recently adopted this erroneously restrictive interpretation of the effective date language for the new rules.

This decision may result in the suppression of relevant similar crimes evidence in pending cases, like *Roberts*, in contravention of our judgment that evidence of this type should be admissible. It may also result in the reversal of convictions of rapists and child molesters that have already occurred in cases indicted before July 10, 1995, where the trial court admitted evidence under Rule 413 or 414.

The following are just a few of the cases that will be affected:

In the *Roberts* case, the defendant is charged with sexually assaultive crimes against three women. Several other women are prepared to testify that he raped or attempted to rape them as well. The trial court has already made a preliminary ruling that evidence of the defendant's other crimes will not be admitted independently of the new rules.

In United States versus David Kee Mann, a case in New Mexico, the defendant was convicted of molesting an 11-year-old girl, following a trial in which evidence was admitted under the new rules. There was testimony at the trial concerning similar crimes by another 11-year-old victim, and by a woman whom the defendant had sexually abused throughout her childhood and adolescence.

In United States versus Calvin Dean Peters, another New Mexico case, the defendant was convicted of a rape offense. He had previously been convicted of two other rapes, and evidence of these earlier crimes was admitted under the new rules.

When Congress enacted the new evidence rules, these were precisely the kinds of cases in which we wanted to be sure that the jury would have the basis for an informed decision, including information about the defendant's history of similar crimes. However, unless Congress acts immediately, it is predictable that important evidence will be suppressed, and the convictions of sexual predators will be overturned. This is an unnecessary injustice because Congress has already made the decision that evidence of this type should be admissible by enacting rules 413 and 414.

While some might argue this amendment presents a constitutional problem, this is not true. The Constitution's rule against ex post facto laws only prohibits criminalizing or increasing the penalty for conduct after it occurs. It does not limit the application of changes in evidence rules in pending cases. The Supreme Court has so held, most recently in *Collins* v. *Youngblood*, 497 U.S. 37, 43 n.3 (1990).

As a general proposition, changes in evidence rules apply to pending cases, as well as to those indicated after their enactment. The amendment I am proposing is necessary to correct the harmful effects of the Tenth Circuit's misunderstanding of our intent on this point in relation to rules 413 through 415.

It is essential that Congress enact this legislation immediately—before the end of this session—because of the effect of the Roberts decision on pending cases. The amendment will ensure that relevant, probative evidence will not be suppressed, and that convictions will not be pointlessly reversed, in the cases I have described and others like them. If we do not act, we will have to explain to the present and future victims of these sexual predators why we have handed the keys to the jailhouse door to their victimizers. I do not believe that any member of this chamber wants to be in that position. I strongly urge the enactment of this measure.

Mr. SMITH of Texas. Mr. Speaker, division C shall be considered as the enactment of the conference report (Rept. 104–828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to title V of the conference report.

The legislative history of division C shall be considered to include the joint explanatory statement of the committee of conference in Report 104–828, as well as the reports of the Committees on the Judiciary, Agriculture, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202

(Rept. 104–469, parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104–249).

The following records the disposition in division C of the provisions in title V of the conference report. (The remaining titles of the conference report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) to insert the provisions in section 501(c)(2) of the conference report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501.

Section 502. Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503. Strike.

Section 504. Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505. Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506. Strike.

Section 507. Redesignate as section 505.

Section 508. Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding report of the Comptroller General.

Section 509. Redesignate as section 507.

Section 510. Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511. Redesignate as section 509. Modify to change references to ''eligible aliens'' to ''qualified aliens'' and make other changes in terminology.

Section 531. No change.

Section 532. Strike.

Section 551. Modify to reduce sponsor income requirement to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other changes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552. Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553. Strike.

Section 554. Redesignate as section 553.

Section 561. No change.

Section 562. Strike.

Section 563. Redesignate as section 562.

Section 564. Redesignate as section 563.

Section 565. Redesignate as section 564.

Section 566. Redesignate as section 565 and modify to strike (4).

Section 571 through 576. Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591. No change.

Section 592. Strike.

Section 593. Redesignate as section 592.

Section 594. Redesignate as section 593.

Section 595. Redesignate as section 594.

Ms. MILLENDER-McDONALD. Mr. Speaker, I'd like to thank the gentleman for yielding. Mr. Speaker, I want to commend the Members of both Houses for the yeoman's job of putting together this omnibus bill and meeting the numerous funding priorities in this tough fiscal environment.

Many of us take for granted and do not recognize the arduous task this body faces each time they are asked to balance fiscal responsibility with our obligation to provide and our duty to govern effectively.

I would also like to thank the Chairman and the members of the committees on Transportation and Infrastructure, Appropriations, and the Subcommittee on Transportation Appropriations for having the vision to provide the funding for the Alameda corridor, to support the $400 million in direct loans, as requested by the President through the Federal Highway Administration.

While I was disappointed that unforseen circumstances caused the Alameda corridor project to be removed from a previous funding bill, I am pleased to see that the conflict was resolved and that this most important infrastructure project will be funded this year.

The Alameda Corridor will provide this country with a fast and efficient gateway to Pacific rim trade and will bolster our ability to compete in the burgeoning economic area.

Once completed the Alameda Corridor will generate more than 70,000 local jobs and close to 200,000 new jobs nationwide. The expanded trade, created by the construction of the corridor, through the ports, will create new jobs related to manufacturing, production, and the shipping and trucking of goods.

Today's funding environment requires a strong public-private partnership to finance projects of this nature. With over 75 percent of the cost of the project funded by State and local sources, the Alameda Corridor truly exemplifies the kind of public-private partnership that this Congress has long urged States and localities to pursue for important infrastructure projects.

I would like to thank the members of the California delegation for working together in a bipartisan manner to effectively move the project through this body and to bring to fruition plans and blueprints that were conceived long before many of us where sworn into office.

Let history reflect that the success of the Alameda Corridor is rooted in the bipartisanship that has helped to bring us to this point. I look forward to continuing to work with my colleagues from both parties and with President Clinton to see the Alameda Corridor through to its completion.

I yield back the balance of my time.

Mr. McHUGH. Mr. Speaker, I rise in support of H.R. 3610, the Omnibus Appropriation bill for fiscal year 1997. There are many good provisions in this measure and I am pleased that the Congress and the administration could work together in producing this necessary spending measure while avoiding a shutdown of government services.

Contained in this measure are specific provisions affecting the structure of the United States Postal Service. Specifically, section 662 of title I provides for the creation of an independent Office of Inspector General, a long needed and important postal reform. This provision is similar in scope to provisions contained in my legislation H.R. 3717, the Postal Reform Act of 1996. H.R. 3717 has been the subject of four legislative hearings this term and a proposal for creating an independent Office of Inspector General received House support during the 103d Congress. Through this omnibus package, this important measure will be seen through to fruition.

The need for an independent Office of Inspector General was highlighted by the General Accounting Office in its recent report to my Subcommittee on the Postal Service. Specifically, the GAO found that the current structure compromised the ability of the Postal Service Inspector General with respect to investigations and audits of the Postal Inspection Service. Current law provides that the Postal Service Inspector General and the Chief Postal Inspector are one and the same. This system is the product of the 1988 amendments to the inspector general statutes when the Postal Service first fell under the purview of the Inspector General Act.

The General Accounting Office found that:

> The Inspector General Act of 1978, as amended (IG Act), requires that IGs conduct audits in accordance with generally accepted government auditing standards. These standards require IGs to be organizationally independent of the operations they audit. Because the Postal IG is the Chief Postal Inspector and therefore not organizationally independent of law enforcement operations, the Postal IG can not audit these operations in accordance with the required standards.

Section 662 of title I of H.R. 3610 corrects this systemically flawed structure by mandating an independent Office of Inspector General. The Postal Service currently enjoys revenue fast approaching the $60 billion mark. It touches each and every one of us 6 days a week and provides universal mail service in order to bind together our geographically diverse country. The Postal Service is far too important for Congress and our constituents to leave the important role of agency watchdog to be compromised by a flawed management structure.

Pursuant to these provisions, the Inspector General will be appointed by the Governors of the Postal Service and may only be removed, for cause, upon the written concurrence of seven of the Governors. Following appointment by the Governors, the bill directs the IG to submit a 5 year strategic plan outlining the goals and staffing requirements for this new office. The transfer of authorities from the Postal Inspection Service to the IG will include all specific IG authorities as contained in the Inspector General Act of 1978. Importantly, the position of Chief Postal Inspector will remain a statutory position within section 204 of title 39. The amendment directs that the Chief Postal Inspector will report to, and be under the supervision of, the Postmaster General. The PMG will be required to notify the Governors and both Houses of Congress should he remove or transfer the Chief Postal Inspector to another position within the Postal Service. Further, these provisions will not require

the support of the taxpayer funds as the Postal Service is self-supporting and is not included in the omnibus federal budget.

Mr. Speaker, these amendments are common sense, practical reforms and should prove to make our Postal Service more respective and accountable. Hopefully, these amendments will represent the first step that Congress will take toward tackling the arduous issues surrounding postal reform and I am optimistic that, in the next Congress, we may be able to further address these complex issues.

Accordingly, Mr. Speaker, I urge all my colleagues to support the conference report on H.R. 3610.

Mr. STOKES. Mr. Speaker, I rise in support of the bill providing fiscal year 1997 funding for the Federal agencies under the auspices of the Appropriations Subcommittees whose regular appropriation bills have not been completed, including Defense, Commerce, Justice, Judiciary, foreign operations, Interior, Labor-HHS-Ed, and Treasury-Postal Service-general Government.

As a member of the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, I want to give special attention to the Labor-HHS-Ed component of the bill. While at each stage of the regular appropriations process, the majority here in the House opposed amendments to protect and strengthen education, summer jobs, employment training, Head Start, financial aid, and substance abuse treatment and prevention, and in fact, zeroed out funding for Healthy Start—a pro-life program that saves lives of babies, I am pleased, nevertheless, to say that I am encouraged by the investments that are now in this renegotiated version of the bill. However, the American people must clearly understand that these investments are the result of the Democrats and the President forcing the majority to do what is right for children, families, veterans, and seniors.

Mr. Speaker, it is because we stood hard and fast on our commitment to protect and to improve the quality of life of Americans that this bill now provides:

First, $556 million for safe and drug-free schools, so that children can have a safe and crime-free classroom in which to learn. Over 40 million students in schools and classrooms across the country will benefit from this investment.

Second, $7.7 billion is provided for title 1, so that disadvantaged children can have the assistance they need in basic reading and math. The $464 million increase will provide an additional 450,000 disadvantaged children the resources needed to help them to achieve their highest academic potential.

Third, $871 million is provided for summer jobs, so that 574,000 youth who need and want to work will have the opportunity to earn a little money, and learn good work ethics.

Fourth, $96 million is provided for the Healthy Start Program, so that families and their health care providers will have access to the critical resources they need to reduce infant mortality in poor inner city and rural communities throughout the country.

Fifth, $43 million is provided for injury control and prevention, so that the CDC has the resources it needs to further reduce the Nation's injury and violence epidemic.

Sixth, $12.7 billion, or an increase of $819 million, is provided for biomedical research at the National Institutes of Health.

Seventh, $996 million is provided for Ryan White AIDS which includes $167 million for the purchase of new AIDS drugs.

To restore the opportunity for students to pursue a college education, the bill includes $830 million for college work study, $158 million for Perkins loans, $50 million for State student incentive grants, and the Pell grant is increased to the maximum award of $2,700. An additional 150 thousand middle- and low-income students will benefit.

In addition, the bill includes $500 million for TRIO, $1.1 billion for the Job Corps Program and $1.3 billion for the Dislocated Workers Program. The bill also includes restoration of funding for substance abuse treatment and prevention, school-to-work, older workers programs, worker protections, LIHEAP, Goals 2000, libraries, and teacher training.

While this is just a snapshot of the investments won on the American people's behalf, and while we have not been provided a copy of the measure that we are about to vote on, I am encouraged by the provisions I have highlighted here.

I say encouraged because there are no assurances that the American people will ever really see the benefits of this investment. It is my hope that this is not just a paper exercise, or a mean hoax being played on the American people. I say that because it appears that the majority is already plotting post-election reversal of the concession made during negotiations on this bill. I understand the Republican conference chairman has been telling members to hold their fire on some funding issues because ''we can always have a rescissions bill in January.''

Each of us recalls the GOP's fiscal year 1995 rescission bill which threatened the lives of the most vulnerable citizens by gutting funding for the same education, human services, employment training, and health programs which the GOP is now proposing investments for today.

The poor children, ailing seniors, hard working families, and veterans of this country deserve a government that protects its quality of life, not jeopardize it.

I ask my colleagues, in good faith, to vote ''yes,'' and to let that vote of ''yes'' also mean that they will not vote to overturn this measure in January.

Mrs. COLLINS of Illinois. Mr. Speaker, jingle bells, jingle bells, jingle all the way? This omnibus appropriations bill for fiscal year 1997 is a huge Christmas tree, folks. The truth of the matter is that this huge Christmas tree can hide a multitude of errors and policy surprises if we pass it in our hurry to get out of town. Here we are, being asked to cast a vote on behalf of our constituents on a hastily prepared, barely reviewed, and full of who knows what. So, Members will stand up here and debate what little they know about the provisions of this catch-all bill, and we will vote on it. We will vote to provide appropriations for Defense, Commerce-Justice-State-Judiciary, Foreign Operations, Interior, Labor-HHS-Education, and Treasury-Postal Service-General Government, but we won't know the amounts that these Departments and agencies will receive because the final details are still being flushed out. Therefore, I cannot support this legislation.

This large, end of the year, last minute spending bill is necessary because, for the second straight year, in the normal appropriations process the Gingrich-Dole Republicans insisted on including provisions that they knew the President opposed and that they knew the majority of Democratic Members, such as I, who believe in fairness and in following the rules, stood against; Democratic Members, such as I, who stand for support and protection of the working families of America; Democratic Members, such as I, who seek to provide for the vulnerable among us: the children, the elderly, the disabled.

Until now, the Gingrich-Dole Republicans have opposed the valuable supportive programs that Federal funds guarantee across our communities. They have threatened reductions in health care, education, job training, crime reduction, child care subsidies, anti-terrorism efforts, and emergency assistance for persons affected by natural disasters. For the second straight year, the Dole-Gingrich Republicans have delayed the budget process—trying to get their way like a bunch of spoiled children—until we are bumped up against the start of the new fiscal year.

But because the public has made clear its strong disapproval of the Dole-Gingrich Republican's Government shutdown tactics, this year in an apparent election year conversion, the Republicans agreed to negotiate on funding important priorities such as those Democrats are known to champion. We are told that the bill provided us at this time includes agreement on essentially all of the President's priority budget requests, to the tune of approximately $6.5 billion dollars. But don't be fooled. The Gingrich Republican leaders of this Congress have pledged publicly and over-and-over again, that they will move to reverse these politically convenient concessions after the elections if they retain the leadership of the Congress.

Throughout the 104th Congress, I have been appalled at the tactics used by the extremist Dole-Gingrich Republican majority, designed to hold the Federal Government and the American people hostage to their extremist ideological agenda. Last year, in the passage of fiscal year 1996 appropriations bills, the draconian budget cuts proposed by the Republicans attempted to deliver critical blows to children and their families in their education, their health, their jobs and their safety; but, the President and the Democrats stood up for the American people and forced the Dole-Gingrich Republicans to add back level funding for many of the programs.

Mr. Speaker, at every turn of fiscal year 1996 and fiscal year 1997 budget negotiations the Dole-Gingrich extremists, simply refused to carry out their Constitutional responsibilities to govern fairly and equitably. It has been unbelievable. Adding insult to injury, they have continued the dangerous game of chicken that they have been playing with the lives of senior citizens, workers, small business people and all citizens of our country.

On the other hand, we Democrats and the President have stood so firmly in the face of extreme budget cuts and radically conservative tactics, that the Dole-Gingrich Republicans that control the Congress have been forced to accept the politically expedient strategy of negotiation in order to create an appropriations bill that would make it possible for the Federal Government to stay open a little while longer. Unfortunately, their best efforts are still not good enough for my constituents, not good enough for me and not good enough

for the American people. I oppose this last minute run to end this Congress. Mr. Speaker, I urge my colleagues to vote against this bill.

Mr. LAFALCE. Mr. Speaker, the procedure we followed on this continuing resolution should outrage every Member of Congress and the American public if they but knew.

I understand that as a Democrat I am a member of the minority party. That means that the Republicans, as the majority party, have the ability to pass legislation to implement their policies. That is the system and I fully support it.

I am not outraged just because I disagree with Republican policies against minority development. I am outraged because no one knows what is in this bill nor who put it here.

If a measure had been debated, supported by a majority of members and then offered for inclusion in this bill, that would have been one thing. But it is entirely something else to include proposals which have never been scrutinized.

The small business legislation which has been appended to this bill is a prime example.

A small business bill, H.R. 3719, was considered in the House Small Business Committee, amendments were offered and votes were taken. It was a free and open process. Then, following the usual process, the decisions of the committee were set forth in a full and explanatory committee report. Finally, the measure was brought before the House under an open rule and was further amended.

Since that time, the process which has been followed makes a mockery of our legislative process.

The other body had earlier marked-up a bill related solely to venture capital programs at the Small Business Administration. In doing so, they repealed the only viable venture capital program directed to the minority small business community, the Special Small Business Investment Company program or SSBIC program.

Yes, Mr. Speaker, the other body voted unanimously for the bill, but did they know what was in it? I submit they did not. There was no committee report then or now. Instead, the measure was simply brought up by unanimous consent and certainly was not debated.

A similar measure has been pending before the House Committee, on which I am privileged to sit as the ranking minority member. Neither bill, both of which eliminate an affirmative action program to encourage the providing of venture capital to minority firms, was ever brought before the House Small Business Committee for either amendment or approval.

Why wasn't it brought before the Committee? I believe the answer is obvious: It could not stand the light of day. Members would have overwhelmingly voted to strike the antiminority provisions.

I believe that they would have rejected other provisions which discriminate against smaller SBIC's by imposing requirements on them which are not proposed on bigger entities. How can the Small Business Committee advocate small business, except when they are involved in SBA programs?

Mr. Speaker, I offered to sit down and talk about this major problem, repeal of a minority program. My overtures were repeatedly rejected. It was deemed essential by my Republican colleagues to quietly repeal a minority venture capital program, while at the same time they were publicly saying that they would defer legislative attacks on affirmative action until the new Congress.

Instead of acceding to my request to talk, the Republicans had a better plan: Let the other body add the anti-minority provisions to the bipartisan supported small business omnibus bill and then force the House into an up-or-down vote on the whole package. That essentially gives the Members an impossible choice between hurting a number of small business programs they support or eliminating a minority program they support.

Unfortunately for this plan, it required the unanimous consent of all Members of the other body, and it did not receive it.

Did this bring my Republican colleagues to the negotiating table? It did not. Instead, they determined to take advantage of the confusion which reigns in the closing hours of a Congress and try to add the antiminority language to the voluminous provisions of the continuing resolution.

Have they been successful in this attempt? Apparently yes. The lack of a bill for us to examine leads me to believe that the latest strategy has been successful.

Earlier I had publicly stated that I would strongly oppose any small business bill which proposed the repeal of a minority program, even if the result, inter alia, would have been to close, at least temporarily, an SBA plant and equipment financing program, the 504 program, which I authored 16 years ago. And I would have done so.

But now the stakes are much higher. I cannot vote to close a large part of the Federal Government and its programs by voting to defeat this massive appropriations bill.

The Republicans have won this battle, which they would not have if the issue of affirmative action had been presented to the House for consideration on the merits, rather than being appended to volumes of other measures.

I do take this opportunity, however, to advise my colleagues, that one of the first bills that I will introduce upon the convening of the 105th Congress will be legislation to reverse the ill-advised action taken today, as I assume the appropriations bill will be adopted. I hope that a majority of my returning colleagues and my new colleagues will join in support of promoting the availability of venture capital to small firms, particularly those owned and operated by minorities.

Mr. KOLBE. Mr. Speaker, as a member of the House Interior Appropriations Subcommittee, I wanted to speak about a provision that was included in the subcommittee's version of the fiscal year 1997 Interior Appropriations bill—H.R. 3662—but is not incorporated in the fiscal year 1997 omnibus appropriations package. More specifically, I'm talking about Section 317 of H.R. 3662. Section 317 authorized and approved the U.S. Forest Service's approval of alternative site 2 as the location for the Large Binocular Telescope atop Mount Graham in southern Arizona. I asked that this provision be removed from the bill, and I'd like to explain why.

I offered an identical amendment to the Omnibus Consolidated Recissions and Appropriations Act of 1996. Section 335 of the bill amended Public Law 100–696, the Arizona-Idaho Conservation Act of 1988 [AICA] by permitting the use of a location as Alternative Site 2 on Emerald Peak on Mt. Graham for the construction of the Large Binocular Telescope. The Large Binocular Telescope [LBT], is the last of the first three telescopes authorized by the Arizona-Idaho Conservation Act. The language in Section 335 was quite simple. It stated that the use of Alternative site 2 ''is hereby authorized and approved and shall be deemed to be consistent with and permissible under'' the Arizona-Idaho Conservation Act of 1988.

Section 335 was made part of the act to ensure that the Mt. Graham International Observatory project could proceed to build and begin operation of the LBT at the earliest possible time, without further delays from litigation or other delaying tactics which were employed in the past and continue to this date. Those involved in the field of astronomy know that the LBT is a vital part of the observatory and its completion has been delayed far too long by those who have sought to stop this important project.

As I stated on the floor of the House of Representatives when the Omnibus Recissions and Appropriations Act was being debated, the purpose of section 335 was ''to clarify, once and for all, that the alternative site for the Large Binocular Telescope falls within the parameters established by Congress for the Mt. Graham telescopes'' and that passage of this provision would close ''this unfortunate chapter of the Mt. Graham Observatory.'' It embodied the intent of Congress that, hereafter, opponents of the observatory would not be able to contend successfully that alternative site 2 was not covered by AICA's exemptions from otherwise applicable laws. As is clear on its face, the purpose of section 335 was to change substantive law by amending AICA to bring alternative site 2 fully within its protections.

Despite the clarity of section 335, opponents of the Mt. Graham Observatory challenged the provision in court, claiming that it was not the intent of Congress to amend AICA to permit the construction of the LBT on alternative site 2 and also contending that any such amendment was unconstitutional. On June 17, 1996 the United States Court of Appeals for the Ninth Circuit issued a decision rejecting those claims. The court found that the operative provision of the section consisted of ''terms of present and future'' effect. The court concluded that section 335 ''specifies that the selection of—alternative site 2—falls within the authorization of AICA.'' The court also found that section 335 ''is a change in AICA, which Congress is entitled to make.''

Clearly, it was the intent of Congress that section 335 of the Omnibus Consolidated Recissions and Appropriations Act of 1996 (Public Law 104–134) effect a permanent change in AICA. Congress wanted to ensure the prompt construction and operation of the LBT, by its nature a permanent structure, as a part of the Mt. Graham International Observatory. Unequivocally, the Ninth Circuit Court of Appeals decision validated our congressional action.

Mr. Speaker, as the author of section 335 of Public Law 104–134, I can state with great conviction that the courts have interpreted congressional intent accurately and succinctly. Section 335 was intended to effect a permanent change in the Arizona-Idaho Conservation Act of 1988. Because this amendment to AICA has been accomplished and has been interpreted by the courts in a way which is consistent with congressional intent, I do not believe any further legislative clarification is

needed. Therefore, in view of the fact that AICA has been amended and need not be amended again, it is no longer necessary to include Section 317 of H.R. 3662 in the 1997 omnibus appropriations bill. This is why I asked Senator GORTON to remove this provision from the Senate version of the 1997 Interior Appropriations bill and why I requested that House Subcommittee Chairman REGULA not include the Mt. Graham measure in any further appropriations bill. Hopefully, Congress will not have any further need to clarify its intent regarding the Mt. Graham International Observatory project.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the economic development project planned in Florida for the Homestead Motorsports Complex. The international motorsports museum and tourist attraction will be a major, year-round economic development engine which will go a long way toward revitalizing the Homestead and South Dade communities. The museum and tourist attraction will bring in more than half a million tourists per year and generate more than 100 jobs in a wide variety of areas.

The project is also a true public-private partnership, with the private sector committed to contributing one-third of the development costs, state and local governments another third and the Federal Government the remaining third.

Mr. Speaker, in light of the economic distress which continues to plague Homestead and South Dade and the strong economic development potential of the proposed motorsports museum, I strongly believe that this project deserves grant support from EDA in fiscal year 1997.

Mr. Speaker, I look forward to working with the chairman of the Subcommittee on Commerce, Justice, and State Appropriations in the 105th Congress to advance this promising initiative.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of the Omnibus Appropriations Act. Within this massive bill is a small provision that is of utmost importance to the people of Pacific County in my district.

Along the southwest coast of Washington State, Highway 105 in Pacific County has eroded away under pressure from the wave action in Willapa Bay. The Highway is under imminent threat of being washed away—it could be breached at any time.

I am pleased to report that this bill makes Highway 105 eligible for emergency funds so that action can be taken before the road washes away. This legislation will give the Federal Highway Administration the flexibility they need to ensure that the road does not breach.

This is commonsense legislation. If the road breaches it would cost the Federal Government $30 million to repair the road. We would also have about a $82 million hit to the economy, particularly to small cranberry growers who would lose their soil forever if the ocean overruns the road. It would also impact a small Indian reservation that has a high infant mortality rate.

This legislation ends a long process for the hard-working people of places like Tokeland, Grayland, North Cove, and Willapa. These people need the certainty that the road will not be washed out and that private property and cranberry bogs will not be destroyed. The action that will take place as a result of this proposal will give them this certainty.

I want to thank Chairman FRANK WOLF and Chairman BUD SHUSTER, both of whom worked with to protect the fragile environment and economy of Pacific County.

Mr. CALLAHAN. Mr. Speaker, I would like to take a few moments to explain just a few of the important highlights found in the 1977 foreign operations and export financing appropriations bill contained in the Omnibus Appropriations bill now before the House.

First, this bill includes a tremendous Republican accomplishment—the creation of a new $600 million child survival and disease prevention account. Each year millions of innocent children die from indiscriminate diseases. In most cases these deaths can be prevented. The establishment of this new account is a major step toward that goal. It also reflects the powerful commitment of this Congress to the eradication of infectious disease—including that cruel crippler of young children, polio—as well as the immunization of children everywhere.

If there is a disappointment, it is that some in the executive branch have opposed our effort to focus on children and infectious diseases. I think it is time for administration bureaucrats to stop carping and to get on with this critical program.

We also stood up to the administration on another extremely important issue affecting children. We firmly rejected the President's proposed cut in funding for the United Nation's children fund [UNICEF]. This is exactly the kind of foreign aid that really works and, not surprisingly, that the American people strongly support.

Second, this bill continues to protect taxpayer dollars. As important as some of these activities are, foreign aid should not grow at the expense of domestic programs. We have provided a balanced mix of humanitarian aid, export promotion, full funding for the fight against narcotics, and continued support for long-term development.

Finally, I want to thank the congressional leadership and the President's Chief of Staff for negotiating the difficult problem of international family planning and abortion. None of us are perfectly happy with the result. Nonetheless, it does seem to represent a fair outcome, one which reflects this bill's strong emphasis on protecting children. The Speaker, the majority leader, their staffs and mine—all deserve credit for spending hours in the middle of last night doing their utmost to protect mothers and infants from attempts by some to use Federal family planning in conjunction with private funding of abortion.

I would also like to close with a well-deserved ''thank you'' to all the members of my subcommittee. Each and every one of them directly contributed to this very bipartisan effort. I appreciate it very much and look forward to working together with all of you again next year.

Mr. Speaker, I urge support of the conference agreement.

Mr. MOAKLEY. Mr. Speaker, I want to begin by congratulating Senator JOHN KERRY for securing an additional $35 million for the Boston Harbor cleanup despite overwhelming hurdles.

Senator KERRY and President Clinton managed to convince the Republican Congress that the Boston Harbor cleanup, the biggest unfunded mandate in this country, cannot be borne by the Massachusetts ratepayers alone.

Mr. Speaker, I'm glad to see the Republican Congress is getting closer to coming around to our way of thinking.

I'm glad to see the Republican Congress agreed with President Clinton this time and realized that he, and the Democrats in Congress, would settle for nothing less in this bill than increases in education funding, environmental protection, and more resources for law enforcement.

But the first versions of this bill were unacceptable. And I'm sorry to see that after 2 years in the majority, my Republican colleagues still don't understand what the American people want. I'm sorry to see that, after 2 years in charge of Congress, the thing the Republicans are proudest of, their greatest accomplishment, is an empty ice bucket.

And the reason that ice bucket is empty, Mr. Speaker, is because its contents were transfused into their veins just before they voted against school lunches and Medicare—all to pay for tax cuts for the very very rich.

But, Mr. Speaker, that is not what the American people care about. The American people don't really care about tax breaks for the very rich. The American people don't really care about who sits where on Air Force One and they certainly don't want the House Republicans to cut their parents' Medicare to pay for tax breaks for the rich.

The American people want their children to get a good education and be able to pay for college. The American people want stable jobs that earn living wages. The American people want their environment protected, not sold to the highest bidder. And the American people want their Government to stay open.

Lucky for the American people, the Democrats in Congress listen to what they want. House Democrats have fought tooth and nail over the last 2 years to stop the bad ideas—to stop the ideas that can't pass the ice bucket test. And, Mr. Speaker, I think we've been pretty successful.

Today's continuing resolution is the last example of that fight. We started out with a bill that didn't provide enough funding for the programs Americans care about like education, crime prevention, and environmental protection. And we fought until the bill got better.

Mr. LAZIO of New York. Mr. Speaker, I rise in support of title II of the fiscal year 1997 Omnibus Appropriations Act of 1997. Aside from the important resolution of the BIF/SAIF issue, this title includes important bank regulatory relief provisions. I would like to commend the stamina of our chairman, JIM LEACH for pushing these important provisions. The Banking Committee and the White House came to an agreement at 5:00 yesterday morning to include provisions related to the Real Estate Settlement Procedures Act of 1974.

Inclusion of these provisions begins the process whereby Congress, consumer advocates and the settlement services industry can serve a public policy purpose rationally: first, the provisions protect and guarantee the rights of the consumer from illegal steering and other unethical practices, and second, the provisions provide the necessary regulatory relief that allows the flexibility to expand homeownership with innovative marketing, employee incentives and product delivery.

I believe that all Members involved in this process would agree that RESPA, although well-intentioned and practical in the 1970's, is outdated in the 1990's. The act does not recognize technology nor provide flexibility to meet the challenges of the rapidly evolving settlement service industry of the 21st century.

Congress enacted sec. 8 of RESPA in 1974 because of concerns that millions of homebuyers, who spend millions of dollars on required settlement services, such as title insurance and appraisals, would be steered to particular settlement providers if a person in a position to refer settlement services received a payment on a thing of value in exchange for a referral of those settlement services. Thus, RESPA was intended to keep the cost of settlement services down by prohibiting fees for mere referrals of settlement business.

Since the 1970's, however, similar to other industries, the settlement service sector has been consolidating in order to maximize its efficiencies. These consolidations provide a new phenomena where ''one-stop shopping'' provides affordable, simplified and accessible settlement services to consumers. Let's look at computers for example: in 1974 when RESPA became law, no one had access to computers; now, under the innovations of the industry, consumers have access to numerous national lenders and settlement service providers through the electronic media.

In 1992, the Bush-Kemp administration recognized these changes in the settlement services industry and issued new and final regulations. These regulations, among other things, allowed for computer loan originations and the ability of an employer to pay employees incentives for generating and referring business to affiliated companies.

Under the Clinton administration, however, HUD, beginning in 1994 and culminating in final regulations on June 7, 1996, sought to reverse these regulations and ultimately reverse marketplace innovations. HUD wants to prohibit employers from compensating their own employees for marketing the products and services of affiliated companies that provide real estate settlement services. This means that multi-affiliate companies will not be able to compensate the employees of various subsidiary corporations to market settlement service products. Congress, in my view, never intended RESPA to regulate how employers paid their employees. Thus, HUD's interpretation of the RESPA statute as expressed in its June 7 regulation goes far beyond congressional intent.

Because of the input by the settlement services industry, however, HUD recognized the technical difficulties associated with the sweeping nature of their rule, and just this week, published an announcement indicating its intent to issue a technical correction to their June 7th RESPA regulation. These corrections will include one of the most basic concerns—the ability to package settlement service products and will allow lender to package loan products.

These corrections, however, do not go far enough, nor are they consistent with the full spirit and intent of Congress on this issue. Therefore, section 2103 of this bill includes an important provision, which delays the effective date to July 31, 1997 of HUD regulations relevant on employee compensation to bona fide employees. This extension will provide HUD more opportunity to refine and review its June 7th regulation, which, in its current form, would thwart marketplace innovations. Second, the provision will simplify disclosure requirements for referrals through technology.

While I believe that HUD's interpretation of RESPA is narrower than Congress' intent, I understand that HUD believes it needs legislative guidance to keep in place the 1992 Bush-Kemp regulation, upon which the settlement service industry has relied for the past 4 years. In my view, Congress has already spoken on these issues, and HUD correctly interpreted congressional intent in its 1992 regulation. However, given HUD's possible misinterpretation or stretch of congressional intent, we, Congress, will need further time to review and provide, once again, clear and explicit guidance.

Quite simply, HUD without congressional oversight, will insist that Government regulations prohibit direct employee compensation or incentives through affiliated businesses at a cost to homebuyers. HUD's actions suggest that it believes that all or most real estate agents contrive against potential buyers. I will remind HUD that under a free market, the primary goal of any proprietor, including lenders and real estate agents, is to get the buyer and seller through settlement, inexpensively and expeditiously, so commissions can be paid and that, ultimately, the buyer will return to them in the future when they sell or buy another home. Thus, through the market itself, free competition will provide the premium consumer protection.

I am confident that the delay in implementing the June 7 regulation will allow Congress to return to this issue with a more comprehensive approach, which could include a possible complete rewrite of RESPA.

However, until then, HUD's antifree-market approach and patronizing demeanor with consumers only precludes a wider, more cost-effective and innovative approach to the availability of settlement services.

Let's remember the people we are here to serve.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the Miami Free Zone and to encourage the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary to look favorably upon the Free Zone next Congress.

The Free Zone processes an average of $1.35 billion in merchandise each year and employs directly 70 people. Its over 140 tenants generate employment for an additional 1,400 at the facility, and additional Miami employment, as a result of the Free Zone's activities, is estimated to be 2,150. In order to support this enterprise, the Miami Free Zone must maintain extensive 24-hour security for its 860,000 square feet of warehousing, showroom and office space. This security costs over $500,000 per year in addition to $800,000 in yearly property tax. The Free Zone must pay these taxes even though the U.S. Customs Service is a tenant on the property.

These costs are putting the Free Zone at a considerable competitive disadvantage over privately owned bonded warehouse operations throughout the State which offer the same advantages to foreign distributors without the security and strict, on-site customs regulations under which the Free Zone must operate. The result is a loss of control for U.S. Customs and security as well as a loss of economic benefits generated by the Miami Free Zone. Exacerbating this scenario are foreign trade zones which have been recently approved in the federally designated Enterprise Zone area of south Dade—only 10 miles from the current Miami Free Zone. The advantages of the Enterprise Zone designation include a 96 percent property tax credit, a 97 percent sales tax refund on machinery, equipment and building materials; and a 100 percent reimbursement of impact fees. Clearly these advantages will create unfair competition with the current, established Miami Free Zone.

Further, these business disadvantages have resulted in the necessity of the Free Zone taking out $23 million in loans to provide a competitive environment which will continue to attract foreign business to the more expensive property. It is the debt service on these necessary loans which is now causing the Free Zone to lose money with disastrous economic consequences for south Florida. Given the complexity of this problem, I am convinced that congressional assistance is necessary in order to maintain current Free Zone operations in a secure, compliant environment.

I believe the current burden on the Miami Free Zone could be lessened in several ways which would be fair to all parties involved and with no actual cost to the Federal Government. A Federal guarantee through the Small Business Administration Loan program for the Free Zone's $23 million in loans, or a large piece of it, would lessen the debt burden through lower interest. This could be done at no real cost to the Federal Government. It is therefore my desire that the Small Business Administration work with the subcommittee to support a loan guarantee. The Miami Free Zone, technically a small business, has been a driving force in south Florida's emergence as a global trade center since the late 1970's and is an important focal point for the generation of new small- to medium-sized businesses and the creation of new jobs in South Florida. This is a case that cries out for special assistance; and I, therefore, urge your support to examine and help resolve this issue. Thank you.

The SPEAKER pro tempore (Mr. DREIER). Without objection, the previous question is ordered on the conference report.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Speaker, I offer a motion to recommit the conference report accompanying H.R. 3610.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. COLEMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLEMAN moves to recommit the conference report to accompany the bill, H.R. 3610, to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 37, answered ''present'' 1, not voting 26, as follows:

[Roll No. 455]

YEAS—370

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Collins (GA)
Collins (IL)
Combest
Condit
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
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
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—37

Barcia
Barton
Becerra
Beilenson
Burr
Chabot
Chenoweth
Coble
Coburn
Coleman
Cooley
Cox
DeFazio
Duncan
Hall (TX)
Hefley
Hoekstra
Hyde
Istook
Jacobs
Kanjorski
Kaptur
Klink
Klug
Largent
Nadler
Neumann
Rohrabacher
Roybal-Allard
Salmon
Sanford
Scarborough
Schroeder
Sensenbrenner
Stearns
Stockman
Tiahrt

ANSWERED ''PRESENT''—1

Dornan

NOT VOTING—26

Baker (LA)
Berman
Blumenauer
Boucher
Cardin
Collins (MI)
Conyers
Dellums
Durbin
Filner
Flake
Fowler
Frank (MA)
Green (TX)
Hancock
Hayes
Heineman
LaFalce
Lincoln
Lipinski
Menendez
Myers
Quillen
Taylor (NC)
Waters
Waxman

□ 2215

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Menendez against.

Mr. SENSENBRENNER and Mr. BEILENSON changed their vote from ''yea'' to ''nay.''

Mr. SERRANO changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 546, H.R. 4278 is considered as passed and the motion to reconsider is laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed bills of the following titles in which the concurrence of the House is requested:

S. 555. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

S. 1194. An act to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes.

S. 1649. An act to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes.

S. 1711. An act to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

S. 1874. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974.

APPOINTING DAY FOR CONVENING FIRST SESSION OF 105TH CONGRESS AND COUNTING 1996 ELECTORAL VOTES

Mr. ARMEY. Mr. Speaker, I offer a joint resolution (H.J. Res. 198) appointing the day for the convening of the first session of the 105th Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 198

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DATE FOR CONVENING OF THE ONE HUNDRED FIFTH CONGRESS.

The first regular session of One Hundred Fifth Congress shall begin at noon of Tuesday, January 7, 1997.

SEC. 2. DATE FOR COUNTING 1996 ELECTORAL VOTES IN CONGRESS.

The meeting of the Senate and House of Representatives to be held in January 1997 pursuant to section 15 of title 3, United States Code, to count the electoral votes for President and Vice President cast by the electors in December 1996 shall be held on January 9, 1997 (rather than on the date specified in the first sentence of that section).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR ADJOURNMENT SINE DIE OF BOTH HOUSES OF CONGRESS

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 230) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 230

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Monday, September 30, 1996, or of Tuesday, October 1, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Monday, September 30, 1996, or Tuesday, October 1, 1996, on a motion offered pursuant to this concurrent resolution by the Majority Leader, or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, SEPTEMBER 30, 1996

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS FOR REMAINDER OF SECOND SESSION OF 104TH CONGRESS

The SPEAKER laid before the House the following communication:

WASHINGTON, DC,
September 28, 1996.

I hereby designate the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Frank R. Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions for the remainder of the second session of the One Hundred Fourth Congress.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the designation is agreed to.

There was no objection.

VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3118) to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Health Care Eligibility Reform Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

Sec. 101. Eligibility for hospital care and medical services.
Sec. 102. Revision in authorities for provision of priority health care for certain veterans exposed to specified toxic substances.
Sec. 103. Prosthetics and preventive care.
Sec. 104. Management of health care.
Sec. 105. Authorization of appropriations.
Sec. 106. Assessment of implementation and operation.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects.
Sec. 202. Authorization of major medical facility leases.
Sec. 203. Authorization of appropriations.
Sec. 204. Strategic planning.
Sec. 205. Revision to prospectus requirements.
Sec. 206. Construction authorization requirements.
Sec. 207. Terminology changes.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

Sec. 301. Revision of authority to share medical facilities, equipment, and information.
Sec. 302. Improved efficiency in health care resource management.
Sec. 303. Personnel furnishing shared resources.
Sec. 304. Waiting period for administrative reorganizations.
Sec. 305. Repeal of limitations on contracts for conversion of performance of activities of Department health-care facilities and revised annual reporting requirement.

Subtitle B—Care of Women Veterans

Sec. 321. Mammography quality standards.
Sec. 322. Patient privacy for women patients.
Sec. 323. Assessment of use by women veterans of Department health services.
Sec. 324. Reporting requirements.

Subtitle C—Readjustment Counseling and Mental Health Care

Sec. 331. Expansion of eligibility for readjustment counseling and certain related counseling services.
Sec. 332. Reports relating to Vet Centers.
Sec. 333. Advisory Committee on the Readjustment of Veterans.
Sec. 334. Centers for mental illness research, education, and clinical activities.
Sec. 335. Committee on Care of Severely Chronically Mentally Ill Veterans.

Subtitle D—Other Provisions

Sec. 341. Hospice care study.
Sec. 342. Payment to States of per diem for veterans receiving adult day health care.
Sec. 343. Research corporations.
Sec. 344. Veterans Health Administration headquarters.
Sec. 345. Disbursement agreements relating to medical residents and interns.
Sec. 346. Authority to suspend special pay agreements for physicians and dentists who enter residency training programs.
Sec. 347. Remunerated outside professional activities by Veterans Health Administration personnel.
Sec. 348. Modification of restrictions on real property, Milwaukee County, Wisconsin.
Sec. 349. Modification of restrictions on real property, Cheyenne, Wyoming.
Sec. 350. Name of Department of Veterans Affairs Medical Center, Johnson City, Tennessee.
Sec. 351. Report on health care needs of veterans in east central Florida.
Sec. 352. Evaluation of health status of spouses and children of Persian Gulf War veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—ELIGIBILITY REFORM

SEC. 101. ELIGIBILITY FOR HOSPITAL CARE AND MEDICAL SERVICES.

(a) NEW CRITERIA FOR ELIGIBILITY FOR CARE.—Section 1710(a) is amended to read as follows:

''(a)(1) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed—

''(A) to any veteran for a service-connected disability; and

''(B) to any veteran who has a service-connected disability rated at 50 percent or more.

''(2) The Secretary (subject to paragraph (4)) shall furnish hospital care and medical services, and may furnish nursing home care, which the Secretary determines to be needed to any veteran—

''(A) who has a compensable service-connected disability rated less than 50 percent;

''(B) whose discharge or release from active military, naval, or air service was for a compensable disability that was incurred or aggravated in the line of duty;

''(C) who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section;

''(D) who is a former prisoner of war;

''(E) who is a veteran of the Mexican border period or of World War I;

''(F) who was exposed to a toxic substance, radiation, or environmental hazard, as provided in subsection (e); or

''(G) who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

''(3) In the case of a veteran who is not described in paragraphs (1) and (2), the Secretary may, to the extent resources and facilities are available and subject to the provisions of subsections (f) and (g), furnish hospital care, medical services, and nursing home care which the Secretary determines to be needed.

''(4) The requirement in paragraphs (1) and (2) that the Secretary furnish hospital care and medical services shall be effective in any fiscal year only to the extent and in the amount provided in advance in appropriations Acts for such purposes.''.

(b) TRANSFER OF PROVISION.—Chapter 17 is amended—

(1) by redesignating subsection (g) of section 1710 as subsection (h); and

(2) by transferring subsection (f) of section 1712 to section 1710 and inserting such subsection so as to appear after subsection (f), redesignating such subsection as subsection (g), and amending such subsection by striking out ''section 1710(a)(2) of this title'' in paragraph (1) and inserting in lieu thereof ''subsection (a)(3) of this section''.

(c) REPEAL OF SEPARATE OUTPATIENT CARE PRIORITIES.—(1) Section 1712 is amended—

(A) by striking out subsections (a) and (i);

(B) by redesignating subsections (b), (c), (d), (h) and (j), as subsections (a), (b), (c), (d), and (e), respectively; and

(C) in subsection (b), as so redesignated, by striking out ''subsection (b) of this section'' and inserting in lieu thereof ''subsection (a)''.

(2)(A) The heading of such section is amended to read as follows:

''§1712. Dental care; drugs and medicines for certain disabled veterans; vaccines''.

(B) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

''1712. Dental care; drugs and medicines for certain disabled veterans; vaccines.''.

(d) CONFORMING AMENDMENTS TO CHAPTER 17.—Chapter 17 is further amended as follows:

(1) Section 1701(6)(B)(i) is amended—

(A) in subclause (I), by striking out ''section 1712(a)'' and inserting in lieu thereof ''paragraph (1) or (2) of section 1710(a)''; and

(B) in subclause (II), by striking out ''section 1712(a)(5)(B)'' and inserting in lieu thereof ''paragraph (1), (2) or (3) of section 1710(a)''.

(2) Section 1710(c)(1) is amended by striking out ''section 1712(b)'' and inserting in lieu thereof ''section 1712(a)''.

(3) Section 1710(e)(1)(C) is amended by striking out ''hospital care and nursing home care under subsection (a)(1)(G) of this section'' and inserting in lieu thereof ''hospital care, medical services, and nursing home care under subsection (a)(2)(F)''.

(4) Section 1710(f) is amended—

(A) in paragraph (1), by striking out ''subsection (a)(2)'' and inserting in lieu thereof ''subsection (a)(3)''; and

(B) in paragraph (3)(E)—

(i) by striking out ''section 1712(a) of this title'' and inserting in lieu thereof ''paragraph (3) of subsection (a)''; and

(ii) by striking out ''section 1712(f) of this title'' and inserting in lieu thereof ''subsection (g)''; and

(C) in paragraph (3)(F), by striking out ''section 1712(f) of this title'' and inserting in lieu thereof ''subsection (g)''.

(5) Section 1712A is amended—

(A) in subsection (b)(1), by striking out ''under the conditions specified in section 1712(a)(5)(B) of this title''; and

(B) in subsection (e)(1), by striking out ''sections 1712(a)(1)(B) and 1703(a)(2)'' and inserting in lieu thereof ''sections 1703(a)(2) and 1710(a)(1)(B)''.

(6) Section 1717(a) is amended—

(A) in paragraph (1), by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1710(a)''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking out ''paragraph (1) of section 1712(a) of this title'' and inserting in lieu thereof ''section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title''; and

(ii) in subparagraph (B), by striking out ''section 1712'' and inserting in lieu thereof ''section 1710(a)(2)''.

(7) Section 1718(e) is amended by striking out ''section 1712(i)'' and inserting in lieu thereof ''section 1705''.

(8) Section 1720(f) is amended—

(A) in paragraph (1)(A)(ii), by striking out ''section 1712(a)(1)(B)'' and inserting in lieu thereof ''paragraph (1), (2), or (3) of section 1710(a)''; and

(B) by striking out paragraph (3).

(9) Section 1722 is amended—

(A) in subsection (a), by striking out ''section 1710(a)(1)(I)'' and inserting in lieu thereof ''section 1710(a)(2)(G)''; and

(B) in subsection (f)(3), by striking out ''or 1712(f)''.

(10) Section 1729(g)(3)(A) is amended by striking out ''under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services,'' and inserting in lieu thereof ''under subsection (f) or (g) of section 1710 of this title for hospital care, medical services, or nursing home care''.

(e) OTHER CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Section 1525 is amended—

(A) in subsection (a), by striking out ''section 1712(h) of this title'' and all that follows through the period at the end and inserting in lieu thereof ''section 1712(d) of this title.''; and

(B) in subsection (b), by striking out ''renumeration'' and inserting in lieu thereof ''remuneration''.

(2) Section 2104(b) is amended—

(A) in the first sentence, by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1717(a)(2)''; and

(B) in the second sentence, by striking out ''section 1712(a)'' and inserting in lieu thereof ''section 1717(a)(2)''.

(3) Section 5317(c)(3) is amended by striking out ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting in lieu thereof ''subsections (a)(2)(G), (a)(3), and (b) of section 1710''.

(4) Section 8110(a)(2) is amended by striking out ''section 1712'' and inserting in lieu thereof ''section 1710(a)''.

(5) Section 8111A(b)(2)(A) is amended by striking out ''subsection (f) of section 1712'' and inserting in lieu thereof ''subsection (a) of section 1710''.

SEC. 102. REVISION IN AUTHORITIES FOR PROVISION OF PRIORITY HEALTH CARE FOR CERTAIN VETERANS EXPOSED TO SPECIFIED TOXIC SUBSTANCES.

(a) AUTHORIZED INPATIENT CARE.—Section 1710(e) is amended—

(1) in paragraph (1), by striking out subparagraphs (A) and (B) and inserting in lieu thereof the following:

''(A) A Vietnam-era herbicide-exposed veteran is eligible (subject to paragraph (2)) for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

''(B) A radiation-exposed veteran is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any disease suffered by the veteran that is—

''(i) a disease listed in section 1112(c)(2) of this title; or

''(ii) any other disease for which the Secretary, based on the advice of the Advisory Committee on Environmental Hazards, determines that there is credible evidence of a positive association between occurrence of the disease in humans and exposure to ionizing radiation.''; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

''(2)(A) In the case of a veteran described in paragraph (1)(A), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to—

''(i) a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in paragraph (4)(A)(ii); or

''(ii) a disease for which the National Academy of Sciences, in a report issued in accordance with section 2 of the Agent Orange Act of 1991, has determined that there is limited or suggestive evidence of the lack of a positive association between occurrence of the disease in humans and exposure to a herbicide agent.

''(B) In the case of a veteran described in paragraph (1)(C), hospital care, medical services, and nursing home care may not be provided under subsection (a)(2)(F) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.

''(3) Hospital care, medical services, and nursing home care may not be provided under or by virtue of subsection (a)(2)(F)—

''(A) in the case of care for a veteran described in paragraph (1)(A), after December 31, 2002; and

''(B) in the case of care for a veteran described in paragraph (1)(C), after December 31, 1998.

''(4) For purposes of this subsection—

''(A) The term 'Vietnam-era herbicide-exposed veteran' means a veteran (i) who served on active duty in the Republic of Vietnam during the Vietnam era, and (ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used for military purposes during such era.

''(B) The term 'radiation-exposed veteran' has the meaning given that term in section 1112(c)(3) of this title.''.

(b) SAVINGS PROVISIONS.—The provisions of sections 1710(e) and 1712(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply on and after such date with respect to the furnishing of hospital care, nursing home care, and medical services for any veteran who was furnished such care or services before such date of enactment on the basis of presumed exposure to a substance or radiation under the authority of those provisions, but only for treatment for a disability for which such care or services were furnished before such date.

SEC. 103. PROSTHETICS AND PREVENTIVE CARE.

(a) ELIGIBILITY.—Section 1701(6)(A)(i) is amended—

(1) by striking out ''(in the case of a person otherwise receiving care or services under this chapter)'' and ''(except under the conditions described in section 1712(a)(5)(A) of this title),'';

(2) by inserting ''(in the case of a person otherwise receiving care or services under this chapter)'' before ''wheelchairs,''; and

(3) by inserting ''except that the Secretary may not furnish sensori-neural aids other than in accordance with guidelines which the Secretary shall prescribe,'' after ''reasonable and necessary,''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe the guidelines required by the amendments made by subsection (a) and shall furnish a copy of those guidelines to the Committees on Veterans' Affairs of the Senate and House of Representatives.

SEC. 104. MANAGEMENT OF HEALTH CARE.

(a) IN GENERAL.—(1) Chapter 17 is amended by inserting after section 1704 the following new sections:

''§1705. Management of health care: patient enrollment system

''(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary, in accordance with regulations the Secretary shall prescribe, shall establish and operate a system of annual patient enrollment. The Secretary shall manage the enrollment of veterans in accordance with the following priorities, in the order listed:

''(1) Veterans with service-connected disabilities rated 50 percent or greater.

''(2) Veterans with service-connected disabilities rated 30 percent or 40 percent.

''(3) Veterans who are former prisoners of war, veterans with service-connected disabilities rated 10 percent or 20 percent, and veterans described in subparagraphs (B) and (C) of section 1710(a)(2) of this title.

''(4) Veterans who are in receipt of increased pension based on a need of regular aid and attendance or by reason of being permanently housebound and other veterans who are catastrophically disabled.

''(5) Veterans not covered by paragraphs (1) through (4) who are unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

''(6) All other veterans eligible for hospital care, medical services, and nursing home care under section 1710(a)(2) of this title.

(7) Veterans described in section 1710(a)(3) of this title.

''(b) In the design of an enrollment system under subsection (a), the Secretary—

''(1) shall ensure that the system will be managed in a manner to ensure that the provision of care to enrollees is timely and acceptable in quality;

''(2) may establish additional priorities within each priority group specified in subsection (a), as the Secretary determines necessary; and

''(3) may provide for exceptions to the specified priorities where dictated by compelling medical reasons.

''(c)(1) Effective on October 1, 1998, the Secretary may not provide hospital care or medical services to a veteran under paragraph (2) or (3) of section 1710(a) of this title unless the veteran enrolls in the system of patient enrollment established by the Secretary under subsection (a).

''(2) The Secretary shall provide hospital care and medical services under section 1710(a)(1) of this title, and under subparagraph (B) of section 1710(a)(2) of this title, for the 12-month period following such veteran's discharge or release from service, to any veteran referred to in such sections for a disability specified in the applicable subparagraph of such section, notwithstanding the failure of the veteran to enroll in the system of patient enrollment referred to in subsection (a) of this section.

''§1706. Management of health care: other requirements

''(a) In managing the provision of hospital care and medical services under section 1710(a) of this title, the Secretary shall, to the extent feasible, design, establish and manage health care programs in such a manner as to promote cost-effective delivery of health care services in the most clinically appropriate setting.

''(b)(1) In managing the provision of hospital care and medical services under such section, the Secretary shall ensure that the Department maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) within distinct programs or facilities of the Department that are dedicated to the specialized needs of those veterans in a manner that (A) affords those veterans reasonable access to care and services for those specialized needs, and (B) ensures that overall capacity of the Department to provide such services is not reduced below the capacity of the Department, nationwide, to provide those services, as of the date of the enactment of this section. The Secretary shall carry out this paragraph in consultation with the Advisory Committee on Prosthetics and Special Disabilities Programs and the Committee on Care of Severely Chronically Mentally Ill Veterans.

''(2) Not later than April 1, 1997, April 1, 1998, and April 1, 1999, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's compliance, by facility and by service-network, with the requirements of this subsection.''.

(2) The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1704 the following new items:

''1705. Management of health care: patient enrollment system.

''1706. Management of health care: other requirements.''.

(b) CONFORMING AMENDMENTS TO SECTION 1703.—Section 1703(a) is amended—

(1) in the matter preceding paragraph (1), by striking out ''or 1712'';

(2) in paragraph (2)—

(A) by striking out ''1712(a)(1)(B)'' in subparagraph (A) and inserting in lieu thereof ''1710(a)(1)(B)'';

(B) by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) a veteran who (i) has been furnished hospital care, nursing home care, domiciliary care, or medical services, and (ii) requires medical services to complete treatment incident to such care or services; or''; and

(C) by striking ''section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title'' in subparagraph (C) and inserting in lieu thereof ''section 1710(a)(2)(E) of this title, or a veteran who is in receipt of increased pension, or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance),''; and

(3) in paragraph (7), by striking out ''1712(b)(1)(F)'' and inserting in lieu thereof ''1712(a)(1)(F)''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Department of Veterans Affairs for the Medical Care account, for the purposes specified for that account in Public Law 103–327 (108 Stat. 2300), including the cost of providing hospital care and medical services under the amendments made by section this title, not to exceed $17,250,000,000 for fiscal year 1997 and not to exceed $17,900,000,000 for fiscal year 1998.

SEC. 106. ASSESSMENT OF IMPLEMENTATION AND OPERATION.

(a) ASSESSMENT SYSTEMS.—The Secretary of Veterans Affairs shall establish information systems to assess the experience of the Department of Veterans Affairs in implementing sections 101, 103, and 104, including the amendments made by those sections, during fiscal year 1997. The Secretary shall establish those information systems in time to include assessments under such systems in the report required under subsection (b).

(b) REPORT.—Not later than March 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report reflecting the experience of the Department during fiscal year 1997 on—

(1) the effect of implementation of, and provision and management of care under, sections 101, 103, and 104 (including the amendments made by those sections) on demand for health care services from the Department of Veterans Affairs by veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101;

(2) any differing patterns of demand on the part of such veterans relating to such factors as relative distance from Department facilities and prior experience, or lack of experience, as recipients of care from the Department;

(3) the extent to which the Department has met such demand for care; and

(4) changes in health-care delivery patterns in Department facilities and the fiscal impact of such changes.

(c) MATTERS TO BE INCLUDED.—The report under subsection (b) shall include detailed information with respect to fiscal year 1997 regarding the following:

(1) The number of veterans enrolled for care at each Department medical facility and, of such veterans, the number enrolled at each such facility who had not received care from the Department during the preceding three fiscal years.

(2) With respect to the veterans who had not received care from the Department during the three preceding fiscal years, the total cost of providing care to such veterans, shown in total and separately (A) by level of care, and (B) by reference to whether care was furnished in Department facilities or under contract arrangements.

(3) With respect to the number of veterans described in paragraphs (1), (2), and (3) of section 1710(a) of title 38, United States Code, as amended by section 101, who applied for health care from the Department during fiscal year 1997—

(A) the number who applied for care (shown in total and separately by facility);

(B) the number who were denied enrollment (shown in total and separately by facility); and

(C) the number who were denied care which was considered to be medically necessary but not of an emergency nature (shown in total and separately by facility).

(4) The numbers and characteristics of, and the type and extent of health care furnished to, veterans enrolled for care (shown in total and separately by facility).

(5) The numbers and characteristics of, and the type and extent of health care furnished to, veterans not enrolled for care (shown separately by reference to each class of eligibility, both in total and separately by facility).

(6) The specific fiscal impact (shown in total and by geographic health-care delivery areas) of changes in delivery patterns instituted under the amendments made by this title.

TITLE II—CONSTRUCTION AUTHORIZATION

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) AMBULATORY CARE ADDITION PROJECTS.—The Secretary of Veterans Affairs may carry out the following ambulatory care addition major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of an ambulatory care facility and renovation of ''E'' wing, Tripler Army Hospital, Honolulu, Hawaii, $43,000,000.

(2) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Brockton, Massachusetts, $13,500,000.

(3) Addition of ambulatory care facilities for outpatient improvements at the Department of Veterans Affairs medical center in Shreveport, Louisiana, $25,000,000.

(4) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Lyons, New Jersey, $21,100,000.

(5) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tomah, Wisconsin, $12,700,000.

(6) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Asheville, North Carolina, $26,300,000.

(7) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Temple, Texas, $9,800,000.

(8) Addition of ambulatory care facilities at the Department of Veterans Affairs medical center in Tucson, Arizona, $35,500,000.

(9) Construction of an ambulatory care facility at the Department of Veterans Affairs medical center in Leavenworth, Kansas, $27,750,000.

(b) ENVIRONMENTAL IMPROVEMENT PROJECTS.—The Secretary may carry out the following environmental improvement major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Environmental improvements for the renovation of nursing home facilities at the Department of Veterans Affairs medical center in Lebanon, Pennsylvania, $9,500,000.

(2) Environmental improvements at the Department of Veterans Affairs medical center in Marion, Illinois, $11,500,000.

(3) Environmental improvements for ward renovation for patient privacy at the Department of

Veterans Affairs medical center in Omaha, Nebraska, $7,700,000.

(4) Environmental improvements at the Department of Veterans Affairs medical center in Pittsburgh, Pennsylvania, $17,400,000.

(5) Environmental improvements for the renovation of various buildings at the Department of Veterans Affairs medical center in Waco, Texas, $26,000,000.

(6) Environmental improvements for the replacement of psychiatric beds at the Department of Veterans Affairs medical center in Marion, Indiana, $17,300,000.

(7) Environmental improvements for the renovation of psychiatric wards at the Department of Veterans Affairs medical center in Perry Point, Maryland, $15,100,000.

(8) Environmental enhancement at the Department of Veterans Affairs medical center in Salisbury, North Carolina, $18,200,000.

(c) SEISMIC CORRECTION PROJECT.—The Secretary may carry out seismic corrections to Building Number 324 at the Department of Veterans Affairs medical center in Palo Alto, California, in the amount of $20,800,000.

(d) PROJECT AUTHORIZATION WHEN PARTIAL FUNDING PROVIDED.—If the amount of funds appropriated for fiscal year 1997 or 1998 for design and partial construction of a major medical facility project that is authorized in this section is less than the amount required to complete the construction of that project as authorized and if the Secretary obligates funds for such construction, such project shall be deemed to be fully authorized. Any such authorization shall cease to have effect at the close of fiscal year 2001.

SEC. 202. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Allentown, Pennsylvania, in an amount not to exceed $2,159,000.

(2) Lease of a satellite outpatient clinic in Beaumont, Texas, in an amount not to exceed $1,940,000.

(3) Lease of a satellite outpatient clinic in Boston, Massachusetts, in an amount not to exceed $2,358,000.

(4) Lease of a parking facility in Cleveland, Ohio, in an amount not to exceed $1,300,000.

(5) Lease of a satellite outpatient clinic and Veterans Benefits Administration field office in San Antonio, Texas, in an amount not to exceed $2,256,000.

(6) Lease of a satellite outpatient clinic in Toledo, Ohio, in an amount not to exceed $2,223,000.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1997 and fiscal year 1998—

(1) for the Construction, Major Projects, account, a total of $358,150,000 for the projects authorized in section 201; and

(2) for the Medical Care account, a total of $12,236,000 for the leases authorized in section 202.

(b) LIMITATION.—The projects authorized in section 201 may only be carried out using—

(1) funds appropriated for fiscal year 1997 or fiscal year 1998 consistent with the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1997 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1997 or fiscal year 1998 for a category of activity not specific to a project.

SEC. 204. STRATEGIC PLANNING.

Section 8107 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking out subsection (a) and inserting in lieu thereof the following new subsections:

''(a) In order to promote effective planning for the efficient provision of care to eligible veterans, the Secretary, based on the analysis and recommendations of the Under Secretary for Health, shall submit to each committee an annual report regarding long-range health planning of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

''(b) Each report under subsection (a) shall include the following:

''(1) A five-year strategic plan for the provision of care under chapter 17 of this title to eligible veterans through coordinated networks of medical facilities operating within prescribed geographic service-delivery areas, such plan to include provision of services for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, blindness, amputations, and mental illness) through distinct programs or facilities of the Department dedicated to the specialized needs of those veterans.

''(2) A description of how planning for the networks will be coordinated.

''(3) A profile regarding each such network of medical facilities which identifies—

''(A) the mission of each existing or proposed medical facility in the network;

''(B) any planned change in the mission for any such facility and the rationale for such planned change;

''(C) the population of veterans to be served by the network and anticipated changes over a five-year period and a ten-year period, respectively, in that population and in the health-care needs of that population;

''(D) information relevant to assessing progress toward the goal of achieving relative equivalency in the level of resources per patient distributed to each network, such information to include the plans for and progress toward lowering the cost of care-delivery in the network (by means such as changes in the mix in the network of physicians, nurses, physician assistants, and advance practice nurses);

''(E) the capacity of non-Federal facilities in the network to provide acute, long-term, and specialized treatment and rehabilitative services (described in section 7305 of this title), and determinations regarding the extent to which services to be provided in each service-delivery area and each facility in such area should be provided directly through facilities of the Department or through contract or other arrangements, including arrangements authorized under sections 8111 and 8153 of this title; and

''(F) a five-year plan for construction, replacement, or alteration projects in support of the approved mission of each facility in the network and a description of how those projects will improve access to care, or quality of care, for patients served in the network.

''(4) A status report for each facility on progress toward—

''(A) instituting planned mission changes identified under paragraph (3)(B);

''(B) implementing principles of managed care of eligible veterans; and

''(C) developing and instituting cost-effective alternatives to provision of institutional care.''; and

(3) by adding at the end the following new subsection:

''(d)(1) The Secretary shall submit to each committee, not later than January 31 of each year, a report showing the current priorities of the Department for proposed major medical construction projects. Each such report shall identify the 20 projects, from within all the projects in the Department's inventory of proposed projects, that have the highest priority and, for those 20 projects, the relative priority and rank scoring of each such project and the projected cost of such project (including the projected operating costs, including both recurring and nonrecurring costs). The 20 projects shall be compiled, and their relative rankings shall be shown, by category of project (including the categories of ambulatory care projects, nursing home care projects, and such other categories as the Secretary determines).

''(2) The Secretary shall include in each report, for each project listed, a description of the specific factors that account for the relative ranking of that project in relation to other projects within the same category.

''(3) In a case in which the relative ranking of a proposed project has changed since the last report under this subsection was submitted, the Secretary shall also include in the report a description of the reasons for the change in the ranking, including an explanation of any change in the scoring of the project under the Department's scoring system for proposed major medical construction projects.''.

SEC. 205. REVISION TO PROSPECTUS REQUIREMENTS.

(a) ADDITIONAL INFORMATION.—Section 8104(b) is amended—

(1) by striking out the matter preceding paragraph (1) and inserting in lieu thereof the following:

''(b) Whenever the President or the Secretary submit to the Congress a request for the funding of a major medical facility project (as defined in subsection (a)(3)(A)) or a major medical facility lease (as defined in subsection (a)(3)(B)), the Secretary shall submit to each committee, on the same day, a prospectus of the proposed medical facility. Any such prospectus shall include the following:'';

(2) in paragraph (1)—

(A) by striking out ''a detailed'' and inserting in lieu thereof ''A detailed''; and

(B) by striking out the semicolon at the end and inserting in lieu thereof a period;

(3) in paragraph (2)—

(A) by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

(B) by striking out ''; and'' and inserting in lieu thereof a period;

(4) in paragraph (3), by striking out ''an estimate'' and inserting in lieu thereof ''An estimate''; and

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

''(4) Demographic data applicable to such facility, including information on projected changes in the population of veterans to be served by the facility over a five-year period and a ten-year period.

''(5) Current and projected workload and utilization data regarding the facility.

''(6) Current and projected operating costs of the facility, including both recurring and nonrecurring costs.

''(7) The priority score assigned to the project or lease under the Department's prioritization methodology and, if the project or lease is being proposed for funding before a project or lease with a higher score, a specific explanation of the factors other than the priority score that were considered and the basis on which the project or lease is proposed for funding ahead of projects or leases with higher priority scores.

''(8) In the case of a prospectus proposing the construction of a new or replacement medical facility, a description of each alternative to construction of the facility that was considered.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any prospectus submitted by the Secretary of Veterans Affairs after the date of the enactment of this Act.

SEC. 206. CONSTRUCTION AUTHORIZATION REQUIREMENTS.

(a) DEFINITION OF MAJOR MEDICAL FACILITY PROJECT.—Paragraph (3)(A) of section 8104(a) is amended by striking out ''$3,000,000'' and inserting in lieu thereof ''$4,000,000''.

(b) APPLICABILITY OF CONSTRUCTION AUTHORIZATION REQUIREMENT.—(1) Subsection (b) of

section 301 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1984) is repealed.

(2) The amendments made by subsection (a) of such section shall apply with respect to any major medical facility project or any major medical facility lease of the Department of Veterans Affairs, regardless of when funds are first appropriated for that project or lease, except that in the case of a project for which funds were first appropriated before October 9, 1992, such amendments shall not apply with respect to amounts appropriated for that project for a fiscal year before fiscal year 1998.

(c) LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.—Section 8104 is amended by adding at the end the following new subsection:

''(f) The Secretary may not obligate funds in an amount in excess of $500,000 from the Advance Planning Fund of the Department toward design or development of a major medical facility project (as defined in subsection (a)(3)(A)) until—

''(1) the Secretary submits to the committees a report on the proposed obligation; and

''(2) a period of 30 days has passed after the date on which the report is received by the committees.''.

SEC. 207. TERMINOLOGY CHANGES.

(a) DEFINITION OF ''CONSTRUCT''.—Section 8101(2) is amended—

(1) by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''; and

(2) by striking out ''preliminary plans'' and inserting in lieu thereof ''design development''.

(b) PARKING FACILITIES.—Section 8109(h)(3)(B) is amended by striking out ''working drawings'' and inserting in lieu thereof ''construction documents''.

TITLE III—HEALTH CARE AND ADMINISTRATION

Subtitle A—Health Care Sharing and Administration

SEC. 301. REVISION OF AUTHORITY TO SHARE MEDICAL FACILITIES, EQUIPMENT, AND INFORMATION.

(a) STATEMENT OF PURPOSE.—The text of section 8151 is amended to read as follows:

''It is the purpose of this subchapter to strengthen the medical programs at Department facilities and improve the quality of health care provided veterans under this title by authorizing the Secretary to enter into agreements with health-care providers in order to share health-care resources with, and receive health-care resources from, such providers while ensuring no diminution of services to veterans.''.

(b) DEFINITIONS.—Section 8152 is amended—

(1) by striking out paragraphs (1), (2), and (3) and inserting in lieu thereof the following new paragraphs (1) and (2):

''(1) The term 'health-care resource' includes hospital care and medical services (as those terms are defined in section 1701 of this title), any other health-care service, and any health-care support or administrative resource.

''(2) The term 'health-care providers' includes health-care plans and insurers and any organizations, institutions, or other entities or individuals who furnish health-care resources.''; and

(2) by redesignating paragraph (4) as paragraph (3).

(c) AUTHORITY TO SECURE HEALTH-CARE RESOURCES.—Section 8153 is amended as follows:

(1) Subsection (a) is amended—

(A) in paragraph (1)—

(i) by striking out ''certain specialized medical resources'' and inserting in lieu thereof ''health-care resources'';

(ii) by striking out ''other medical resources'' and inserting in lieu thereof ''other health-care resources''; and

(iii) by striking out ''of—'' and all that follows through ''section 1742(a) of this title'' and inserting in lieu thereof ''of health-care resources between Department health-care facilities and any health-care provider, or other entity or individual'';

(B) in paragraph (2), by striking out ''only'' and all that follows through ''are not'' and inserting in lieu thereof ''if such resources are not, or would not be,''; and

(C) by adding at the end the following:

''(3)(A) If the health-care resource required is a commercial service, the use of medical equipment or space, or research, and is to be acquired from an institution affiliated with the Department in accordance with section 7302 of this title, including medical practice groups and other entities associated with affiliated institutions, blood banks, organ banks, or research centers, the Secretary may make arrangements for acquisition of the resource without regard to any law or regulation that would otherwise require the use of competitive procedures for acquiring the resource.

''(B)(i) If the health-care resource required is a commercial service or the use of medical equipment or space, and is not to be acquired from an entity described in subparagraph (A), any procurement of the resource may be conducted without regard to any law or regulation that would otherwise require the use of competitive procedures for procuring the resource, but only if the procurement is conducted in accordance with the simplified procedures prescribed pursuant to clause (ii).

''(ii) The Secretary, in consultation with the Administrator for Federal Procurement Policy, may prescribe simplified procedures for the procurement of health-care resources under this subparagraph. The Secretary shall publish such procedures for public comment in accordance with section 22 of the Office of Federal Procurement Policy Act (41 U.S.C. 418b). Such procedures shall permit all responsible sources to submit a bid, proposal, or quotation (as appropriate) for the resources to be procured and provide for the consideration by the Department of bids, proposals, or quotations so submitted.

''(iii) Pending publication of the procedures under clause (ii), the Secretary shall (except as provided under subparagraph (A)) procure health-care resources referred to in clause (i) in accordance with all procurement laws and regulations.

''(C) Any procurement of health-care resources other than those covered by subparagraph (A) or (B) shall be conducted in accordance with all procurement laws and regulations.

''(D) For any procurement to be conducted on a sole source basis other than a procurement covered by subparagraph (A), a written justification shall be prepared that includes the information and is approved at the levels prescribed in section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)).

''(E) As used in this paragraph, the term 'commercial service' means a service that is offered and sold competitively in the commercial marketplace, is performed under standard commercial terms and conditions, and is procured using firm-fixed price contracts.''.

(2) Subsection (b) is amended by striking out ''reciprocal reimbursement'' in the first sentence and all that follows through the period at the end of that sentence and inserting in lieu thereof ''payment to the Department in accordance with procedures that provide appropriate flexibility to negotiate payment which is in the best interest of the Government.''.

(3) Subsection (d) is amended by striking out ''preclude such payment, in accordance with—'' and all that follows through ''to such facility therefor'' and inserting in lieu thereof ''preclude such payment to such facility for such care or services''.

(4) Such section is further amended—

(A) by redesignating subsection (e) as subsection (g); and

(B) by inserting after subsection (d) the following new subsections:

''(e) The Secretary may make an arrangement that authorizes the furnishing of services by the Secretary under this section to individuals who are not veterans only if the Secretary determines—

''(1) that veterans will receive priority under such an arrangement; and

''(2) that such an arrangement—

''(A) is necessary to maintain an acceptable level and quality of service to veterans at that facility; or

''(B) will result in the improvement of services to eligible veterans at that facility.

''(f) Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.''.

(d) CLERICAL AMENDMENTS.—(1) The heading of section 8153 is amended to read as follows:

''§ 8153. Sharing of health-care resources''.

(2) The item relating to section 8153 in the table of sections at the beginning of chapter 81 is amended to read as follows:

''8153. Sharing of health-care resources.''.

SEC. 302. IMPROVED EFFICIENCY IN HEALTH CARE RESOURCE MANAGEMENT.

(a) TEMPORARY EXPANSION OF AUTHORITY FOR SHARING AGREEMENTS.—Section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 8111 note) is amended—

(1) by inserting ''(a) AUTHORITY.—'' before ''The Secretary of Veterans Affairs''; and

(2) by adding at the end thereof the following new subsection:

''(b) USE OF FUNDS.—Any amount received by the Secretary from a non-Federal entity as payment for services provided by the Secretary during a prior fiscal year under an agreement entered into under this section may be obligated by the Secretary during the fiscal year in which the Secretary receives the payment.''.

(b) REPEAL OF SUNSET PROVISION.—(1) Section 204 of such Act (38 U.S.C. 8111 note) is repealed.

(2) Any services provided pursuant to agreements entered into under section 201 of such Act (38 U.S.C. 8111 note) during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act are hereby ratified.

(c) COST RECOVERY.—Title II of such Act is further amended by adding at the end the following new section:

''SEC. 207. AUTHORITY TO BILL HEALTH-PLAN CONTRACTS.

''(a) RIGHT TO RECOVER.—In the case of a primary beneficiary (as described in section 201(a)(2)(B)) who has coverage under a health-plan contract, as defined in section 1729(i)(1)(A) of title 38, United States Code, and who is furnished care or services by a Department medical facility pursuant to this title, the United States shall have the right to recover or collect charges for such care or services from such health-plan contract to the extent that the beneficiary (or the provider of the care or services) would be eligible to receive payment for such care or services from such health-plan contract if the care or services had not been furnished by a department or agency of the United States. Any funds received from such health-plan contract shall be credited to funds that have been allotted to the facility that furnished the care or services.

''(b) ENFORCEMENT.—The right of the United States to recover under such a beneficiary's health-plan contract shall be enforceable in the same manner as that provided by subsections (a)(3), (b), (c)(1), (d), (f), (h), and (i) of section 1729 of title 38, United States Code.''.

SEC. 303. PERSONNEL FURNISHING SHARED RESOURCES.

Section 712(b)(2) is amended—

(1) by striking out ''the sum of—'' and inserting in lieu thereof ''the sum of the following:'';

(2) by capitalizing the first letter of the first word of each of subparagraphs (A) and (B);

(3) by striking out ''; and'' at the end of subparagraph (A) and inserting in lieu thereof a period; and

(4) by adding at the end the following new subparagraph:

''(C) The number of such positions in the Department during that fiscal year held by persons involved in providing health-care resources under section 8111 or 8153 of this title or under section 201 of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4949; 38 U.S.C. 8111 note).''.

SEC. 304. WAITING PERIOD FOR ADMINISTRATIVE REORGANIZATIONS.

Section 510(b) is amended—

(1) in the second sentence, by striking out ''a 90-day period of continuous session of Congress following the date of the submission of the report'' and inserting in lieu thereof ''a 45-day period following the date of the submission of the report, not less than 30 days of which shall be days during which Congress shall have been in continuous session''; and

(2) in the third sentence, by striking out ''such 90–day period'' and inserting in lieu thereof ''any period of continuity of session''.

SEC. 305. REPEAL OF LIMITATIONS ON CONTRACTS FOR CONVERSION OF PERFORMANCE OF ACTIVITIES OF DEPARTMENT HEALTH-CARE FACILITIES AND REVISED ANNUAL REPORTING REQUIREMENT.

Subsection (c) of section 8110 is amended to read as follows:

''(c) The Secretary shall include in the materials submitted to Congress each year in support of the budget of the Department for the next fiscal year a report on activities and proposals involving contracting for performance by contractor personnel of work previously performed by Department employees. The report shall—

''(1) identify those specific activities that are currently performed at a Department facility by more than 10 Department employees which the Secretary proposes to study for possible contracting involving conversion from performance by Department employees to performance by employees of a contractor; and

''(2) identify those specific activities that have been contracted for performance by contractor employees during the prior fiscal year (shown by location, subject, scope of contracts, and savings) and shall describe the effect of such contracts on the quality of delivery of health services during such year.''.

Subtitle B—Care of Women Veterans

SEC. 321. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7318 the following new section:

''§ 7319. Mammography quality standards

''(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under subsection (e) of section 354 of the Public Health Service Act (42 U.S.C. 263b).

''(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

''(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Service Act.

''(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

''(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

''(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

''7319. Mammography quality standards.''.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

(c) IMPLEMENTATION REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 120 days after the date of the enactment of this Act.

SEC. 322. PATIENT PRIVACY FOR WOMEN PATIENTS.

(a) IDENTIFICATION OF DEFICIENCIES.—The Secretary of Veterans Affairs shall conduct a survey of each medical center under the jurisdiction of the Secretary to identify deficiencies relating to patient privacy afforded to women patients in the clinical areas at each such center which may interfere with appropriate treatment of such patients.

(b) CORRECTION OF DEFICIENCIES.—The Secretary shall ensure that plans and, where appropriate, interim steps to correct the deficiencies identified in the survey conducted under subsection (a) are developed and are incorporated into the Department's construction planning processes and, in cases in which it is cost-effective to do so, are given a high priority.

(c) REPORTS TO CONGRESS.—The Secretary shall compile an annual inventory, by medical center, of deficiencies identified under subsection (a) and of plans and, where appropriate, interim steps, to correct such deficiencies. The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than October 1, 1997, and not later than October 1 each year thereafter through 1999 a report on such deficiencies. The Secretary shall include in such report the inventory compiled by the Secretary, the proposed corrective plans, and the status of such plans.

SEC. 323. ASSESSMENT OF USE BY WOMEN VETERANS OF DEPARTMENT HEALTH SERVICES.

(a) REPORTS TO UNDER SECRETARY FOR HEALTH.—The Center for Women Veterans of the Department of Veterans Affairs (established under section 509 of Public Law 103–446), in consultation with the Advisory Committee on Women Veterans, shall assess the use by women veterans of health services through the Department of Veterans Affairs, including counseling for sexual trauma and mental health services. The Center shall submit to the Under Secretary for Health of the Department of Veterans Affairs a report not later than April 1, 1997, and April 1 of each of the two following years, on—

(1) the extent to which women veterans described in paragraphs (1) and (2) of section 1710(a) of title 38, United States Code, fail to seek, or face barriers in seeking, health services through the Department, and the reasons therefor; and

(2) recommendations, if indicated, for encouraging greater use of such services, including (if appropriate) public service announcements and other outreach efforts.

(b) REPORTS TO CONGRESSIONAL COMMITTEES.—Not later than July 1, 1997, and July 1 of each of the two following years, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the most recent report of the Center for Women Veterans under subsection (a);

(2) the views of the Under Secretary for Health on such report's findings and recommendations; and

(3) a description of the steps being taken by the Secretary to remedy any problems described in the report.

SEC. 324. REPORTING REQUIREMENTS.

(a) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Section 107(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 106 Stat. 4947) is amended by striking out ''Not later than January 1, 1993, January 1, 1994, and January 1, 1995'' and inserting in lieu thereof ''Not later than January 1 of 1993 and each year thereafter through 1998''.

(b) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act is amended—

(1) in paragraph (2)(A), by inserting ''(including information on the number of inpatient stays and the number of outpatient visits through which such services were provided)'' after ''facility''; and

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

''(5) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.''.

Subtitle C—Readjustment Counseling and Mental Health Care

SEC. 331. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) EXPANSION OF ELIGIBILITY.—Subsection (a) of section 1712A is amended to read as follows:

''(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B), the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life. Such counseling may include a general mental and psychological assessment of the veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

''(B) Subparagraph (A) applies to the following veterans:

''(i) Any veteran who served on active duty—

''(I) in a theater of combat operations (as determined by the Secretary in consultation with the Secretary of Defense) during the Vietnam era; or

''(II) after May 7, l975, in an area at a time during which hostilities occurred in that area.

''(ii) Any veteran (other than a veteran covered by clause (i)) who served on active duty during the Vietnam era who seeks or is furnished such counseling before January 1, 2000.

''(2)(A) Upon the request of any veteran (other than a veteran covered by paragraph (1)) who served in the active military, naval, or air service in a theater of combat operations (as so determined) during a period of war, or in any other area during a period in which hostilities (as defined in subparagraph (B)) occurred in such area, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

''(B) For the purposes of subparagraph (A), the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to

which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.''.

(b) REPEAL OF REFERRAL PROVISIONS.—Subsection (c) of such section is repealed.

SEC. 332. REPORTS RELATING TO VET CENTERS.

(a) REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OUTPATIENT CLINICS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing for the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The report shall include an assessment of the following:

(A) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(B) The effect of such collocation on the capacity of such centers and clinics to carry out their primary mission.

(C) The extent to which such collocation will impair the operational independence or administrative integrity of such centers and clinics.

(D) The feasibility of combining the services provided by such centers and clinics in the course of such collocation.

(E) The advisability of the collocation of centers and clinics of significantly different size.

(F) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(G) The amount of any costs savings to be achieved by Department as a result of such collocation.

(H) Any other matter that the Secretary considers appropriate.

(b) REPORT ON PROVISION OF LIMITED HEALTH CARE SERVICES AT READJUSTMENT COUNSELING CENTERS.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of providing a limited battery of health care services (including ambulatory services and health care screening services) to veterans at Department of Veterans Affairs readjustment counseling centers.

(2) The report shall include a discussion of the following:

(A) The effect on the advisability of providing health care services at readjustment counseling centers of the geographic location of such centers, including the urban location and rural location of such centers and the proximity of such centers to Department of Veterans Affairs medical facilities.

(B) The effect on the advisability of providing such services at such centers of the type and level of services to be provided, and the demographic characteristics (including age, socioeconomic status, ethnicity, and sex) of veterans likely to be provided the services.

(C) The effect of providing such services at such centers on the readjustment counseling center program in general and on the efficiency and autonomy of the clinical and administrative operations of the readjustment counseling centers in particular.

(D) Any other matter that the Secretary considers appropriate.

(c) RULE OF CONSTRUCTION.—Nothing in this section is intended to preclude the Secretary, during the period before the submission of the reports under this section, from providing limited health care services at Vet Centers.

SEC. 333. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter III of chapter 5 is amended by inserting after section 544 the following new section:

''§ 545. Advisory Committee on the Readjustment of Veterans

''(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereinafter in this section referred to as the 'Committee').

''(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among individuals who—

''(A) have demonstrated significant civic or professional achievement; and

''(B) have experience with the provision of veterans benefits and services by the Department.

''(3) The Secretary shall seek to ensure that members appointed to the Committee include individuals from a wide variety of geographic areas and ethnic backgrounds, individuals from veterans service organizations, individuals with combat experience, and women.

''(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed two years. The Secretary may reappoint any member for additional terms of service.

''(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

''(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

''(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

''(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

''(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

''(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

''(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account the needs of veterans who have served in a theater of combat operations.

''(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

''(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

''(B) a review of the programs and activities of the Department designed to meet such needs; and

''(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

''(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

''(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

''(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

''(2) Section 14 of such Act shall not apply to the Committee.''.

(2) The table of sections at the beginning of chapter 5 is amended by inserting after the item relating to section 544 the following new item:

''545. Advisory Committee on the Readjustment of Veterans.''.

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 545 of title 38, United States Code (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary of Veterans Affairs shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 334. CENTERS FOR MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding after section 7319, as added by section 321(a)(1), the following new section:

''§ 7320. Centers for mental illness research, education, and clinical activities

''(a) The purpose of this section is to provide for the improvement of the provision of health-care services and related counseling services to eligible veterans suffering from mental illness (especially mental illness related to service-related conditions) through—

''(1) the conduct of research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department);

''(2) the education and training of health care personnel of the Department; and

''(3) the development of improved models and systems for the furnishing of mental health services by the Department.

''(b)(1) The Secretary shall establish and operate centers for mental illness research, education, and clinical activities. Such centers shall be established and operated by collaborating Department facilities as provided in subsection (c)(1). Each such center shall function as a center for—

''(A) research on mental health services;

''(B) the use by the Department of specific models for furnishing services to treat serious mental illness;

''(C) education and training of health-care professionals of the Department; and

''(D) the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department.

''(2) The Secretary shall, upon the recommendation of the Under Secretary for Health, designate the centers under this section. In making such designations, the Secretary shall ensure that the centers designated are located in various geographic regions of the United States. The Secretary may designate a center under this section only if—

''(A) the proposal submitted for the designation of the center meets the requirements of subsection (c);

''(B) the Secretary makes the finding described in subsection (d); and

''(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

''(3) Not more than five centers may be designated under this section.

''(4) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

''(c) A proposal submitted for the designation of a center under this section shall—

''(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities in the same geographic area which have a mission centered on care of the mentally ill and a Department facility in that area which has a mission of providing tertiary medical care;

''(2) provide that no less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facility or facilities that have a mission centered on care of the mentally ill; and

''(3) provide for a governance arrangement between the collaborating Department facilities which ensures that the center will be established and operated in a manner aimed at improving the quality of mental health care at the collaborating facility or facilities which have a mission centered on care of the mentally ill.

''(d) The finding referred to in subsection (b)(2)(B) with respect to a proposal for designation of a site as a location of a center under this section is a finding by the Secretary, upon the recommendation of the Under Secretary for Health, that the facilities submitting the proposal have developed (or may reasonably be anticipated to develop) each of the following:

''(1) An arrangement with an accredited medical school that provides education and training in psychiatry and with which one or more of the participating Department facilities is affiliated under which medical residents receive education and training in psychiatry through regular rotation through the participating Department facilities so as to provide such residents with training in the diagnosis and treatment of mental illness.

''(2) An arrangement with an accredited graduate program of psychology under which students receive education and training in clinical, counseling, or professional psychology through regular rotation through the participating Department facilities so as to provide such students with training in the diagnosis and treatment of mental illness.

''(3) An arrangement under which nursing, social work, counseling, or allied health personnel receive training and education in mental health care through regular rotation through the participating Department facilities.

''(4) The ability to attract scientists who have demonstrated achievement in research—

''(A) into the evaluation of innovative approaches to the design of mental health services; or

''(B) into the causes, prevention, and treatment of mental illness.

''(5) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

''(e)(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

''(2) The panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department.

''(3) The panel shall review each proposal submitted to the panel by the official referred to in paragraph (1) and shall submit to that official its views on the relative scientific and clinical merit of each such proposal. The panel shall specifically determine with respect to each such proposal whether that proposal is among those proposals which have met the highest competitive standards of scientific and clinical merit.

''(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(f) Clinical and scientific investigation activities at each center established under this section—

''(1) may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account; and

''(2) shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

''(g) The Under Secretary for Health shall ensure that at least three centers designated under this section emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

''(h) The Under Secretary for Health shall ensure that information produced by the research, education and training, and clinical activities of centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration. Such dissemination shall be made through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

''(i) The official within the central office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to this section and shall provide for ongoing evaluation of the centers and their compliance with the requirements of this section.

''(j)(1) There are authorized to be appropriated to the Department of Veterans Affairs for the basic support of the research and education and training activities of centers established pursuant to this section amounts as follows:

''(A) $3,125,000 for fiscal year 1998.

''(B) $6,250,000 for each of fiscal years 1999 through 2001.

''(2) In addition to funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated for that fiscal year generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate to carry out the purposes of this section.''.

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7319, as added by section 321(a)(2), the following new item:

''7320. Centers for mental illness research, education, and clinical activities.''.

(b) ANNUAL REPORTS.—Not later than February 1 of each of 1999, 2000, 2001, and 2002, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the centers for mental illness research, education, and clinical activities established pursuant to section 7320 of title 38, United States Code (as added by subsection (a)). Each such report shall include the following:

(1) A description of the activities carried out at each center and the funding provided for such activities.

(2) A description of the advances made at each of the participating facilities of the center in research, education and training, and clinical activities relating to mental illness in veterans.

(3) A description of the actions taken by the Under Secretary for Health pursuant to subsection (h) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(4) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs shall designate at least one center under section 7320 of title 38, United States Code, not later than January 1, 1998.

SEC. 335. COMMITTEE ON CARE OF SEVERELY CHRONICALLY MENTALLY ILL VETERANS.

(a) ESTABLISHMENT.—Subchapter II of chapter 73 is amended by adding after section 7320, as added by section 334(a)(1), the following new section:

''§ 7321. Committee on Care of Severely Chronically Mentally Ill Veterans

''(a) The Secretary, acting through the Under Secretary for Health, shall establish in the Veterans Health Administration a Committee on Care of Severely Chronically Mentally Ill Veterans. The Under Secretary shall appoint employees of the Department with expertise in the care of the chronically mentally ill to serve on the committee.

''(b) The committee shall assess, and carry out a continuing assessment of, the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of mentally ill veterans whose mental illness is severe and chronic and who are eligible for health care furnished by the Department, including the needs of such veterans who are women. In carrying out that responsibility, the committee shall—

''(1) evaluate the care provided to such veterans through the Veterans Health Administration;

''(2) identify systemwide problems in caring for such veterans in facilities of the Veterans Health Administration;

''(3) identify specific facilities within the Veterans Health Administration at which program enrichment is needed to improve treatment and rehabilitation of such veterans; and

''(4) identify model programs which the committee considers to have been successful in the treatment and rehabilitation of such veterans and which should be implemented more widely in or through facilities of the Veterans Health Administration.

''(c) The committee shall—

''(1) advise the Under Secretary regarding the development of policies for the care and rehabilitation of severely chronically mentally ill veterans; and

''(2) make recommendations to the Under Secretary—

''(A) for improving programs of care of such veterans at specific facilities and throughout the Veterans Health Administration;

''(B) for establishing special programs of education and training relevant to the care of such veterans for employees of the Veterans Health Administration;

''(C) regarding research needs and priorities relevant to the care of such veterans; and

''(D) regarding the appropriate allocation of resources for all such activities.

''(d)(1) Not later than April 1, 1997, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section. The report shall include the following:

''(A) A list of the members of the committee.

''(B) The assessment of the Under Secretary for Health, after review of the initial findings of the committee, regarding the capability of the Veterans Health Administration, on a system-wide and facility-by-facility basis, to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

''(C) The plans of the committee for further assessments.

''(D) The findings and recommendations made by the committee to the Under Secretary for Health and the views of the Under Secretary on such findings and recommendations.

''(E) A description of the steps taken, plans made (and a timetable for their execution), and resources to be applied toward improving the capability of the Veterans Health Administration to meet effectively the treatment and rehabilitation needs of severely chronically mentally ill veterans who are eligible for Department care.

''(2) Not later than February 1, 1998, and February 1 of each of the three following years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted under this subsection before the submission of such report.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7320, as added by section 334(a)(2) the following new item:

''7321. Committee on Care of Severely Chronically Mentally Ill Veterans.''.

Subtitle D—Other Provisions

SEC. 341. HOSPICE CARE STUDY.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a research study to determine the desirability of the Secretary furnishing hospice care to terminally ill veterans and to evaluate the most cost effective and efficient way to do so. The Secretary shall carry out the study using resources and personnel of the Department.

(b) CONDUCT OF STUDY.—In carrying out the study required by subsection (a), the Secretary shall—

(1) evaluate the programs, and the program models, through which the Secretary furnishes hospice care services within or through facilities of the Department of Veterans Affairs and the programs and program models through which non-Department facilities provide such services;

(2) assess the satisfaction of patients, and family members of patients, in each of the program models covered by paragraph (1);

(3) compare the costs (or range of costs) of providing care through each of the program models covered by paragraph (1); and

(4) identify any barriers to providing, procuring, or coordinating hospice services through any of the program models covered by paragraph (1).

(c) PROGRAM MODELS.—For purposes of subsection (b)(1), the Secretary shall evaluate a variety of types of models for delivery of hospice care, including the following:

(1) Direct furnishing of full hospice care by the Secretary.

(2) Direct furnishing of some hospice services by the Secretary.

(3) Contracting by the Secretary for the furnishing of hospice care, with a commitment that the Secretary will provide any further required hospital care for the patient.

(4) Contracting for all required care to be furnished outside the Department.

(5) Referral of the patient for hospice care without a contract.

(d) REPORT.—Not later than April 1, 1998, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the research study. The report shall set forth the Secretary's findings and recommendations. The Secretary shall include in the report information on the extent to which the Secretary advises veterans concerning their eligibility for hospice care and information on the number of veterans (as of the time of the report) who are in each model of hospice care described in subsection (c) and the average cost per patient of hospice care for each such model.

SEC. 342. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

''(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.''.

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) is amended by inserting ''adult day health,'' before ''or hospital care''.

(2) Section 8132 is amended by inserting ''adult day health,'' before ''or hospital care''.

(3) Section 8135(b) is amended—

(A) in paragraph (2)(C), by inserting ''or adult day health care facilities'' after ''domiciliary beds''; and

(B) in paragraph (3)(A), by inserting ''or construction (other than new construction) of adult day health care buildings'' before the semicolon.

SEC. 343. RESEARCH CORPORATIONS.

(a) RENEWAL OF AUTHORITY.—Section 7368 is amended by striking out ''December 31, 1992'' and inserting in lieu thereof ''December 31, 2000''.

(b) CLARIFICATION OF TAX-EXEMPT STATUS.—Sections 7361(b) and 7363(c) are amended by striking out ''section 501(c)(3) of''.

(c) PERIODIC AUDITS.—Subsection (b) of section 7366 is amended by striking out ''The corporation'' in the second sentence and all that follows through ''shall include that report'' and inserting in lieu thereof the following: ''A corporation with revenues in excess of $300,000 for any year shall obtain an audit of the corporation for that year. A corporation with annual revenues between $10,000 and $300,000 shall obtain an independent audit of the corporation at least once every three years. Any audit under the preceding sentences shall be performed by an independent auditor. The corporation shall include the most recent such audit''.

(d) COMPLIANCE WITH CONFLICT OF INTEREST LAWS AND REGULATIONS.—Subsection (c)(2) of section 7366 is amended by striking out ''an annual statement signed by the director or employee certifying that the director or'' and inserting in lieu thereof ''a statement signed by the executive director of the corporation certifying that each director and''.

(e) REVISED REPORTING REQUIREMENT.—Subsection (d) of section 7366 is amended to read as follows:

''(d) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on the corporations established under this subchapter. The report shall set forth the following information:

''(1) The location of each corporation.

''(2) The amount received by each corporation during the previous year, including—

''(A) the total amount received;

''(B) the amount received from governmental entities;

''(C) the amount received from all other sources; and

''(D) if the amount received from a source referred to in subparagraph (C) exceeded $25,000, information that identifies the source.

''(3) The amount expended by each corporation during the year, including—

''(A) the amount expended for salary for research staff and for salary for support staff;

''(B) the amount expended for direct support of research; and

''(C) if the amount expended with respect to any payee exceeded $35,000, information that identifies the payee.''.

SEC. 344. VETERANS HEALTH ADMINISTRATION HEADQUARTERS.

Section 7306 is amended by adding at the end the following new subsection:

''(f) In organizing the Office and appointing persons to positions in the Office, the Under Secretary shall ensure that—

''(1) the Office is staffed so as to provide the Under Secretary, through a designated clinician in the appropriate discipline in each instance, with expertise and direct policy guidance on—

''(A) unique programs operated by the Administration to provide for the specialized treatment and rehabilitation of disabled veterans (including blind rehabilitation, care of spinal cord dysfunction, mental illness, and long-term care); and

''(B) the programs established under section 1712A of this title; and

''(2) with respect to the programs established under section 1712A of this title, a clinician with appropriate expertise in those programs is responsible to the Under Secretary for the management of those programs.''.

SEC. 345. DISBURSEMENT AGREEMENTS RELATING TO MEDICAL RESIDENTS AND INTERNS.

Section 7406(c) is amended—

(1) by striking out ''Department hospital'' each place it appears and inserting in lieu thereof ''Department facility furnishing hospital care or medical services'';

(2) by striking out ''participating hospital'' in paragraph (4)(C) and inserting in lieu thereof ''participating facility''; and

(3) by striking out ''hospital'' both places it appears in paragraph (5) and inserting in lieu thereof ''facility''.

SEC. 346. AUTHORITY TO SUSPEND SPECIAL PAY AGREEMENTS FOR PHYSICIANS AND DENTISTS WHO ENTER RESIDENCY TRAINING PROGRAMS.

Section 7432(b)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) The Secretary may suspend a special pay agreement entered into under this section in the case of a physician or dentist who, having entered into the special pay agreement, enters a residency training program. Any such suspension shall terminate when the physician or dentist completes, withdraws from, or is no longer a participant in the program. During the period of such a suspension, the physician or dentist is not subject to the provisions of paragraph (1).''.

SEC. 347. REMUNERATED OUTSIDE PROFESSIONAL ACTIVITIES BY VETERANS HEALTH ADMINISTRATION PERSONNEL.

(a) AUTHORITY.—Subsection (b) of section 7423 is amended—

(1) by striking out paragraph (1); and

(2) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the matter preceding paragraph (1) by striking out ''subsection (b)(6)'' and inserting in lieu thereof ''subsection (b)(5)''.

SEC. 348. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, MILWAUKEE COUNTY, WISCONSIN.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order—

(1) to permit Milwaukee County, Wisconsin, to grant all or part of such land to another party

with a condition on such grant that the grantee use such land only for civic and recreational purposes; and

(2) to provide that the conditions under which title to all or any part of such land reverts to the United States are stated so that any such reversion would occur at the option of the United States.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 28 acres of land, more or less, conveyed to Milwaukee County, Wisconsin, pursuant to the Act entitled ''An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin'', approved August 27, 1954 (68 Stat. 866).

(c) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 349. MODIFICATION OF RESTRICTIONS ON REAL PROPERTY, CHEYENNE, WYOMING.

(a) MODIFICATION OF REVERSIONARY INTEREST.—The Secretary of Veterans Affairs of Veterans Affairs is authorized to execute such instruments as may be necessary to modify the conditions under which the land described in subsection (b) will revert to the United States in order to permit the City of Cheyenne, Wyoming, to grant all or part of such land to the First Cheyenne Federal Credit Union (formerly known as the Cheyenne VAF Federal Credit Union) with a condition on such grant that the First Cheyenne Federal Credit Union use such land only for the purpose of constructing a building to house its operations.

(b) DESCRIPTION OF LAND.—The land covered by this section is the tract of 27 acres of land, more or less, conveyed to the City of Cheyenne, Wyoming, pursuant to the Act entitled ''An Act authorizing the Administrator of Veterans' Affairs to convey certain property to the City of Cheyenne, Wyoming'', approved November 8, 1965 (79 Stat. 1304).

(c) TERMS OF REVERSIONARY INTEREST.—In carrying out this section, the Secretary may cause the statement of the conditions under which title to all or any part of the land described in subsection (b) reverts to the United States to be revised so that any such reversion would occur at the option of the United States.

(d) GENERAL AUTHORITIES.—The Secretary may carry out this section subject to such terms and conditions (including reservations of rights for the United States) as the Secretary considers necessary to protect the interests of the United States. In carrying out this section, the Secretary may eliminate any existing covenant or restriction with respect to the tract of land described in subsection (b) which the Secretary determines to be no longer necessary to protect the interests of the United States.

SEC. 350. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, JOHNSON CITY, TENNESSEE.

(a) NAME.—The Mountain Home Department of Veterans Affairs Medical Center in Johnson City, Tennessee, shall after the date of the enactment of this Act be known and designated as the ''James H. Quillen Department of Veterans Affairs Medical Center''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James H. Quillen Department of Veterans Affairs Medical Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect at noon on January 3, 1997.

SEC. 351. REPORT ON HEALTH CARE NEEDS OF VETERANS IN EAST CENTRAL FLORIDA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the health care needs of veterans in east central Florida. In preparing the report, the Secretary shall consider the needs of such veterans for psychiatric and long-term care. The Secretary shall include in the report the Secretary's views, based on the Secretary's determination of such needs, as to the best means of meeting such needs using the amounts appropriated pursuant to the authorization of appropriations in this Act and Public Law 103–452 for projects to meet the health care needs of such veterans. The Secretary may, subject to the availability of appropriations for such purpose, use an independent contractor to assist in the determination of such health care needs.

(b) LIMITATION.—The Secretary may not obligate any funds, other than for design work, for the conversion of the former Orlando Naval Training Center Hospital in Orlando, Florida (now under the jurisdiction of the Secretary of Veterans Affairs), to a nursing home care unit until 45 days after the date on which the report required by subsection (a) is submitted.

SEC. 352. EVALUATION OF HEALTH STATUS OF SPOUSES AND CHILDREN OF PERSIAN GULF WAR VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (b) of section 107 of the Persian Gulf War Veterans' Benefits Act (title I of Public Law 103–446; 108 Stat. 4652; 38 U.S.C. 1117 note) is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''December 31, 1998''.

(b) RATIFICATION OF ACTIONS.—Any diagnostic testing and medical examinations undertaken by the Secretary of Veterans Affairs for the purpose of the study required by subsection (a) of such section during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act is hereby ratified.

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

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

There was no objection.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Arizona so he can explain this bill.

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

Mr. STUMP. Mr. Speaker, I thank the gentleman from Mississippi for yielding.

Mr. Speaker, the House-Senate agreement, which produced this legislation, includes provisions from several bills passed by the House during the 104th Congress.

These bills are H.R. 1384, to allow VA employees to work outside the VA; H.R. 3376, VA major medical construction authorization; H.R. 3643, expiring authorities legislation; and, of course, H.R. 3118, the Veterans' Health Care Eligibility Reform Act of 1996, the one we have all worked so hard on for several years.

Mr. Speaker, I hope that all Members will support this bill.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON], the chairman of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I think we ought to call attention to the gentleman that has reserved the right to object. His name happens to be SONNY MONTGOMERY. He is a man who personifies the advocacy for veterans and veterans families throughout this country for so many years in this body. He is retiring, he will no longer be with us, but he will be coming back to keep an eye on all of us because he is still going go stick up for the veterans of this country the way he always has.

I am proud to be the cosponsor of this legislation along with Chairman STUMP, because this guarantees the medical care delivery system for the future for veterans of this country. It is a giant step in the right direction. I commend you, SONNY, and you, BOB, and your committees and your staff for the great job you did.

I thank the gentleman for yielding.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I want to thank the gentleman from New York [Mr. SOLOMON] and five him a good salute on the House floor.

Mr. Speaker, I will be brief. Mr. Speaker, this is a very important bill. I want to commend our Chairman BOB STUMP who has be a fair chairman, we have worked well together, and also the chairman and ranking member of the Subcommittee on Hospitals and Health Care, the gentleman from Arkansas, Mr. HUTCHINSON and the gentleman from Texas, Mr. EDWARDS.

Mr. Speaker, this bill opens up the eligibility more for veterans to get into our veterans hospitals and be treated.

Throughout this Congress, veterans have called on our committee to adopt eligibility reform. That has been their highest priority, and we have pledged to achieve that goal. The House has, in fact, twice passed eligibility reform legislation. But today we join hands with our colleagues in the Senate, and take up a compromise bill. This bill, the Veterans' Health Care Eligibility Reform Act of 1996, is landmark legislation. It not only reforms outdated rules on when and how VA can care for a veteran, but gives VA important new tools both to streamline and strengthen its health care system.

Many, many veterans rely on VA for care—from the spinal cord injured World War II veteran to women veterans of the Persian gulf war. With this bill, we make it easier for them to get VA care, and provide them greater assurance that the VA health care system of tomorrow will be an even better system than the one that serves them today.

I urge my colleagues to support this compromise agreement.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding to me. I will be brief.

I think I would be remiss if I did not say that this was landmark legislation in the waning hours of this session of Congress, and I want to congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY], because in a Congress that has sometimes been very difficult, they have shown us that even in difficult times, civility can prevail.

Mr. Speaker, I think it is appropriate that in the 104th Congress where we have freely exercised our freedom of speech on both sides of the aisle, that we finish this Congress by passing major legislation to honor those who have fought and been willing to give their life to protect that freedom of speech, both on the floor of this House and for all Americans across this country. This legislation is a first step, not a last step.

Mr. Speaker, I will finish by saying that this is landmark legislation. It is not the final step in the effort toward increasing care for our veterans, but it is a major step, a significant step that would not have happened had it not been for the leadership of the gentleman from Arizona [Mr. STUMP] and the gentleman from Mississippi [Mr. MONTGOMERY]. I want to express my thanks to both the gentlemen for their efforts on our veterans' behalf.

Finally, this is a win-win, not only for our veterans who will have simpler eligibility rules; they will know whether they can get VA care or not, but they will also be able to get outpatient care more easily. But it is a win also for our taxpayers because by providing outpatient care rather than more expensive inpatient care, our taxpayers will win from this major legislation.

To the gentleman from New York [Mr. SOLOMON] also, the chairman of the Committee on Rules, I want to express my thanks to him for helping this bill become the law of the land at the end of this session.

To all, this is a great piece of legislation. It is a great day for our veterans. Certainly they have earned this right to receive the care that they were willing to give their lives for our Nation for.

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3118.

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

There was no objection.

□ 2230

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3458) to increase, effective as of December 1, 1996, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 1996''.

SEC. 2. INCREASE IN COMPENSATION RATES AND LIMITATIONS.

(a) IN GENERAL.—(1) the Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1996, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Cost-of-Living Adjustment Act of 1995 (Public Law No. 104–57; 109 Stat. 555). This increase shall be made in such rates and limitations as in effect on November 30, 1996, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1996, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a)(2), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1996, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2) as increased under this section.

Mr. STUMP (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the record.

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

There was no objection.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Arizona to explain the bill.

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

Mr. Speaker, H.R. 3458, as amended, the COLA bill, increases the rates of compensation for veterans with service connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The increase would be effective on December 1, 1996, and would be the same percentage increase as applied to Social Security benefits.

I would like to take a minute to thank Chairman SIMPSON and Senator ROCKEFELLER and their staff for all of the hard work done on this and the two veterans bills just passed.

I also want to thank all our subcommittee chairman and ranking members on the VA Committee for their hard work and bipartisan approach on our legislation this Congress.

In addition, I want to thank the staff members of the House Veterans' Affairs Committee for their support, hard work and willingness to do things in a bipartisan manner.

The veterans' service organizations have worked well with us on these bills and we appreciate their assistance and cooperation as well. I must take just a moment to express my deep appreciation and sincere thanks to the gentleman from Mississippi and my good friend SONNY MONTGOMERY, the ranking minority member of the full committee for his work on this measure, the final veterans bill to be passed during his career in the House. Without his efforts these bills would not be on the floor today.

And Mr. Speaker, without his leadership on veterans' issues over the past 30 years this country would not have fulfilled its obligation to our veterans of military service the way we have.

SONNY MONTGOMERY'S commitment and dedication to the men and women serving in our Armed Forces has rightfully earned him the title ''Mr. Veteran''.

The members of the National Security Committee and the Veterans' Affairs Committee will miss his energetic support for those individuals wearing our country's uniform and those who have worn it.

I will personally miss his friendship and counsel over the many years we have served together in this body.

We wish this great legislator and champion of veterans the very best in all his future endeavors.

I hope all Members will support this bill and I ask unanimous consent to revise and extend my remarks and that all members may have 5 legislative days to revise and extend their remarks on H.R. 3458, as amended.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, Mr. Chairman, BOB STUMP, thank you for the great ride. We have been together on a nonpartisan committee for

many years, and I thank the gentleman for his very, very kind words and wish him the best.

Mr. Speaker, I want to begin by thanking the chairman of the committee, BOB STUMP, for working with the Senate to bring this bill to the floor today. I also want to recognize the hard work of the chairman and ranking member of the Subcommittee on Compensation, Pension, Insurance, and Memorial Affairs, TERRY EVERETT and LANE EVANS.

I am pleased that the Senate has sent this very important bill over for final action.

H.R. 3458, as amended, is a bill that millions of veterans and the spouses of veterans who died of a service-connected cause depend on the Congress to enact. Each time we do so, we reaffirm our commitment to these disabled veterans and the survivors of veterans. Many of these beneficiaries depend on their monthly VA check to pay their rent and feed their families.

My colleagues can understand that even modest increases in food and housing costs must be addressed by providing cost-of-living increases to these veterans, who have earned our respect and assistance.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1711) to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Arizona [Mr. STUMP] to explain the bill.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the provisions of this bill come from both House and Senate-passed initiatives during the 104th Congress to enhance, improve, and continue many veterans benefits.

The bill makes positive changes to the administrative functions within the VA education service, the National Cemetery System, the VA life insurance program, and the Veterans Benefits Administration.

This bill repeals the Davenport versus Brown decision by reestablishing the long-standing requirement that a veteran's employment handicap be the result of a service connected disability in order to qualify for vocational rehabilitation benefits.

It uses the savings from that provision to make improvements to several education and survivors benefits programs.

I hope all Members will support this bill.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, again, I just want to commend the gentleman from Arizona, Chairman STUMP, and certainly the ranking member, the gentleman from Mississippi, SONNY MONTGOMERY. This is a very vital piece of legislation. It is timely, and it also extends the date of the Vietnam era to February 28, 1961, and it extends eligibility for certain health benefits to those serving on or after January 9, 1962. As you know, some Vietnam veterans have been excluded, and they never should have been. This makes that correction after all these years. I thank both gentlemen for having included it in their legislation.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this legislation. This is a consolidation of several bills that passed the House, including H.R. 2289, H.R. 3673, and H.R. 3674. They are all combined with several of the Senate provisions. Notably, this is a culmination of fine bipartisan work that is a hallmark of our two Veterans' Affairs Committees.

Mr. Speaker, it has been a pleasure to serve under the gentleman from Arizona, Chairman BOB STUMP, and former chairman and now ranking member of the Committee on Veterans Affairs, the gentleman from Mississippi, SONNY MONTGOMERY. SONNY, all of us in this body are going to miss you. You are a true American hero, and a role model of honor and integrity for many in this country.

I have been at so many receptions that honor you, SONNY, the only thing left is either to create a statue or make a bronze something out there. I am afraid the pigeons might do something I disagree with. We will do things to continue your legends in this body.

This is a great bill in bipartisan fashion. We are going to spend about $202 million in this bill to enhance and improve veterans benefits, and we are doing the right thing for America's heroes. I appreciate you service, SONNY, as does America.

Mr. Speaker, I rise in support of S. 1711, which is a consolidation of several bills passed by the House including H.R. 2289, H.R. 3673, and H.R. 3674, and are combined with several Senate provisions. Notably, it is the culmination of fine bipartisan work that is the hallmark of our two Veterans Affairs Committees.

I wish to extend to the chairman, Mr. STUMP, and to his dear friend the ranking member, Mr. MONTGOMERY, my thanks for their leadership on this legislation.

I would be remiss if I did not recognize the efforts of my colleagues on the Veterans Affairs Committee for their contributions—and interest—in this legislation.

The bill contains several notable provisions that will enhance a wide variety of benefits and will spend about $209 million over the next 6 years. I will address the provisions that fall within the jurisdiction of my subcommittee.

Section 101 overrides the Court of Veterans Appeals decision in Davenport versus Brown by reestablishing the long-standing requirement that a veterans's employment handicap be the result of a service-connected disability in order to qualify for vocational rehabilitation benefits.

Section 102 would make permanent the program to provide GI bill funding for veterans enrolled in programs designed to certify teachers through nontraditional educational institutions.

Section 103 removes the GI bill's 2-year restriction on all degree granting institutions, including branch campuses.

Section 104 would allow individuals the opportunity to pursue their educational programs through open circuit TV without taking part of the course in residence.

Section 105 allows veterans training under cooperative training programs to be paid full-time educational benefits instead of the current 80 percent of the full-time educational benefit rate.

Section 106 will allow active duty service members to transfer from the old Post-Vietnam Era Education Assistance Program [VEAP] to the more generous Montgomery GI bill (chapter 30). Under VEAP, a veteran could expect a maximum benefit of $8,100. Under the Montgomery GI bill, a veteran can expect a minimum of about $15,500 for a 3-year enlistment.

Section 107 will offer active duty Army and Air Force National Guard members who enlisted between June 30, 1985, and November 29, 1989, and who were not eligible for any sort of education benefit the opportunity to participate in the Montgomery GI bill.

Section 201 extends VA's authority to guarantee the real estate mortgage investment conduits [REMIC's] that are used to market vendee loans on the secondary market for an additional year.

Section 202 authorizes VA to refinance direct loans to native Americans.

Section 301 would require that Regional Administrators be veterans.

Section 302 would authorize broadening the duties of support personnel assigned to the offices of VETS State Directors for Veterans Employment and Training.

Section 303 would authorize the Secretary of Labor to conduct a pilot program in five States under which the primary responsibilities of Local Veterans Employment Representatives [LVER's] would be case management and the provision of direct employment and training services to veterans.

Subtitle B of title III of the bill provides for a series of technical amendments regarding the Uniformed Service Employment and Reemployment Rights Act of 1994 and greatly

clarifies the rights and responsibilities of veterans and their employers.

Section 510 would prohibit VA from moving the Education Service headquarters functions out of the District of Columbia prior to January 1, 1998. I want to emphasize that the bill does not prevent VA from downsizing the education staff or meeting any of the goals of the Government Performance Review Act. The bill was introduced as H.R. 3036 by the ranking member, Mr. MONTGOMERY, and cosponsored by the chairman, myself, and Ms. WATERS. It received strong support from the VSO's during the hearing.

Seciton 601 extends the Homeless Veterans Reintegration Project [HVRP] through fiscal year 1998 and authorizes appropriations in the amount of $10 million per year. The Homeless Veterans Reintegration Project is a Veterans Employment and Training Service Program to assist homeless veterans with finding employment.

Title VII of the bill establishes a Commission on Servicemembers and Veterans Transition Assistance to assess the effectiveness of all veterans readjustment opportunity programs. The Commission will evaluate proposals for improving programs; and recommend to Congress actions of ensuring the continuing utility of readjustment programs.

This is virtually our only opportunity to make these kinds of program improvements. These are good provisions that will make a difference in the lives of thousands of veterans and their survivors. Its a bipartisan bill and I thank all the Members on both sides of the aisle for their support. I urge my colleagues to support the bill.

Mr. MONTGOMERY. Mr. Speaker, I want to thank the gentleman from Indiana. We are working on that statute down in Mississippi. Do not worry about it too much.

Mr. Speaker, I rise in strong support of the House amendment to S. 1711. This measure will strengthen and improve the Montgomery GI Bill by expanding educational opportunities for veteran students. I am particularly pleased that the bill includes a provision which will enable many VEAP-eligible active duty servicemembers to switch to the more generous Montgomery GI Bill. Additionally, the amendment includes provisions which will strengthen veterans' reemployment rights and improve employment services for veterans.

Of particular importance to the continuing effective administration of veterans' education programs is the provision which forbids the transfer of Education Service personnel now located in Central Office. It should be noted that it is our intent that this restriction include the Director of the Education Service and the Director's immediate staff.

Also included in this bill are several provisions which are designed to improve the administration of veterans benefits and make them easier for veterans to use.

One provision allows the VA to pay 2 years in back benefits to the survivor of a veteran whose claim is allowed after his or her death.

Another important provision allows the surviving spouse to retain the veterans compensation or pension payments for the month in which the veteran dies.

I want to thank Congressman STEVE BUYER and TERRY EVERETT, the chairman of the two subcommittees that have jurisdiction over this bill, and Representative LANE EVANS and BOB FILNER. the ranking Democratic members of these subcommittees. They worked very hard throughout this Congress and I commend them for the bill which we are now considering.

Mr. Speaker, I want to express my sincere thanks to my good friend, BOB STUMP, for his hard work on this legislation. As important, I want to thank BOB for his effective and bipartisan leadership of the Veterans' Affairs Committee during the 104th Congress. He continued the 50-year tradition of a committee motivated by a desire to strengthen and improve the rights and benefits earned by our Nation's veterans.

Mr. Speaker, I hope my colleagues will join me in supporting this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There is no objection.

The Clerk read the Senate bill, as follows:

S. 1711

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment";

(2) in paragraph (6), by inserting "authorized under section 3120 of this title" after "assistance"; and

(3) in paragraph (7), by inserting ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 20 percent or more";

(2) in paragraph (2)(A), by striking out "which is" and all that follows through "chapter 11 of this title and" and inserting in lieu thereof "rated at 10 percent"; and

(3) by amending paragraph (2)(B) to read as follows:

"(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.".

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out "described in section 3102(1)(A)(i) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out "particular" and inserting in lieu thereof "current"; and

(B) in paragraph (2), by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment"; and

(3) in subsection (d), by striking out "under this chapter" and inserting in lieu thereof "in accordance with the provisions of section 3120 of this title".

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out "such veteran's disability or disabilities cause" and inserting in lieu thereof "the veteran has an employment handicap or"; and

(ii) by inserting "reasonably" after "goal is";

(B) in paragraph (7)(A)—

(i) by striking out "(i)"; and

(ii) by striking out ", and (ii)" and all that follows through "such Act"; and

(C) in paragraph (12), by striking out "For the most severely disabled veterans requiring" and inserting in lieu thereof "For veterans with the most severe service-connected disabilities who require"; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out "veteran's employment" and inserting in lieu thereof "veteran's current employment".

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out "described in clause (i) or (ii) of section 3102(1)(A) of this title" and inserting in lieu thereof "rated at 10 percent or more";

(B) in subsection (b), by striking out "counseling in accordance with";

(C) in subsection (c), by striking out "with extended" and inserting in lieu thereof "with an extended"; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.".

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out "3106(e)" and inserting in lieu thereof "3106(f)";

(B) in section 3109, by striking out "3106(d)" and inserting in lieu thereof "3106(e)";

(C) in section 3118(c), by striking out "3106(e)" and inserting in lieu thereof "3106(f)"; and

(D) in section 3120(b), by striking out "3106(d)" and inserting in lieu thereof "3106(d) or (e)".

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out "following the conclusion of such pursuit" and inserting in lieu thereof "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title"; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting "eligible for and" after "veteran is";

(ii) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30"; and

(iii) by striking out "either chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30"; and

(B) in subparagraph (B), by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30".

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting "rated at 10 percent or more" after "disability".

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out "service-connected disability described in section 3102(1)(A)" and inserting in lieu thereof "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)"; and

(2) in subsection (d), by striking out "and (b)".

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out "For the period ending on September 30, 1996, such" and inserting in lieu thereof "Such".

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out "3689(b)(6) of this title" and inserting in lieu thereof "subsection (g)".

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

"(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

"(1) the educational institution has been operating for less than two years;

"(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

"(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

"(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

"(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

"(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

"(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.".

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

"(b) As a condition of approval under this section, the State approving agency must find the following:

"(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

"(2) The educational institution maintains a written record of the previous education

and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

''(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.''.

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out ''in part''.

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting ''(including open circuit television)'' after ''independent study program'' the second place it appears; and

(2) in subsection (c), by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out ''$327'' and inserting in lieu thereof ''$404''.

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out ''(g)'' and inserting in lieu thereof ''(f)''.

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

''§ 3018C. Opportunity for certain VEAP participants to enroll

''(a) Notwithstanding any other provision of law, an individual who—

''(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

''(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

''(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

''(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

''(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

''(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

''(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

''(2) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

''(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.''.

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

''3018C. Opportunity for certain VEAP participants to enroll.''.

(2) Subsection (d) of section 3013 is amended by striking out ''or 3018B'' and inserting in lieu thereof '', 3018B, or 3018C''.

(3) Subsection (f) of section 3015 is amended by inserting '', 3018B, or 3018C'' after ''section 3018A''.

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out '', for the purposes of section 1322(a) of title 31,''; and

(B) by striking out ''as provided in such section'' and inserting in lieu thereof ''to the Secretary for payments for entitlement earned under subchapter II of chapter 30''.

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: ''and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title''.

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out ''November 29, 1989'' and inserting in lieu thereof ''June 30, 1985''.

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out ''December 31, 1996'' and inserting in lieu thereof ''December 31, 1997''.

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

''(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

''(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

''(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.''.

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out ''or 3712(a)(1)(F)''

and inserting in lieu thereof ''3712(a)(1)(F), or 3762(h)''.

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after ''minor child'' the following: ''(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)''.

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

''(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

''(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

''(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

''(2) A facility described in this paragraph is—

''(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

''(B) an institution at which the deceased veteran was, at the time of death, receiving—

''(i) hospital care in accordance with section 1703 of this title;

''(ii) nursing home care under section 1720 of this title; or

''(iii) nursing home care for which payments are made under section 1741 of this title.''.

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out ''a grave liner'' each place it appears and inserting in lieu thereof ''an outer burial receptacle'';

(2) in paragraph (2)—

(A) by striking out ''grave liners'' and inserting in lieu thereof ''outer burial receptacles''; and

(B) by striking out ''specifications and procedures'' and inserting in lieu thereof ''regulations or procedures''; and

(3) by adding at the end the following:

''(3) Regulations or procedures under paragraph (2) may specify that—

''(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

''(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

''(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

''(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

''(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2306. Headstones, markers, and burial receptacles''.

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

''2306. Headstones, markers, and burial receptacles.''.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: ''Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.''.

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out ''full-time Federal clerical support'' and inserting in lieu thereof ''full-time Federal clerical or other support personnel''; and

(2) in the third sentence, by striking out ''Full-time Federal clerical support personnel'' and inserting in lieu thereof ''Full-time Federal clerical or other support personnel''.

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term ''veteran'' has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term ''disabled veteran'' has the meaning given such term by section 4211(3) of such title.

(3) The term ''active military, naval, or air service'' has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out ''under honorable conditions''.

(2) Section 4303(16) is amended by inserting ''national'' before ''emergency''.

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

''(c) An employer shall be considered to have engaged in actions prohibited—

''(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership,

service, application for service, or obligation for service; or

''(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

''(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.''.

(4) Section 4312 is amended—

(A) in subsection (a), by striking out ''who is absent from a position of employment'' and inserting in lieu thereof ''whose absence from a position of employment is necessitated'';

(B) in subsection (c)—

(i) by striking out ''section 270'' in paragraph (3) and inserting in lieu thereof ''section 10147''; and

(ii) in paragraph (4)—

(I) by striking out ''section 672(a), 672(g), 673, 673b, 673c, or 688'' in subparagraph (A) and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, or 12305'';

(II) by amending subparagraph (B) to read as follows:

''(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;'';

(III) by striking out ''section 673b'' in subparagraph (C) and inserting in lieu thereof ''section 12304''; and

(IV) by striking out ''section 3500 or 8500'' in subparagraph (E) and inserting in lieu thereof ''section 12406''; and

(C) in subsection (d)(2)(C), by striking out ''is brief or for a nonrecurrent period and without a reasonable expectation'' and inserting in lieu thereof ''is for a brief, nonrecurrent period and there is no reasonable expectation''.

(5) Section 4313(a)(4) is amended—

(A) by striking out ''uniform services'' in subparagraph (A)(ii) and inserting in lieu thereof ''uniformed services''; and

(B) by striking out ''of lesser status and pay which'' and inserting in lieu thereof ''which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which''.

(6) Section 4316(d) is amended by adding at the end the following new sentence: ''No employer may require any such person to use vacation, annual, or similar leave during such period of service.''.

(7) Section 4317(a) is amended—

(A) by striking out ''(a)(1)(A) Subject to paragraphs (2) and (3), in'' and inserting in lieu thereof ''(a)(1) In'';

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out ''services,'' and inserting in lieu thereof ''services, such payment period''.

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting ''attempt to'' before ''resolve''; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out ''with respect to a complaint under subsection (d) are unsuccessful,'' and inserting in lieu thereof ''with respect to any complaint filed under subsection (a) do not resolve the complaint,''; and

(ii) in paragraph (2), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''.

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out ''of an unsuccessful effort to resolve a complaint''; and

(B) in paragraph (2)(A), by striking out ''regarding the complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out ''of an unsuccessful effort to resolve a complaint relating to a Federal executive agency'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) in paragraph (1), by striking out ''regarding a complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''; and

(C) in subsection (c)(2)—

(i) by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) by striking out ''employee'' and inserting in lieu thereof ''Office''.

(12) Section 4325(d)(1) is amended—

(A) by striking out '', alternative employment in the Federal Government under this chapter,''; and

(B) by striking out ''employee'' the last place it appears and inserting in lieu thereof ''employees''.

(13) Section 4326(a) is amended by inserting ''have reasonable access to and the right to interview persons with information relevant to the investigation and shall'' after ''at all reasonable times,''.

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: ''Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act.''; and

(2) in paragraph (4), by striking out ''such period'' and inserting in lieu thereof ''such 60-day period''.

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out ''person on active duty'' and inserting in lieu thereof ''person serving a period of service in the uniformed services''.

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Veterans' Insurance Reform Act of 1996''.

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding ''and'' at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out ''or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,''; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out ''subparagraph (B), (C), or (D) of section 1965(5)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''section 1965(5)(B)'';

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and'';

(D) in paragraph (4)—

(i) by striking out ''one hundred and twenty days after'' in the matter preceding subparagraph (A) and all that follows through ''(A) unless on'' and inserting in lieu thereof ''120 days after separation or release from such assignment, unless on'';

(ii) by striking out ''prior to the expiration of one hundred and twenty days'' and inserting in lieu thereof ''before the end of 120 days'';

(iii) by striking out the semicolon after ''such assignment'' and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out ''is assigned to the Reserve (other than the Retired Reserve)'' and all that follows through ''section 1965(5)(D) of this title,'';

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of

any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting ''(1)'' after ''(b)'' at the beginning of the subsection;

(2) by striking out ''would cease,'' in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof ''would cease—

''(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

''(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.''; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out ''Such automatic conversion'' and inserting in lieu thereof ''Automatic conversion to Veterans' Group Life Insurance under paragraph (1)''.

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

''(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000.''; and

(2) in subsection (e)—

(A) in the first sentence, by inserting ''at any time'' after ''shall have the right''; and

(B) by striking out the third sentence and inserting in lieu thereof the following: ''The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.''.

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

''(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

''(1) the purpose and role of life insurance in financial planning;

''(2) the difference between term life insurance and whole life insurance;

''(3) the availability of commercial life insurance; and

''(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.''.

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out ''Servicemen's Group Life Insurance'' each place it appears and inserting in lieu thereof ''Servicemembers' Group Life Insurance'':

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE''.

(B) The heading of section 1974 is amended to read as follows:

''§ 1974. Advisory Council on Servicemembers' Group Life Insurance''.

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE'';

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

''1974. Advisory Council on Servicemembers' Group Life Insurance.''.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out ''servicemen's'' the first place it appears and inserting in lieu thereof ''servicemembers' ''.

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out ''Servicemen's'' each place it appears and inserting in lieu thereof ''Servicemembers' ''.

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out ''and (e)'' in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting ''career or'' before ''noncareer''.

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

''(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

''(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.''.

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

''(g) In this section—

''(1) The term 'veterans who are minorities' means veterans who are minority group members.

''(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.''.

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out ''(relating to'' and all that follows through ''and of'' and inserting in lieu thereof ''(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on''.

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting '', including the Center for Women Veterans'' before the period at the end.

(2) Section 544(b) is amended by inserting '', including the Center for Minority Veterans'' before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

''§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

''In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365 of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

''5313A. Limitation on payment of clothing allowance to incarcerated veterans.''.

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4661) is amended by striking out ''Not later than 18 months after such date'' and inserting in lieu thereof ''Not later than December 31, 1996''.

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

''(29) The term 'Vietnam era' means the following:

''(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

''(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.''.

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''.

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975''.

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out ''during the Vietnam era,'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''; and

(B) in clause (ii), by striking out ''such era'' and inserting in lieu thereof ''such period''.

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting ''(a)'' before ''If, in accordance with''; and

(2) by adding at the end the following:

''(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

''(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out ''one year'' in the matter preceding paragraph (1) and inserting in lieu thereof ''two years''.

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

''(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.''.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

''(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

''(2) If the claimant has an authorized representative, the Board shall—

''(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

''(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.''.

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1998''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(E) $10,000,000 for fiscal year 1997.

''(F) $10,000,000 for fiscal year 1998.''.

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled ''An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes'', approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

''(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

''(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

''(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

''(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).''.

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

''SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

''(b) The Commission shall—

''(1) by March 1 of each year (beginning with 1998)—

''(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

''(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

''(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

''(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.''.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term ''veterans transition assistance and benefits program'' means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term ''Armed Forces'' has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term ''veterans service organization'' means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 3458 and on S. 1711.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 3815. An act to make technical corrections and miscellaneous amendments to trade laws.

MAKING TECHNICAL CORRECTION TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL 1993

Mr. BATEMAN. Mr. Speaker, I ask unanimous consent that the Committee on National Security be discharged from further consideration of the bill (H.R. 4282) to amend the National Defense Authorization Act for fiscal year 1993 to make a technical correction relating to the provision of Department of Defense assistance to local education agencies, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, as ranking minority member on the Democratic side, I will not object, but I would like to yield to the gentleman from Virginia to explain the bill, and a number of other Members on both sides are interested in this bill and the explanation.

Mr. BATEMAN. Mr. Speaker, I do appreciate the distinguished soldier statesman from Mississippi for allowing me the opportunity to explain why this bill is necessary.

Mr. Speaker, when the 1986 defense authorization bill was enrolled, it was enrolled with a typographical error, in that it made reference to an accompanying section as section 8803(A), when it should have made reference to 8803(A)(1). This bill simply corrects that typographical error.

So if we can get it enacted and signed by the President, the school districts which were supposed to and intended to receive those funds pursuant to the correctly enrolled and passed bill will be able to receive them.

It is purely correcting a typographical error, but a very significant one to the school districts affected.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I want to thank the gentleman for catching this technical error that really affected a number of people.

Mr. Speaker, further reserving the right to object I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I would like to thank the gentleman from Mississippi for his hard work and dedication over the years. I would also like to thank my colleague from Virginia, Mr. BATEMAN, for his hard work and diligence in this effort, not only in this effort but over the years for impact aid. It is an extremely important element of funding for education in highly impacted areas.

My colleague from Virginia has worked extremely hard in this area. Having found the mistake, he had even more work to do to get it back in. I want to congratulate the gentleman for a job well done. There are many others, including the gentleman from Texas [Mr. EDWARDS], who have been very diligent in this area, but I especially wanted to thank my colleague from Virginia for his hard work.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I want to thank the gentleman from Mississippi, Chairman MONTGOMERY, and once again express my gratitude for his leadership on the national security over the years. We are a stronger Nation because of his service.

I simply wanted to say in my 6 years in the Congress, probably one of the greater privileges I have had has been to work with the gentleman from Virginia [Mr. BATEMAN] to fight for the impact aid program. It seems to me, Mr. Speaker, that along with our Nation's veterans, there could be few groups more deserving in America than the children of military families, children who often have to go to school not knowing whether their mother or father will even be alive at their graduation, children who Christmas after Christmas or season after season have to be with only one part of their family, because the father or mother is serving their country thousands of miles away.

While I am sorry there were some in Washington from both parties last year who wanted to cut impact aid for these deserving military children, people such as Mr. BATEMAN saw the importance and the value of this program. It not only provides the support for a quality education for military children they deeply deserve; it also is a matter of maintaining quality people in our military, because with an all-volunteer force how can we expect the best and brightest to come into our Armed Forces if we cannot assure them that their children will receive a quality education?

So my thanks once again goes out to the gentleman from Virginia [Mr. BATEMAN], who at one point last year very briefly after a momentary health problem, even at some risk to his own health, came to this floor to see that the impact aid program would stay alive, and for that not only I but, far more importantly, millions of American children this year and generations ahead will be in his debt.

Mr. MONTGOMERY. Mr. Speaker, further reserving the right to object, I would like to commend the gentleman from Virginia for making this correction for us, and congratulate him on being reelected to the Congress.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4282

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

SECTION 1. TECHNICAL CORRECTION RELATING TO DEPARTMENT OF DEFENSE ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Pub. L. 102–484; 20 U.S.C. 7703 note) is amended—

(1) by striking ''section 8003(a)'' and inserting ''section 8003(a)(1)''; and

(2) by striking ''(20 U.S.C. 7703(a))'' and inserting ''(20 U.S.C. 7703(a)(1))''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Ms. LOFGREN. Mr. Speaker, reserving the right to object, and I will not object, I would like to yield to the gentleman from Florida [Mr. MCCOLLUM], the chairman of the subcommittee, for an explanation of the bill.

Mr. MCCOLLUM. Mr. Speaker, just 2 days ago this body voted on H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996. The bill represents a major, bipartisan effort to respond to the national methamphetamine crisis confronting our nation today. The bill passed by a vote of 386 to 34.

H.R. 3852 is nearly identical to S. 1965, which was passed by the Senate nearly two weeks ago. It was introduced by Senate Judiciary Chairman HATCH and a large, bipartisan group of Senators, including Senators BIDEN, DASCHLE and FEINSTEIN.

The principal difference between the two bills is that the Senate bill lacks the mandatory minimum sentences for methamphetamine trafficking.

Like the House bill, S. 1965 has the support of both the pharmaceutical industry and the Drug Enforcement Administration.

I must say, and I think I speak for the entire law enforcement community when I say, I am disappointed that the Senate did not pass our tougher bill. I am disappointed that those few Members in the other body who opposed the mandatory minimum sentences in our bill did not drop their opposition. And, I am disappointed that the President, who says he supports the mandatory minimums in the House bill, did not call those Members, who are in his own party, and ask them to support these much-needed penalties.

Nevertheless, this is still a good bill. It is a bipartisan bill. It is a vitally important effort that has been worked on by Members of both Houses and both parties. I thank my colleague for yielding.

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Ms. LOFGREN. Mr. Speaker, further reserving my right to object, I think this is a strong and good bill for a menace, methamphetamine, that is growing exponentially, especially in my own home State of California. The measures, having to do with control of precursor chemicals, will have a significant, positive impact in the reduction of the availability of this drug.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1965

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Comprehensive Methamphetamine Control Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS
Sec. 101. Support for international efforts to control drugs.

Sec. 102. Penalties for manufacture of listed chemicals outside the United States with intent to import them into the United States.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

Sec. 201. Seizure and forfeiture of regulated chemicals.
Sec. 202. Study and report on measures to prevent sales of agents used in methamphetamine production.
Sec. 203. Increased penalties for manufacture and possession of equipment used to make controlled substances.
Sec. 204. Addition of iodine and hydrochloric gas to list II.
Sec. 205. Civil penalties for firms that supply precursor chemicals.
Sec. 206. Injunctive relief.
Sec. 207. Restitution for cleanup of clandestine laboratory sites.
Sec. 208. Record retention.
Sec. 209. Technical amendments.
Sec. 210. Withdrawal of regulations.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

Sec. 301. Penalty increases for trafficking in methamphetamine.
Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.
Sec. 303. Enhanced penalty for dangerous handling of controlled substances: amendment of sentencing guidelines.

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

Sec. 401. Diversion of certain precursor chemicals.
Sec. 402. Mail order restrictions.

TITLE V—EDUCATION AND RESEARCH

Sec. 501. Interagency methamphetamine task force.
Sec. 502. Public health monitoring.
Sec. 503. Public-private education program.
Sec. 504. Suspicious orders task force.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Methamphetamine is a very dangerous and harmful drug. It is highly addictive and is associated with permanent brain damage in long-term users.

(2) The abuse of methamphetamine has increased dramatically since 1990. This increased use has led to devastating effects on individuals and the community, including—

(A) a dramatic increase in deaths associated with methamphetamine ingestion;

(B) an increase in the number of violent crimes associated with methamphetamine ingestion; and

(C) an increase in criminal activity associated with the illegal importation of methamphetamine and precursor compounds to support the growing appetite for this drug in the United States.

(3) Illegal methamphetamine manufacture and abuse presents an imminent public health threat that warrants aggressive law enforcement action, increased research on methamphetamine and other substance abuse, increased coordinated efforts to prevent methamphetamine abuse, and increased monitoring of the public health threat methamphetamine presents to the communities of the United States.

TITLE I—IMPORTATION OF METHAMPHETAMINE AND PRECURSOR CHEMICALS

SEC. 101. SUPPORT FOR INTERNATIONAL EFFORTS TO CONTROL DRUGS.

The Attorney General, in consultation with the Secretary of State, shall coordinate international drug enforcement efforts to decrease the movement of methamphetamine and methamphetamine precursors into the United States.

SEC. 102. PENALTIES FOR MANUFACTURE OF LISTED CHEMICALS OUTSIDE THE UNITED STATES WITH INTENT TO IMPORT THEM INTO THE UNITED STATES.

(a) UNLAWFUL IMPORTATION.—Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended—

(1) in the matter before paragraph (1), by inserting ''or listed chemical'' after ''schedule I or II''; and

(2) in paragraphs (1) and (2), by inserting ''or chemical'' after ''substance''.

(b) UNLAWFUL MANUFACTURE OR DISTRIBUTION.—Paragraphs (1) and (2) of section 1009(b) of the Controlled Substances Import and Export Act (21 U.S.C. 959(b)) are amended by inserting ''or listed chemical'' after ''controlled substance''.

(c) PENALTIES.—Section 1010(d) of the Controlled Substances Import and Export Act (21 U.S.C. 960(d)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the comma at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(7) manufactures, possesses with intent to distribute, or distributes a listed chemical in violation of section 959 of this title.''.

TITLE II—PROVISIONS TO CONTROL THE MANUFACTURE OF METHAMPHETAMINE

SEC. 201. SEIZURE AND FORFEITURE OF REGULATED CHEMICALS.

(a) PENALTIES FOR SIMPLE POSSESSION.—Section 404 of the Controlled Substances Act (21 U.S.C. 844) is amended—

(1) in subsection (a)—

(A) by adding after the first sentence the following: ''It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 303 of this title or section 1008 of title III if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration.''; and

(B) by striking ''drug or narcotic'' and inserting ''drug, narcotic, or chemical'' each place it appears; and

(2) in subsection (c), by striking ''drug or narcotic'' and inserting ''drug, narcotic, or chemical''.

(b) FORFEITURES.—Section 511(a) of the Controlled Substances Act (21 U.S.C. 881(a)) is amended—

(1) in paragraphs (2) and (6), by inserting ''or listed chemical'' after ''controlled substance'' each place it appears; and

(2) in paragraph (9), by—

(A) inserting ''dispensed, acquired,'' after ''distributed,'' both places it appears; and

(B) striking ''a felony provision of''.

(c) SEIZURE.—Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) in subsection (a)(3), by inserting ''or listed chemical'' after ''controlled substance''; and

(2) by amending subsection (b) to read as follows:

''(b) As used in this section, the terms 'controlled substance' and 'listed chemical' have the meaning given such terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).''.

SEC. 202. STUDY AND REPORT ON MEASURES TO PREVENT SALES OF AGENTS USED IN METHAMPHETAMINE PRODUCTION.

(a) STUDY.—The Attorney General of the United States shall conduct a study on possible measures to effectively prevent the diversion of red phosphorous, iodine, hydrochloric gas, and other agents for use in the production of methamphetamine. Nothing in this section shall preclude the Attorney General from taking any action the Attorney General already is authorized to take with regard to the regulation of listed chemicals under current law.

(b) REPORT.—Not later than January 1, 1998, the Attorney General shall submit a report to the Congress of its findings pursuant to the study conducted under subsection (a) on the need for and advisability of preventive measures.

(c) CONSIDERATIONS.—In developing recommendations under subsection (b), the Attorney General shall consider—

(1) the use of red phosphorous, iodine, hydrochloric gas, and other agents in the illegal manufacture of methamphetamine;

(2) the use of red phosphorous, iodine, hydrochloric gas, and other agents for legitimate, legal purposes, and the impact any regulations may have on these legitimate purposes; and

(3) comments and recommendations from law enforcement, manufacturers of such chemicals, and the consumers of such chemicals for legitimate, legal purposes.

SEC. 203. INCREASED PENALTIES FOR MANUFACTURE AND POSSESSION OF EQUIPMENT USED TO MAKE CONTROLLED SUBSTANCES.

(a) IN GENERAL.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(1) by striking ''(d) Any person'' and inserting ''(d)(1) Except as provided in paragraph (2), any person''; and

(2) by adding at the end the following:

''(2) Any person who, with the intent to manufacture or to facilitate the manufacture of methamphetamine, violates paragraph (6) or (7) of subsection (a), shall be sentenced to a term of imprisonment of not more than 10 years, a fine of not more than $30,000, or both; except that if any person commits such a violation after one or more prior convictions of that person—

''(A) for a violation of paragraph (6) or (7) of subsection (a);

''(B) for a felony under any other provision of this subchapter or subchapter II of this chapter; or

''(C) under any other law of the United States or any State relating to controlled substances or listed chemicals,

has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years, a fine of not more than $60,000, or both.''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the sentencing guidelines to ensure that the manufacture of methamphetamine in violation of section 403(d)(2) of the Controlled Substances Act, as added by subsection (a), is treated as a significant violation.

SEC. 204. ADDITION OF IODINE AND HYDROCHLORIC GAS TO LIST II.

(a) IN GENERAL.—Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by adding at the end the following:

''(I) Iodine.

''(J) Hydrochloric gas.''.

(b) IMPORTATION AND EXPORTATION REQUIREMENTS.—(1) Iodine shall not be subject to the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

(2) EFFECT OF EXCEPTION.—The exception made by paragraph (1) shall not limit the authority of the Attorney General to impose the requirements for listed chemicals provided in section 1018 of the Controlled Substances Import and Export Act (21 U.S.C. 971).

SEC. 205. CIVIL PENALTIES FOR FIRMS THAT SUPPLY PRECURSOR CHEMICALS.

(a) OFFENSES.—Section 402(a) of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(1) in paragraph (9), by striking ''or'' after the semicolon;

(2) in paragraph (10), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this title or title III, with reckless disregard for the illegal uses to which such a laboratory supply will be put.

As used in paragraph (11), the term 'laboratory supply' means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.''.

(b) CIVIL PENALTY.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by adding at the end the following:

''(C) In addition to the penalties set forth elsewhere in this title or title III, any business that violates paragraph (11) of subsection (a) shall, with respect to the first such violation, be subject to a civil penalty of not more than $250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than $250,000 or double the last previously imposed penalty, whichever is greater.''.

SEC. 206. INJUNCTIVE RELIEF.

(a) TEN-YEAR INJUNCTION MAJOR OFFENSES.—Section 401(f) of the Controlled Substances Act (21 U.S.C. 841(f)) is amended by—

(1) inserting ''manufacture, exportation,'' after ''distribution,''; and

(2) striking ''regulated''.

(b) TEN-YEAR INJUNCTION OTHER OFFENSES.—Section 403 of the Controlled Substances Act (21 U.S.C. 843) is amended—

(1) in subsection (e), by—

(A) inserting ''manufacture, exportation,'' after ''distribution,''; and

(B) striking ''regulated''; and

(2) by adding at the end the following:

''(f) INJUNCTIONS.—(1) In addition to any penalty provided in this section, the Attorney General is authorized to commence a civil action for appropriate declaratory or injunctive relief relating to violations of this section or section 402.

''(2) Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business.

''(3) Any order or judgment issued by the court pursuant to this subsection shall be tailored to restrain violations of this section or section 402.

''(4) The court shall proceed as soon as practicable to the hearing and determination of such an action. An action under this subsection is governed by the Federal Rules of Civil Procedure except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.''.

SEC. 207. RESTITUTION FOR CLEANUP OF CLANDESTINE LABORATORY SITES.

Section 413 of the Controlled Substances Act (21 U.S.C. 853) is amended by adding at the end the following:

''(q) The court, when sentencing a defendant convicted of an offense under this title or title III involving the manufacture of methamphetamine, may—

''(1) order restitution as provided in sections 3612 and 3664 of title 18, United States Code;

''(2) order the defendant to reimburse the United States for the costs incurred by the United States for the cleanup associated with the manufacture of methamphetamine by the defendant; and

''(3) order restitution to any person injured as a result of the offense as provided in section 3663 of title 18, United States Code.''.

SEC. 208. RECORD RETENTION.

Section 310(a)(1) of the Controlled Substances Act (21 U.S.C. 830(a)(1)) is amended by striking the dash after ''transaction'' and subparagraphs (A) and (B) and inserting ''for two years after the date of the transaction.''.

SEC. 209. TECHNICAL AMENDMENTS.

Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (34), by amending subparagraphs (P), (S), and (U) to read as follows:

''(P) Isosafrole.

''(S) N-Methylephedrine.

''(U) Hydriodic acid.''; and

(2) in paragraph (35), by amending subparagraph (G) to read as follows:

''(G) 2-Butanone (or Methyl Ethyl Ketone).''.

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

TITLE III—INCREASED PENALTIES FOR TRAFFICKING AND MANUFACTURE OF METHAMPHETAMINE AND PRECURSORS

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking ''not more than 10 years,'' and inserting ''not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,''.

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking ''not more than 10 years,'' and inserting ''not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,''.

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

SEC. 303. ENHANCED PENALTY FOR DANGEROUS HANDLING OF CONTROLLED SUBSTANCES: AMENDMENT OF SENTENCING GUIDELINES.

(a) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall determine whether the Sentencing Guidelines adequately punish the offenses described in subsection (b) and, if not, promulgate guidelines or amend existing guidelines to provide an appropriate enhancement of the punishment for a defendant convicted of such an offense.

(b) OFFENSE.—The offense referred to in subsection (a) is a violation of section 401(d), 401(g)(1), 403(a)(6), or 403(a)(7) of The Controlled Substances Act (21 U.S.C. 841(d), 841(g)(1), 843(a)(6), and 843(a)(7)), in cases in which in the commission of the offense the defendant violated—

(1) subsection (d) or (e) of section 3008 of the Solid Waste Disposal Act (relating to handling hazardous waste in a manner inconsistent with Federal or applicable State law);

(2) section 103(b) of the Comprehensive Environmental Response, Compensation and Liability Act (relating to failure to notify as to the release of a reportable quantity of a hazardous substance into the environment);

(3) section 301(a), 307(d), 309(c)(2), 309(c)(3), 311(b)(3), or 311(b)(5) of the Federal Water Pollution Control Act (relating to the unlawful discharge of pollutants or hazardous substances, the operation of a source in violation of a pretreatment standard, and the failure to notify as to the release of a reportable

quantity of a hazardous substance into the water); or

(4) section 5124 of title 49, United States Code (relating to violations of laws and regulations enforced by the Department of Transportation with respect to the transportation of hazardous material).

TITLE IV—LEGAL MANUFACTURE, DISTRIBUTION, AND SALE OF PRECURSOR CHEMICALS

SEC. 401. DIVERSION OF CERTAIN PRECURSOR CHEMICALS.

(a) IN GENERAL.—Section 102(39) of the Controlled Substances Act (21 U.S.C. 802(39)) is amended—

(1) in subparagraph (A)(iv)(I)(aa), by striking ''as'' through the semicolon and inserting

'', pseudoephedrine or its salts, optical isomers, or salts of optical isomers, or phenylpropanolamine or its salts, optical isomers, or salts of optical isomers unless otherwise provided by regulation of the Attorney General issued pursuant to section 204(e) of this title;''; and

(2) in subparagraph (A)(iv)(II), by inserting '', pseudoephedrine, phenylpropanolamine,'' after ''ephedrine''.

(b) LEGITIMATE RETAILERS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (39)(A)(iv)(I)(aa), by adding before the semicolon the following: '', except that any sale of ordinary over-the-counter pseudoephedrine or phenylpropanolamine products by retail distributors shall not be a regulated transaction (except as provided in section 401(d) of the Comprehensive Methamphetamine Control Act of 1996)'';

(2) in paragraph (39)(A)(iv)(II), by adding before the semicolon the following: '', except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction'';

(3) by redesignating paragraph (43) relating to felony drug offense as paragraph (44); and

(4) by adding at the end the following:

''(45) The term 'ordinary over-the-counter pseudoephedrine or phenylpropanolamine product' means any product containing pseudoephedrine or phenylpropanolamine that is—

''(A) regulated pursuant to this title; and

''(B)(i) except for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches; and

''(ii) for liquids, sold in package sizes of not more than 3.0 grams of pseudoephedrine base or 3.0 grams of phenylpropanolamine base.

''(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

''(B) For purposes of this paragraph, sale for personal use means the sale of below-threshold quantities in a single transaction to an individual for legitimate medical use.

''(C) For purposes of this paragraph, entities are defined by reference to the Standard Industrial Classification (SIC) code, as follows:

''(i) A grocery store is an entity within SIC code 5411.

''(ii) A general merchandise store is an entity within SIC codes 5300 through 5399 and 5499.

''(iii) A drug store is an entity within SIC code 5912.''.

(c) REINSTATEMENT OF LEGAL DRUG EXEMPTION.—Section 204 of the Controlled Substances Act (21 U.S.C. 814) is amended by adding at the end the following new subsection:

''(e) REINSTATEMENT OF EXEMPTION WITH RESPECT TO EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE DRUG PRODUCTS.—Pursuant to subsection (d)(1), the Attorney General shall by regulation reinstate the exemption with respect to a particular ephedrine, pseudoephedrine, or phenylpropanolamine drug product if the Attorney General determines that the drug product is manufactured and distributed in a manner that prevents diversion. In making this determination the Attorney General shall consider the factors listed in subsection (d)(2). Any regulation issued pursuant to this subsection may be amended or revoked based on the factors listed in subsection (d)(4).''.

(d) REGULATION OF RETAIL SALES.—

(1) PSEUDOEPHEDRINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of pseudoephedrine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for pseudoephedrine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of pseudoephedrine base, the Attorney General shall establish, following notice, comment, and an informal hearing that since the date of enactment of this Act there are a significant number of instances where ordinary over-the-counter pseudoephedrine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802 (45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being widely used as a significant source of precursor chemicals for illegal manufacture of a controlled substance for distribution or sale.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(2) PHENYLPROPANOLAMINE.—

(A) LIMIT.—

(i) IN GENERAL.—Not sooner than the effective date of this section and subject to the requirements of clause (ii), the Attorney General may establish by regulation a single-transaction limit of 24 grams of phenylpropanolamine base for retail distributors. Notwithstanding any other provision of law, the single-transaction threshold quantity for phenylpropanolamine-containing compounds may not be lowered beyond that established in this paragraph.

(ii) CONDITIONS.—In order to establish a single-transaction limit of 24 grams of phenylpropanolamine base, the Attorney General shall establish, following notice, comment, and an informal hearing, that since the date of enactment of this Act there are a significant number of instances where ordinary over-the-counter phenylpropanolamine products as established in paragraph (45) of section 102 of the Controlled Substances Act (21 U.S.C. 802(45)), as added by this Act, sold by retail distributors as established in paragraph (46) in section 102 of the Controlled Substances Act (21 U.S.C. 802(46)), are being used as a significant source of precursor chemicals for illegal manufacture of a controlled substance in bulk.

(B) VIOLATION.—Any individual or business that violates the thresholds established in this paragraph shall, with respect to the first such violation, receive a warning letter from the Attorney General and, if a business, the business shall be required to conduct mandatory education of the sales employees of the firm with regard to the legal sales of pseudoephedrine. For a second violation occurring within 2 years of the first violation, the business or individual shall be subject to a civil penalty of not more than $5,000. For any subsequent violation occurring within 2 years of the previous violation, the business or individual shall be subject to a civil penalty not to exceed the amount of the previous civil penalty plus $5,000.

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

(4) DEFINITION OF BUSINESS.—For purposes of this subsection, the term ''business'' means the entity that makes the direct sale and does not include the parent company of a business not involved in a direct sale regulated by this subsection.

(5) JUDICIAL REVIEW.—Any regulation promulgated by the Attorney General under this section shall be subject to judicial review pursuant to section 507 of the Controlled Substances Act (21 U.S.C. 877).

(e) EFFECT ON THRESHOLDS.—Nothing in the amendments made by subsection (b) or the provisions of subsection (d) shall affect the authority of the Attorney General to modify thresholds (including cumulative thresholds) for retail distributors for products other than ordinary over-the-counter pseudoephedrine or phenylpropanolamine

products (as defined in section 102(45) of the Controlled Substances Act, as added by this section) or for non-retail distributors, importers, or exporters.

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term ''combination ephedrine product'' means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

(g) EFFECTIVE DATE OF THIS SECTION.—Notwithstanding any other provision of this Act, this section shall not apply to the sale of any pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review.

SEC. 402. MAIL ORDER RESTRICTIONS.

Section 310(b) of the Controlled Substances Act (21 U.S.C. 830(b)) is amended by adding at the end the following:

''(3) MAIL ORDER REPORTING.—(A) Each regulated person who engages in a transaction with a nonregulated person which—

''(i) involves ephedrine, pseudoephedrine, or phenylpropanolamine (including drug products containing these chemicals); and

''(ii) uses or attempts to use the Postal Service or any private or commercial carrier;

shall, on a monthly basis, submit a report of each such transaction conducted during the previous month to the Attorney General in such form, containing such data, and at such times as the Attorney General shall establish by regulation.

''(B) The data required for such reports shall include—

''(i) the name of the purchaser;

''(ii) the quantity and form of the ephedrine, pseudoephedrine, or phenylpropanolamine purchased; and

''(iii) the address to which such ephedrine, pseudoephedrine, or phenylpropanolamine was sent.''.

TITLE V—EDUCATION AND RESEARCH

SEC. 501. INTERAGENCY METHAMPHETAMINE TASK FORCE.

(a) ESTABLISHMENT.—There is established a ''Methamphetamine Interagency Task Force'' (referred to as the ''interagency task force'') which shall consist of the following members:

(1) The Attorney General, or a designee, who shall serve as chair.

(2) 2 representatives selected by the Attorney General.

(3) The Secretary of Education or a designee.

(4) The Secretary of Health and Human Services or a designee.

(5) 2 representatives of State and local law enforcement and regulatory agencies, to be selected by the Attorney General.

(6) 2 representatives selected by the Secretary of Health and Human Services.

(7) 5 nongovernmental experts in drug abuse prevention and treatment to be selected by the Attorney General.

(b) RESPONSIBILITIES.—The interagency task force shall be responsible for designing, implementing, and evaluating the education and prevention and treatment practices and strategies of the Federal Government with respect to methamphetamine and other synthetic stimulants.

(c) MEETINGS.—The interagency task force shall meet at least once every 6 months.

(d) FUNDING.—The administrative expenses of the interagency task force shall be paid out of existing Department of Justice appropriations.

(e) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the interagency task force.

(f) TERMINATION.—The interagency task force shall terminate 4 years after the date of enactment of this Act.

SEC. 502. PUBLIC HEALTH MONITORING.

The Secretary of Health and Human Services shall develop a public health monitoring program to monitor methamphetamine abuse in the United States. The program shall include the collection and dissemination of data related to methamphetamine abuse which can be used by public health officials in policy development.

SEC. 503. PUBLIC-PRIVATE EDUCATION PROGRAM.

(a) ADVISORY PANEL.—The Attorney General shall establish an advisory panel consisting of an appropriate number of representatives from Federal, State, and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals. The Attorney General shall convene the panel as often as necessary to develop and coordinate educational programs for wholesale and retail distributors of precursor chemicals and supplies.

(b) CONTINUATION OF CURRENT EFFORTS.—The Attorney General shall continue to—

(1) maintain an active program of seminars and training to educate wholesale and retail distributors of precursor chemicals and supplies regarding the identification of suspicious transactions and their responsibility to report such transactions; and

(2) provide assistance to State and local law enforcement and regulatory agencies to facilitate the establishment and maintenance of educational programs for distributors of precursor chemicals and supplies.

SEC. 504. SUSPICIOUS ORDERS TASK FORCE.

(a) IN GENERAL.—The Attorney General shall establish a ''Suspicious Orders Task Force'' (the ''Task Force'') which shall consist of—

(1) appropriate personnel from the Drug Enforcement Administration (the ''DEA'') and other Federal, State, and local law enforcement and regulatory agencies with the experience in investigating and prosecuting illegal transactions of listed chemicals and supplies; and

(2) representatives from the chemical and pharmaceutical industry.

(b) RESPONSIBILITIES.—The Task Force shall be responsible for developing proposals to define suspicious orders of listed chemicals, and particularly to develop quantifiable parameters which can be used by registrants in determining if an order is a suspicious order which must be reported to DEA. The quantifiable parameters to be addressed will include frequency of orders, deviations from prior orders, and size of orders. The Task Force shall also recommend provisions as to what types of payment practices or unusual business practices shall constitute prima facie suspicious orders. In evaluating the proposals, the Task Force shall consider effectiveness, cost and feasibility for industry and government, an other relevant factors.

(c) MEETINGS.—The Task Force shall meet at least two times per year and at such other times as may be determined necessary by the Task Force.

(d) REPORT.—The Task Force shall present a report to the Attorney General on its proposals with regard to suspicious orders and the electronic reporting of suspicious orders within one year of the date of enactment of this Act. Copies of the report shall be forwarded to the Committees of the Senate and House of Representatives having jurisdiction over the regulation of listed chemical and controlled substances.

(e) FUNDING.—The administrative expenses of the Task Force shall be paid out of existing Department of Justice funds or appropriations.

(f) FACA.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to the Task Force.

(g) TERMINATION.—The Task Force shall terminate upon presentation of its report to the Attorney General, or two years after the date of enactment of this Act, whichever is sooner.

The Senate bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR MEMBERS TO REVISE AND EXTEND THEIR REMARKS IN TRIBUTE TO BILL ZELIFF

Mr. STEARNS. Mr. Speaker, I ask unanimous consent to insert my own remarks and to allow other Members to be permitted to insert their remarks on the service and pay tribute to our colleague, the gentleman from New Hampshire, BILL ZELIFF, who is retiring.

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

There was no objection.

Mr. STEARNS. Mr. Speaker, as the 104th Congress draws to a close, we can look back at a solid record of common-sense accomplishments. However, the end of this Congress will bring about the end of the distinguished service rendered to this body, and to this nation, by my dear friend and colleague—BILL ZELIFF.

Elected in 1990, in only his second term Bill put his name on an amazing proposal—the ''A to Z'' plan. Zeliff was the ''Z'' in this plan—an idea to hold a week long marathon session devoted solely to debating spending cuts. Although this plan did not make it to the floor,

it did set the stage for the remarkable record of holding down the growth in spending accomplished in this Congress. Although at the end of the alphabet, BILL ZELIFF was a leader in our efforts to balance the budget.

However, BILL never limited himself to just one issue. With all of the problems we face in this Nation, BILL was always willing to take on another assignment. He demonstrated his leadership through the Whip organization as well as his skills in working with BILL MCCOLLUM on the Waco hearings. He did a superb job. His efforts to combat the scourge of drugs has also been outstanding. No matter how tough the issue, BILL was willing to meet it head on.

It was only natural that BILL and I would become friends. We shared many of the same concerns and a common background. We were small-business owners before coming to Congress, both of us as innkeepers. Through this mutual background we learned how Government can become a burden on businesses—the paperwork, regulations, and taxes. We both embarked on campaigns for Congress, to change the way Washington works.

My personal esteem is so great for BILL, that he became my roommate. I will miss the time we spent together discussing the issues of the day. I would also point out that as former hotel owners, we kept the place spotless.

I know that BILL looks forward to spending more time with his family—Sydna and your three children—but you will leave a hole here in Congress that will be hard to fill. I know I speak for all of our colleagues in thanking you for your service and leadership—and we wish you God's speed in your next endeavors.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

House amendment to Senate amendment:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Economic Espionage Act of 1996''.

TITLE I—PROTECTION OF TRADE SECRETS

SEC. 101. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 89 the following:

''CHAPTER 90—PROTECTION OF TRADE SECRETS

''Sec.
''1831. Economic espionage.
''1832. Theft of trade secrets.
''1833. Exceptions to prohibitions.
''1834. Criminal forfeiture.
''1835. Orders to preserve confidentiality.
''1836. Civil proceedings to enjoin violations.
''1837. Conduct outside the United States.
''1838. Construction with other laws.
''1839. Definitions.

''§ 1831. Economic espionage

''(a) IN GENERAL.—Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—

''(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;

''(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;

''(3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

''(4) attempts to commit any offense described in any of paragraphs (1) through (3); or

''(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 15 years, or both.

''(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

''§ 1832. Theft of trade secrets

''(a) Whoever, with intent to convert a trade secret, that is related to or included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and intending or knowing that the offense will, injure any owner of that trade secret, knowingly—

''(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains such information;

''(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys such information;

''(3) receives, buys, or possesses such information, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;

''(4) attempts to commit any offense described in paragraphs (1) through (3); or

''(5) conspires with one or more other persons to commit any offense described in paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined under this title or imprisoned not more than 10 years, or both.

''(b) Any organization that commits any offense described in subsection (a) shall be fined not more than $5,000,000.

''§ 1833. Exceptions to prohibitions

''This chapter does not prohibit—

''(1) any otherwise lawful activity conducted by a governmental entity of the United States, a State, or a political subdivision of a State; or

''(2) the reporting of a suspected violation of law to any governmental entity of the United States, a State, or a political subdivision of a State, if such entity has lawful authority with respect to that violation.

''§ 1834. Criminal forfeiture

''(a) The court, in imposing sentence on a person for a violation of this chapter, shall order, in addition to any other sentence imposed, that the person forfeit to the United States—

''(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

''(2) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

''(b) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

''§ 1835. Orders to preserve confidentiality

''In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

''§ 1836. Civil proceedings to enjoin violations

''(a) The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

''(b) The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

''§ 1837. Applicability to conduct outside the United States

This chapter also applies to conduct occurring outside the United States if—

''(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or a State or political subdivision thereof; or

''(2) an act in furtherance of the offense was committed in the United States.

''§ 1838. Construction with other laws

''This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret, or to affect the otherwise lawful disclosure of information by any Government employee under section 552 of title 5 (commonly known as the Freedom of Information Act).

''§ 1839. Definitions

''As used in this chapter—

''(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

''(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

''(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

''(A) the owner thereof has taken reasonable measures to keep such information secret; and

''(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

''(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning part I of title 18, United States Code, is amended by inserting after the item relating to chapter 89 the following:

(c) REPORTS.—Not later than 2 years and 4 years after the date of the enactment of this Act, the Attorney General shall report to Congress on the amounts received and distributed from fines for offenses under this chapter deposited in the Crime Victims Fund established by section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

''90. Protection of trade secrets 1831

SEC. 102. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''chapter 90 (relating to protection of trade secrets),'' after ''chapter 37 (relating to espionage),''.

TITLE II—NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT OF 1996.

SEC. 201. COMPUTER CRIME.

Section 1030 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''knowingly accesses'' and inserting ''having knowingly accessed'';

(ii) by striking ''exceeds'' and inserting ''exceeding'';

(iii) by striking ''obtains information'' and inserting ''having obtained information'';

(iv) by striking ''the intent or'';

(v) by striking ''is to be used'' and inserting ''could be used''; and

(vi) by inserting before the semicolon at the end the following: ''willfully communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it'';

(B) in paragraph (2)—

(i) by striking ''obtains information'' and inserting ''obtains—

''(A) information''; and

(ii) by adding at the end the following new subparagraphs:

''(B) information from any department or agency of the United States; or

''(C) information from any protected computer if the conduct involved an interstate or foreign communication;'';

(C) in paragraph (3)—

(i) by inserting ''nonpublic'' before ''computer of a department or agency'';

(ii) by striking ''adversely''; and

(iii) by striking ''the use of the Government's operation of such computer'' and inserting ''that use by or for the Government of the United States'';

(D) in paragraph (4)—

(i) by striking ''Federal interest'' and inserting ''protected''; and

(ii) by inserting before the semicolon the following: ''and the value of such use is not more than $5,000 in any 1-year period'';

(E) by striking paragraph (5) and inserting the following:

''(5)(A) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a protected computer;

''(B) intentionally accesses a protected computer without authorization, and as a result of such conduct, recklessly causes damage; or

''(C) intentionally accesses a protected computer without authorization, and as a result of such conduct, causes damage;''; and

(F) by inserting after paragraph (6) the following new paragraph:

''(7) with intent to extort from any person, firm, association, educational institution, financial institution, government entity, or other legal entity, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to cause damage to a protected computer;'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''such subsection'' each place that term appears and inserting ''this section'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting '', (a)(5)(C),'' after ''(a)(3)''; and

(II) by striking ''such subsection'' and inserting ''this section'';

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting immediately after subparagraph (A) the following:

''(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(2), if—

''(i) the offense was committed for purposes of commercial advantage or private financial gain;

''(ii) the offense was committed in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or of any State; or

''(iii) the value of the information obtained exceeds $5,000;''; and

(iv) in subparagraph (C) (as redesignated)—

(I) by striking ''such subsection'' and inserting ''this section''; and

(II) by adding ''and'' at the end;

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''(a)(4) or (a)(5)(A)'' and inserting ''(a)(4), (a)(5)(A), (a)(5)(B), or (a)(7)''; and

(II) by striking ''such subsection'' and inserting ''this section''; and

(ii) in subparagraph (B)—

(I) by striking ''(a)(4) or (a)(5)'' and inserting ''(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C), or (a)(7)''; and

(II) by striking ''such subsection'' and inserting ''this section''; and

(D) by striking paragraph (4);

(3) in subsection (d), by inserting ''subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of'' before ''this section.'';

(4) in subsection (e)—

(A) in paragraph (2)—

(i) by striking ''Federal interest'' and inserting ''protected'';

(ii) in subparagraph (A), by striking ''the use of the financial institution's operation or the Government's operation of such computer'' and inserting ''that use by or for the financial institution or the Government''; and

(iii) by striking subparagraph (B) and inserting the following:

''(B) which is used in interstate or foreign commerce or communication;'';

(B) in paragraph (6), by striking ''and'' at the end;

(C) in paragraph (7), by striking the period at the end and inserting ''; and''; and

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

''(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information, that—

''(A) causes loss aggregating at least $5,000 in value during any 1-year period to one or more individuals;

''(B) modifies or impairs, or potentially modifies or impairs, the medical examination, diagnosis, treatment, or care of one or more individuals;

''(C) causes physical injury to any person; or

''(D) threatens public health or safety; and

''(9) the term 'government entity' includes the Government of the United States, any State or political subdivision of the United States, any foreign country, and any state, province, municipality, or other political subdivision of a foreign country.''; and

(5) in subsection (g)—

(A) by striking '', other than a violation of subsection (a)(5)(B),''; and

(B) by striking ''of any subsection other than subsection (a)(5)(A)(ii)(II)(bb) or (a)(5)(B)(ii)(II)(bb)'' and inserting ''involving damage as defined in subsection (e)(8)(A)''.

TITLE III—TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY

SEC. 301. TRANSFER OF PERSONS FOUND NOT GUILTY BY REASON OF INSANITY.

(a) AMENDMENT OF SECTION 4243 OF TITLE 18.—Section 4243 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(i) CERTAIN PERSONS FOUND NOT GUILTY BY REASON OF INSANITY IN THE DISTRICT OF COLUMBIA.—

''(1) TRANSFER TO CUSTODY OF THE ATTORNEY GENERAL.—Notwithstanding section 301(h) of title 24 of the District of Columbia Code, and notwithstanding subsection 4247(j) of this title, all persons who have been committed to a hospital for the mentally ill pursuant to section 301(d)(1) of title 24 of the District of Columbia Code, and for whom the United States has continuing financial responsibility, may be transferred to the custody of the Attorney General, who shall hospitalize the person for treatment in a suitable facility.

''(2) APPLICATION.—

''(A) IN GENERAL.—The Attorney General may establish custody over such persons by filing an application in the United States District Court for the District of Columbia, demonstrating that the person to be transferred is a person described in this subsection.

''(B) NOTICE.—The Attorney General shall, by any means reasonably designed to do so, provide written notice of the proposed transfer of custody to such person or such person's guardian, legal representative, or other lawful agent. The person to be transferred shall be afforded an opportunity, not to exceed 15 days, to respond to the proposed transfer of custody, and may, at the court's discretion, be afforded a hearing on the proposed transfer of custody. Such hearing, if granted, shall be limited to a determination of whether the constitutional rights of such person would be violated by the proposed transfer of custody.

''(C) ORDER.—Upon application of the Attorney General, the court shall order the person transferred to the custody of the Attorney General, unless, pursuant to a hearing under this paragraph, the court finds that the proposed transfer would violate a right of such person under the United States Constitution.

''(D) EFFECT.—Nothing in this paragraph shall be construed to—

''(i) create in any person a liberty interest in being granted a hearing or notice on any matter;

''(ii) create in favor of any person a cause of action against the United States or any officer or employee of the United States; or

''(iii) limit in any manner or degree the ability of the Attorney General to move, transfer, or otherwise manage any person committed to the custody of the Attorney General.

''(3) CONSTRUCTION WITH OTHER SECTIONS.—Subsections (f) and (g) and section 4247 shall apply to any person transferred to the custody of the Attorney General pursuant to this subsection.''.

(b) TRANSFER OF RECORDS.—Notwithstanding any provision of the District of Columbia Code or any other provision of law, the District of Columbia and St. Elizabeth's Hospital—

(1) not later than 30 days after the date of enactment of this Act, shall provide to the Attorney General copies of all records in the custody or control of the District or the Hospital on such date of enactment pertaining to persons described in section 4243(i) of title 18, United States Code (as added by subsection (a));

(2) not later than 30 days after the creation of any records by employees, agents, or contractors of the District of Columbia or of St. Elizabeth's Hospital pertaining to persons described in section 4243(i) of title 18, United States Code, provide to the Attorney General copies of all such records created after the date of enactment of this Act;

(3) shall not prevent or impede any employee, agent, or contractor of the District of Columbia or of St. Elizabeth's Hospital who has obtained knowledge of the persons described in section 4243(i) of title 18, United States Code, in the employee's professional capacity from providing that knowledge to the Attorney General, nor shall civil or criminal liability attach to such employees, agents, or contractors who provide such knowledge; and

(4) shall not prevent or impede interviews of persons described in section 4243(i) of title 18, United States Code, by representatives of the Attorney General, if such persons voluntarily consent to such interviews.

(c) CLARIFICATION OF EFFECT ON CERTAIN TESTIMONIAL PRIVILEGES.—The amendments made by this section shall not be construed to affect in any manner any doctor-patient or psychotherapist-patient testimonial privilege that may be otherwise applicable to persons found not guilty by reason of insanity and affected by this section.

(d) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section and the amendments made by this section shall not be affected thereby.

TITLE IV—ESTABLISHMENT OF BOYS AND GIRLS CLUBS.

SEC. 401. ESTABLISHING BOYS AND GIRLS CLUBS.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—The Congress finds that—

(A) the Boys and Girls Clubs of America, chartered by an Act of Congress on December 10, 1991, during its 90-year history as a national organization, has proven itself as a positive force in the communities it serves;

(B) there are 1,810 Boys and Girls Clubs facilities throughout the United States, Puerto Rico, and the United States Virgin Islands, serving 2,420,000 youths nationwide;

(C) 71 percent of the young people who benefit from Boys and Girls Clubs programs live in our inner cities and urban areas;

(D) Boys and Girls Clubs are locally run and have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement;

(E) Boys and Girls Clubs are located in 289 public housing sites across the Nation;

(F) public housing projects in which there is an active Boys and Girls Club have experienced a 25 percent reduction in the presence of crack cocaine, a 22 percent reduction in overall drug activity, and a 13 percent reduction in juvenile crime;

(G) these results have been achieved in the face of national trends in which overall drug use by youth has increased 105 percent since 1992 and 10.9 percent of the Nation's young people use drugs on a monthly basis; and

(H) many public housing projects and other distressed areas are still underserved by Boys and Girls Clubs.

(2) PURPOSE.—It is the purpose of this section to provide adequate resources in the form of seed money for the Boys and Girls Clubs of America to establish 1,000 additional local Boys and Girls Clubs in public housing projects and other distressed areas by 2001.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms ''public housing'' and ''project'' have the same meanings as in section 3(b) of the United States Housing Act of 1937; and

(2) the term ''distressed area'' means an urban, suburban, or rural area with a high percentage of high risk youth as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(c) ESTABLISHMENT.—

(1) IN GENERAL.—For each of the fiscal years 1997, 1998, 1999, 2000, and 2001, the Director of the Bureau of Justice Assistance of the Department of Justice shall provide a grant to the Boys and Girls Clubs of America for the purpose of establishing Boys and Girls Clubs in public housing projects and other distressed areas.

(2) CONTRACTING AUTHORITY.—Where appropriate, the Secretary of Housing and Urban Development, in consultation with the Attorney General, shall enter into contracts with the Boys and Girls Clubs of America to establish clubs pursuant to the grants under paragraph (1).

(d) REPORT.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing Boys and Girls Clubs in public housing projects and other distressed areas, and the effectiveness of the programs in reducing drug abuse and juvenile crime.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000 for fiscal year 1997;

(B) $20,000,000 for fiscal year 1998;

(C) $20,000,000 for fiscal year 1999;

(D) $20,000,000 for fiscal year 2000; and

(E) $20,000,000 for fiscal year 2001.

(2) VIOLENT CRIME REDUCTION TRUST FUND.—The sums authorized to be appropriated by this subsection may be made from the Violent Crime Reduction Trust Fund.

TITLE V—USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT

SEC. 501. USE OF CERTAIN TECHNOLOGY TO FACILITATE CRIMINAL CONDUCT.

(a) INFORMATION.—The Administrative Office of the United States courts shall establish policies and procedures for the inclusion in all presentence reports of information that specifically identifies and describes any use of encryption or scrambling technology that would be relevant to an enhancement under section 3C1.1 (dealing with Obstructing or Impeding the Administration of Justice) of the Sentencing Guidelines or to offense conduct under the Sentencing Guidelines.

(b) COMPILING AND REPORT.—The United States Sentencing Commission shall—

(1) compile and analyze any information contained in documentation described in subsection (a) relating to the use of encryption or scrambling technology to facilitate or conceal criminal conduct; and

(2) based on the information compiled and analyzed under paragraph (1), annually report to the Congress on the nature and extent of the use of encryption or scrambling technology to facilitate or conceal criminal conduct.

TITLE VI—TECHNICAL AND MINOR AMENDMENTS

SEC. 601. GENERAL TECHNICAL AMENDMENTS.

(a) FURTHER CORRECTIONS TO MISLEADING FINE AMOUNTS AND RELATED TYPOGRAPHICAL ERRORS.—

(1) Sections 152, 153, 154, and 610 of title 18, United States Code, are each amended by striking ''fined not more than $5,000'' and inserting ''fined under this title''.

(2) Section 970(b) of title 18, United States Code, is amended by striking ''fined not more than $500'' and inserting ''fined under this title''.

(3) Sections 661, 1028(b), 1361, and 2701(b) of title 18, United States Code, are each amended by striking ''fine of under'' each place it appears and inserting ''fine under''.

(4) Section 3146(b)(1)(A)(iv) of title 18, United States Code, is amended by striking ''a fined under this title'' and inserting ''a fine under this title''.

(5) The section 1118 of title 18, United States Code, that was enacted by Public Law 103–333—

(A) is redesignated as section 1122; and

(B) is amended in subsection (c) by—

(i) inserting ''under this title'' after ''fine''; and

(ii) striking ''nor more than $20,000''.

(6) The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

''1122. Protection against the human immunodeficiency virus.''.

(7) Sections 1761(a) and 1762(b) of title 18, United States Code, are each amended by striking ''fined not more than $50,000'' and inserting ''fined under this title''.

(8) Sections 1821, 1851, 1852, 1853, 1854, 1905, 1916, 1918, 1991, 2115, 2116, 2191, 2192, 2194, 2199, 2234, 2235, and 2236 of title 18, United States Code, are each amended by striking ''fined not more than $1,000'' each place it appears and inserting ''fined under this title''.

(9) Section 1917 of title 18, United States Code, is amended by striking ''fined not less than $100 nor more than $1,000'' and inserting ''fined under this title not less than $100''.

(10) Section 1920 of title 18, United States Code, is amended—

(A) by striking ''of not more than $250,000'' and inserting ''under this title''; and

(B) by striking ''of not more than $100,000'' and inserting ''under this title''.

(11) Section 2076 of title 18, United States Code, is amended by striking ''fined not more than $1,000 or imprisoned not more than one year'' and inserting ''fined under this title or imprisoned not more than one year, or both''.

(12) Section 597 of title 18, United States Code, is amended by striking ''fined not more than $10,000'' and inserting ''fined under this title''.

(b) CROSS REFERENCE CORRECTIONS AND CORRECTIONS OF TYPOGRAPHICAL ERRORS.—

(1) Section 3286 of title 18, United States Code, is amended—

(A) by striking ''2331'' and inserting ''2332'';

(B) by striking ''2339'' and inserting ''2332a''; and

(C) by striking ''36'' and inserting ''37''.

(2) Section 2339A(b) of title 18, United States Code, is amended—

(A) by striking ''2331'' and inserting ''2332'';

(B) by striking ''2339'' and inserting ''2332a'';

(C) by striking ''36'' and inserting ''37''; and

(D) by striking ''of an escape'' and inserting ''or an escape''.

(3) Section 1961(1)(D) of title 18, United States Code, is amended by striking ''that title'' and inserting ''this title''.

(4) Section 2423(b) of title 18, United States Code, is amended by striking ''2245'' and inserting ''2246''.

(5) Section 3553(f) of title 18, United States Code, is amended by striking ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 961, 963)'' and inserting ''section 1010 or 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 960, 963)''.

(6) Section 3553(f)(4) of title 18, United States Code, is amended by striking ''21 U.S.C. 848'' and inserting ''section 408 of the Controlled Substances Act''.

(7) Section 3592(c)(1) of title 18, United States Code, is amended by striking ''2339'' and inserting ''2332a''.

(c) SIMPLIFICATION AND CLARIFICATION OF WORDING.—

(1) The third undesignated paragraph of section 5032 of title 18, United States Code, is amended by inserting ''or as authorized under section 3401(g) of this title'' after ''shall proceed by information''.

(2) Section 1120 of title 18, United States Code, is amended by striking ''Federal prison'' each place it appears and inserting ''Federal correctional institution''.

(3) Section 247(d) of title 18, United States Code, is amended by striking ''notification'' and inserting ''certification''.

(d) CORRECTION OF PARAGRAPH CONNECTORS.—Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (l), by striking ''or'' after the semicolon; and

(2) in paragraph (n), by striking ''and'' where it appears after the semicolon and inserting ''or''.

(e) CORRECTION CAPITALIZATION OF ITEMS IN LIST.—Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''the'' the first place it appears and inserting ''The''; and

(2) in paragraph (3), by striking ''the'' the first place it appears and inserting ''The''.

(f) CORRECTIONS OF PUNCTUATION AND OTHER ERRONEOUS FORM.—

(1) Section 656 of title 18, United States Code, is amended in the first paragraph by striking ''Act,,'' and inserting ''Act,''.

(2) Section 1114 of title 18, United States Code, is amended by striking ''1112.'' and inserting ''1112,''.

(3) Section 504(3) of title 18, United States Code, is amended by striking ''importation, of'' and inserting ''importation of''.

(4) Section 3059A(a)(1) of title 18, United States Code, is amended by striking ''section 215 225,,'' and inserting ''section 215, 225,''.

(5) Section 3125(a) of title 18, United States Code, is amended by striking the close quotation mark at the end.

(6) Section 1956(c)(7)(B)(iii) of title 18, United States Code, is amended by striking ''1978)'' and inserting ''1978''.

(7) The item relating to section 656 in the table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by inserting a comma after ''embezzlement''.

(8) The item relating to section 1024 in the table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by striking ''veterans''' and inserting ''veteran's''.

(9) Section 3182 (including the heading of such section) and the item relating to such section in the table of sections at the beginning of chapter 209, of title 18, United States Code, are each amended by inserting a comma after ''District'' each place it appears.

(10) The item relating to section 3183 in the table of sections at the beginning of chapter 209 of title 18, United States Code, is amended by inserting a comma after ''Territory''.

(11) The items relating to section 2155 and 2156 in the table of sections at the beginning of chapter 105 of title 18, United States Code, are each amended by striking ''or'' and inserting '', or''.

(12) The headings for sections 2155 and 2156 of title 18, United States Code, are each amended by striking ''**or**'' and inserting ''**, or**''.

(13) Section 1508 of title 18, United States Code, is amended by realigning the matter beginning ''shall be fined'' and ending ''one year, or both.'' so that it is flush to the left margin.

(14) The item relating to section 4082 in the table of sections at the beginning of chapter 305 of title 18, United States Code, is amended by striking ''centers,'' and inserting ''centers;''.

(15) Section 2101(a) of title 18, United States Code, is amended by striking ''(1)'' and by redesignating subparagraphs (A) through (D) as paragraphs (1) through (4), respectively.

(16) Section 5038 of title 18, United States Code, is amended by striking ''section 841, 952(a), 955, or 959 of title 21'' each place it appears and inserting ''section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act''.

(g) CORRECTIONS OF PROBLEMS ARISING FROM UNCOORDINATED AMENDMENTS.—

(1) SECTION 5032.—The first undesignated paragraph of section 5032 of title 18, United States Code, is amended—

(A) by inserting ''section 922(x)'' before ''or section 924(b)''; and

(B) by striking ''or (x)''.

(2) STRIKING MATERIAL UNSUCCESSFULLY ATTEMPTED TO BE STRICKEN FROM SECTION 1116 BY PUBLIC LAW 103–322.—Subsection (a) of section 1116 of title 18, United States Code, is amended by striking '', except'' and all that follows through the end of such subsection and inserting a period.

(3) ELIMINATION OF DUPLICATE AMENDMENT IN SECTION 1958.—Section 1958(a) of title 18, United States Code, is amended by striking ''or who conspires to do so'' where it appears following ''or who conspires to do so'' and inserting a comma.

(h) INSERTION OF MISSING END QUOTE.—Section 80001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by inserting a close quotation mark followed by a period at the end.

(i) REDESIGNATION OF DUPLICATE SECTION NUMBERS AND CONFORMING CLERICAL AMENDMENTS.—

(1) REDESIGNATION.—That section 2258 added to title 18, United States Code, by section 160001(a) of the Violent Crime Control and Law Enforcement Act of 1994 is redesignated as section 2260.

(2) CONFORMING CLERICAL AMENDMENT.—The item in the table of sections at the beginning of chapter 110 of title 18, United States Code, relating to the section redesignated by paragraph (1) is amended by striking ''2258'' and inserting ''2260''.

(3) CONFORMING AMENDMENT TO CROSS-REFERENCE.—Section 1961(1)(B) of title 18, United States Code, is amended by striking ''2258'' and inserting ''2260''.

(j) REDESIGNATION OF DUPLICATE CHAPTER NUMBER AND CONFORMING CLERICAL AMENDMENT.—

(1) REDESIGNATION.—The chapter 113B added to title 18, United States Code, by Public Law 103–236 is redesignated chapter 113C.

(2) CONFORMING CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code is amended in the item relating to the chapter redesignated by paragraph (1)—

(A) by striking ''**113B**'' and inserting ''**113C**''; and

(B) by striking ''**2340.**'' and inserting ''**2340**''.

(k) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS AND CORRECTION OF PLACEMENT OF PARAGRAPHS IN SECTION 3563.—

(1) REDESIGNATION.—Section 3563(a) of title 18, United States Code, is amended by redesignating the second paragraph (4) as paragraph (5).

(2) CONFORMING CONNECTOR CHANGE.—Section 3563(a) of title 18, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3); and

(B) by striking the period at the end of paragraph (4) and inserting ''; and''.

(3) PLACEMENT CORRECTION.—Section 3563(a) of title 18, United States Code, is amended so that paragraph (4) and the paragraph redesignated as paragraph (5) by this subsection are transferred to appear in numerical order immediately following paragraph (3) of such section 3563(a).

(l) REDESIGNATION OF DUPLICATE PARAGRAPH NUMBERS IN SECTION 1029 AND CONFORMING AMENDMENTS RELATED THERETO.—Section 1029 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating those paragraphs (5) and (6) which were added by Public Law 103–414 as paragraphs (7) and (8), respectively;

(B) by redesignating paragraph (7) as paragraph (9);

(C) by striking ''or'' at the end of paragraph (6) and at the end of paragraph (7) as so redesignated by this subsection; and

(D) by inserting ''or'' at the end of paragraph (8) as so redesignated by this subsection;

(2) in subsection (e), by redesignating the second paragraph (7) as paragraph (8); and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''or (7)'' and inserting ''(7), (8), or (9)''; and

(B) in paragraph (2), by striking ''or (6)'' and inserting ''(6), (7), or (8)''.

(m) INSERTION OF MISSING SUBSECTION HEADING.—Section 1791(c) of title 18, United States Code, is amended by inserting after ''(c)'' the following subsection heading: ''CONSECUTIVE PUNISHMENT REQUIRED IN CERTAIN CASES.—''.

(n) CORRECTION OF MISSPELLING.—Section 2327(c) of title 18, United States Code, is amended by striking ''delegee'' each place it appears and inserting ''designee''.

(o) CORRECTION OF SPELLING AND AGENCY REFERENCE.—Section 5038(f) of title 18, United States Code, is amended—

(1) by striking ''juvenille'' and inserting ''juvenile'', and

(2) by striking ''the Federal Bureau of Investigation, Identification Division,'' and inserting ''the Federal Bureau of Investigation''.

(p) CORRECTING MISPLACED WORD.—Section 1028(a) of title 18, United States Code, is amended by striking ''or'' at the end of paragraph (4) and inserting ''or'' at the end of paragraph (5).

(q) STYLISTIC CORRECTION.—Section 37(c) of title 18, United States Code, is amended by inserting after ''(c)'' the following subsection heading: ''BAR TO PROSECUTION.—''.

(r) MANDATORY VICTIM RESTITUTION ACT AMENDMENTS.—

(1) ORDER OF RESTITUTION.—Section 3663 (a)(1)(A) of title 18, United States Code, is amended by adding at the end the following: ''The court may also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.''.

(2) FORFEITURE.—Section 3663(c)(4) of title 18, United States Code, is amended by inserting ''or chapter 96'' after ''under chapter 46''.

(3) ANIMAL ENTERPRISE TERRORISM.—Section 43(c) of title 18, United States Code, is amended by inserting after ''3663'' the following: ''or 3663A''.

(4) SPECIAL ASSESSMENT.—Section 3013(a)(2) of title 18, United States Code, is amended by striking ''not less than'' each place that term appears.

(s) CLARIFICATIONS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.

(1) JURISDICTION.—Section 2332b(b)(1)(A) of title 18, United States Code, is amended by—

(A) striking ''any of the offenders uses''; and

(B) inserting ''is used'' after ''foreign commerce''.

(2) PROVIDING MATERIAL SUPPORT.—Section 2339A(a) of title 18, United States Code, is amended by inserting ''or an escape'' after ''concealment''.

(3) TECHNICAL AMENDMENTS.—Sections 2339A(a) and 2332b(g)(5)(B) of title 18, United States Code, are each amended by inserting at the appropriate place in each section's enumeration of title 18 sections the following: ''930(c),'', ''1992,'', and ''2332c,''.

SEC. 602. REPEAL OF OBSOLETE PROVISIONS IN TITLE 18

(a) SECTION 709 AMENDMENT.—Section 709 of title 18, United States Code, is amended by striking ''Whoever uses as a firm or business name the words 'Reconstruction Finance Corporation' or any combination or variation of these words—''.

(b) SECTION 1014 AMENDMENT.—Section 1014 of title 18, United States Code, is amended—

(1) by striking ''Reconstruction Finance Corporation,'';

(2) by striking ''Farmers' Home Corporation,''; and

(3) by striking ''of the National Agricultural Credit Corporation,''.

(c) SECTION 798 AMENDMENT.—Section 798(d)(5) of title 18, United States Code, is amended by striking ''the Trust Territory of the Pacific Islands,''.

(d) SECTION 281 REPEAL.—Section 281 of title 18, United States Code, is repealed and the table of sections at the beginning of chapter 15 of such title is amended by striking the item relating to such section.

(e) SECTION 510 AMENDMENT.—Section 510(b) of title 18, United States Code, is amended by striking ''that in fact'' and all that follows through ''signature''.

SEC. 603. TECHNICAL AMENDMENTS RELATING TO CHAPTERS 40 AND 44 OF TITLE 18.

(a) ELIMINATION OF DOUBLE COMMAS IN SECTION 844.—Section 844 of title 18, United States Code, is amended in subsection (i) by striking '',,'' each place it appears and inserting a comma.

(b) REPLACEMENT OF COMMA WITH SEMICOLON IN SECTION 922.—Section 922(g)(8)(C)(ii) of title 18, United States Code, is amended by striking the comma at the end and inserting a semicolon.

(c) CLARIFICATION OF AMENDMENT TO SECTION 922.—

(1) AMENDMENT.—Section 320927 of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by inserting ''the first place it appears'' before the period.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 320927 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(d) STYLISTIC CORRECTION TO SECTION 922.—Section 922(t)(2) of title 18, United States Code, is amended by striking ''section 922(g)'' and inserting ''subsection (g)''.

(e) ELIMINATION OF UNNECESSARY WORDS.—Section 922(w)(4) of title 18, United States Code, is amended by striking ''title 18, United States Code,'' and inserting ''this title''.

(f) CLARIFICATION OF PLACEMENT OF PROVISION.—

(1) AMENDMENT.—Section 110201(a) of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103–322) is amended by striking ''adding at the end'' and inserting ''inserting after subsection (w)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110201 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(g) CORRECTION OF TYPOGRAPHICAL ERRORS IN LIST OF CERTAIN WEAPONS.—Appendix A to section 922 of title 18, United States Code, is amended—

(1) in the category designated

"Centerfire Rifles—Lever & Slide",

by striking

''Uberti 1866 Sporting Rilfe''

and inserting the following:

''Uberti 1866 Sporting Rifle'';

(2) in the category designated

"Centerfire Rifles—Bolt Action",

by striking

''Sako Fiberclass Sporter''

and inserting the following:

''Sako FiberClass Sporter'';

(3) in the category designated

"Shotguns—Slide Actions",

by striking

''Remington 879 SPS Special Purpose Magnum''

and inserting the following:

''Remington 870 SPS Special Purpose Magnum''; and

(4) in the category designated

"Shotguns—Over/Unders",

by striking

''E.A.A/Sabatti Falcon-Mon Over/Under''

and inserting the following:

''E.A.A./Sabatti Falcon-Mon Over/Under''.

(h) INSERTION OF MISSING COMMAS.—Section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note; Public Law 103–159) is amended in each of subsections (e)(1), (g), and (i)(2) by inserting a comma after ''United States Code''.

(i) CORRECTION OF UNEXECUTABLE AMENDMENTS RELATING TO THE VIOLENT CRIME REDUCTION TRUST FUND.—

(1) CORRECTION.—Section 210603(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking ''Fund,'' and inserting ''Fund established by section 1115 of title 31, United States Code,''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 210603(b) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(j) CORRECTION OF UNEXECUTABLE AMENDMENT TO SECTION 923.—

(1) CORRECTION.—Section 201(1) of the Act, entitled ''An Act to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm.'' (Public Law 103–159), is amended by striking ''thereon,'' and inserting ''thereon''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in the Act referred to in paragraph (1) on the date of the enactment of such Act.

(k) CORRECTION OF PUNCTUATION AND INDENTATION IN SECTION 923.—Section 923(g)(1)(B)(ii) of title 18, United States Code, is amended—

(1) by striking the period and inserting ''; or''; and

(2) by moving such clause 4 ems to the left.

(l) REDESIGNATION OF SUBSECTION AND CORRECTION OF INDENTATION IN SECTION 923.—Section 923 of title 18, United States Code, is amended—

(1) by redesignating the last subsection as subsection (l); and

(2) by moving such subsection 2 ems to the left.

(m) CORRECTION OF TYPOGRAPHICAL ERROR IN AMENDATORY PROVISION.—

(1) CORRECTION.—Section 110507 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended—

(A) by striking ''924(a)'' and inserting ''924''; and

(B) in paragraph (2), by striking ''subsections'' and inserting ''subsection''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if the amendments had been included in section 110507 of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(n) ELIMINATION OF DUPLICATE AMENDMENT.—Subsection (h) of section 330002 of the Violent Crime Control and Law Enforcement Act of 1994 is repealed and shall be considered never to have been enacted.

(o) REDESIGNATION OF PARAGRAPH IN SECTION 924.—Section 924(a) of title 18, United States Code, is amended by redesignating the 2nd paragraph (5) as paragraph (6).

(p) ELIMINATION OF COMMA ERRONEOUSLY INCLUDED IN AMENDMENT TO SECTION 924.—

(1) AMENDMENT.—Section 110102(c)(2) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking ''shotgun,'' and inserting ''shotgun''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if the amendment had been included in section 110102(c)(2) of the Act referred to in paragraph (1) on the date of the enactment of such Act.

(q) INSERTION OF CLOSE PARENTHESIS IN SECTION 924.—Section 924(j)(3) of title 18, United States Code, is amended by inserting a close parenthesis before the comma.

(r) REDESIGNATION OF SUBSECTIONS IN SECTION 924.—Section 924 of title 18, United States Code, is amended by redesignating the 2nd subsection (i), and subsections (j), (k), (l), (m), and (n) as subsections (j), (k), (l), (m), (n), and (o), respectively.

(s) CORRECTION OF ERRONEOUS CROSS REFERENCE IN AMENDATORY PROVISION.—Section 110504(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended by striking ''110203(a)'' and inserting ''110503''.

(t) CORRECTION OF CROSS REFERENCE IN SECTION 930.—Section 930(e)(2) of title 18, United States Code, is amended by striking ''(c)'' and inserting ''(d)''.

(u) CORRECTION OF CROSS REFERENCES IN SECTION 930.—The last subsection of section 930 of title 18, United States Code, is amended—

(1) by striking ''(g)'' and inserting ''(h)''; and

(2) by striking ''(d)'' each place such term appears and inserting ''(e)''.

SEC. 604. ADDITIONAL AMENDMENTS ARISING FROM ERRORS IN PUBLIC LAW 103–322.

(a) STYLISTIC CORRECTIONS RELATING TO TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

''Sec.
''2261. Interstate domestic violence.
''2262. Interstate violation of protection order.
''2263. Pretrial release of defendant.
''2264. Restitution.
''2265. Full faith and credit given to protection orders.
''2266. Definitions.''.

(2) Chapter 26 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

''Sec.
''521. Criminal street gangs.''.

(3) Chapter 123 of title 18, United States Code, is amended by inserting after the heading for such chapter the following table of sections:

''Sec.
''2721. Prohibition on release and use of certain personal information from State motor vehicle records.
''2722. Additional unlawful acts.
''2723. Penalties.
''2724. Civil action.
''2725. Definitions.''.

(4) The item relating to section 3509 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking ''Victims'' and inserting ''victims''.

(b) UNIT REFERENCE CORRECTIONS, REMOVAL OF DUPLICATE AMENDMENTS, AND OTHER SIMILAR CORRECTIONS.—

(1) Section 40503(b)(3) of Public Law 103–322 is amended by striking ''paragraph (b)(1)'' and inserting ''paragraph (1)''.

(2) Section 60003(a)(2) of Public Law 103–322 is amended by striking ''at the end of the section'' and inserting ''at the end of the subsection''.

(3) Section 3582(c)(1)(A)(i) of title 18, United States Code, is amended by adding ''or'' at the end.

(4) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by redesignating the second paragraph (43) as paragraph (44).

(5) Subsections (a) and (b) of section 120005 of Public Law 103–322 are each amended by inserting ''at the end'' after ''adding''.

(6) Section 160001(f) of Public Law 103–322 is amended by striking ''1961(l)'' and inserting ''1961(1)''.

(7) Section 170201(c) of Public Law 103–322 is amended by striking paragraphs (1), (2), and (3).

(8) Subparagraph (D) of section 511(b)(2) of title 18, United States Code, is amended by adjusting its margin to be the same as the margin of subparagraph (C) and adjusting the margins of its clauses so they are indented 2-ems further than the margin of the subparagraph.

(9) Section 230207 of Public Law 103–322 is amended by striking ''two'' and inserting ''2'' the first place it appears.

(10) The first of the two undesignated paragraphs of section 240002(c) of Public Law 103–322 is designated as paragraph (1) and the second as paragraph (2).

(11) Section 280005(a) of Public Law 103–322 is amended by striking ''Section 991 (a)'' and inserting ''Section 991(a)''.

(12) Section 320101 of Public Law 103–322 is amended—

(A) in subsection (b), by striking paragraph (1);

(B) in subsection (c), by striking paragraphs (1)(A) and (2)(A);

(C) in subsection (d), by striking paragraph (3); and

(D) in subsection (e), by striking paragraphs (1) and (2).

(13) Section 320102 of Public Law 103–322 is amended by striking paragraph (2).

(14) Section 320103 of Public Law 103–322 is amended—

(A) in subsection (a), by striking paragraph (1);

(B) in subsection (b), by striking paragraph (1); and

(C) in subsection (c), by striking paragraphs (1) and (3).

(15) Section 320103(e) of Public Law 103–322 is amended—

(A) in the subsection catchline, by striking ''FAIR HOUSING'' and inserting ''1968 CIVIL RIGHTS''; and

(B) by striking ''of the Fair Housing Act'' and inserting ''of the Civil Rights Act of 1968''.

(16) Section 320109(1) of Public Law 103–322 is amended by inserting an open quotation mark before ''(a) IN GENERAL''.

(17) Section 320602(1) of Public Law 103–322 is amended by striking ''whoever'' and inserting ''Whoever''.

(18) Section 668(a) of title 18, United States Code, is amended—

(A) by designating the first undesignated paragraph that begins with a quotation mark as paragraph (1);

(B) by designating the second undesignated paragraph that begins with a quotation mark as paragraph (2); and

(C) by striking the close quotation mark and the period at the end of the subsection.

(19) Section 320911(a) of Public Law 103–322 is amended in each of paragraphs (1) and (2), by striking ''thirteenth'' and inserting ''14th''.

(20) Section 2311 of title 18, United States Code, is amended by striking ''livestock'' where it appears in quotation marks and inserting ''Livestock''.

(21) Section 540A(c) of title 28, United States Code, is amended—

(A) by designating the first undesignated paragraph as paragraph (1);

(B) by designating the second undesignated paragraph as paragraph (2); and

(C) by designating the third undesignated paragraph as paragraph (3).

(22) Section 330002(d) of Public Law 103–322 is amended by striking ''the comma'' and inserting ''each comma''.

(23) Section 330004(18) of Public Law 103–322 is amended by striking ''the Philippine'' and inserting ''Philippine''.

(24) Section 330010(17) of Public Law 103–322 is amended by striking ''(2)(iii)'' and inserting ''(2)(A)(iii)''.

(25) Section 330011(d) of Public Law 103–322 is amended—

(A) by striking ''each place'' and inserting ''the first place''; and

(B) by striking ''1169'' and inserting ''1168''.

(26) The item in the table of sections at the beginning of chapter 53 of title 18, United States Code, that relates to section 1169 is transferred to appear after the item relating to section 1168.

(27) Section 901 of the Civil Rights Act of 1968 is amended by striking ''under this title'' each place it appears and inserting ''under title 18, United States Code,''.

(28) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking ''law).'' and inserting ''law)''.

(29) Section 250008(a)(2) of Public Law 103–322 is amended by striking ''this Act'' and inserting ''provisions of law amended by this title''.

(30) Section 36(a) of title 18, United States Code, is amended—

(A) in paragraph (1), by striking ''403(c)'' and inserting ''408(c)''; and

(B) in paragraph (2), by striking ''Export Control'' and inserting ''Export''.

(31) Section 1512(a)(2)(A) of title 18, United States Code, is amended by adding ''and'' at the end.

(32) Section 13(b)(2)(A) of title 18, United States Code, is amended by striking ''of not more than $1,000'' and inserting ''under this title''.

(33) Section 160001(g)(1) of Public Law 103–322 is amended by striking ''(a) Whoever'' and inserting ''Whoever''.

(34) Section 290001(a) of Public Law 103–322 is amended by striking ''subtitle'' and inserting ''section''.

(35) Section 3592(c)(12) of title 18, United States Code, is amended by striking ''Controlled Substances Act'' and inserting ''Comprehensive Drug Abuse Prevention and Control Act of 1970''.

(36) Section 1030 of title 18, United States Code, is amended—

(A) by inserting ''or'' at the end of subsection (a)(5)(B)(ii)(II)(bb);

(B) by striking ''and'' after the semicolon in subsection (c)(1)(B);

(C) in subsection (g), by striking ''the section'' and inserting ''this section''; and

(D) in subsection (h), by striking ''section 1030(a)(5) of title 18, United States Code'' and inserting ''subsection (a)(5)''.

(37) Section 320103(c) of Public Law 103–322 is amended by striking the semicolon at the end of paragraph (2) and inserting a close quotation mark followed by a semicolon.

(38) Section 320104(b) of Public Law 103–322 is amended by striking the comma that follows ''2319 (relating to copyright infringement)'' the first place it appears.

(39) Section 1515(a)(1)(D) of title 18, United States Code, is amended by striking ''; or'' and inserting a semicolon.

(40) Section 5037(b) of title 18, United States Code, is amended in each of paragraphs (1)(B) and (2)(B), by striking ''3561(b)'' and inserting ''3561(c)''.

(41) Section 330004(3) of Public Law 103–322 is amended by striking ''thirteenth'' and inserting ''14th''.

(42) Section 2511(1)(e)(i) of title 18, United States Code, is amended—

(A) by striking ''sections 2511(2)(A)(ii), 2511(b)–(c), 2511(e)'' and inserting ''sections 2511(2)(a)(ii), 2511(2)(b)–(c), 2511(2)(e)''; and

(B) by striking ''subchapter'' and inserting ''chapter''.

(43) Section 1516(b) of title 18, United States Code, is amended by inserting ''and'' at the end of paragraph (1).

(44) The item relating to section 1920 in the table of sections at the beginning of chapter 93 of title 18, United States Code, is amended by striking ''employee's'' and inserting ''employees''.

(45) Section 330022 of Public Law 103–322 is amended by inserting a period after ''communications'' and before the close quotation mark.

(46) Section 2721(c) of title 18, United States Code, is amended by striking ''covered by this title'' and inserting ''covered by this chapter''.

(c) ELIMINATION OF EXTRA WORDS.—

(1) Section 3561(b) of title 18, United States Code, is amended by striking ''or any relative defendant, child, or former child of the defendant,''.

(2) Section 351(e) of title 18, United States Code, is amended by striking ''involved in the use of a'' and inserting ''involved the use of a''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of Public Law 103–322.

SEC. 605. ADDITIONAL TYPOGRAPHICAL AND SIMILAR ERRORS FROM VARIOUS SOURCES.

(a) MISUSED CONNECTOR.—Section 1958(a) of title 18, United States Code, is amended by striking ''this title and imprisoned'' and inserting ''this title or imprisoned''.

(b) SPELLING ERROR.—Effective on the date of its enactment, section 961(h)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 is amended by striking ''Saving and Loan'' and inserting ''Savings and Loan''.

(c) WRONG SECTION DESIGNATION.—The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 71 by striking ''1461'' and inserting ''1460''.

(d) INTERNAL CROSS REFERENCE.—Section 2262(a)(1)(A)(ii) of title 18, United States Code, is amended by striking ''subparagraph (A)'' and inserting ''this subparagraph''.

(e) MISSING COMMA.—Section 1361 of title 18, United States Code, is amended by inserting a comma after ''attempts to commit any of the foregoing offenses''.

(f) CROSS REFERENCE ERROR FROM PUBLIC LAW 103–414.—The first sentence of section 2703(d) of title 18, United States Code, by striking ''3126(2)(A)'' and inserting ''3127(2)(A)''.

(g) INTERNAL REFERENCE ERROR IN PUBLIC LAW 103–359.—Section 3077(8)(A) of title 18, United States Code, is amended by striking ''title 18, United States Code'' and inserting ''this title''.

(h) SPELLING AND INTERNAL REFERENCE ERROR IN SECTION 3509.—Section 3509 of title 18, United States Code, is amended—

(1) in subsection (e), by striking ''government's'' and inserting ''Government's''; and

(2) in subsection (h)(3), by striking ''subpart'' and inserting ''paragraph''.

(i) ERROR IN SUBDIVISION FROM PUBLIC LAW 103–329.—Section 3056(a)(3) of title 18, United States Code, is amended by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively and moving the margins of such subparagraphs 2 ems to the right.

(j) TABLE OF CONTENTS CORRECTION.—The table of contents at the beginning of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting ''title i—habeas corpus reform'' before the item relating to section 101.

(k) CORRECTING ERROR IN AMENDATORY INSTRUCTIONS.—Section 107(b) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by striking ''IV'' and inserting ''VI''.

(l) CORRECTING ERROR IN DESCRIPTION OF PROVISION AMENDED.—With respect to subparagraph (F) only of paragraph (1) of section 205(a) of the Antiterrorism and Effective Death Penalty Act of 1996, the reference at the beginning of such paragraph to ''subsection (a)(1)'' shall be deemed a reference to ''subsection (a)''.

(m) ADDITION OF MISSING REFERENCE.—Section 725(2) of the Antiterrorism and Effective Death Penalty Act of 1996 is amended by inserting ''(2)'' after ''subsection (b)''.

(n) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3059A the following new item:

''3059B. General reward authority.''.

(o) INSERTION OF MISSING PUNCTUATION.—Section 6005(b)(3) of title 18, United States Code, is amended by adding a period at the end.

(p) CORRECTION OF ERRONEOUS SECTION NUMBER.—

(1) Section 2401 of title 18, United States Code, is redesignated as section 2441.

(2) The item relating to section 2401 in the table of sections at the beginning of chapter 118 of title 18, United States Code, is amended by striking ''2401'' and inserting ''2441''.

(3) The table of chapters for part I of title 18, United States Code, is amended in the item relating to chapter 118, by striking ''2401'' and inserting ''2441''.

(q) DUPLICATE SECTION NUMBER.—That section 2332d of title 18, United States Code, that relates to requests for military assistance to enforce prohibition in certain emergencies is redesignated as section 2332e and moved to follow the section 2332d that relates to financial transactions, and the item relating to the section redesignated by this subsection is amended by striking ''2332d' and inserting ''2332e'' and moved to follow the item relating to the section 2332d that relates to financial transactions.

(r) CORRECTION OF WORD USAGE.—Section 247(d) of title 18, United States Code, is amended by striking ''notification'' and inserting ''certification''.

SEC. 606. ADJUSTING AND MAKING UNIFORM THE DOLLAR AMOUNTS USED IN TITLE 18 TO DISTINGUISH BETWEEN GRADES OF OFFENSES.

(a) Sections 215, 288, 641, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 661, 662, 665, 872, 1003, 1025, 1163, 1361, 1707, 1711, and 2113 of title 18, United States Code, are amended by striking ''$100'' each place it appears and inserting ''$1,000''.

(b) Section 510 of title 18, United States Code, is amended by striking ''$500'' and inserting ''$1,000''.

SEC. 607. APPLICATION OF VARIOUS OFFENSES TO POSSESSIONS AND TERRITORIES.

(a) Sections 241 and 242 of title 18, United States Code, are each amended by striking ''any State, Territory, or District'' and inserting ''any State, Territory, Commonwealth, Possession, or District''.

(b) Sections 793(h)(1) and 794(d)(1) of title 18, United States Code, are each amended by adding at the end the following: ''For the purposes of this subsection, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(c) Section 925(a)(5) of title 18, United States Code, is amended by striking ''For the purpose of paragraphs (3) and (4)'' and inserting ''For the purpose of paragraph (3)''.

(d) Sections 1014 and 2113(g) of title 18, United States Code, are each amended by adding at the end the following: ''The term 'State-chartered credit union' includes a credit union chartered under the laws of a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.''.

(e) Section 1073 of title 18, United States Code, is amended by adding at the end of the first paragraph the following: ''For the purposes of clause (3) of this paragraph, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(f) Section 1715 of title 18, United States Code, is amended by striking ''State, Territory, or District'' each place those words appear and inserting ''State, Territory, Commonwealth, Possession, or District''.

(g) Section 1716 of title 18, United States Code, is amended—

(1) in subsection (g)(2) by striking ''State, Territory, or the District of Columbia'' and inserting ''State'';

(2) in subsection (g)(3) by striking ''the municipal government of the District of Columbia or of the government of any State or territory, or any county, city, or other political subdivision of a State'' and inserting ''any State, or any political subdivision of a State''; and

(3) by adding at the end the following:

''(j) For purposes of this section, the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(h) Section 1761 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(d) For the purposes of this section, the term 'State' means a State of the United States and any commonwealth, territory, or possession of the United States.''.

(i) Section 3156(a) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period and inserting ''; and'' at the end of paragraph (4); and

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

''(5) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(j) Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) by amending paragraph (26) to read as follows:

''(26) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''; and

(2) by redesignating paragraph (43), as added by section 90105(d) of the Violent Crime Control and Law Enforcement Act of 1994, as paragraph (44).

(k) Section 1121 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(c) For the purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(l) Section 228(d)(2) of title 18, United States Code, is amended by inserting ''commonwealth,'' before ''possession or territory of the United States''.

(m) Section 1546(c) of title 18, United States Code, is amended by adding at the end the following: ''For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(n) Section 1541 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking ''or possession''; and

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

''For purposes of this section, the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(o) Section 37(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: '', and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States''.

(p) Section 2281(c) of title 18, United States Code, is amended in the final sentence by inserting before the period the following: '', and the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States''.

(q) Section 521(a) of title 18, United States Code, is amended by adding at the end the following: ''''State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent

that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

Ms. LOFGREN. Mr. Speaker, reserving the right to object, and I will not object, I would ask the gentleman from Florida [Mr. MCCOLLUM], and other committee members to explain.

Mr. MCCOLLUM. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, this amendment to H.R. 3723 is based in large part on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation, and much of it has previously passed the House by a vote of 399–3 on September 17. The bill passed by other body by unanimous consent with an amendment. The amendment I offer today reconciles the differences between these versions of this bill and is the result of negotiations with the majority and minority of both bodies.

This amendment retains much of the original provisions of H.R. 3723, but it differs from that bill in some significant ways. The amendment will create two new crimes, instead of the one created by the House-passed version of the bill, and will increase the proof of state of mind required to prove a violation of both offenses from that of the original House bill. The crime of ''economic espionage'' will require proof of intent or knowledge by the offender that the offense will benefit a foreign government, foreign instrumentality, or foreign agent through economic espionage.

The provision will extend the protections of this law to private computers used in interstate commerce and will also close loopholes in existing law that, in some cases, would have prevented the Government from prosecuting persons who sabotage Government computers.

Finally, the amendment includes the provisions of H.R. 2538, the ''Criminal Law Technical Amendments Act of 1995,'' which passed by the House under suspension of the rules on December 12, 1995. Included along with these purely technical amendments from H.R. 2538 are additional technical corrections to the Anti-terrorism law passed by the Congress earlier this session and two minor substantive provisions (S. 1331 and S. 1332) that passed unanimously in the other body.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of the House and the other body. I am pleased to offer it today.

Mr. Speaker this amendment to H.R. 3723 is based in large part on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation, and much of it has previously passed the House by a vote of 399–3 on September 17. The bill passed the other body by unanimous consent with an amendment. The amendment I offer today reconciles the differences between these versions of this bill and is the result of negotiations with the majority and minority of both bodies.

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Also, the punishments for these crimes have been slightly altered from those set forth in H.R. 3723, so as to bring them more in line with existing theft and espionage statutes. Finally, the provisions dealing with the extra-territorial reach of the statute has been amended to make it clear that the statute does not apply to a foreign corporation in which an American may happen to hold an ownership interest, unless such corporation commits an act in furtherance of one of these two offenses inside the United States.

Mr. Speaker, this amendment also includes the provisions of S. 982, the ''National Information Infrastructure Act of 1996,'' which passed unanimously in the other body on September 18 and which is identical to H.R. 4095, introduced by the gentleman from Virginia [Mr. GOODLATTE]. Both of these bills are based on draft legislation requested by the Justice Department. This provision amends the existing statute dealing with acts of fraud committed by computer and acts of sabotage to government computers. The provision will extend the protections of this law to private computers used in interstate commerce and will also close loopholes in existing law that, in some cases, would have prevented the government from prosecuting persons who sabotage government computers.

Finally, the amendment includes the provisions of H.R. 2538, the ''Criminal Law Technical Amendments Act of 1995,'' which passed by the House under suspension of the rules on December 12, 1995. Included along with these purely technical amendments from H.R. 2538 are additional technical corrections to the Anti-terrorism law passed by the Congress earlier this session and two minor substantive provisions (S. 1331 and S. 1332) that passed unanimously in the other body. Those provisions would amend certain sections of title 18 to ensure that all title 18 laws will apply to U.S. commonwealths and territories, and would adjust the dollar amounts specified in certain title 18 crimes, and which distinguish between grades of offenses, so that all title 18 crimes are uniform in this respect.

Mr. Speaker, I wish to make clear my view as the Member who introduced H.R. 3723 as to two questions that have been raised by the State Department. The principal purpose of new section 1831 of title 18 is to prevent and punish acts of economic espionage involving foreign government, foreign instrumentalities, or foreign agents. The term ''foreign instrumentality'' is defined in the legislation to mean a foreign corporation or company only when a foreign government substantially owns, controls, sponsors, commands, manages, or dominates that corporation or company. Thus, when this is not the case, a foreign corporation or company should not be prosecuted under the section dealing with economic espionage, new section 1831, but rather under the section dealing with theft of trade secrets, new section 1832.

Mr. Speaker, I also want to make it clear that to make out a case under either of these two new sections, the government must show that the accused knew or should have known that his conduct with respect to the trade secret was done without the authorization of the owner of the trade secret. Thus, this act should not give rise to a prosecution for legitimate economic data collection or reporting by personnel of foreign governments or international financial institutions, such as the World Bank, where the person collecting or reporting the information does not know (or should not be charged with knowing) that their actions in collecting or reporting the information was without the authorization of the owner.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of both the House and the other body. I am pleased to offer it today.

Mr. Speaker, this amendment represents the bipartisan efforts of Members of both the House and the other body, and I pleased to offer it today. And I would say to the gentlewoman that I believe that all of these are excellent provisions.

What we are dealing with today is the Economic Espionage Act, that is the underlying bill that passed the House, and what we need to be reminded of as we pass this tonight is that we have a fundamental problem with the espionage of our economic secrets in this country. There has been a longstanding need to address this in the criminal laws of our Nation, and I believe that we finally have reached an accord with the other body, and if we pass this tonight we will accomplish it.

Mr. Speaker, I thank the gentlewoman for yielding to me and understand that she will yield to the gentleman from Virginia [Mr. GOODLATTE], to explain perhaps the computer part of this a little more.

Ms. LOFGREN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Virginia [Mr. GOODLATTE] to discuss further the computer issue.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, for including the legislation which I introduced, H.R. 4095, in this unanimous-consent request.

With the benefits created by the explosion of computer networks comes a

very serious concern: Network computers also provide new opportunities for criminal activity.

The computer emergency response team, known as CERT, based on the Carnegie Mellon University in Pittsburgh, reports that the number of reported intrusions into U.S.-based computer systems rose from 773 in 1992 to more than 2,300 in 1994. Once into a computer system, hackers have the ability to steal, modify, or destroy sensitive data, thus the potential cost to users, including businesses, are staggering.

That is why the Justice Department and the FBI support this important legislation. It will help stem the online crime epidemic and increase protection for both government and private computers. The bill would allow Federal prosecution for those who misuses computers to obtain government information and, where appropriate, information held by the private sector.

The bill would also penalize any person who uses a computer to cause the transmission of a computer virus or other harmful computer program to government and financial institution computers not used in interstate communications, such as intrastate local area networks used by government agencies.

The NIA Protection Act would provide much needed protection for our Nation's important information infrastructure and help maintain the privacy of electronic information.

Ms. LOFGREN. Mr. Speaker, further reserving the right to object, I would like to say how pleased I am that we are able to enact this measure into law this night and have it become law and for the President to sign it.

American companies have faced the fact, unfortunately, that our laws were written so long ago that they do not deal with the protection of ideas in the way that they should, and we know in this information society it is the great power of our information and ideas that will keep us on the cutting edge of the economies of the world.

So I fully support this bill as well as the other Senate amendments.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2153) to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building,'' and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. BALDACCI. Mr. Speaker, reserving the right to object, I wish to state that the minority has no objection to the approval of S. 2153.

Mr. Speaker, I urge my colleagues to support S. 2153. It is a bill designating the United States Post Office Building located in Brewer, Maine as the Joshua Lawrence Chamberlain Post Office Building. This measure was introduced by Senator COHEN at the request of the city of Brewer, Maine to honor this Civil War hero, four-term Governor of Maine, scholar and professor.

Mr. Speaker, I cannot think of a more fitting tribute for this dedicated public servant. I urge my colleagues to support this and I also have extended remarks at the front table.

Mr. Speaker, I rise today in strong support of this legislation, S. 2153, which would designate the Post Office in Brewer, Maine in honor of George Joshua Lawrence Chamberlain. I introduced identical legislation on this matter, which the entire Maine Congressional Delegation has supported, and am pleased that the Congress has acted quickly on it.

I was contacted recently by Brewer's Postmaster, Stanley Abraham. He told me that the citizens of Brewer had requested that their Post Office be named in honor of a hometown hero, General Joshua Lawrence Chamberlain.

General Chamberlain was born and educated in Brewer, Maine. Leading the 20th Maine, he played a crucial role at Little Round Top in the Battle of Gettysburg. This battle was a turning point in the Civil War. His tremendous skills were duly recognized when he was given the only battlefield promotion to General of the Civil War. General Chamberlain's leadership skills were further recognized by the people of Maine when they elected him Governor by the largest majority in Maine's history, and returned him to office three times.

As a student of history, I am proud to recognize the accomplishments of General Chamberlain. His military, academic and political career has brought great honor to the City of Brewer and the State of Maine. Designating the Brewer Post Office in General Chamberlain's honor is a fitting tribute to one of Maine's greatest leaders, and I am pleased to support this legislation.

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

Mr. BALDACCI. Further reserving the right to object, I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding and for his comments and also his leadership on this issue.

Mr. Speaker, as was just noted, this legislation, which is important to note was introduced by both the Senators from the great State of Maine and is supported both by the gentleman whom we have just heard from but also the entire House delegation, does indeed honor a Civil War hero by naming a post office building located in Brewer, ME as the Joshua Lawrence Chamberlain Post Office Building.

In addition to being known as a man of remarkable valor in that war and a great man in history, Joshua Chamberlain was also the president of Bowdoin College, and a scholar.

I cannot think of a more fitting tribute to this great American than following through on the adoption of this bill as just suggested by the gentleman from Maine, and I would urge all our colleagues to accept this unanimous-consent request at this time.

Mr. BALDACCI. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2153

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

SECTION 1. DESIGNATION OF JOSHUA LAWRENCE CHAMBERLAIN POST OFFICE BUILDING.

The United States Post Office building located at 22 Parkway South, Brewer, Maine, shall be known as and designated as the ''Joshua Lawrence Chamberlain Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, record, or other paper of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the ''Joshua Lawrence Chamberlain Post Office Building''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMOS F. LONGORIA POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2700), to designate the building located at 8302 FM 327, Elmendorf, TX, which houses operations of the United States Postal Service, as the ''Amos F. Longoria Post Office Building,'' 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 2, after line 9 insert:

SEC. 2. INSTITUTION OF HIGHER EDUCATION.

Paragraph (3) of section 3626(b) of title 39, United States Code, is amended by striking the period and inserting '', and includes a nonprofit organization that coordinates a network of college-level courses that is sponsored primarily by nonprofit educational institutions for an older adult constituency.''.

Mr. MCHUGH (during the reading). Mr. Speaker, I ask unanimous consent that 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?

There was no objection.

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

Mr. BALDACCI. Mr. Speaker, reserving the right to object, I wish to state the minority has no objection to the approval of H.R. 2700, as amended.

Mr. Speaker, I urge my colleagues to support H.R. 2700, as amended. This bill designates a post office in Elmendorf, TX as the Amos F. Longoria Post Office Building, with an amendment offered by Senator PRYOR. The amendment addresses mailing problems facing by Elderhostel, an independent nonprofit organization which operates a central course catalog and registration system for college level classes for people over the age of 60.

Mr. Speaker, H.R. 2700, as amended, will solve a problem caused by the fact that Elderhostel does not fit neatly into the Postal Service's definitions and I urge my colleagues to support this measure.

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

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

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill was passed and amended by this body on July 30, 1996 under suspension of the rules, as the gentleman from Maine just noted. It does what I certainly believe and I hope all our colleagues agree is a very worthwhile step in creating certain mailing rights for very worthy organization involved in educational activities.

I would note for the record, Mr. Speaker, that a preliminary analysis by the Congressional Budget Office reports that the enactment of the amendment as placed in this bill by the Senate would result in a cost to the U.S. Postal Service. However, as the Postal Service is classified as off budget, pay-as-you-go procedures would not apply. Mr. Speaker, I would urge our colleagues to support this bill as amended by the Senate. I think it is a worthy initiative that would do this House proud and I certainly hope for its passage.

Mr. BALDACCI. Mr. Speaker, I withdraw my reservation of 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. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 2700.

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

There was no objection.

NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure and the Committee on Resources be discharged from further consideration of the bill (H.R. 4283) to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

□ 2300

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, the bill before us is nearly identical to the Invasive Species Act that the House passed by voice vote earlier this week, except for limited amendments requested by the other body. I continue to have some concerns about at least one of those changes, but on balance those concerns are outweighed by the net gains to the Great Lakes region and to the rest of the Nation from this legislation.

One of the concerns I have is a major concern with the application of this legislation to the salt water ports, and with our chairman managing this bill, and with his deep concern for environmental issues, I do want to ask the gentleman from New York [Mr. BOEHLERT] for a commitment that we will examine these issues in the proper detail that they deserve in the coming Congress.

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

Mr. BOEHLERT. Mr. Speaker, if the gentleman would yield, my colleague has those assurances.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I will not object to passage of the National Invasive Species Act of 1996. The bill before us now is nearly identical to the Invasive Species bill that the House passed by voice vote earlier this week, except for limited amendments which have been requested by the other body. I continue to have some concerns regarding one of those changes, but on balance, those concerns are outweighed by the net gains to the Great Lakes region and to the Nation from this bill being signed into law this Congress.

This bill will contribute toward preventing further invasions by, and the spread of, nonindigenous aquatic species. It builds on the very successful program in the Great Lakes, which was developed under the 1990 ''Nonindigenous Aquatic Nuisance Prevention and Control Act,'' and expands the scope of the law to the entire Nation.

Also of critical importance, the bill should promote the development of new technologies, recognizing the limitations of ballast exchange in preventing the spread of invasive species that already have been introduced into the Great Lakes and other U.S. waters.

We all have a great deal at stake in passage of this bill this year. Passage of this bill into law will:

Help prevent further unnecessary devastation of our most valuable fisheries, as has happened repeatedly in my district in the Duluth-Superior Harbor, in the Great Lakes, and is at risk of happening in the Chesapeake Bay, the San Francisco Bay Delta Estuary, the Gulf of Mexico, and other of our most treasured ecosystems;

Avoid public and private expenditures of millions of dollars a year on clearing zebra mussels from intake pipes and water treatment systems, increasing the cost of providing water and electricity to our citizens; and help preserve native species and the natural biodiversity of our Nation's aquatic ecosystems.

Finally, this bill includes certain exemptions which concern me. I intend to further examine these provisions and their impacts when we return next year. Along those lines, I would like to clarify that nothing in the bill supersedes any requirement or prohibition under any other law pertaining to the discharge or exchange of ballast water, including any conditions for lifting the export ban on Alaska North Slope crude oil.

I will not object to passage of this bill.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio [Mr. LATOURETTE] and compliment him for the leadership that he has taken on authoring this legislation, which I am proud to cosponsor and for moving it along.

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

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for yielding, and I thank him because he has gone above and beyond reaching across the aisle to make sure we can get this done. I thank the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Pennsylvania [Mr. BORSKI], but most of all I thank the gentleman from New York [Mr. BOEHLERT] without whose persistence and shepherding we would not be here, and I thank his staff, in particular Ben Grumbles.

Also, Mr. Speaker, it happens to be Chairman BOEHLERT's birthday and I am not going to hold him up any longer. I would hope that we could all support this bill and I thank all my colleagues for making it happen.

Mr. Speaker, I rise in strong support of H.R. 4283, the National Invasive Species Act, as amended by the Senate. We arrive at this point today due to strong bipartisan cooperation. Many concerns were raised about the potential impact of the Senate amendments. After careful review, I am pleased to report that the Senate amendments will not compromise the fundamental purpose and goals of H.R. 4283.

H.R. 4283 will build upon the Nonaquatic Nuisance Prevention and Control Act of 1990 that addressed zebra mussels and other invasive species in the Great Lakes. However, it is important to note that H.R. 4283 is national in scope, extending a voluntary incentive-based approach to all coasts and regions at risk. H.R. 4283 coordinates agencies, research institutions and others to prevent and control the introduction and spread of invasive species primarily through voluntary ballast water exchange and management education and research.

Mr. Speaker, we are in the closing minutes, so I will make my comments brief. I would like to thank Mr. SHUSTER for his tireless efforts moving H.R. 4283. Additionally, I would like to extend my thanks to Ranking Member OBERSTAR for his support and Ranking Member of the Water Resources Subcommittee Mr. BORSKI for his time and attention on this issue. Mr. Speaker, we would not be here today without the stewardship and persistence of the chairman of the Water Resources Subcommittee, Mr. BOEHLERT, my sincere thanks to him.

I would also like to thank the cosponsor of H.R. 4283.

I would also like to thank our colleagues in the Senate, especially the senior Senator from Ohio, Senator GLENN, a Great Lakes champion who has been a catalyst on this issue.

Mr. Speaker, I would be remiss if I did not take time to thank the staffers who, unfortunately, do not get near the credit they deserve. These men and women have spent countless hours on H.R. 4283, and they have my deep appreciation and my thanks. I would hate to leave someone out, but let me thank Rochelle Sturtevant of my staff, Ben Grumbles of the Water Resources Subcommittee, the staff of the House Committee on Resources, the House Committee on Science, as well as Allegra Cangelosi of the Northeast-Midwest Institute.

Mr. Speaker, I ask my colleagues to support this truly bipartisan effort that will prevent other areas throughout our Nation from facing the costs and environmental damage that we in the Great Lakes have witnessed.

Mr. OBERSTAR. Mr. Speaker, I join in unexpectedly wishing a happy and well deserved birthday to my good friend from New York.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I strongly urge my colleagues to support the National Invasive Species Act of 1996.

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 4283

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the ''National Invasive Species Act of 1996''.

(b) REFERENCES.—Whenever in this Act 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 Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.).

SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL ACT OF 1990.

(a) FINDINGS; DEFINITIONS.—

(1) FINDINGS.—Section 1002(a) (16 U.S.C. 4701(a)) is amended—

(A) by striking paragraphs (2) and (3) and inserting the following new paragraphs:

''(2) when environmental conditions are favorable, nonindigenous species become established, may compete with or prey upon native species of plants, fish, and wildlife, may carry diseases or parasites that affect native species, and may disrupt the aquatic environment and economy of affected nearshore areas;

''(3) the zebra mussel was unintentionally introduced into the Great Lakes and has infested—

''(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

''(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

''(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;'';

(B) in paragraph (4)—

(i) by inserting ''by the zebra mussel and ruffe, round goby, and other nonindigenous species'' after ''other species''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (5), by striking the period and inserting a semicolon; and

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

''(6) in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;

''(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

''(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

''(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

''(10) since their introduction in the early 1980's in ballast water discharges, ruffe—

''(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

''(B) have spread to Lake Huron; and

''(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

''(11) examples of nonindigenous species that, as of the date of enactment of the National Invasive Species Act of 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—

''(A) the mitten crab (Eriocher sinensis) that has become established on the Pacific Coast;

''(B) the green crab (Carcinus maenas) that has become established in the coastal waters of the Atlantic Ocean;

''(C) the brown mussel (Perna perna) that has become established along the Gulf of Mexico; and

''(D) certain shellfish pathogens;

''(12) many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

''(13) if preventive management measures are not taken nationwide to prevent and control unintentionally introduced nonindigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

''(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

''(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of the Federal Government and State governments, and investment in the development of prevention technologies.''.

(2) DEFINITIONS.—Section 1003 (16 U.S.C. 4702) is amended—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (8) as paragraphs (1) through (7), respectively;

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph, by striking ''assistant Secretary'' and inserting ''Assistant Secretary'';

(C) by redesignating paragraphs (9) through (15) as paragraphs (11) through (17), respectively; and

(D) by inserting after paragraph (7), as redesignated by subparagraph (A) of this paragraph, the following:

''(8) 'Great Lakes region' means the 8 States that border on the Great Lakes;

''(9) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

''(10) 'interstate organization' means an entity—

''(A) established by—

''(i) an interstate compact that is approved by Congress;

''(ii) a Federal statute; or

''(iii) a treaty or other international agreement with respect to which the United States is a party; and

''(B)(i) that represents 2 or more—

''(I) States or political subdivisions thereof; or

''(II) Indian tribes; or

''(ii) that represents—

''(I) 1 or more States or political subdivisions thereof; and

''(II) 1 or more Indian tribes; or

''(iii) that represents the Federal Government and 1 or more foreign governments; and

''(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;''.

(b) AQUATIC NUISANCE SPECIES CONTROL PROGRAM.—

(1) AMENDMENT TO HEADING.—The heading to subtitle B (16 U.S.C. 4711 et seq.) is amended to read as follows:

''Subtitle B—Prevention of Unintentional Introductions of Nonindigenous Aquatic Species''.

(2) AQUATIC NUISANCE SPECIES.—Section 1101 (16 U.S.C. 4711) is amended to read as follows:

''SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF THE UNITED STATES.

''(a) GREAT LAKES GUIDELINES.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the exchange of ballast water of vessels prior to entering those waters.

''(2) CONTENT OF GUIDELINES.—The guidelines issued under this subsection shall—

''(A) ensure to the maximum extent practicable that ballast water containing aquatic nuisance species is not discharged into the Great Lakes;

''(B) protect the safety of—

''(i) each vessel; and

''(ii) the crew and passengers of each vessel;

''(C) take into consideration different vessel operating conditions; and

''(D) be based on the best scientific information available.

''(b) REGULATIONS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Task Force, shall issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through the ballast water of vessels.

''(2) CONTENT OF REGULATIONS.—The regulations issued under this subsection shall—

''(A) apply to all vessels equipped with ballast water tanks that enter a United States port on the Great Lakes after operating on the waters beyond the exclusive economic zone;

''(B) require a vessel to—

''(i) carry out exchange of ballast water on the waters beyond the exclusive economic zone prior to entry into any port within the Great Lakes;

''(ii) carry out an exchange of ballast water in other waters where the exchange does not pose a threat of infestation or spread of aquatic nuisance species in the Great Lakes and other waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

''(iii) use environmentally sound alternative ballast water management methods if the Secretary determines that such alternative methods are as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

''(C) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

''(D) provide for sampling procedures to monitor compliance with the requirements of the regulations;

''(E) prohibit the operation of a vessel in the Great Lakes if the master of the vessel has not certified to the Secretary or the Secretary's designee by not later than the departure of that vessel from the first lock in the St. Lawrence Seaway that the vessel has complied with the requirements of the regulations;

''(F) protect the safety of—

''(i) each vessel; and

''(ii) the crew and passengers of each vessel;

''(G) take into consideration different operating conditions; and

''(H) be based on the best scientific information available.

''(3) ADDITIONAL REGULATIONS.—In addition to promulgating regulations under paragraph (1), the Secretary, in consultation with the Task Force, shall, not later than November 4, 1994, issue regulations to prevent the introduction and spread of aquatic nuisance species into the Great Lakes through ballast water carried on vessels that enter a United States port on the Hudson River north of the George Washington Bridge.

''(4) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—The Secretary may carry out education and technical assistance programs and other measures to promote compliance with the regulations issued under this subsection.

''(c) VOLUNTARY NATIONAL GUIDELINES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines to prevent the introduction and spread of nonindigenous species in waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks.

''(2) CONTENT OF GUIDELINES.—The voluntary guidelines issued under this subsection shall—

''(A) ensure to the maximum extent practicable that aquatic nuisance species are not discharged into waters of the United States from vessels;

''(B) apply to all vessels equipped with ballast water tanks that operate in waters of the United States;

''(C) protect the safety of—

''(i) each vessel; and

''(ii) the crew and passengers of each vessel;

''(D) direct a vessel that is carrying ballast water into waters of the United States after operating beyond the exclusive economic zone to—

''(i) carry out the exchange of ballast water of the vessel in waters beyond the exclusive economic zone;

''(ii) exchange the ballast water of the vessel in other waters where the exchange does not pose a threat of infestation or spread of nonindigenous species in waters of the United States, as recommended by the Task Force under section 1102(a)(1); or

''(iii) use environmentally sound alternative ballast water management methods, including modification of the vessel ballast water tanks and intake systems, if the Secretary determines that such alternative methods are at least as effective as ballast water exchange in preventing and controlling infestations of aquatic nuisance species;

''(E) direct vessels to carry out management practices that the Secretary determines to be necessary to reduce the probability of unintentional nonindigenous species transfer resulting from—

''(i) ship operations other than ballast water discharge; and

''(ii) ballasting practices of vessels that enter waters of the United States with no ballast water on board;

''(F) provide for the keeping of records that shall be submitted to the Secretary, as prescribed by the guidelines, and that shall be maintained on board each vessel and made available for inspection, upon request of the Secretary and in a manner consistent with subsection (i), in order to enable the Secretary to determine compliance with the guidelines, including—

''(i) with respect to each ballast water exchange referred to in clause (ii), reporting on the precise location and thoroughness of the exchange; and

''(ii) any other information that the Secretary considers necessary to assess the rate of effective compliance with the guidelines;

''(G) provide for sampling procedures to monitor compliance with the guidelines;

''(H) take into consideration—

''(i) vessel types;

''(ii) variations in the characteristics of point of origin and receiving water bodies;

''(iii) variations in the ecological conditions of waters and coastal areas of the United States; and

''(iv) different operating conditions;

''(I) be based on the best scientific information available;

''(J) not affect or supersede any requirements or prohibitions pertaining to the discharge of ballast water into waters of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

''(K) provide an exemption from ballast water exchange requirements to passenger vessels with operating ballast water systems that are equipped with treatment systems designed to kill aquatic organisms in ballast water, unless the Secretary determines that such treatment systems are less effective than ballast water exchange at reducing the risk of transfers of invasive species in the ballast water of passenger vessels; and

''(L) not apply to crude oil tankers engaged in the coastwise trade.

''(3) EDUCATION AND TECHNICAL ASSISTANCE PROGRAMS.—Not later than 1 year after the date of enactment of the National Invasive Species Act of 1996, the Secretary shall carry out education and technical assistance programs and other measures to encourage compliance with the guidelines issued under this subsection.

''(d) REPORT TO CONGRESS.—Not sooner than 24 months after the date of issuance of guidelines pursuant to subsection (c) and not later than 30 months after such date, and after consultation with interested and affected persons, the Secretary shall prepare and submit to Congress a report containing the information required pursuant to paragraphs (1) and (2) of subsection (e).

''(e) PERIODIC REVIEW AND REVISION.—

''(1) IN GENERAL.—Not later than 3 years after the date of issuance of guidelines pursuant to subsection (c), and not less frequently than every 3 years thereafter, the Secretary shall, in accordance with criteria developed by the Task Force under paragraph (3)—

''(A) assess the compliance by vessels with the voluntary guidelines issued under subsection (c) and the regulations promulgated under this Act;

''(B) establish the rate of compliance that is based on the assessment under subparagraph (A);

''(C) assess the effectiveness of the voluntary guidelines and regulations referred to in subparagraph (A) in reducing the introduction and spread of aquatic nuisance species by vessels; and

''(D) as necessary, on the basis of the best scientific information available—

''(i) revise the guidelines and regulations referred to in subparagraph (A);

''(ii) promulgate additional regulations pursuant to subsection (f)(1); or

''(iii) carry out each of clauses (i) and (ii).

''(2) SPECIAL REVIEW AND REVISION.—Not later than 90 days after the Task Force makes a request to the Secretary for a special review and revision for coastal and inland waterways designated by the Task Force, the Secretary shall—

''(A) conduct a special review of guidelines and regulations applicable to those waterways in accordance with the review procedures under paragraph (1); and

''(B) as necessary, in the same manner as provided under paragraph (1)(D)—

''(i) revise those guidelines;

''(ii) promulgate additional regulations pursuant to subsection (f)(1); or

''(iii) carry out each of clauses (i) and (ii).

''(3) CRITERIA FOR EFFECTIVENESS.—Not later than 18 months after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall submit to the Secretary criteria for determining the adequacy and effectiveness of the voluntary guidelines issued under subsection (c).

''(f) AUTHORITY OF SECRETARY.—

''(1) GENERAL REGULATIONS.—If, on the basis of a periodic review conducted under subsection (e)(1) or a special review conducted under subsection (e)(2), the Secretary determines that—

''(A) the rate of effective compliance (as determined by the Secretary) with the guidelines issued pursuant to subsection (c) is inadequate; or

''(B) the reporting by vessels pursuant to those guidelines is not adequate for the Secretary to assess the compliance with those guidelines and provide a rate of compliance of vessels, including the assessment of the

rate of compliance of vessels under subsection (e)(2),

the Secretary shall promptly promulgate regulations that meet the requirements of paragraph (2).

''(2) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated by the Secretary under paragraph (1)—

''(A) shall—

''(i) not be promulgated sooner than 180 days following the issuance of the report to Congress submitted pursuant to subsection (d);

''(ii) make mandatory the requirements included in the voluntary guidelines issued under subsection (c); and

''(iii) provide for the enforcement of the regulations; and

''(B) may be regional in scope.

''(3) INTERNATIONAL REGULATIONS.—The Secretary shall revise regulations promulgated under this subsection to the extent required to make such regulations consistent with the treatment of a particular matter in any international agreement, agreed to by the United States, governing management of the transfer of nonindigenous aquatic species by vessel.

''(g) SANCTIONS.—

''(1) CIVIL PENALTIES.—Any person who violates a regulation promulgated under subsection (b) or (f) shall be liable for a civil penalty in an amount not to exceed $25,000. Each day of a continuing violation constitutes a separate violation. A vessel operated in violation of the regulations is liable in rem for any civil penalty assessed under this subsection for that violation.

''(2) CRIMINAL PENALTIES.—Any person who knowingly violates the regulations promulgated under subsection (b) or (f) is guilty of a class C felony.

''(3) REVOCATION OF CLEARANCE.—Upon request of the Secretary, the Secretary of the Treasury shall withhold or revoke the clearance of a vessel required by section 4197 of the Revised Statutes (46 U.S.C. App. 91), if the owner or operator of that vessel is in violation of the regulations issued under subsection (b) or (f).

''(4) EXCEPTION TO SANCTIONS.—This subsection does not apply to a failure to exchange ballast water if—

''(A) the master of a vessel, acting in good faith, decides that the exchange of ballast water will threaten the safety or stability of the vessel, its crew, or its passengers; and

''(B) the recordkeeping and reporting requirements of the Act are complied with.

''(h) COORDINATION WITH OTHER AGENCIES.—In carrying out the programs under this section, the Secretary is encouraged to use, to the maximum extent practicable, the expertise, facilities, members, or personnel of established agencies and organizations that have routine contact with vessels, including the Animal and Plant Health Inspection Service of the Department of Agriculture, the National Cargo Bureau, port administrations, and ship pilots' associations.

''(i) CONSULTATION WITH CANADA, MEXICO, AND OTHER FOREIGN GOVERNMENTS.—In developing the guidelines issued and regulations promulgated under this section, the Secretary is encouraged to consult with the Government of Canada, the Government of Mexico, and any other government of a foreign country that the Secretary, in consultation with the Task Force, determines to be necessary to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

''(j) INTERNATIONAL COOPERATION.—The Secretary, in cooperation with the International Maritime Organization of the United Nations and the Commission on Environmental Cooperation established pursuant to the North American Free Trade Agreement, is encouraged to enter into negotiations with the governments of foreign countries to develop and implement an effective international program for preventing the unintentional introduction and spread of nonindigenous species.

''(k) SAFETY EXEMPTION.—

''(1) MASTER DISCRETION.—The master of a vessel is not required to conduct a ballast water exchange if the master decides that the exchange would threaten the safety or stability of the vessel, its crew, or its passengers because of adverse weather, vessel architectural design, equipment failure, or any other extraordinary conditions.

''(2) OTHER REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a vessel that does not exchange ballast water on the high seas under paragraph (1) shall not be restricted from discharging ballast water in any harbor.

''(B) GREAT LAKES.—Subparagraph (A) shall not apply in a case in which a vessel is subject to the regulations issued by the Secretary under subsection (b).

''(l) NON-DISCRIMINATION.—The Secretary shall ensure that vessels registered outside of the United States do not receive more favorable treatment than vessels registered in the United States when the Secretary performs studies, reviews compliance, determines effectiveness, establishes requirements, or performs any other responsibilities under this Act.''.

(3) CRUDE OIL TANKER BALLAST FACILITY STUDY.—(A) Within 60 days of the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, affected shoreside ballast water facility operators, affected crude oil tanker operators, and interested parties, shall initiate a study of the effectiveness of existing shoreside ballast water facilities used by crude oil tankers in the coastwise trade off Alaska in preventing the introduction of nonindigenous aquatic species into the waters off Alaska, as well as the cost and feasibility of modifying such facilities to improve such effectiveness.

(B) The study required under subparagraph (A) shall be submitted to the Congress by no later than October 1, 1997.

(c) NATIONAL BALLAST WATER MANAGEMENT INFORMATION.—Section 1102 (16 U.S.C. 4712) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT INFORMATION.'';

(2) in subsection (a)—

(A) in paragraphs (1) and (2), by inserting '', in cooperation with the Secretary,'' before ''shall conduct'' each place it appears;

(B) in paragraph (2), by inserting ''Lake Champlain and other'' after ''economic uses of'';

(3) by striking subsection (b) and inserting the following:

''(b) ECOLOGICAL AND BALLAST WATER DISCHARGE SURVEYS.—

''(1) ECOLOGICAL SURVEYS.—

''(A) IN GENERAL.—The Task Force, in cooperation with the Secretary, shall conduct ecological surveys of the Chesapeake Bay, San Francisco Bay, and Honolulu Harbor and, as necessary, of other estuaries of national significance and other waters that the Task Force determines—

''(i) to be highly susceptible to invasion by aquatic nuisance species resulting from ballast water operations and other operations of vessels; and

''(ii) to require further study.

''(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Task Force shall, with respect to each such survey—

''(i) examine the attributes and patterns of invasions of aquatic nuisance species; and

''(ii) provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued and regulations promulgated under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

''(2) BALLAST WATER DISCHARGE SURVEYS.—

''(A) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast water discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

''(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

''(i) examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and

''(ii) assess the effectiveness of voluntary guidelines issued, and regulations promulgated, under this subtitle in altering ballast water discharge practices to reduce the probability of accidental introductions of aquatic nuisance species.

''(3) COLUMBIA RIVER.—The Secretary, in cooperation with the Task Force and academic institutions in each of the States affected, shall conduct an ecological and ballast water discharge survey of the Columbia River system consistent with the requirements of paragraphs (1) and (2).''; and

(4) by adding at the end the following new subsections:

''(e) REGIONAL RESEARCH GRANTS.—Out of amounts appropriated to carry out this subsection for a fiscal year, the Under Secretary may—

''(1) make available not to exceed $750,000 to fund research on aquatic nuisance species prevention and control in the Chesapeake Bay through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

''(2) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control in the Gulf of Mexico through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

''(3) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control for the Pacific Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions;

''(4) make available not to exceed $500,000 to fund research on aquatic nuisance species prevention and control for the Atlantic Coast through grants, to be competitively awarded and subject to peer review, to universities and research institutions; and

''(5) make available not to exceed $750,000 to fund research on aquatic nuisance species prevention and control in the San Francisco Bay-Delta Estuary through grants, to be competitively awarded and subject to peer review, to universities and research institutions.

''(f) NATIONAL BALLAST INFORMATION CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary shall develop and maintain, in consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), a clearinghouse of national data concerning—

''(A) ballasting practices;

''(B) compliance with the guidelines issued pursuant to section 1101(c); and

''(C) any other information obtained by the Task Force under subsection (b).

''(2) REPORT.—In consultation and cooperation with the Task Force and the Smithsonian Institution (acting through the Smithsonian Environmental Research Center), the Secretary shall prepare and submit to the Task Force and the Congress, on a biannual basis, a report that synthesizes and analyzes the data referred to in paragraph (1) relating to—

''(A) ballast water delivery and management; and

''(B) invasions of aquatic nuisance species resulting from ballast water.''.

(d) ARMED SERVICES BALLAST WATER PROGRAM; BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding at the end the following new sections:

''SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.

''(a) DEPARTMENT OF DEFENSE VESSELS.—Subject to operational conditions, the Secretary of Defense, in consultation with the Secretary, the Task Force, and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Department of Defense to minimize the risk of introduction of nonindigenous species from releases of ballast water.

''(b) COAST GUARD VESSELS.—Subject to operational conditions, the Secretary, in consultation with the Task Force and the International Maritime Organization, shall implement a ballast water management program for seagoing vessels of the Coast Guard to minimize the risk of introduction of nonindigenous species from releases of ballast water.

''SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.

''(a) TECHNOLOGIES AND PRACTICES DEFINED.—For purposes of this section, the term 'technologies and practices' means those technologies and practices that—

''(1) may be retrofitted—

''(A) on existing vessels or incorporated in new vessel designs; and

''(B) on existing land-based ballast water treatment facilities;

''(2) may be designed into new water treatment facilities;

''(3) are operationally practical;

''(4) are safe for a vessel and crew;

''(5) are environmentally sound;

''(6) are cost-effective;

''(7) a vessel operator is capable of monitoring; and

''(8) are effective against a broad range of aquatic nuisance species.

''(b) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—During the 18-month period beginning on the date that funds are made available by appropriations pursuant to section 1301(e), the Secretary of the Interior and the Secretary of Commerce, with the concurrence of and in cooperation with the Secretary, shall conduct a ballast water management demonstration program to demonstrate technologies and practices to prevent aquatic nonindigenous species from being introduced into and spread through ballast water in the Great Lakes and other waters of the United States.

''(2) LOCATION.—The installation and construction of the technologies and practices used in the demonstration program conducted under this subsection shall be performed in the United States.

''(3) VESSEL SELECTION.—In demonstrating technologies and practices on vessels under this subsection, the Secretary of the Interior and the Secretary of Commerce, shall—

''(A) use only vessels that—

''(i) are approved by the Secretary;

''(ii) have ballast water systems conducive to testing aboard-vessel or land-based technologies and practices applicable to a significant number of merchant vessels; and

''(iii) are—

''(I) publicly or privately owned; and

''(II) in active use for trade or other cargo shipment purposes during the demonstration;

''(B) select vessels for participation in the program by giving priority consideration—

''(i) first, to vessels documented under chapter 121 of title 46, United States Code;

''(ii) second, to vessels that are a majority owned by citizens of the United States, as determined by the Secretary; and

''(iii) third, to any other vessels that regularly call on ports in the United States; and

''(C) seek to use a variety of vessel types, including vessels that—

''(i) call on ports in the United States and on the Great Lakes; and

''(ii) are operated along major coasts of the United States and inland waterways, including the San Francisco Bay and Chesapeake Bay.

''(4) SELECTION OF TECHNOLOGIES AND PRACTICES.—In selecting technologies and practices for demonstration under this subsection, the Secretary of the Interior and the Secretary of Commerce shall give priority consideration to technologies and practices identified as promising by the National Research Council Marine Board of the National Academy of Sciences in its report on ships' ballast water operations issued in July 1996.

''(5) REPORT.—Not later than 3 years after the date of enactment of the National Invasive Species Act of 1996, the Secretary of the Interior and the Secretary of Commerce shall prepare and submit a report to the Congress on the demonstration program conducted pursuant to this section. The report shall include findings and recommendations of the Secretary of the Interior and the Secretary of Commerce concerning technologies and practices.

''(c) AUTHORITIES; CONSULTATION AND COOPERATION WITH INTERNATIONAL MARITIME ORGANIZATION AND TASK FORCE.—

''(1) AUTHORITIES.—In conducting the demonstration program under subsection (b), the Secretary of the Interior may—

''(A) enter into cooperative agreements with appropriate officials of other agencies of the Federal Government, agencies of States and political subdivisions thereof, and private entities;

''(B) accept funds, facilities, equipment, or personnel from other Federal agencies; and

''(C) accept donations of property and services.

''(2) CONSULTATION AND COOPERATION.—The Secretary of the Interior shall consult and cooperate with the International Maritime Organization and the Task Force in carrying out this section.''.

(e) AMENDMENTS TO SUBTITLE C.—

(1) SUBTITLE HEADING.—The heading to subtitle C (16 U.S.C. 4721 et seq.) is amended to read as follows:

''Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal''.

(2) TASK FORCE.—Section 1201 (16 U.S.C. 4721) is amended—

(A) in subsection (b)—

(i) by striking ''and'' at the end of paragraph (5);

(ii) by redesignating paragraph (6) as paragraph (7); and

(iii) by inserting after paragraph (5) the following new paragraph:

''(6) the Secretary of Agriculture; and''; and

(B) in subsection (c), by inserting ''the Chesapeake Bay Program, the San Francisco Bay-Delta Estuary Program,'' before ''and State agencies''.

(3) RESEARCH PROGRAM.—Section 1202 (16 U.S.C. 4722) is amended—

(A) in subsection (f)(1)(A), by inserting ''and impacts'' after ''economic risks''; and

(B) in subsection (i)—

(i) in paragraph (1)—

(I) by striking ''(1) IN GENERAL.—The Task Force'' and inserting the following:

''(1) ZEBRA MUSSEL.—

''(A) IN GENERAL.—The Task Force'';

(II) by striking ''(A) research'' and inserting the following:

''(i) research'';

(III) by striking ''(B) tracking'' and inserting the following:

''(ii) tracking'';

(IV) by striking ''(C) development'' and inserting the following:

''(iii) development''; and

(V) by striking ''(D) provision'' and inserting the following:

''(iv) provision'';

(ii) in paragraph (2), by striking ''(2) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—'' and inserting the following:

''(B) PUBLIC FACILITY RESEARCH AND DEVELOPMENT.—'';

(iii) in subparagraph (B) of paragraph (1), as so redesignated, by striking the first sentence and inserting the following: ''The Assistant Secretary, in consultation with the Task Force, shall develop a program of research, technology development, and demonstration for the environmentally sound control of zebra mussels in and around public facilities.'';

(iv) in paragraph (1), by adding after subparagraph (B), as so redesignated, the following new subparagraph:

''(C) VOLUNTARY GUIDELINES.—Not later than 1 year after the date of enactment of this subparagraph, the Task Force shall develop and submit to the Secretary voluntary guidelines for controlling the spread of the zebra mussel and, if appropriate, other aquatic nuisance species through recreational activities, including boating and fishing. Not later than 4 months after the date of such submission, and after providing notice and an opportunity for public comment, the Secretary shall issue voluntary guidelines that are based on the guidelines developed by the Task Force under this subparagraph.''; and

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

''(2) DISPERSAL CONTAINMENT ANALYSIS.—

''(A) RESEARCH.—The Administrator of the Environmental Protection Agency, in cooperation with the National Science Foundation and the Task Force, shall provide research grants on a competitive basis for projects that—

''(i) identify environmentally sound methods for controlling the dispersal of aquatic nuisance species, such as the zebra mussel; and

''(ii) adhere to research protocols developed pursuant to subsection (f)(2).

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency to carry out this paragraph, $500,000.

''(3) DISPERSAL BARRIER DEMONSTRATION.—

''(A) IN GENERAL.—The Assistant Secretary, in consultation with the Task Force, shall investigate and identify environmentally sound methods for preventing and reducing the dispersal of aquatic nuisance species between the Great Lakes-Saint Lawrence drainage and the Mississippi River drainage through the Chicago River Ship and Sanitary Canal, including any of those methods that could be incorporated into the operation or construction of the lock system of the Chicago River Ship and Sanitary Canal.

''(B) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the Assistant Secretary shall issue a

report to the Congress that includes recommendations concerning—

''(i) which of the methods that are identified under the study conducted under this paragraph are most promising with respect to preventing and reducing the dispersal of aquatic nuisance species; and

''(ii) ways to incorporate those methods into ongoing operations of the United States Army Corps of Engineers that are conducted at the Chicago River Ship and Sanitary Canal.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of the Army, to carry out this paragraph, $750,000.

''(4) CONTRIBUTIONS.—To the extent allowable by law, in carrying out the studies under paragraphs (2) and (3), the Administrator of the Environmental Protection Agency and the Secretary of the Army may enter into an agreement with an interested party under which that party provides in kind or monetary contributions for the study.

''(5) TECHNICAL ASSISTANCE.—The Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration shall provide technical assistance to appropriate entities to assist in the research conducted pursuant to this subsection.''.

(4) IMPLEMENTATION.—Section 1202(j)(1) (16 U.S.C. 4722(j)(1)) is amended by striking ''Not later than 18 months after the date of the enactment of this Act, the Director'' and inserting ''The Director, the Secretary,''.

(5) REGIONAL COORDINATION.—Section 1203 (16 U.S.C. 4723) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 1203. REGIONAL COORDINATION.'';

(B) in subsection (a)—

(i) by striking ''(a) IN GENERAL.—Not'' and inserting the following:

''(a) GREAT LAKES PANEL.—

''(1) IN GENERAL.—Not'';

(ii) by striking ''(1) identify'' and inserting the following:

''(A) identify'';

(iii) by striking ''(2) make'' and inserting the following:

''(B) make'';

(iv) by striking ''(3) assist'' and inserting the following:

''(C) assist'';

(v) by striking ''(4) coordinate'' and inserting the following:

''(D) coordinate'';

(vi) by striking ''(5) provide'' and inserting the following:

''(E) provide'';

(vii) by striking ''(6) submit'' and inserting the following:

''(F) submit'';

(viii) in paragraph (1), as so redesignated—

(I) in the matter preceding subparagraph (A), by inserting ''region'' before ''representatives''; and

(II) in subparagraphs (A) through (F), by striking ''Great Lakes'' each place it appears and inserting ''Great Lakes region'';

(C) by striking ''(b) CONSULTATION.—The Task Force'' and inserting the following:

''(2) CONSULTATION.—The Task Force'';

(D) by striking ''(c) CANADIAN PARTICIPATION.—The panel'' and inserting the following:

''(3) CANADIAN PARTICIPATION.—The panel'';

(E) in paragraphs (2) and (3) of subsection (a), as so redesignated, by striking ''this section'' and inserting ''this subsection''; and

(F) by adding at the end the following new subsections:

''(b) WESTERN REGIONAL PANEL.—Not later than 30 days after the date of enactment of the National Invasive Species Act of 1996, the Task Force shall request a Western regional panel, comprised of Western region representatives from Federal, State, and local agencies and from private environmental and commercial interests, to—

''(1) identify priorities for the Western region with respect to aquatic nuisance species;

''(2) make recommendations to the Task Force regarding an education, monitoring (including inspection), prevention, and control program to prevent the spread of the zebra mussel west of the 100th Meridian pursuant to section 1202(i) of this Act;

''(3) coordinate, where possible, other aquatic nuisance species program activities in the Western region that are not conducted pursuant to this Act;

''(4) develop an emergency response strategy for Federal, State, and local entities for stemming new invasions of aquatic nuisance species in the region;

''(5) provide advice to public and private individuals and entities concerning methods of preventing and controlling aquatic nuisance species infestations; and

''(6) submit annually a report to the Task Force describing activities within the Western region related to aquatic nuisance species prevention, research, and control.

''(c) ADDITIONAL REGIONAL PANELS.—The Task Force shall—

''(1) encourage the development and use of regional panels and other similar entities in regions in addition to the Great Lakes and Western regions (including providing financial assistance for the development and use of such entities) to carry out, with respect to those regions, activities that are similar to the activities described in subsections (a) and (b); and

''(2) cooperate with regional panels and similar entities that carry out the activities described in paragraph (1).''.

(6) STATE OR INTERSTATE WATERSHED AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—Section 1204 (16 U.S.C. 4724) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading and inserting the following:

''(a) STATE OR INTERSTATE INVASIVE SPECIES MANAGEMENT PLANS.—'';

(ii) in paragraph (1)—

(I) by striking the matter preceding subparagraph (A) and inserting the following:

''(1) IN GENERAL.—After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit—'';

(II) in subparagraph (A), by striking ''technical and financial assistance'' and inserting ''technical, enforcement, or financial assistance (or any combination thereof)''; and

(III) in subparagraphs (A) and (B), by inserting ''or within the interstate region involved'' after ''within the State'' each place it appears;

(iii) in paragraph (2)—

(I) in subparagraph (B), by striking ''and'' at the end of the subparagraph;

(II) by redesignating subparagraph (C) as subparagraph (D);

(III) by inserting after subparagraph (B) the following:

''(C) identify any authority that the State (or any State or Indian tribe involved in the interstate organization) does not have at the time of the development of the plan that may be necessary for the State (or any State or Indian tribe involved in the interstate organization) to protect public health, property, and the environment from harm by aquatic nuisance species; and''; and

(IV) in subparagraph (D), as so redesignated, by inserting '', and enabling legislation'' before the period;

(iv) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by inserting ''or interstate organization'' after ''the State''; and

(bb) by inserting ''Indian tribes,'' after ''local governments and regional entities,''; and

(II) in subparagraph (B), by inserting ''or the appropriate official of an interstate organization'' after ''a State''; and

(v) in paragraph (4), by inserting ''or the interstate organization'' after ''the Governor'';

(B) in subsection (b)(1)—

(i) by striking ''or the Assistant Secretary, as appropriate under subsection (a),''; and

(ii) by striking ''approved management plans'' and inserting ''management plans approved under subsection (a)''; and

(C) by adding at the end the following new subsection:

''(c) ENFORCEMENT ASSISTANCE.—Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141 of title 14, United States Code, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan.''.

(f) AUTHORIZATIONS OF APPROPRIATIONS.—Section 1301 (16 U.S.C. 4741) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking paragraph (3) and inserting the following;

''(3) to the Secretary to carry out section 1101—

''(A) $2,000,000 for each of fiscal years 1997 and 1998; and

''(B) $3,000,000 for each of fiscal years 1999 through 2002;''; and

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

''(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 1102(b)—

''(A) $1,000,000 to the Department of the Interior, to be used by the Director; and

''(B) $1,000,000 to the Secretary; and

''(5) for each of fiscal years 1997 through 2002—

''(A) $3,000,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to the Under Secretary to carry out section 1102(e); and

''(B) $500,000 to the Secretary to carry out section 1102(f).'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''1991, 1992, 1993, 1994, and 1995'' and inserting ''1997 through 2002''; and

(B) by striking paragraphs (1) through (7) and inserting the following:

''(1) $6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 1202 and 1209;

''(2) $1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 1202;

''(3) $1,625,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund aquatic nuisance species prevention and control research under section 1202(i) at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration, of which $500,000 shall be made available for grants, to be competitively awarded and subject to peer review, for research relating to Lake Champlain;

''(4) $5,000,000 for competitive grants for university research on aquatic nuisance species under section 1202(f)(3) as follows:

''(A) $2,800,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund grants under section 205 of the National Sea Grant College Program Act (33 U.S.C. 1124);

''(B) $1,200,000 to fund grants to colleges for the benefit of agriculture and the mechanic arts referred to in the first section of the Act of August 30, 1890 (26 Stat. 417, chapter 841; 7 U.S.C. 322); and

''(C) $1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;

''(5) $3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 1202(i)(1)(B); and

''(6) $300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 1203, of which $100,000 shall be used to fund activities of the Great Lakes Commission.'';

(3) by striking subsection (c) and inserting the following:

''(c) GRANTS FOR STATE MANAGEMENT PROGRAMS.—There are authorized to be appropriated for each of fiscal years 1997 through 2002 $4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 1204, of which $1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species.''; and

(4) by adding at the end the following new subsections:

''(e) BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.—There are authorized to be appropriated $2,500,000 to carry out section 1104.

''(f) RESEARCH.—There are authorized to be appropriated to the Director $1,000,000 to carry out research on the prevention, monitoring, and control of aquatic nuisance species in Narragansett Bay, Rhode Island. The funds shall be made available for use by the Department of Environmental Management of the State of Rhode Island.

(g) REFERENCES TO APPROPRIATE COMMITTEES.—The Act (16 U.S.C. 4701 et seq.) is amended by striking ''appropriate Committees'' each place it appears and inserting ''Congress''.

(h) TECHNICAL CORRECTIONS.—Public Law 101-646 (16 U.S.C. 4701 et seq.) is amended—

(1) in titles I, II, and IV, by striking the quotation marks at the beginning of any title, subtitle, section, subsection, paragraph, subparagraph, clause, subclause, or undesignated provision;

(2) at the end of titles II and IV, by striking the closing quotation marks and the final period; and

(3) in section 1003—

(A) by striking each single opening quotation mark and inserting double opening quotation marks; and

(B) by striking each single closing quotation mark and inserting double closing quotations marks.

SEC. 3. STATUTORY CONSTRUCTION.

Nothing in this Act or the amendments made by this Act is intended to affect the authorities and responsibilities of the Great Lakes Fishery Commission established under article II of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington on September 10, 1954 (hereafter in this section referred to as the ''Convention''), including the authorities and responsibilities of the Great Lakes Fishery Commission—

(1) for developing and implementing a comprehensive program for eradicating or minimizing populations of sea lamprey in the Great Lakes watershed; and

(2) carrying out the duties of the Commission specified in the Convention (including any amendment thereto) and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4283, NATIONAL INVASIVE SPECIES ACT OF 1996

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical and conforming changes to the bill, H.R. 4283.

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

There was no objection.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

Mr. CRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws, 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:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.
Sec. 26. Elimination of duty on 3,3′-diaminobenzidine (tetraamino biphenyl).
Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

SEC. 2. PAYMENT OF DUTIES AND FEES.

(a) INTEREST ACCRUAL.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended in the second sentence by inserting after ''duties, fees, and interest'' the following: ''or, in a

case in which a claim is made under section 520(d), from the date on which such claim is made,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims made pursuant to section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) on or after June 7, 1996.

SEC. 3. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking ''(c)(1)(A)'' and inserting ''(d)(1)(A)''.

(2) REQUIREMENT FOR CERTIFICATE FOR IMPORTATION OF ALCOHOLIC LIQUORS ABOARD SMALL VESSELS.—Section 7 of the Act of August 5, 1935 (19 U.S.C. 1707; 49 Stat. 520), is repealed.

(3) MANIFESTS.—Section 431(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(1)) is amended in the matter preceding subparagraph (A) by striking ''such manifest'' and inserting ''a vessel manifest''.

(4) PENALTIES FOR CERTAIN VIOLATIONS.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(A) in subsection (a)(1), by striking ''lawful duty'' and inserting ''lawful duty, tax, or fee''; and

(B) in subsections (b)(1)(A)(vi), (c)(2)(A)(ii), (c)(3)(A)(ii), (c)(4)(A)(i), and (c)(4)(B) by striking ''lawful duties'' each place it appears and inserting ''lawful duties, taxes, and fees''.

(5) DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES.—Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended by striking ''or fees be restored'' and inserting ''and fees be restored''.

(6) RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING.—

(A) Section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended by inserting ''recordkeeping,'' after ''reliquidation,''.

(B) Section 508(c)(1) of such Act (19 U.S.C. 1508(c)(1)) is amended by inserting '', filing of a reconciliation,'' after ''entry''.

(7) EXTENSION OF LIQUIDATION.—Section 504(d) of the Tariff Act of 1930 (19 U.S.C. 1504(d)) is amended—

(A) in the first sentence, by inserting '', unless liquidation is extended under subsection (b),'' after ''shall liquidate the entry''; and

(B) in the second sentence, by inserting ''(other than an entry with respect to which liquidation has been extended under subsection (b))'' after ''Any entry''.

(8) EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS ACCOMPANYING RETURNING RESIDENTS.—Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) is amended by inserting '', 9804.00.65,'' after ''9804.00.30''.

(9) DEBT COLLECTION.—Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) is amended by adding at the end the following new subsection:

''(c) PAYMENT OF COSTS.—The debtor shall be assessed and pay any and all costs associated with collection efforts pursuant to this section. Notwithstanding section 3302(b) of title 31, United States Code, any sum so collected shall be used to pay the costs of debt collection services.''.

(10) DESIGNATION OF CUSTOMS OFFICER.—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended in paragraphs (3) and (4) by striking ''appropriate regional commissioner'' and inserting ''officer designated pursuant to regulations''.

(11) REVIEW OF PROTESTS.—Section 515(d) of the Tariff Act of 1930 (19 U.S.C. 1515(d)) is amended by striking ''district director'' and inserting ''port director''.

(12) ADMINISTRATIVE EXEMPTIONS.—Section 321(a) of the Tariff Act of 1930 (19 U.S.C. 1321(a)) is amended—

(A) in paragraph (1), by striking ''duties, fees, and taxes actually accruing'' and inserting ''duties, fees, taxes, and interest actually accruing''; and

(B) in paragraph (3)—

(i) by striking ''and taxes'' and inserting ''taxes, and interest''; and

(ii) by striking ''or taxes'' and inserting ''taxes, or interest''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of December 8, 1993.

SEC. 4. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—

(1) in clause (iv)—

(A) by striking ''subparagraph 9802.00.80 of such Schedules'' and inserting ''heading 9802.00.80 of such Schedule''; and

(B) by striking ''and'' at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting ''; and''; and

(3) by inserting after clause (v) the following new clause:

''(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if liquidation of the entry was not final before such 15th day.

(c) APPLICATION OF FEES TO CERTAIN AGRICULTURAL PRODUCTS.—The amendment made by section 111(b)(2)(D)(iv) of the Customs and Trade Act of 1990 shall apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if the liquidation of the entry was not final before such 15th day.

SEC. 5. TECHNICAL AMENDMENT TO THE CUSTOMS AND TRADE ACT OF 1990.

Subsection (b) of section 484H of the Customs and Trade Act of 1990 (19 U.S.C. 1553 note) is amended by striking '', or withdrawn from warehouse for consumption,'' and inserting ''for transportation in bond''.

SEC. 6. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(1) by striking ''centralized hub facility or'' in clause (i); and

(2) in clause (ii)—

(A) by striking ''facility—'' and inserting ''facility or centralized hub facility—'',

(B) by striking ''customs inspectional'' in subclause (I), and

(C) by striking ''at the facility'' in subclause (I) and inserting ''for the facility''.

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

(1) by striking '', as in effect on July 30, 1990'', and

(2) by adding at the end thereof the following new sentence: ''Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).''.

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking ''section 236 of the Tariff and Trade Act of 1984'' and inserting ''section 236 of the Trade and Tariff Act of 1984''.

SEC. 7. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended by adding at the end the following:

''(3)(A) The Customs Service may, notwithstanding the limitation set forth in paragraph (1), extend the time for filing a drawback claim for a period not to exceed 18 months, if—

''(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994; and

''(ii) the claimant files a request for such extension with the Customs Service—

''(I) within 1 year from the last day of the 3-year period referred to in paragraph (1), or

''(II) within 1 year after the date of the enactment of this paragraph,

whichever is later.

''(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months or, in a case to which subparagraph (A)(ii) applies, for a period not to exceed 1 year from the date the claim is filed.

''(C) For purposes of this paragraph, the term 'major disaster' has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).''.

SEC. 8. TREATMENT OF ENTRIES OF CERTAIN TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at New York, New York, which are listed in subsection (c), in accordance with the final results of the administrative review, covering the period from May 1, 1984, through March 31, 1985, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	*Date of Entry*
84–4426808	*August 29, 1984*
84–4427823	*September 4, 1984*
84–4077985	*July 25, 1984*
84–4080859	*August 3, 1984*
84–4080817	*August 3, 1984*
84–4077723	*August 1, 1984*
84–4075194	*July 10, 1984*
84–4076481	*July 17, 1984*
84–4080930	*August 9, 1984.*

SEC. 9. TEMPORARY DUTY SUSPENSION FOR PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.98.05	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	Free	No change	Free	On or before 2/1/99''.

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.05 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 10. MISCELLANEOUS TECHNICAL CORRECTION.

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) is amended by striking ''successor'' each place it appears and inserting ''predecessor''.

SEC. 11. URUGUAY ROUND AGREEMENTS ACT.

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) is amended—

(1) in paragraph (1) by striking ''1(a)'' and inserting ''1(b)''; and

(2) in paragraph (2) by striking ''1(b)'' and inserting ''1(a)''.

SEC. 12. IMPORTS OF CIVIL AIRCRAFT.

General Note 6 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

''6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft.

''(a) Whenever a product is entered under a provision for which the rate of duty 'Free (C)' appears in the 'Special' subcolumn and a claim for such rate of duty is made, the importer—

''(i) shall maintain such supporting documentation as the Secretary of the Treasury may require; and

''(ii) shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use in a civil aircraft and will be so used.

The importer may amend the entry or file a written statement to claim a free rate of duty under this note at any time before the liquidation of the entry becomes final, except that, notwithstanding section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), any refund resulting from any such claim shall be without interest.

''(b)(i) For purposes of the tariff schedule, the term 'civil aircraft' means any aircraft, aircraft engine, or ground flight simulator (including parts, components, and subassemblies thereof)—

''(A) that is used as original or replacement equipment in the design, development, testing, evaluation, manufacture, repair, maintenance, rebuilding, modification, or conversion of aircraft; and

''(B)(1) that is manufactured or operated pursuant to a certificate issued by the Administrator of the Federal Aviation Administration (hereafter referred to as the 'FAA') under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate;

''(2) for which an application for such certificate has been submitted to, and accepted by, the Administrator of the FAA by an existing type and production certificate holder pursuant to section 44702 of title 49, United States Code, and regulations promulgated thereunder; or

''(3) for which an application for such approval or certificate will be submitted in the future by an existing type and production certificate holder, pending the completion of design or other technical requirements stipulated by the Administrator of the FAA.

''(ii) The term 'civil aircraft' does not include any aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) purchased for use by the Department of Defense or the United States Coast Guard, unless such aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) satisfies the requirements of subdivisions (i)(A) and (i)(B) (1) or (2).

''(iii) Subdivision (i)(B)(3) shall apply only to such quantities of the parts, components, and subassemblies as are required to meet the design and technical requirements stipulated by the Administrator. The Commissioner of Customs may require the importer to estimate the quantities of parts, components, and subassemblies covered for purposes of such subdivision.''.

SEC. 13. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION.

(a) AMENDMENT TO SUBHEADING 2933.90.02.—The article description for subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States is amended by striking ''(Quizalofop ethyl)''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article that occurred—

(A) after December 31, 1994, and before the date that is 15 days after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a lesser duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

SEC. 14. MARKING OF CERTAIN IMPORTED ARTICLES AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively, and

(2) by inserting after subsection (e) the following new subsections:

''(f) MARKING OF CERTAIN COFFEE AND TEA PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply to articles described in subheadings 0901.21, 0901.22, 0902.10, 0902.20, 0902.30, 0902.40, 2101.10, and 2101.20 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

''(g) MARKING OF SPICES.—The marking requirements of subsections (a) and (b) shall not apply to articles provided for under subheadings 0904.11, 0904.12, 0904.20, 0905.00, 0906.10, 0906.20, 0907.00, 0908.10, 0908.20, 0908.30, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91, 0910.99, 1106.20, 1207.40, 1207.50, 1207.91, 1404.90, and 3302.10, and items classifiable in categories 0712.90.60, 0712.90.8080, 1209.91.2000, 1211.90.2000, 1211.90.8040, 1211.90.8050, 1211.90.8090, 2006.00.3000, 2918.13.2000, 3203.00.8000, 3301.90.1010, 3301.90.1020, and 3301.90.1050 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.''.

(b) CONFORMING AMENDMENT.—Section 304(i) of such Act, as redesignated by subsection (a)(1), is amended by striking ''subsection (f)'' and inserting ''subsection (h)''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 15. TARIFF TREATMENT OF CERTAIN SILVER, GOLD, AND PLATINUM BARS.

(a) IN GENERAL.—Subchapter II of chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking subheading 7106.92.00 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7106.91:

''7106.92	Semimanufactured:			
7106.92.10	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of silver and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7106.92.50	Other	4.8%	Free (A*, CA, E, IL, J, MX)	65%'';

(2) by striking subheading 7108.13.50 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7108.13.10:

''	Other:		
7108.13.55	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	Free	Free

7108.13.70	Other	6.6%	Free (CA, E, IL, J, MX)	65%'';

and

(3) by striking subheadings 7115.90.10 through 7115.90.50 and inserting in numerical sequence the following new subheadings and superior text, with the article description for subheading 7115.90.05 having the same degree of indentation as the article description for subheading 7116.10.10:

'' 7115.90.05	Articles of precious metal, in rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
	Other:			
7115.90.30	Of gold, including metal clad with gold	6.2%	Free (A*, CA, E, IL, J, MX)	110%
7115.90.40	Of silver, including metal clad with silver	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	Other	6.4%	Free (A, CA, E, IL, J, MX)	65%''.

(b) CONFORMING AMENDMENTS.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking ''7106.92.00 Chile'' and inserting ''7106.92.50 Chile''; and

(2) by striking ''7115.90.10 Argentina'' and ''7115.90.20 Argentina'' and inserting ''7115.90.30 Argentina'' and ''7115.90.40 Argentina'', respectively.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction that was proclaimed by the President before the date of the enactment of this Act to take effect on or after the date of the enactment of this Act—

(1) of a rate of duty set forth in subheading 7106.92.00 of the Harmonized Tariff Schedule of the United States shall apply to the corresponding rate of duty in subheading 7106.92.50 of such Schedule (as added by subsection (a)(1));

(2) of a rate of duty set forth in subheading 7108.13.50 shall apply to the corresponding rate of duty in subheading 7108.13.70 of such Schedule (as added by subsection (a)(2));

(3) of a rate of duty set forth in subheading 7115.90.10 shall apply to the corresponding rate of duty in subheading 7115.90.30 of such Schedule (as added by subsection (a)(3));

(4) of a rate of duty set forth in subheading 7115.90.20 shall apply to the corresponding rate of duty in subheading 7115.90.40 of such Schedule (as added by subsection (a)(3)); and

(5) of a rate of duty set forth in subheading 7115.90.50 shall apply to the corresponding rate of duty in subheading 7115.90.60 of such Schedule (as added by subsection (a)(3)).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods that are entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 16. SUSPENSION OF DUTY ON CERTAIN SEMIMANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by adding in numerical sequence the following new heading:

'' 9902.71.08	Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits	Free	No change	No change	On or before 12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 17. ELIMINATION OF EAST-WEST TRADE STATISTICS MONITORING SYSTEM.

Section 410 of the Trade Act of 1974 (19 U.S.C. 2440) is repealed.

SEC. 18. RETROACTIVE ELECTION TO RECONCILE ENTRIES.

(a) DEFINITION OF ENTRY RECONCILIATION.—The first sentence of section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended to read as follows: ''The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admissibility of the merchandise) that are undetermined at the time the importer files or transmits the documentation or information required by section 484(a)(1)(B), or the import activity summary statement, are provided to the Customs Service at a later time.''.

(b) RECONCILIATION REQUIREMENTS.—Section 484(b)(1) (19 U.S.C. 1484(b)(1)) of such Act is amended by striking the first and second sentences and inserting the following: ''A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the Secretary. If the party so elects, the party shall declare that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 15 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed.''.

SEC. 19. TARIFF TREATMENT FOR CERTAIN MOTOR VEHICLES.

General Note 3 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subdivision:

''(d) CERTAIN MOTOR VEHICLES MANUFACTURED IN FOREIGN TRADE ZONES.

''(i) DUTY IMPOSED. Notwithstanding any other provision of law, the duty imposed on a qualified article shall be the amount determined by multiplying the applicable foreign value content of such article by the applicable rate of duty for such article.

''(ii) QUALIFIED ARTICLE. For purposes of this subdivision, the term 'qualified article' means an article that is—

''(A) classifiable under any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States,

''(B) produced or manufactured in a foreign trade zone before January 1, 1996,

''(C) exported therefrom to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(4)), and

''(D) subsequently imported from that NAFTA country into the customs territory of the United States—

''(I) on or after the effective date of this subdivision, or

''(II) on or after January 1, 1994, and before such effective date, if the entry of such article is unliquidated, under protest, or in litigation, or liquidation is otherwise not final on such effective date.

''(iii) APPLICABLE FOREIGN VALUE CONTENT.

''(A) APPLICABLE FOREIGN VALUE CONTENT. For purposes of this subdivision, the term 'applicable foreign value content' means the amount determined by multiplying the value of a qualified article by the applicable percentage.

''(B) APPLICABLE PERCENTAGE. The term 'applicable percentage' means the FTZ percentage for the article plus 5 percentage points.

''(iv) OTHER DEFINITIONS AND SPECIAL RULES. For purposes of this subdivision—

''(A) FTZ PERCENTAGE. The FTZ percentage for a qualified article shall be the percentage determined in accordance with subparagraph (I), (II), or (III) of this paragraph, whichever is applicable.

''(I) REPORT FOR YEAR PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in that report for the subzone in which the qualified article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

''(II) REPORT FOR YEAR NOT PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article

was manufactured has not been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in the most recently published FTZ Annual Report for the subzone in which the article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

''(B) APPLICABLE RATE OF DUTY. The term 'applicable duty rate' means the rate of duty set forth in any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States that is applicable to the qualified article and which would apply to the article if the article were directly entered for consumption into the United States from the foreign trade zone with non-privileged foreign status having been claimed for all foreign merchandise used in the manufacture or production of the qualified article.

''(C) FOREIGN TRADE ZONE; SUBZONE. The terms 'foreign trade zone' and 'subzone' mean a zone or subzone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

''(D) FTZ ANNUAL REPORT. The term 'FTZ Annual Report' means the Annual Report to the Congress published in accordance with section 16 of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

''(E) NON-PRIVILEGED FOREIGN STATUS. The term 'non-privileged foreign status' means that privilege has not been requested with respect to an article pursuant to section 3 of the Foreign Trade Zones Act.''.

SEC. 20. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–465.

(a) TITLE I.—

(1) Section 516A(a)(2)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)(A)(i)(I)) is amended by adding a comma after ''subparagraph (B)''.

(2) Section 132 of the Uruguay Round Agreements Act (19 U.S.C. 3552) is amended by striking ''title'' and inserting ''section''.

(b) TITLE II.—

(1)(A) The item relating to section 221 in the table of contents of the Uruguay Round Agreements Act is amended to read as follows:

''Sec. 221. Special rules for review of determinations.''.

(B) The section heading for section 221 of that Act is amended to read as follows:

''SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.''.

(2) Section 270(a)(2)(B) of the Uruguay Round Agreements Act is amended by striking ''771(A)(c)'' and inserting ''771A(c)''.

(3) Section 702(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)(5)) is amended by striking ''(b)(1)(A)'' and inserting ''(b)(1)''.

(4) Section 732(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(5)) is amended by striking ''(b)(1)(A)'' and inserting ''(b)(1)''.

(5) Section 212(b)(1)(C)(i)(I) of the Uruguay Round Agreements Act is amended by striking ''the petition'' and inserting ''a petition''.

(6) Section 214(b)(2)(A)(i)(II) of the Uruguay Round Agreements Act is amended by striking ''the merchandise'' and inserting ''merchandise''.

(7) Section 771(16)(B)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(16)(B)(i)) is amended by striking ''merchandise which is the subject of the investigation'' and inserting ''subject merchandise''.

(8) Section 732(e)(1) of the Tariff Act of 1930 (19 U.S.C. 1673a(e)(1)) is amended by striking ''the the'' and inserting ''the''.

(9) Section 233(a)(6)(C) of the Uruguay Round Agreements Act is amended by inserting ''each place it appears'' after ''commence''.

(10) Section 261(d)(1)(A)(ii) of the Uruguay Round Agreements Act is amended by inserting after ''is amended'' the following: ''by striking 'as follows:' and inserting a comma and''.

(11) Section 261(d)(1)(B)(ii)(I) of the Uruguay Round Agreements Act is amended by inserting ''of'' after ''section 303 or''.

(12) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended in the first sentence by striking ''such section and''.

(13) Section 281(h)(4) of the Uruguay Round Agreements Act is amended by striking ''(A),''.

(14) Section 771(30) of the Tariff Act of 1930 (19 U.S.C. 1677(30)) is amended by striking ''agreement'' and inserting ''Agreement''.

(15) Section 705(c)(1)(B)(i)(II) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)(i)(II)) is amended by inserting ''section'' after ''if''.

(16) Section 282(d) of the Uruguay Round Agreements Act (19 U.S.C. 3572(d)) is amended by aligning the text of the last sentence with the text of the first sentence.

(17) Section 783(f) of the Tariff Act of 1930 (19 U.S.C. 1677n(f)) is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(c) TITLE III.—

(1) Section 314(e) of the Uruguay Round Agreements Act is amended in the matter proposed to be inserted as section 306(b)(1) of the Trade Act of 1974, by striking the closed quotation marks and second period at the end.

(2) Section 321(a)(1)(C)(i) of the Uruguay Round Agreements Act is amended to read as follows:

''(i) in the first sentence by striking 'such Act' and inserting 'such subtitle'; and''.

(3) Section 592A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1592A(a)(3)) is amended by striking ''list under paragraph (2)'' and inserting ''list under paragraph (1)''.

(4) Section 301(c)(4) of the Trade Act of 1974 (19 U.S.C. 2411(c)(4)) is amended by striking ''paragraph (1)(C)(iii)'' and inserting ''paragraph (1)(D)(iii)''.

(5) Section 202(d)(4)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)(A)(i)) is amended by striking ''section 202(b)'' and inserting ''subsection (b)''.

(6) Section 304(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(3)(A)) is amended by inserting ''Rights'' after ''Intellectual Property''.

(7) Section 331 of the Uruguay Round Agreements Act (19 U.S.C. 3591) is amended by striking '', as defined in section 2(9) of the Uruguay Round Implementation Act,''.

(8) Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended in the second sentence by striking ''Implementation'' and inserting ''Agreements''.

(9) Section 334(b)(1)(B)(ii) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(1)(B)(ii)) is amended by striking ''possession,'' and inserting ''possession;''.

(10) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended—

(A) by striking ''or'' after the semicolon at the end of subparagraph (B); and

(B) in subparagraph (C) by striking the period at the end and inserting a semicolon.

(11) Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

(A) in subsection (a) by striking the comma after ''XXIV(7)''; and

(B) in subsection (c)—

(i) by striking the comma after ''XXIV(7)''; and

(ii) by striking the comma after ''XIX(5)''.

(12) Section 308(4)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(D)) is amended by striking ''the the'' and inserting ''the''.

(13) Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

(A) in paragraph (1)—

(i) by striking ''of such subsection'' and inserting ''of subsection (d)(2)''; and

(ii) by inserting ''of subsection (d)(2)'' after ''(as the case may be)''; and

(B) in paragraph (3)—

(i) by striking ''the the'' and inserting ''the''; and

(ii) by inserting ''of subsection (d)(2)'' after ''(as the case may be)''.

(14) Section 402(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2532(4)) is amended by inserting a comma after ''system, if any''.

(15) Section 414(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(b)(1)) is amended by striking ''procedures,,'' each place it appears and inserting ''procedures,''.

(16) Section 451(6)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2571(6)(A)) is amended by striking ''Members.'' and inserting ''Members; and''.

(d) TITLE IV.—

(1) Section 492(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2578a(c)) is amended by striking ''phystosanitary'' and inserting ''phytosanitary''.

(2) Section 412(b) of the Uruguay Round Agreements Act is amended by striking ''1853'' and inserting ''972''.

(e) TITLE V.—

(1) Section 154(c)(2) of title 35, United States Code, is amended in the matter preceding subparagraph (A) by striking ''Acts'' and inserting ''acts''.

(2) Section 104A(h)(3) of title 17, United States Code, is amended by striking ''section 104A(g)'' and inserting ''subsection (g)''.

(f) TITLE VI.—

(1) Section 141(c)(1)(D) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)(D)) is amended by striking the second comma after ''World Trade Organization''.

(2) Section 601(b)(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 2465 note) is amended by striking ''such date of enactment'' and inserting ''the date of the enactment of this Act''.

(3) The heading for section 1106 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905) is amended by striking ''for the wto'' and inserting ''or the wto''.

SEC. 21. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–182.

(a) TITLE II.—

(1) Section 13031(b)(10)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(A)) is amended—

(A) by striking ''Agreement)'' and inserting ''Agreement Implementation Act of 1988)''; and

(B) by striking ''section 403'' and inserting ''article 403''.

(2) Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332) is amended—

(A) in subsection (m)(4)(C) by striking ''(o)'' and inserting ''(p)''; and

(B) in subsection (p)(18) by striking ''federal government'' and inserting ''Federal Government''.

(b) TITLE III.—

(1) Section 351(b)(2) of the North American Free Trade Agreement Implementation Act is amended by striking ''Agreement Act'' and inserting ''Agreements Act''.

(2) Section 411(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2541(c)) is amended by striking ''Special Representatives'' and inserting ''Trade Representative''.

(3) Section 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3381) is amended by striking ''subsection 202(d)(1)(C)(i)'' and inserting ''subsection (d)(1)(C)(i)''.

(4) Section 309(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358(c)) is amended in paragraphs (1) and (2) by striking ''column 1—General'' and inserting ''column 1 general''.

(c) TITLE IV.—

(1) Section 402(d)(3) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432(d)(3)) is amended in the matter preceding subparagraph (A) by striking ''(c)(4)'' and inserting ''subsection (c)(4)''.

(2) Section 407(e)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437(e)(2)) is amended by striking ''petition,'' and inserting ''petition;''.

(3) Section 516A(g)(12)(D) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(12)(D)) is amended—

(A) by striking ''(D)(i)'' and inserting ''(D)''; and

(B) by striking ''If the Trade Representative'' and inserting ''(i) If the Trade Representative''.

(4) Section 415(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3451(b)(2)) is amended by striking ''under 516A(a)'' and inserting ''under section 516A(a)''.

(d) TITLE V.—Section 219 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707) is amended—

(1) in subsection (b)(1) by striking ''Hemisphere,'' and inserting ''Hemisphere;''; and

(2) in paragraphs (1) and (2) of subsection (h) by striking ''Center,'' and inserting ''Center;''.

(e) TITLE VI.—

(1) Section 3126 of the Revised Statutes of the United States (19 U.S.C. 293) is amended by striking ''or both'' and inserting ''or both,''.

(2) Section 3127 of the Revised Statutes of the United States (19 U.S.C. 294) is amended by striking ''conveyed a United States'' and inserting ''conveyed in a United States''.

(3) Section 436(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1436(a)(2)) is amended—

(A) by striking ''431(e)'' and inserting ''431''; and

(B) by striking ''or'' after the semicolon at the end.

(4) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in subsection (j)(2) by realigning the text following subparagraph (C)(ii)(II) beginning with ''then upon the exportation'' and ending with ''duty, tax, or fee.'' two ems to the left so that the text has the same degree of indentation as paragraph (3) of section 313(j) of such Act; and

(B) in subsection (t) by striking ''chapter'' and inserting ''Act''.

(5) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended—

(A) in each of paragraphs (1), (2), and (4) by striking the semicolon at the end and inserting a period; and

(B) in paragraph (5) by striking ''; and'' and inserting a period.

(6) Section 484(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)) is amended by striking ''553, and 336(j)'' and inserting ''and 553''.

(7) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking ''section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)'' and inserting ''and section 520 (relating to refunds and errors)''.

(8) Section 491(a) of the Tariff Act of 1930 (19 U.S.C. 1491(a)) is amended in the first sentence—

(A) by striking ''in in'' and inserting ''in''; and

(B) by striking ''appropriate customs officer'' and inserting ''Customs Service''.

(9) Section 490(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1490(c)(1)) is amended by striking ''paragraphs (1) through (4) of subsection (a)'' and inserting ''subparagraphs (A) through (D) of subsection (a)(1)''.

(10) Sections 1207(b)(2) and 1210(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3007(b)(2) and 3010(b)(1)) are each amended by striking ''484(e)'' and ''1484(e)'' and inserting ''484(f)'' and ''1484(f)'', respectively.

(11) Section 641(d)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(2)(B)) is amended in the second to the last sentence by striking ''his'' and inserting ''the''.

(12) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act is amended by striking ''disclosure in 30 days'' and inserting ''disclosure within 30 days''.

(13) Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended in the subsection heading by striking ''TAXES'' and inserting ''TAXES,''.

(14) Section 625(a) of the Tariff Act of 1930 (19 U.S.C. 1625(a)) is amended by striking ''chapter'' and inserting ''Act''.

(15) Section 413(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1413(a)(1)) is amended by striking ''this Act'' and inserting ''the North American Free Trade Agreement Implementation Act''.

SEC. 22. TECHNICAL AMENDMENT REGARDING JUDICIAL REVIEW.

Section 516A(g)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(4)(A)) is amended by striking ''Implementation Agreement Act of 1988'' and inserting ''Agreement Implementation Act of 1988''.

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as duty free Entry No. 100–3022436–3, made on July 12, 1989, at the port of Charleston, South Carolina; and

(2) refund any duties and interest paid with respect to such entry.

SEC. 24. TEMPORARY SUSPENSION OF DUTY ON DICLOFOP-METHYL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.30.16	Methyl 2-[4-(2,4- dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change On or before 12/31/98''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 25. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC ACID, METHYL ESTER.

(a) IN GENERAL.—Subheading 2922.49.05 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''acid'' the following: ''; 2-Amino-3-chlorobenzoic acid, methyl ester''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 26. ELIMINATION OF DUTY ON 3,3′-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) IN GENERAL.—Subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States is amended by striking ''and m-Xylenediamine'' and inserting ''m-Xylenediamine; and 3,3′-Diaminobenzidine (tetraamino biphenyl)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a)) that was entered—

(A) on or after January 1, 1995, and

(B) before the date that is 15 days after the date of the enactment of this Act, and

to which lower rate of duty would have applied if the entry had been made on or after the date that is 15 days after the date of the enactment of this Act, shall be liquidated or reliquidated as if such subheading 2921.59.17 as so amended applied to such entry and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under subsection (b)(2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 27. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES.

Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended—

(1) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (2)(B);÷

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph;

''(3) any entry listed in subsection (c) that was made during the period beginning on January 1, 1993, and ending on December 31, 1994, to the extent such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges documented under the laws of the United States if—

''(A) such entry was not liquidated on January 1, 1995; and

''(B) such entry, had it been made on or after January 1, 1995, would otherwise be eligible for the exemption provided in section 466(h)(1) of the Tariff Act of 1930 (19 U.S.C. 1466(h)(1)), and''; and

(2) by adding at the end the following:

''(c) ENTRIES.—The entries referred to in subsection (b)(3) are the following:

''(1) NUMBERED ENTRIES.—

Entry Number	Date of Entry
C14–0025455–8	August 18, 1993
C14–0025456–6	August 18, 1993
C14–0025457–4	August 18, 1993
C14–0025473–1	August 27, 1993
C14–0025478–0	September 13, 1993
C14–0025479–8	September 13, 1993
C14–0025480–6	September 13, 1993
C14–0025481–4	September 13, 1993
C14–0025511–8	April 16, 1993
C14–0025533–2	April 30, 1993
C14–0025545–6	May 21, 1993
C14–0025546–4	May 21, 1993
C14–0025547–2	May 21, 1993
C14–0025558–9	June 15, 1993
C14–0025560–5	June 15, 1993
C14–0025574–6	July 21, 1993
C14–0025575–3	July 21, 1993
C14–0025603–3	July 23, 1993
C14–0025604–1	July 23, 1993
C14–0025605–8	July 23, 1993
C14–0025623–1	October 25, 1993
C14–0025624–9	October 25, 1993
C14–0025625–6	October 25, 1993
C14–0025635–5	November 8, 1993
C14–0025636–3	November 8, 1993
C14–0025637–1	November 8, 1993
C14–0025653–8	November 30, 1993
C14–0025654–6	November 30, 1993
C14–0025655–3	November 30, 1993

Entry Number	Date of Entry	Entry Number	Date of Entry	Entry Number	Date of Entry
C14–0025657–9	November 30, 1993	C14–0026827–7	March 10, 1994	C14–0026899–6	August 2, 1994
C14–0025679–3	January 3, 1994	C14–0026828–5	March 10, 1994	C14–0040625–7	October 5, 1994.
C14–0025680–1	January 3, 1994	C14–0026829–3	March 10, 1994		
C14–0025688–4	February 14, 1994	C14–0026830–1	March 10, 1994		
C14–0025689–2	February 14, 1994	C14–0026831–9	March 10, 1994		
C14–0025690–0	February 14, 1994	C14–0026832–7	March 10, 1994		
C14–0025691–8	February 14, 1994	C14–0026833–5	March 10, 1994		
C14–0025692–6	February 14, 1994	C14–0026841–8	March 31, 1994		
C14–0026803–8	January 24, 1994	C14–0026843–4	March 31, 1994		
C14–0026804–6	January 24, 1994	C14–0026852–5	May 5, 1994		
C14–0026805–3	January 24, 1994	C14–0026853–3	May 5, 1994		
C14–0026807–9	January 24, 1994	C14–0026854–1	May 5, 1994		
C14–0026808–7	January 24, 1994	C14–0026867–3	May 18, 1994		
C14–0026809–5	January 24, 1994	C14–0026869–9	May 18, 1994		
C14–0026810–3	January 24, 1994	C14–0026874–9	June 8, 1994		
C14–0026811–1	January 24, 1994	C14–0026875–6	June 8, 1994		
C14–0026826–9	March 10, 1994	C14–0026898–8	August 2, 1994		

''(2) ADDITIONAL ENTRY.—The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, within 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.''.

SEC. 28. DUTY ON DISPLAY FIREWORKS.

(a) IN GENERAL.—Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting in numerical sequence the following new subheadings, with the article description for subheading 3604.10 having the same degree of indentation as the article description for subheading 3604.90.00:

'' 3604.10	Fireworks:			
3604.10.10	Display or special fireworks (Class 1.3G)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%''.

(b) CONFORMING AMENDMENT.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended by striking ''3604.00.00 India'' and inserting ''3604.10.10 India'' and ''3604.10.90 India''.

(c) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 29. PERSONAL ALLOWANCE DUTY EXEMPTION FOR MERCHANDISE PURCHASED IN A DUTY-FREE SALES ENTERPRISE.

Section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) is amended—

(1) by striking ''Merchandise'' and inserting ''(A) Except as provided in subparagraph (B), merchandise''; and

(2) by adding at the end the following new subparagraph:

''(B) Except in the case of travel involving transit to, from, or through an insular possession of the United States, merchandise described in subparagraph (A) that is purchased by a United States resident shall be eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the resident meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be an article acquired abroad as an incident of the journey from which the resident is returning, for purposes of determining eligibility for any such exemption.''.

SEC. 30. TEMPORARY DUTY SUSPENSION FOR CERTAIN MOTORCYCLES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.98.06	Motorcycles produced in the United States, previously exported and brought temporarily into the United States by nonresidents for the purpose of participating in the Sturgis Motorcycle Rally and Races	Free	No change	Free	On or before 12/31/2006''.

(b) ARTICLES TO BE SUBJECT TO INFORMAL ENTRY; TAXES AND FEES NOT TO APPLY.—Notwithstanding section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) or any other provision of law, the Secretary of the Treasury may authorize the entry of an article described in heading 9902.98.06 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) on an oral declaration of the nonresident entering such article and such article shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 31. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) IN GENERAL.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

''(e) PRODUCTION EQUIPMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is admitted into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted.

''(2) ADMISSION PROCEDURES.—The person who admits the merchandise described in paragraph (1) into the zone shall, at the time of such admission, certify to the Customs Service that the merchandise is admitted into the zone pursuant to this subsection for use within the zone as production equipment or as parts for such equipment and that the merchandise will be entered and estimated duties deposited when use of the merchandise in production begins.

''(3) ENTRY PROCEDURES.—At the time use of the merchandise in production begins, the merchandise shall be entered, as provided for in section 484 of the Tariff Act of 1930, and estimated duties shall be deposited with the Customs Service. The merchandise shall be subject to tariff classification according to its character, condition, and quantity, and at the rate of duty applicable, at the time use of the merchandise in production begins.

''(4) FOREIGN TRADE ZONE.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to merchandise admitted into a foreign trade zone after the date that is 15 days after the date of the enactment of this Act.

SEC. 32. TEMPORARY SUSPENSION OF DUTY ON THIDIAZURON.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.30.17	N-phenyl-N'-(1,2,3-thiadiazol-5-yl urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/98''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 33. 2,3,3-TRIMETHYL-INDOLENINE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.33.90	2,3,3-Trimethyl-indolenine (CAS No. 1640–39–7) (provided for in subheading 2933.90.82)	Free	No change	No change	On or before 12/31/99''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 34. BIS(4-AMINO-3-METHYLCYCLOHEXYL)-METHANE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.30.30	Bis(4-amino-3-methylcyclohexyl)-methane (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	No change	No change	On or before 12/31/99''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 35. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

(a) IN GENERAL.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended to read as follows:

''(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 36. TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS USED IN THE FORMULATION OF AN HIV PROTEASE INHIBITOR.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

'' 9902.30.63	3-Acetoxy-2-methylbenzoyl chloride (CAS No. 167678–46–8) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 3/31/97
9902.30.64	(S-(R*,S*))-(3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl)-carbamic acid phenylmethyl ester (CAS No. 159878–02–1) (provided for in subheading 2922.19.60)	Free	No change	No change	On or before 3/31/97
9902.30.65	N-(1,1-dimethylethyl)deca-hydro-2-[2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)- amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*), 3.a.,4a.b.,8a.b.]] (CAS No. 159989–64–7) (provided for in subheading 2933.40.60)	Free	No change	No change	On or before 3/31/97''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 37. TREATMENT OF CERTAIN ENTRIES OF BUFFALO LEATHER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, buffalo leather, provided for in subheading 4104.39.20 of the Harmonized Tariff Schedule of the United States, that is a product of Thailand and entered into the United States under entry numbers M42–1113868–8 and M42–1113939–7, shall, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, be liquidated or reliquidated, as appropriate, as if entered on June 30, 1995.

SEC. 38. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) is amended—

(1) in subparagraph (A), by inserting ''a place'' after ''aircraft from''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''.

(b) LIMITATION ON FEES.—Section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)) is amended to read as follows:

''(b) LIMITATIONS ON FEES.—(1)(A) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

''(i) the arrival of any passenger whose journey—

''(I) originated in—

''(aa) Canada,

''(bb) Mexico,

''(cc) a territory or possession of the United States, or

''(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or

''(II) originated in the United States and was limited to—

''(aa) Canada,

''(bb) Mexico,

''(cc) territories and possessions of the United States, and

''(dd) such adjacent islands;

''(ii) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates;

''(iii) the arrival of any ferry; or

''(iv) the arrival of any passenger on board a commercial vessel traveling only between ports which are within the customs territory of the United States.

''(B) The exemption provided for in subparagraph (A) shall not apply in the case of the arrival of any passenger on board a commercial vessel whose journey originates and terminates at the same place in the United States if there are no intervening stops.

''(C) The exemption provided for in subparagraph (A)(i) shall not apply to fiscal years 1994, 1995, 1996, and 1997.''.

(c) FEE ASSESSED ONLY ONCE.—Section 13031(b)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''No fee'' and inserting ''(A) No fee''; and

(3) by adding at the end the following new subparagraph:

''(B) In the case of a commercial vessel making a single voyage involving 2 or more United States ports with respect to which the passengers would otherwise be charged a fee pursuant to subsection (a)(5), such fee shall be charged only 1 time for each passenger.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 521 of the North American Free Trade Agreement Implementation Act.

SEC. 39. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS.

Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) is amended—

(1) by inserting ''or section 701(c)'' after ''section 303'' each place it appears in the section heading and text; and

(2) in subsections (a)(2) and (c) by striking ''under section 303(a)(2)''.

SEC. 40. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''deposit collected'' and inserting ''deposit, or the amount of any bond or other security, required'';

(2) in paragraph (1) by striking ''the cash deposit collected'' and inserting ''that the cash deposit, bond, or other security''; and

(3) in paragraph (2) by striking ''refunded, to the extent the cash deposit'' and inserting ''refunded or released, to the extent that the cash deposit, bond, or other security''.

SEC. 41. CERTAIN LEAD FUEL TEST ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty the entries listed in subsection (b), and

(2) refund any duties paid with respect to such entry,

if the importer files a request therefor with the Customs Service within 90 days after the date of the enactment of this Act.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Date of Entry
110–0675952–3	March 9, 1990
110–1525996–0	September 19, 1990
110–3667810–7	November 7, 1990
110–1526938–1	December 21, 1990.

SEC. 42. SUSPENSION OF DUTY ON CERTAIN INJECTION MOLDING MACHINES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘ 9902.84.77	Automated multi-plunger transfer presses, suitable for use in the encapsulation with thermosetting materials of diodes, transistors, and similar semiconductor devices or electronic integrated circuits (provided for in subheading 8477.10.80)	Free	No change	No change	On or before 12/31/2000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 43. RELIQUIDATION OF CERTAIN ENTRIES OF COLOR TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the period from April 1, 1984, through March 31, 1991, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84–915604–7	July 6, 1984
84–915604–7	July 6, 1984
84–915830–4	July 17, 1984
84–916057–0	August 9, 1984
84–916057–0	August 9, 1984
84–916302–7	July 28, 1984
84–916323–4	July 28, 1984
84–916302–7	July 30, 1984
84–525823–7	September 20, 1984
84–525823–7	September 25, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
85–279644–9	October 4, 1984
85–279654–6	October 9, 1984
85–280518–1	December 28, 1984
85–280518–1	December 28, 1984
85–102631–4	November 13, 1984
85–102631–4	November 13, 1984
85–401288–5	October 8, 1984
84–444821–3	August 3, 1984
84–444821–3	August 3, 1984
85–422162–4	October 31, 1984
85–422162–4	October 31, 1984
84–215744–1	July 6, 1984
84–216018–2	August 6, 1984
84–208013–6	July 30, 1984
84–208013–6	July 30, 1984
84–208511–5	July 30, 1984
84–208013–6	August 1, 1984
84–208968–7	August 7, 1984
84–208968–7	August 7, 1984
85–151075–2	February 5, 1985
85–210038–1	March 27, 1985
84–780372–9	August 3, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781846–8	September 18, 1984
85–944006–0	May 3, 1985
85–294383–6	August 27, 1985
86–215010–1	October 30, 1985
86–215185–4	December 2, 1985
86–215310–8	December 16, 1985
85–602949–7	April 15, 1985
85–602950–7	April 19, 1985
85–602966–2	April 19, 1985
85–603347–0	April 26, 1985
85–603523–2	May 8, 1985
85–604545–5	May 31, 1985
86–383795–7	April 22, 1986
110–1905894–7	February 23, 1987
86–216530–3	April 16, 1986
110–0269614–1	January 12, 1987
110–0269942–6	January 19, 1987
110–0269947–5	January 19, 1987
110–0269942–6	January 22, 1987
86–477371–9	August 14, 1986
86–477371–9	August 20, 1986
331–3808023–0	October 20, 1986
331–3808023–0	October 20, 1986
86–198869–1	September 9, 1986
86–198893–4	September 17, 1986
86–198964–5	October 14, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3808023–0	October 20, 1986
331–3812541–5	December 26, 1986
331–3812541–5	December 26, 1986
331–3813766–7	February 19, 1987
110–1123057–7	January 2, 1987
110–1124082–4	March 26, 1987
110–1272348–9	November 14, 1986
110–1272348–9	November 14, 1986
110–1272505–4	December 10, 1986
110–1272505–4	December 10, 1986
110–1273532–7	January 10, 1987
110–1274561–5	February 20, 1987
110–1274921–1	March 6, 1987
110–1275320–5	March 23, 1987
110–1275321–3	March 31, 1987
110–1907947–1	January 22, 1988
110–1906495–2	June 5, 1987
110–1906599–1	June 22, 1987
110–1906599–1	June 22, 1987
110–1906856–5	August 2, 1987
110–1907967–9	January 27, 1988
110–1908198–0	March 4, 1988
110–1908178–2	March 10, 1988
110–0294344–8	May 6, 1987
110–0294344–8	June 5, 1987
110–1124130–1	April 1, 1987
110–1124130–1	April 2, 1987
110–1124130–1	April 2, 1987
110–1125551–7	July 17, 1987
110–1125551–7	July 17, 1987
110–1126810–6	October 27, 1987
110–1127047–4	November 6, 1987
110–1127620–8	December 23, 1987
110–1275844–4	April 16, 1987
110–1278958–9	September 10, 1987
110–1278958–9	September 10, 1987
110–1279151–0	September 18, 1987
110–1279825–9	October 8, 1987
110–1279767–3	October 16, 1987
110–1280177–2	October 21, 1987
110–1280206–9	October 22, 1987
110–1282001–2	January 12 1988
110–1282566–4	February 11, 1988
110–1282642–3	February 11, 1988
110–1286015–8	February 22, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1908453–9	April 22, 1988
110–1908567–6	May 11, 1988
110–1908567–6	May 11, 1988
110–1908928–0	June 29, 1988
110–1129739–4	May 13, 1988
110–1131047–8	August 4, 1988
110–1133675–4	January 6, 1989
110–1286261–8	April 7, 1988
110–1286261–8	April 7, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286677–5	June 16, 1988
110–1286796–3	July 7, 1988
110–1286965–4	August 4, 1988
110–1286965–4	August 4, 1988
110–1288931–4	December 8, 1988
110–0301260–3	May 12, 1989
110–0301272–8	May 19, 1989
110–0153952–4	September 3, 1989
110–1135558–0	May 12, 1989
110–1135558–0	May 12, 1989
110–1136677–7	July 11, 1989
110–1139014–0	November 24, 1989
110–1294013–3	September 14, 1989
110–1298751–4	May 15, 1990
110–1274861–9	March 4, 1987
110–1274863–5	March 4, 1987
110–1275349–4	May 12, 1987
110–1285836–8	August 31, 1988
110–1286179–2	March 25, 1988
110–1286180–0	March 25, 1988
110–1286181–8	March 25,1988
110–1286265–9	April 5, 1988
110–1286507–4	May 12, 1988
110–1286580–1	May 26, 1988
110–1286582–7	May 26, 1988
110–1286584–3	May 26, 1988
110–1286634–6	June 7, 1988
110–1286681–7	June 18, 1988
110–1286751–8	June 23, 1988
110–1286782–3	July 7, 1988
110–1286879–7	July 27, 1988
110–1286881–3	August 1, 1988
110–1286882–1	August 10, 1988
110–1286925–8	July 27, 1988
110–1286927–4	August 1, 1988
110–1286972–0	August 11, 1988
110–1286991–0	August 1, 1988
110–1286993–6	August 1, 1988
110–1287029–8	August 15, 1988
110–1287030–6	August 15, 1988
110–1287031–4	August 15, 1988
110–1287032–2	August 15, 1988
110–1287061–1	August 15, 1988
110–1287062–9	August 15, 1988
110–1287078–5	August 17, 1988
110–1287095–9	August 19, 1988
110–1287147–8	September 2, 1988
110–1288475–2	November 23, 1988
110–1288478–8	November 10, 1988
110–1289801–8	January 20, 1989
110–1293960–6	September 11, 1989
110–1296719–3	February 12, 1990.

SEC. 44. ARTICLES USED TO PROVIDE REPAIR AND MAINTENANCE SERVICES.

(a) IN GENERAL.—Subchapter I of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘ 9801.00.85	Professional books, implements, instruments, and tools of trade, occupation, or employment, when returned to the United States after having been exported for use temporarily abroad, if imported by or for the account of the person who exported such items	Free			Free’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

‘‘ 9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 46. PHARMACEUTICAL GRADE PHOSPHOLIPIDS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of pharmaceutical grade phospholipids that—

(1) was made under subheading 2923.20.00 of the Harmonized Tariff Schedule of the United States;

(2) with respect to which a lower rate of duty would have applied if such entry or withdrawal had been made under subheading 2923.20.10 or 2923.20.20 of such Schedule; and

(3) was made after March 29, 1991, and before January 1, 1995;

shall be liquidated or reliquidated as if such lower rate of duty applied to such entry or withdrawal.

SEC. 47. CERTAIN STRUCTURES, PARTS AND COMPONENTS USED IN THE GEMINI TELESCOPES PROJECT, MAUNA KEA, HAWAII.

(a) IN GENERAL.—The Secretary of the Treasury is authorized and directed to admit free of duty after March 31, 1997, the following articles for the use of the Association of Universities for Research in Astronomy, Inc. in the construction of the Gemini North Telescope, Mauna Kea, Hawaii, as part of the international Gemini 8-Meter Telescopes Project:

(1) The telescope enclosure, produced by Coast Steel Fabricators, Ltd., Port Coquitlam, British Columbia, Canada.

(2) The telescope structure assemblies, produced by G.I.E. Telas, Cannes le Bocca, France.

(3) The telescope mirror coating plant, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(4) The telescope primary mirror, polished by REOSC, Saint-Pierre-du-Perray, France.

(5) The telescope secondary mirror, produced by Carl Zeiss, Oberkochen, Germany.

(6) The telescope acquisition, guiding, and wavefront sensing equipment, produced by the Royal Greenwich Observatories, Cambridge, United Kingdom.

(b) RELIQUIDATION.—If the liquidation of the entry of any article described in subsection (a) has become final before April 1, 1997, the entry shall, notwithstanding any other provision of law, be reliquidated on April 1, 1997, in accordance with the provisions of this section and the appropriate refund of duty made at the time of such reliquidation.

SEC. 48. ARTICLES PROVIDED TO STEWARD OBSERVATORY.

(a) ARTICLES PROVIDED BY MAX PLANCK INSTITUTE.—

(1) IN GENERAL.—Subsection (f) of section 240 of the Trade and Tariff Act of 1984 (98 Stat. 2994) is amended by striking ‘‘and before November 1, 1993’’.

(2) TECHNICAL AMENDMENTS.—

(A) Section 240(a)(1)(A) of such Act is amended by striking ‘‘headnote 6(a) of part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202)’’ and inserting ‘‘U.S. note 6(a) of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007)’’.

(B) Section 240(e) of such Act is amended by striking ‘‘headnote 1 of part 4 of schedule 8 (19 U.S.C. 1202)’’ and inserting ‘‘U.S. note 1 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States’’.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(B) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article—

(i) that was made after October 31, 1993, and before the 15th day after the date of the enactment of this Act, and

(ii) with respect to which there would have been no duty, if the amendments made by this subsection applied to such entry,

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the 15th day after the date of the enactment of this Act.

(b) TELESCOPE COMPONENTS, PARTS, AND EQUIPMENT PROVIDED BY ARCETRI ASTROPHYSICAL OBSERVATORY AND MAX PLANCK INSTITUTE.—

(1) IN GENERAL.—The Secretary of the Treasury is authorized and directed to admit free of duty on and after the date that is 15 days after the date of the enactment of this Act, the large binocular telescope components, parts, and equipment provided by the Arcetri Astrophysical Observatory and the Max Planck Institute for use by the Steward Observatory of the University of Arizona.

(2) RELIQUIDATION.—If the liquidation of the entry of the article described in paragraph (1) has become final before the date that is 15 days after the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated on such date of enactment, in accordance with the provisions of this subsection and the appropriate refund of duty made at the time of such reliquidation.

SEC. 49. RELIQUIDATION OF CERTAIN FROZEN CONCENTRATED ORANGE JUICE ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative review, covering the period from June 7, 1987, through January 31, 1990, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–351–605).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
032–01195421	June 18, 1987
032–01195462	June 7, 1987
032–01219825	September 14, 1987
032–01225350	October 16, 1987
032–01225376	October 19, 1987
032–01225392	October 19, 1987
032–01236019	November 12, 1987
032–01249301	January 8, 1988
032–01257361	February 17, 1988
032–01261470	March 24, 1988
032–01373267	April 20, 1989
032–01377870	May 12, 1989
032–01381757	May 15, 1989
032–01381781	May 24, 1989
032–01422254	October 23, 1989
032–01422270	October 24, 1989
032–01428475	November 22, 1989
032–01441056	December 22, 1989
032–01441072	December 22, 1989
032–01488792	May 24, 1990
102–01085312	June 7, 1987
102–01089603	August 15, 1987
102–01092748	September 14, 1987
102–01103487	February 5, 1988
102–01131702	January 17, 1989
102–01139812	May 2, 1989
102–01141040	May 15, 1989
102–01559141	January 31, 1990.

SEC. 50. TWINE, CORDAGE, ROPES, AND CABLES.

(a) TARIFF REDUCTION.—Chapter 56 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 5607.50.20 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the article description for subheading 5607.50.40:

‘‘ Not braided or plaited:

5607.50.25	3-ply or 4-ply multi-colored twine having a final ''S'' twist, containing at least 10 percent by weight of cotton, measuring less than 3.5 mm in diameter	7.8%	Free (IL) 1.6% (CA) 4.4% (MX)	76.5%
5607.50.35	Other	26.1¢/kg + 14.2%	Free (IL) 5.5¢/kg + 3% (CA) 9.7% (MX)''.	27.6¢/kg + 76.5%

(b) STAGED RATE REDUCTIONS.—The rates of duty in the general subcolumn of rate column numbered 1, and the rates of duty for goods of Canada and for goods of Mexico in the special subcolumn of rate column numbered 1, for subheadings 5607.50.25 and 5607.50.35 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be accorded the staged reductions previously proclaimed by the President for the corresponding rates of duty for subheadings 5607.49.15 and 5607.50.20 of the Harmonized Tariff Schedule of the United States, respectively.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930, or any other provision of law, upon a request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in subheading 5607.50.25 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after December 31, 1988; and

(B) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by subsection (a) applied to entry or withdrawal from warehouse.

SEC. 51. SUSPENSION OF DUTY ON CERTAIN FATTY ACID ESTERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.38.24	Mixtures of octanoic acid, methyl ester and decanoic acid, methyl ester; mixtures of dodecanoic acid, methyl ester and tetradecanoic acid, methyl ester; and mixtures of hexadecanoic acid, methyl ester, octadecanoic acid, methyl ester, octadecenoic acid, methyl ester (all of the foregoing provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 52. DUTY SUSPENSION ON A MOBILE BISON SLAUGHTER UNIT.

The Secretary of the Treasury shall admit free of duty a Mobile Bison Slaughter Unit for use by the Pte Hca Ka. If the liquidation of the entry of the Mobile Bison Slaughter Unit becomes final before the date of the enactment of this Act, the Secretary of the Treasury shall, notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514), or any other provision of law, upon proper request filed with the Customs Service—

(1) within 90 days after such request is filed, reliquidate the entry in accordance with the provisions of this section; and

(2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 53. EXEMPTION FROM TARIFFS AND FEES FOR CERTAIN AIRCRAFT PARTS AND EQUIPMENT.

General Note 16 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking ''and'' at the end of subdivision (d),

(2) by inserting ''and'' at the end of subdivision (e), and

(3) by inserting immediately after subdivision (e), the following new subdivision:

''(f) any aircraft part or equipment that was removed from a United States-registered aircraft while being used abroad in international traffic because of accident, breakdown, or emergency, that was returned to the United States within 45 days after removal, and that did not leave the custody of the carrier or foreign customs service while abroad,''.

SEC. 54. RELIQUIDATION OF CERTAIN ENTRIES OF LIVE SWINE.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law and subject to the provisions of subsection (b), the Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate those entries listed in subsection (d), in accordance with the final results of the administrative review, covering the period April 1, 1988, through March 31, 1989, conducted by the International Trade Administration of the Department of Commerce for such entries (case number C–122–404).

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(d) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
0328636	April 4, 1988
0328635	April 5, 1988
3114146	April 12, 1988
3114193	April 13, 1988
3114469	April 21, 1988
3114629	April 26, 1988
3114624	April 27, 1988
3114707	April 28, 1988
0328611	April 28, 1988
3120073	October 24, 1988
3120143	October 25, 1988
3120156	October 26, 1988
3120208	October 27, 1988
3120264	October 28, 1988
3120288	October 31, 1988
3120450	November 3, 1988
3120581	November 4, 1988
3120754	November 10, 1988
4176900	November 15, 1988
3120843	November 16, 1988
3121067	November 22, 1988
3121138	November 23, 1988
3121149	November 25, 1988
3121200	November 28, 1988
4177953	November 28, 1988
3121241	November 29, 1988
3121350	November 30, 1988
3121412	December 2, 1988
3121503	December 6, 1988
3121621	December 7, 1988
3121669	December 9, 1988
3121744	December 12, 1988
3121803	December 13, 1988.

SEC. 55. RELIQUIDATION OF CERTAIN ENTRIES OF SEWING MACHINES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, upon the importer of record demonstrating to the Customs Service within 90 days after the date of the enactment of this Act that an entry described in subsection (c) is qualified for reimbursement based on the decision issued by the United States Court of International Trade in Pfaff American Sales Corp. v. United States, 17 CIT 550 (1993), the entry shall be liquidated or reliquidated pursuant to such decision.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRIES DESCRIBED.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
558–0910359–5	October 17, 1989	October 5, 1990
558–0912182–9	December 12, 1989	June 21, 1991
558–0014104–0	February 15, 1990	June 21, 1991

558–0015018–1	March 5, 1990	June 15, 1990
558–0017399–3	May 11, 1990	September 7, 1990
558–0022654–4	October 29, 1990	February 22, 1991
558–0022925–8	October 29, 1990	February 22, 1991
558–0024202–0	December 20, 1990	June 21, 1991
558–0126244–9	March 7, 1991	June 28, 1991
558–0127195–2	April 8, 1991	July 26, 1991
558–0128001–1	May 13, 1991	September 13, 1991
558–0129908–6	July 22, 1991	November 22, 1991
558–0130242–7	July 25, 1991	November 22, 1991
558–0130520–6	August 14, 1991	December 20, 1991
558–0130816–8	August 20, 1991	December 20, 1991
558–0130909–1	August 26, 1991	December 27, 1991
558–0131228–5	September 5, 1991	January 24, 1992
558–0131341–6	September 5, 1991	January 3, 1992
558–0131550–2	September 11, 1991	December 27, 1991
558–0131548–6	September 18, 1991	January 3, 1992
558–0131738–3	September 25, 1991	January 17, 1992
558–0132026–2	September 30, 1991	September 26, 1993
558–0132327–4	October 7, 1991	January 31, 1992
558–0132439–7	October 16, 1991	January 10, 1992
558–0132581–6	October 24, 1991	February 14, 1992
558–0132733–3	October 29, 1991	February 14, 1992
558–0133193–9	November 12, 1991	March 6, 1992
558–0133194–7	November 13, 1991	March 6, 1992
558–0133454–5	November 21, 1991	April 10, 1992
558–0133248–1	November 25, 1991	March 20, 1992
558–0134088–0	December 10, 1991	April 3, 1992
558–0134201–9	December 13, 1991	April 3, 1992
558–0134351–2	December 23, 1991	May 21, 1992
558–0134659–8	January 2, 1992	May 1, 1992
558–0235155–5	January 8, 1992	May 1, 1992
558–0235573–9	January 31, 1992	June 19, 1992
558–0235748–7	February 10, 1992	June 5, 1992
558–0235908–7	February 11, 1992	June 12, 1992
558–0236144–8	February 18, 1992	June 5, 1992
558–0236326–1	March 3, 1992	June 26, 1992
558–0236540–7	March 3, 1992	June 26, 1992
558–0236676–9	March 9, 1992	July 10, 1992
558–0237217–1	March 31, 1992	July 24, 1992
558–0237335–1	April 2, 1992	July 21, 1992
558–0237440–9	April 9, 1992	August 17, 1992
558–0237712–1	April 15, 1992	August 14, 1992
558–0237968–9	April 23, 1992	August 14, 1992
558–0238240–2	April 29, 1992	August 21, 1992
558–0238343–4	May 4, 1992	September 4, 1992
558–0238659–3	May 19, 1992	September 18, 1992
558–0239208–8	June 1, 1992	September 25, 1992
558–0239321–9	June 4, 1992	September 25, 1992
558–0239551–1	June 15, 1992	October 9, 1992
558–0239653–5	June 16, 1992	October 9, 1992
558–0240134–3	July 9, 1992	November 6, 1992
558–0240840–5	July 13, 1992	December 4, 1992
558–0240842–1	July 21, 1992	November 6, 1992
558–0241524–4	August 10, 1992	December 11, 1992
558–0242334–7	September 3, 1992	January 4, 1993
558–0242547–4	September 15, 1992	January 8, 1993
558–0243505–1	October 13, 1992	February 12, 1993
558–0243944–2	October 26, 1992	February 26, 1993
558–0244841–9	November 23, 1992	March 19, 1993
558–0245110–8	November 30, 1992	April 9, 1993
558–0245700–6	December 21, 1992	April 16, 1993
558–0346317–7	January 11, 1993	May 14, 1993
558–0348026–2	March 16, 1993	July 16, 1993
558–0348327–4	March 23, 1993	July 16, 1993.

SEC. 56. TEMPORARY DUTY SUSPENSION ON CERTAIN TEXTURED ROLLED GLASS SHEETS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.70.03	*Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheading 8516.60.40 (provided for in subheadings 7003.12.00 or 7003.19.00)*	*Free*	*No change*	*No change*	*On or before 12/31/98''.*

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICABILITY.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service on or before the 90th day after the date of the enactment of this Act, the entry of any article described in heading 9902.70.03 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a))—

(A) which was made after January 1, 1995, and before the 15th day after the date of the enactment of this Act; and

(B) with respect to which there would have been no duty if the amendment made by this section applied to such entry, shall be liquidated or reliquidated as though such entry had been made on the 15th day after the date of the enactment of this Act.

SEC. 57. TEMPORARY SUSPENSION OF DUTY ON DEMT.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

'' 9902.32.12	*N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80) .....*	*Free*	*No change*	*No change*	*On or before 12/31/98''.*

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 58. INVESTIGATION ON CATTLE AND BEEF TRADE.

(a) IN GENERAL.—The United States International Trade Commission shall conduct a study pursuant to section 332 of the Tariff Act of 1930, and not later than 270 days after the date of the enactment of this Act, shall report to the appropriate committees on—

(1) the impact of the North American Free Trade Agreement and the Uruguay Round Agreements on United States imports and exports of live cattle for slaughter and fresh, chilled, and frozen beef; and

(2) the steps that have been taken by the United States, since the enactment of the North American Free Trade Agreement, to prevent the transshipment of live cattle and fresh, chilled, and frozen beef through Mexico and Canada for importation into the United States.

(b) APPROPRIATE COMMITTEES.—For purposes of subsection (a), the term ''appropriate committees'' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

SEC. 59. SPECIAL RULE FOR GENERALIZED SYSTEM OF PREFERENCES.

The President is authorized to grant waivers under subsections (c)(2)(F) and (d)(1) of section 503 of the Trade Act of 1974 for those products that exceeded the limitations for 1994 under section 504(c)(1) of the Trade Act of 1974, as in effect on June 30, 1995, and lost eligibility for duty-free treatment under title V of that Act as of July 1, 1995. In granting such waivers, the President shall apply the provisions of subsections (c)(3) and (d)(2) of section 504 of the Trade Act of 1974, as in effect on July 31, 1995, and the references to ''preceding calendar year'' in such section 504 shall be references to 1994.

Mr. CRANE (during the reading). Mr. Speaker, I ask unanimous consent that 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 Illinois?

There was no objection.

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

Mr. GIBBONS. Mr. Speaker, reserving the right to object, I only reserve the right in order to allow the gentleman from Illinois [Mr. CRANE] to explain the bill.

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

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

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding and would like to elaborate that H.R. 3815 makes miscellaneous amendments to trade laws with further amendments adopted during Senate consideration of the bill. The Senate added amendment is similar to those in the House passed bill which make technical and miscellaneous corrections to U.S. trade laws.

These provisions have bipartisan support and the support of the industries involved and I would urge my colleagues to support this legislation. Mr. Speaker, I thank the gentleman for yielding to me.

I am pleased to explain to my colleagues in the House the provisions of H.R. 3815, which makes miscellaneous amendments to trade laws, with further amendments adopted during Senate consideration of the bill. On July 30, 1996, the House passed H.R. 3815 under suspension of the rules.

The Senate added amendments similar to those in the House-passed bill which are aimed at streamlining and facilitating the administration of U.S. trade laws. The Senate also added some noncontroversial duty reductions and suspensions, reliquidations, and refunds for acknowledged errors by the Customs Service. These provisions have bipartisan support and the support of the industries involved, and are of similar character to provisions already included in the House bill.

One item in the House-passed version of H.R. 3815 was removed by the Senate. This provision would have established a general consultation and layover requirement for any changes in Administration policy with respect to rules of origin or country-of-origin marking determinations, and a specific moratorium for changes in policy with respect to marking requirements for hand-tool forgings. I still support the bill, however, because it is the expectation of the chairmen of the House Ways and Means Committee and the Senate Finance Committee that the administration will heed the substance of this provision even without specific legislation. The committees plan to address the issues of rules of origin and would be especially averse to any action by the administration in the meantime that would jeopardize the ability of the committees of jurisdiction to approach these issues in a considered and orderly manner at that time.

I believe that H.R. 3815 strikes a blow for good government by streamlining our trade laws and taking care of noncontroversial tariff matters. Accordingly, I urge my colleagues to support passage of this important legislation with the Senate-passed changes.

Mr. GIBBONS. Mr. Speaker, further reserving my right to object, I want to pay tribute to the lady who sits to my immediate right here, Mary Jane Wignot. She has been an effective, wonderful, intelligent staff member for the Subcommittee on Trade on the Committee on Ways and Means for many decades.

She has made major contributions to the substance of legislation that has passed through our committee, complicated technical legislation. She epitomizes what is best in public service for our professional staff.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CRANE. 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. 3815.

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

There was no objection.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE H.R. 400, THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

Mr. CRANE. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H.Res. 554) returning to the Senate the bill H.R. 400 and the Senate amendment thereto, and I ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk reads follows:

H. RES. 554

Resolved, That the Senate amendment to the bill (H.R. 400) entitled the ''Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendment thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. The resolution raises a question of the privileges of the House.

The gentleman from Illinois [Mr. CRANE] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

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

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

Mr. CRANE. Mr. Speaker, this resolution is necessary to return to the Senate the bill H.R. 400 and the Senate amendment thereto because the amendment contravenes the constitutional requirement that revenue measures shall originate in the House of

Representatives. The Senate amendment to H.R. 400 would override current tax law by providing special tax treatment to Alaska Native Corporations receiving cash or property in certain circumstances and, therefore, contravenes this constitutional requirement.

Section 204(a) of the Senate amendment achieves this result by providing that, for the purposes of section 21(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1620(c)), the receipt of consideration by a Native Corporation for the relinquishment to the United States of land selection rights granted to any Native Corporation shall be deemed to be an interest in land.

Section 21 of the Alaska Native Claims Settlement Act addresses the taxation of various actions pursuant to that Act. Subsection (c) of section 21 provides that in certain instances the receipt of land or any interest in land shall not be subject to Federal, State, or local taxation. Section 204 of the Senate amendment deems the receipt of any consideration (whether land, cash, or other property) to be ''an interest in land'' for purposes of section 21(c) of the Alaska Native Claims Settlement Act.

The Senate amendment expands section 21 to make the receipt of cash and other property to be tax-free. Absent this provision, the receipt of cash and other property would be governed by the rules of the Internal Revenue Code which would generally treat their receipt as a taxable event. This would clearly supersede the Federal income tax rules relating to the taxation of the disposition of property.

The provision would have a direct effect on tax revenues. The proposed change in our tax laws is a ''revenue affecting'' infringement on the House's prerogatives, which constitutes a revenue measure in the constitutional sense. Therefore, I am asked that the House insist on its constitutional prerogatives.

There are numerous precedents for the action I am requesting. In particular, on June 21, 1988, the House returned to the Senate S. 727, which dealt with the tax treatment of income derived from the exercise of Indian treaty fishing rights.

I want to emphasize that this action does not constitute a rejection of the Senate amendment on its merits. Adoption of this privileged resolution to return the bill to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

The proposed action today is procedural in nature, and is necessary to preserve the prerogatives of the House to originate revenue matters. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill, and for the Senate to accept it or amend it as it sees fit.

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

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

Mr. Speaker, Members of the Senate know better. This is a perpetual problem that we face in the House. They know that tax legislation must originate in the House and is not with any deleterious remarks that I want to make about this bill, but they know better, and I think it ought to be sent back and I concur with the gentleman's motion.

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

Mr. CRANE. Mr. Speaker, I have no further requests for time, but I would like to take advantage of this opportunity on our final day of this session of this term to pay tribute, great tribute to a gentleman that I have looked up to for many years on the Committee on Ways and Means, our ranking minority member now who is going into retirement, but will not retire from his involvement I am sure, in these key issues of concern to all of us citizens here in the United States.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT OF 1996

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 1973) to provide for the settlement of the Navajo-Hopi land dispute, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1973

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 ''Navajo-Hopi Land Dispute Settlement Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) it is in the public interest for the Tribe, Navajos residing on the Hopi Partitioned Lands, and the United States to reach a peaceful resolution of the longstanding disagreements between the parties under the Act commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'' (Public Law 93–531; 25 U.S.C. 640d et seq.);

(2) it is in the best interest of the Tribe and the United States that there be a fair and final settlement of certain issues remaining in connection with the Navajo-Hopi Land Settlement Act of 1974, including the full and final settlement of the multiple claims that the Tribe has against the United States;

(3) this Act, together with the Settlement Agreement executed on December 14, 1995, and the Accommodation Agreement (as incorporated by the Settlement Agreement), provide the authority for the Tribe to enter agreements with eligible Navajo families in order for those families to remain residents of the Hopi Partitioned Lands for a period of 75 years, subject to the terms and conditions of the Accommodation Agreement;

(4) the United States acknowledges and respects—

(A) the sincerity of the traditional beliefs of the members of the Tribe and the Navajo families residing on the Hopi Partitioned Lands; and

(B) the importance that the respective traditional beliefs of the members of the Tribe and Navajo families have with respect to the culture and way of life of those members and families;

(5) this Act, the Settlement Agreement, and the Accommodation Agreement provide for the mutual respect and protection of the traditional religious beliefs and practices of the Tribe and the Navajo families residing on the Hopi Partitioned Lands;

(6) the Tribe is encouraged to work with the Navajo families residing on the Hopi Partitioned Lands to address their concerns regarding the establishment of family or individual burial plots for deceased family members who have resided on the Hopi Partitioned Lands; and

(7) neither the Navajo Nation nor the Navajo families residing upon Hopi Partitioned Lands were parties to or signers of the Settlement Agreement between the United States and the Hopi Tribe.

SEC. 3. DEFINITIONS.

Except as otherwise provided in this Act, for purposes of this Act, the following definitions shall apply:

(1) ACCOMMODATION.—The term ''Accommodation'' has the meaning provided that term under the Settlement Agreement.

(2) HOPI PARTITIONED LANDS.—The term ''Hopi Partitioned Lands'' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(3) NAVAJO PARTITIONED LANDS.—The term ''Navajo Partitioned Lands'' has the meaning provided that term in the proposed regulations issued on November 1, 1995, at 60 Fed. Reg. 55506.

(4) NEW LANDS.—The term ''New Lands'' has the meaning provided that term in section 700.701(b) of title 25, Code of Federal Regulations.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement between the United States and the Hopi Tribe executed on December 14, 1995.

(7) TRIBE.—The term ''Tribe'' means the Hopi Tribe.

(8) NEWLY ACQUIRED TRUST LANDS.—The term ''newly acquired trust lands'' means lands taken into trust for the Tribe within the State of Arizona pursuant to this Act or the Settlement Agreement.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

The United States approves, ratifies, and confirms the Settlement Agreement.

SEC. 5. CONDITIONS FOR LANDS TAKEN INTO TRUST.

The Secretary shall take such action as may be necessary to ensure that the following conditions are met prior to taking lands into trust for the benefit of the Tribe pursuant to the Settlement Agreement:

(1) SELECTION OF LANDS TAKEN INTO TRUST.—

(A) PRIMARY AREA.—In accordance with section 7(a) of the Settlement Agreement, the primary area within which lands acquired by the Tribe may be taken into trust by the Secretary for the benefit of the Tribe under the Settlement Agreement shall be located in northern Arizona.

(B) REQUIREMENTS FOR LANDS TAKEN INTO TRUST IN THE PRIMARY AREA.—Lands taken into trust in the primary area referred to in subparagraph (A) shall be—

(i) land that is used substantially for ranching, agriculture, or another similar use; and

(ii) to the extent feasible, in contiguous parcels.

(2) ACQUISITION OF LANDS.—Before taking any land into trust for the benefit of the Tribe under this section, the Secretary shall ensure that—

(A) at least 85 percent of the eligible Navajo heads of household (as determined under the Settlement Agreement) have entered into an accommodation or have chosen to relocate and are eligible for relocation assistance (as determined under the Settlement Agreement); and

(B) the Tribe has consulted with the State of Arizona concerning the lands proposed to be placed in trust, including consulting with the State concerning the impact of placing those lands into trust on the State and political subdivisions thereof resulting from the removal of land from the tax rolls in a manner consistent with the provisions of part 151 of title 25, Code of Federal Regulations.

(3) PROHIBITION.—The Secretary may not, pursuant to the provisions of this Act and the Settlement Agreement, place lands, any portion of which are located within or contiguous to a 5-mile radius of an incorporated town or city (as those terms are defined by the Secretary) in northern Arizona, into trust for benefit of the Tribe without specific statutory authority.

(4) EXPEDITIOUS ACTION BY THE SECRETARY.—Consistent with all other provisions of this Act, the Secretary is directed to take lands into trust under this Act expeditiously and without undue delay.

SEC. 6. ACQUISITION THROUGH CONDEMNATION OF CERTAIN INTERSPERSED LANDS.

(a) IN GENERAL.—

(1) ACTION BY THE SECRETARY.—

(A) IN GENERAL.—The Secretary shall take action as specified in subparagraph (B), to the extent that the Tribe, in accordance with section 7(b) of the Settlement Agreement—

(i) acquires private lands; and

(ii) requests the Secretary to acquire through condemnation interspersed lands that are owned by the State of Arizona and are located within the exterior boundaries of those private lands in order to have both the private lands and the State lands taken into trust by the Secretary for the benefit of the Tribe.

(B) ACQUISITION THROUGH CONDEMNATION.—With respect to a request for an acquisition of lands through condemnation made under subparagraph (A), the Secretary shall, upon the recommendation of the Tribe, take such action as may be necessary to acquire the lands through condemnation and, with funds provided by the Tribe, pay the State of Arizona fair market value for those lands in accordance with applicable Federal law, if the conditions described in paragraph (2) are met.

(2) CONDITIONS FOR ACQUISITION THROUGH CONDEMNATION.—The Secretary may acquire lands through condemnation under this subsection if—

(A) that acquisition is consistent with the purpose of obtaining not more than 500,000 acres of land to be taken into trust for the Tribe;

(B) the State of Arizona concurs with the United States that the acquisition is consistent with the interests of the State; and

(C) the Tribe pays for the land acquired through condemnation under this subsection.

(b) DISPOSITION OF LANDS.—If the Secretary acquires lands through condemnation under subsection (a), the Secretary shall take those lands into trust for the Tribe in accordance with this Act and the Settlement Agreement.

(c) PRIVATE LANDS.—The Secretary may not acquire private lands through condemnation for the purpose specified in subsection (a)(2)(A).

SEC. 7. ACTION TO QUIET POSSESSION.

If the United States fails to discharge the obligations specified in section 9(c) of the Settlement Agreement with respect to voluntary relocation of Navajos residing on Hopi Partitioned Lands, or section 9(d) of the Settlement Agreement, relating to the implementation of sections 700.137 through 700.139 of title 25, Code of Federal Regulations, on the New Lands, including failure for reason of insufficient funds made available by appropriations or otherwise, the Tribe may bring an action to quiet possession that relates to the use of the Hopi Partitioned Lands after February 1, 2000, by a Navajo family that is eligible for an accommodation, but fails to enter into an accommodation.

SEC. 8. PAYMENT TO STATE OF ARIZONA.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Department of the Interior $250,000 for fiscal year 1998, to be used by the Secretary of the Interior for making a payment to the State of Arizona.

(b) PAYMENT.—The Secretary shall make a payment in the amount specified in subsection (a) to the State of Arizona after an initial acquisition of land from the State has been made by the Secretary pursuant to section 6.

SEC. 9. 75-YEAR LEASING AUTHORITY.

The first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415) is amended by adding at the end the following new subsections:

''(c) LEASES INVOLVING THE HOPI TRIBE AND THE HOPI PARTITIONED LANDS ACCOMMODATION AGREEMENT.—Notwithstanding subsection (a), a lease of land by the Hopi Tribe to Navajo Indians on the Hopi Partitioned Lands may be for a term of 75 years, and may be extended at the conclusion of the term of the lease.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'Hopi Partitioned Lands' means lands located in the Hopi Partitioned Area, as defined in section 168.1(g) of title 25, Code of Federal Regulations (as in effect on the date of enactment of this subsection); and

''(2) the term 'Navajo Indians' means members of the Navajo Tribe.''.

SEC. 10. REAUTHORIZATION OF THE NAVAJO-HOPI RELOCATION HOUSING PROGRAM.

Section 25(a)(8) of Public Law 93–531 (25 U.S.C. 640d–24(a)(8)) is amended by striking ''1996, and 1997'' and inserting ''1996, 1997, 1998, 1999, and 2000''.

SEC. 11. EFFECT OF THIS ACT ON CASES INVOLVING THE NAVAJO NATION AND THE HOPI TRIBE.

Nothing in this Act or the amendments made by this Act shall be interpreted or deemed to preclude, limit, or endorse, in any manner, actions by the Navajo Nation that seek, in court, an offset from judgments for payments received by the Hopi Tribe under the Settlement Agreement.

SEC. 12. WATER RIGHTS.

(a) IN GENERAL.—

(1) WATER RIGHTS.—Subject to the other provisions of this section, newly acquired trust lands shall have only the following water rights:

(A) The right to the reasonable use of groundwater pumped from such lands.

(B) All rights to the use of surface water on such lands existing under State law on the date of acquisition, with the priority date of such right under State law.

(C) The right to make any further beneficial use on such lands which is unappropriated on the date each parcel of newly acquired trust lands is taken into trust. The priority date for the right shall be the date the lands are taken into trust.

(2) RIGHTS NOT SUBJECT TO FORFEITURE OR ABANDONMENT.—The Tribe's water rights for newly acquired trust lands shall not be subject to forfeiture or abandonment arising from events occurring after the date the lands are taken into trust.

(b) RECOGNITION AS VALID USES.—

(1) GROUNDWATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of groundwater which may be made from wells (or their subsequent replacements) in existence on the date each parcel of newly acquired trust land is acquired and shall not object to such groundwater uses on the basis of water rights associated with the newly acquired trust lands. The Tribe, and the United States on the Tribe's behalf, may object only to the impact of groundwater uses on newly acquired trust lands which are initiated after the date the lands affected are taken into trust and only on grounds allowed by the State law as it exits when the objection is made. The Tribe, and the United States on the Tribe's behalf, shall not object to the impact of groundwater uses on the Tribe's right to surface water established pursuant to subsection (a)(3) when those groundwater uses are initiated before the Tribe initiates its beneficial use of surface water pursuant to subsection (a)(3).

(2) SURFACE WATER.—With respect to water rights associated with newly acquired trust lands, the Tribe, and the United States on the Tribe's behalf, shall recognize as valid all uses of surface water in existence on or prior to the date each parcel of newly acquired trust land is acquired and shall not object to such surface water uses on the basis of water rights associated with the newly acquired trust lands, but shall have the right to enforce the priority of its rights against all junior water rights the exercise of which interfere with the actual use of the Tribe's senior surface water rights.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or (2) shall preclude the Tribe, or the United States on the Tribe's behalf, from asserting objections to water rights and uses on the basis of the Tribe's water rights on its currently existing trust lands.

(c) APPLICABILITY OF STATE LAW ON LANDS OTHER THAN NEWLY ACQUIRED LANDS.—The Tribe, and the United States on the Tribe's behalf, further recognize that State law applies to water uses on lands, including subsurface estates, that exist within the exterior boundaries of newly acquired trust lands and that are owned by any party other than the Tribe.

(d) ADJUDICATION OF WATER RIGHTS ON NEWLY ACQUIRED TRUST LANDS.—The Tribe's water rights on newly acquired trust lands shall be adjudicated with the rights of all

other competing users in the court now presiding over the Little Colorado River Adjudication, or if that court no longer has jurisdiction, in the appropriate State or Federal court. Any controversies between or among users arising under Federal or State law involving the Tribe's water rights on newly acquired trust lands shall be resolved in the court now presiding over the Little Colorado River Adjudication, or, if that court no longer has jurisdiction, in the appropriate State or Federal court. Nothing in this subsection shall be construed to affect any court's jurisdiction; provided, that the Tribe shall administer all water rights established in subsection (a).

(e) PROHIBITION.—Water rights for newly acquired trust lands shall not be used, leased, sold, or transported for use off of such lands or the Tribe's other trust lands, provided that the Tribe may agree with other persons having junior water rights to subordinate the Tribe's senior water rights. Water rights for newly acquired trust lands can only be used on those lands or other trust lands of the Tribe located within the same river basin tributary to the main stream of the Colorado River.

(f) SUBSURFACE INTERESTS.—On any newly acquired trust lands where the subsurface interest is owned by any party other than the Tribe, the trust status of the surface ownership shall not impair any existing right of the subsurface owner to develop the subsurface interest and to have access to the surface for the purpose of such development.

(g) STATUTORY CONSTRUCTION WITH RESPECT TO WATER RIGHTS OF OTHER FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this section shall affect the water rights of any other federally recognized Indian tribe with a priority date earlier than the date the newly acquired trust lands are taken into trust.

(h) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to determine the law applicable to water use on lands owned by the United States, other than on the newly acquired trust lands. The granting of the right to make beneficial use of unappropriated surface water on the newly acquired trust lands with a priority date such lands are taken into trust shall not be construed to imply that such right is a Federal reserved water right. Nothing in this section or any other provision of this Act shall be construed to establish any Federal reserved right to groundwater. Authority for the Secretary to take land into trust for the Tribe pursuant to the Settlement Agreement and this Act shall be construed as having been provided solely by the provisions of this Act.

Mr. MILLER of California. Mr. Speaker, I rise in support of S. 1973, the Navajo-Hopi Land Dispute Settlement Act of 1996. This bill is another step in the right direction toward bringing the problems with the land dispute between the two tribes to a close. It will enact the settlement agreement reached between the Hopi Tribe and the Department of Justice acting on behalf of the United States.

S. 1973 will provide the Hopi Tribe with the authority to enter in lease agreements with Navajo residents living on Hopi partitioned land. These leases will allow the Navajo residents to live peaceably on Hopi land for 75 years with the promise that they will be treated under Hopi law the same as members of the Hopi Tribe.

Further, this legislation will settle four law suits pending against the United States by the Hopi Tribe. Enactment of this bill will save millions in continued litigation costs and probable U.S. liability.

I urge my colleagues to support this measure—the Hopi Tribe has remained willing to negotiate and discuss each issue which has arisen over this matter. They have waited long enough for this bill to pass.

I want to thank the Navajo nation for its help in getting this settlement to this point. I further wish to thank the Hopi Tribe, the tribal council, and particularly chairman Ferrell Secakuku and Kim Secakuku for their determination and long hours of hard work.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RESOURCES TO HAVE UNTIL 5 P.M. OCTOBER 11, 1996, TO FILE REPORT ON H.R. 2041, GUAM WAR RESTITUTION ACT

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Resources have until 5 p.m. on October 11, 1996, to file a report on H.R. 2041, the Guam War Restitution Act, as amended.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). 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 Washington [Mr. DICKS] is recognized for 5 minutes.

[Mr. DICKS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

[Mr. HANSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 5 minutes.

[Mr. McDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

[Mr. COX addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

[Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

[Mr. STEARNS addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

THANKS AND APPRECIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 5 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, tonight I rise, as a 33-year-old retiring Member of this distinguished body, filled with thanks and appreciation.

I would first, Mr. Speaker, like to thank each Member of this great and prestigious body. I have never served in a body with such great Members, Members that care about people, Members that care about each other. And I want to thank the Members of this great institution for giving me the opportunity to serve with them.

I also, Mr. Speaker, would like to thank my staff, who have worked so hard throughout the 4 years, or 3½ years, that we have had the opportunity to serve the people of Louisiana. The people on my staff have had the opportunity to solve over 7,000 cases, and we have had over 200 town hall meetings throughout the State of Louisiana. And without the staff that I have, we would not have been able to accomplish those goals.

So I tonight, Mr. Speaker, would like to thank the many members of my congressional staff, who have worked so hard to serve the people of Louisiana.

I would like to thank the staff throughout this Congress, from the security officers, Capitol Police, to the people who work at the desk to people who just work and do day-to-day things here in the House of Representatives.

And I want to give special appreciation to Mr. Charlie Johnson, who is our Parliamentarian, who has worked so hard to keep the rules and regulations, the rules of the House, adhered to.

I remember, Mr. Speaker, when I was first elected to this body, I was 29 years of age and I had the opportunity, at the request of Speaker Foley, to serve as Speaker of the House, and Charlie received several phone calls. The phones

started to ring off the hook in the Parliamentarian's office, saying that a page was presiding over the House of Representatives.

But I thank Charlie. All too often, people who work in the middle of the night, people who are seated in front of me, do not get the recognition that is due.

And I want to thank the people of Louisiana. The people of Louisiana have been very good to me and my family. I was elected to office before I had the opportunity to serve in this great body. Nine years ago, the people of the 14th Senatorial District thought enough of me to elect me to the State Senate at the ripe age of 24.

I thank the people of Louisiana for giving me the opportunity to serve not only in this Congress but for giving me the opportunity to serve at such a young age in this Congress as well as the State Senate of Louisiana. And I am so grateful that they put their trust and confidence in me at such a young age. So I am very grateful to the many people who have supported me throughout the years.

And I want to give a special thanks to the Members of the Congressional Black Caucus. Before I went out into this Congress, Mr. Speaker and Members of the House, that body embraced me and took me under their wings and somewhat taught me the ropes of this great body and the way this body operates.

The Congressional Black Caucus has been, and will always be perhaps, the conscience of this Congress, and perhaps it is the conscience of this country. And I want to thank the Members of the Congressional Black Caucus for their leadership.

I want to thank my wife and my son for giving me the opportunity to fly to this great place and do the people's business of Louisiana.

I want to thank, finally, Judge Leon Higginbotham, who worked so hard to keep me and Members like me in this body and in State legislatures all across this country.

□ 2315

I want to thank Leon Higginbotham for taking a case pro bono and trying to defend the civil rights of so many people across this country and also want to thank the NAACP Legal Defense Fund who have worked so hard to preserve civil rights for so many Americans. I want to thank the Lawyers Committee on Civil Rights. I want to thank attorney Frank Garvin and attorney Earnest Johnson from Louisiana who fought so hard to keep people like me in elected office and protecting their constitutional rights.

Lastly, I want to thank the Members of the Louisiana legislative black caucus who fought so hard for the creation of the district that I have had the opportunity to represent. I want to thank them for their hard work and for all that they have done.

This, Mr. Speaker, tonight, is not a permanent retirement. In life, people change professions, some two, some three, some even seven times. This is a change of profession. I have enjoyed my service here in this Congress, and I am ready to move on and do other things. But this should not be viewed as a permanent retirement. It should be viewed as a temporary retirement with a certain return. I am only 33, and in 6 years I plan to join this body again and hopefully I will have the opportunity to do that.

Shakespeare once said that life is like a play, we all have an opportunity to go on stage and play our part and perform and do our very best while we are in the spotlight. Then after our act ends, we must exit the stage and let a new act begin.

Mr. Speaker, I am pleased that I have had an opportunity to do my job on this stage. I thank the people of Louisiana and thank you, Mr. Speaker, and thank each and every last Member of this great and distinguished body. I am not bitter leaving here tonight. This body has made me better.

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from North Carolina [Mr. COBLE] is recognized for 5 minutes.

[Mr. COBLE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RETIREMENT REMARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, many years ago when my husband George and I were making decisions about our future careers, I decided that I wanted to be a tax attorney and had thought seriously of attending law school. George, on the other hand, decided that he wanted to become an elected official in the city of Chicago politics.

Well, as our lives unfolded, he became the committeeman of the 24th Ward regular Democratic organization in Chicago's west side and in 1973 its alderman in the Chicago city council. Following that he was elected to become a member of this illustrious body in the 91st Congress and served here until his ill-fated airplane crash that claimed his life on December 8, 1972.

I, of course, was suddenly a widow with an awesome responsibility of rearing our 13-year-old son alone. But apparently I was not destined to become a lawyer but instead to become a maker of laws. On June 7, 1973, I was elected to fill his unexpired term and repesent the people of Chicago, IL's Seventh Congressional District in the 93d Congress.

When I arrived here, it was during one of the most exciting and challenging periods of my life and in our Nation's history. Liberalism was not the dirty word that it appears to be today. The feminist movement was in high gear. And the Vietnam War was raging. Watergate was just about to unfold. Yes, those were heady times. The Equal Rights Amendment had just passed the House of Representatives the year before. And learning the truth about the break-in at the Democratic headquarters in Watergate and urging Congress to set a date certain for the withdrawal of troops from Vietnam were the three most pressing issues that I faced in this body.

At the same time, of course, I had to confront the most stressful and emotional issue of all, and that was the bereavement of my husband and of leaving my son behind to be cared for by my now dear departed mother who did an excellent job.

Upon this last time that I will stand in this well in this body, I am saddened for many reasons. First, because I will be saying goodbye to the wonderful, trusting, supportive constituents of Illinois's Seventh Congressional District. I thank them for the confidence they have shown in my ability to represent their interests and to advocate for their concerns in this body for nearly 24 years.

Second, I will truly miss my friend, BILL CLAY of Missouri, CHARLE RANGEL of New York and LOU STOKES of Ohio, who immediately took me under their wings and have been my mentors and staunchest supporters throughout all of these years. I will also miss CARRIE MEEK and other women in the women's caucus and the black caucus. I have enjoyed their affection throughout this time and have given affection back to them.

I do not want to leave here without saying thank you to my chairman, JOHN DINGELL, who allowed me a free hand in chairing the Commerce Committee that was entitled Commerce, Consumer Protection and Competitiveness during the 102d and the 103d Congress.

I salute our friend who is no longer here, Jack Brooks, who allowed me to chair several subcommittees under the old Government Operations Committee.

I thank, too, my wonderful administrative assistant who has been with me for 16 of these long years, Bud Myers. And Gerri Houston, my executive assistant who has been here almost the same amount of time. Benny Montgomery my acting district administrator in Chicago, and all of the staff people both on my congressional offices here and in Chicago as well as David Schooler, our counselor on the Committee on Government Reform and Oversight who has been with me for a long time, and others on that committee who have served with all their dedication and loyalty for all of these years.

Each of them has made my job serving the Seventh Congressional District so much more pleasurable and so much easier than it could have been otherwise.

Finally, I want to thank each Member of this body for their friendship. I say to them, I hope that God will give they many blessings.

Before closing, let me add another thing: It has been my opinion, Mr. Speaker, that we have here an awesome responsibility to protect our democracy and to defend our Constitution. Too often in today's debate on social economic policies, in this House of Representatives, I believe we have forgotten that we have the right to uphold these two important concepts of our Nation. It seems to me that during these nearly 24 years we have been in turmoil in this country on more than one occasion, but each time democracy has stood firm.

That is why I am saddened that as I prepare to leave here, I see our country not the wonderful liberal, loving country to all of us that we were when I first came in 1973, but instead I see a resurgence of racism, of hatred, of meanness, of mean-spiritedness, and that leaves me extremely saddened.

We know this is true because we hear it on talk radio. We see it in the burning of African-American and other churches. We hear it in remarks that are unkind and unwise. But you know, Mr. Speaker, I still believe in America because after having served here all of this time, I absolutely believe with all certainty that America can correct her failings if there is a public will to do so.

So now as I leave here moments from now, I place my belief in my fellow Americans and in the Members who will come to this body in the 105th Congress. I believe that they will in fact see to it that America lives up to the words of Thomas Wolfe who said:

> To every person his or her chance, to every person regardless of birth their shining opportunity, to every person, the right to live, to work, to be themselves, to become whatever their ambitions and decisions combine to make them. That is the promise of America.

That is the promise I hope of the 105th Congress.

I thank you all. I say farewell and Godspeed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. ZELIFF] is recognized for 5 minutes.

[Mr. ZELIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to certainly add my congratulations to two of my colleagues who just spoke on the floor of the House, the Honorable CLEO FIELDS of Louisiana and certainly applaud his work and encourage his return. And then to certainly my friend and colleague, the Honorable CARDISS COLLINS, with a major place in history, I thank her for her leadership and caring for all of us.

I do believe that it is appropriate, on this last day, as I have acknowledged my colleagues and might I add also a tribute to the departing Members of the Texas delegation. So many of them have served so ably, and I thank them for their service.

This last day we had an opportunity to come together in a bipartisan manner to present to the American people an omnibus appropriations bill that would keep the Government open. As I listened to the Speaker of the House suggest that this was automatic or that this had to be the way it was and it was going to happen, I have to reflect that there was a long journey that brought us to this day. For as we started the 104th Congress, I am unhappy or sad to say that that was not the spirit in which we opened this session, for we spent an acrimonious first year of the 104th, with three times of shutting down the Government, with large attacks on Medicare and Medicaid, with proposed tax cuts of $245 billion that would have gutted the Medicare program and given tax cuts to those who did not need it, with a fight over balancing the budget and establishing priorities, when many of us recognized that you could balance the budget but you could preserve education and the environment and you could maintain the quality of life for our senior citizens.

In fact, we spent an acrimonious time arguing over which direction this country should go.

I am very proud that the Democrats maintained a steady and evenhanded approach, which is to say that Medicare can be preserved, it need not wither on the vine, that Medicaid that provide health care for the indigent but, more particularly, for our seniors in nursing homes certainly had to be preserved, but we could also balance the budget.

This bill is not a perfect bill. There are many things that a lot of us disagree with. But I believe we have come full circle from a time when we were slashing education, cutting school lunches and school breakfasts.

Might I add, I read an article this past week that said, though our children still remain at risk, many children are better off because of the existence of school lunch programs, for some of these programs are the only good and decent nutritious meal that our children get. With all of this attention now to our children, with the understanding that they are no more stronger than what we make them, I am glad to see, albeit it was a tough time, that there has been some recognition by my colleagues on the other side of the aisle that reason and moderation are the best approach.

So I am very gratified that we can say that this omnibus bill includes $3.5 billion added to our education budget. Not a frivolous investment, I might add, some $381 million of it belongs to Head Start, and documentation shows us that if you begin a child on an early sure footing of learning, you can be sure that that is a child that grows to love learning and is on the road to success; $491 million dollars for Goals 2000, already a program attested to by Members by both sides of the aisle, a program started by President George Bush, and $200 million for the school to work program documented in my own city of Houston, where young people leave high school prepared to be gainfully employed. Then I have already said in many of my town hall meetings and I have seen the faces of individuals agreeing with me, it is better to give out a Pell grant than to build a jail cell. And so we have increased Pell grants for our college students and direct student loans across the Nation.

□ 2330

Welfare reform got a lot of publicity, and many people were rising to the floor of the House and beginning to pound their fists and talk about those who were draining on America.

Well, if you tell people to pull up their bootstraps, many of them without shoes, it is going to be very hard to transition people from welfare to work without training and vocational training, and so it is important that in this legislation, unlike last year when the government was shut down, we have $1.5 billion for vocational training and adult education.

That makes sense, but we had to work hard to get to that point, for the stridency of last year was, ''We know the right way, and the only way is our way,'' a single focused highway to nowhere.

All of the debate that has come about over the last few weeks about the drug effort in this Nation was simply saying that we now have a better approach, and that approach, Mr. Speaker, is to support prevention programs and safe and drug-free schools.

In conclusion, let me simply say that I am glad we are at a point where we are, that this bill is passed, but it was a long journey, but it is better for America, and we are better for doing it, and America is good for us doing it for them.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

[Mr. WELDON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TRIBUTE TO HON. ROBERT S. WALKER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address my colleagues and, first, to thank all of those who worked together this week on legislation which provides for the first time for those law enforcement officials on the Federal scene who have been killed in the line of duty, to make sure that their families and their children are protected when it comes to educational benefits. It is a bipartisan effort, and Congressman STUDDS and I worked in the House, Senator SPECTER in the Senate, in making sure this legislation was reality.

It was not that long ago that there was a Federal officer, Chuck Reed, killed in my district who was an outstanding FBI agent and a real leader in the war against drugs, and William Degan, of course, who was the Federal official who was killed at Ruby Ridge. It is those kinds of individuals for whom we need to make sure that we are attending to the needs of those families, because they gave up so much to help make this country safer and stronger.

Mr. Speaker, I also wanted to salute those retiring Members who are leaving our Chamber who have done so much. One especially from Pennsylvania I wish to point out; that would be Congressman BOB WALKER who, more than any other Member, knows the rules of parliamentary procedure and helped newer Members to learn the rules, to make sure they respect each other in the Chamber and to make sure that we are civil and still worked in a bipartisan way to make sure the people's business is done here in Washington.

So to BOB WALKER who did so much for this House and one of its finest Members, we salute you for all you have done for our country, for this Chamber, and for your resonance in your Pennsylvania district. We know that BOB WALKER has done much to bring honor to himself and to his family and to his community, but to his colleagues here we know how special he was as a fighter for beliefs, as someone who is unyielding in principle, but when it came to making sure we got the job done, he knew when to compromise and how to compromise.

So we salute a very special American, BOB WALKER, who I know we will miss greatly, and we hope he returns often to visit.

WHAT IS THE HISTORICAL SIGNIFICANCE OF THE KAIPAROWITS PLATEAU?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. HANSEN] is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, as a member of the Armed Services Committee it is very interesting to me to see when our four star generals and admirals come in and talk to us as to what is the reason that we are going into Iraq at this particular time. One of the reasons that always jumps out is that we are protecting the oil supply, this great energy sources that comes to America and to other areas, and in protecting that we will be able to protect the free world. Because of that we are sending a number of our young people in harm's way, young men and young women going over there to protect this oil supply that happens to flow through the Middle East.

It is very interesting to me that in my little State of Utah we have something call the Kaiparowits Plateau. President Carter referred to it as coal or ace in the hole. In this particular area we probably have more energy and coal then they have in oil, and we set there at this time in the Kaiparowits Plateau sitting on a supply of coal that is worth $1 trillion and is billions and billions of tons of coal.

It is amazing then, Mr. Speaker, that 2 weeks ago the President of the United States went into Arizona, the south rum of Arizona and stood and pointed out to the north in Utah. He was creating a national momument, and one of the reasons that the President gave for creating this national monument was because he wanted not to have that coal mined. Much of that would accrue, the royalties that is, would accrue to the benefit of the State of Utah. In fact just a small amount that Andalux coal would be mining would be $6.5 billion. Over $1 million would accrue to the schoolchildren of Utah.

It strikes me rather odd, and the irony of the thing is why we go to one place and put our children and our armed people in harm's way when we have a great supply of energy right here and we say, no, we cannot do that even though I think it has been proven that we could do it environmentally sound. What law is there that gives this power, this complete power to one man? That is called the antiquity law written in 1906, and if we go back and read that it is very interesting.

It says that the President may do this to protect Indian ruins, that he may protect it for some historical significance, whatever that may be. Indian ruins; there is one that they always bring out, and I would like to ask the question of this 1.7 million acres, and keep in mind that is the size of Delaware, and maybe throw in 2 other States, that is the size of Yellowstone; keep in mind that we do it for historical significance.

May I ask the President of the United States or anybody who would like to respond: What is there in the 1.7 million acres that has any historical significance? Can anybody name one thing? Is there one scintilla of anything that is there?

The second part of the act in 1906 says to protect this historical significance they will use the smallest amount of acreage. No. 1, there is no historical significance; No. 2, the smallest amount of acreage to protect this nothing that is there, except a very beautiful spot, is smallest amount turns out to be 1.7 million acres.

Do I concede that there is areas in this 1.7 million acres that is absolutely gorgeous and beautiful and should be protected? Absolutely. There is, and much of it should be protected. And we had that opportunity, but we did not take advantage of that opportunity because the President did not seem fit to talk to anybody in Utah. He did not talk to Governor Leavitt, he did not talk to Senator HATCH, he did not talk to Senator BENNETT, he did not talk to Members of this congressional delegation. I am the chairman of the committee that goes through. I did not hear one word. He did not even talk to the man of his own political persuasion. Nobody but nobody heard a word on this area.

But he comes in, not even knowing where it is himself. I think if you put a map down in front of the President of the United States, he would miss it by 500 miles, but yet he talks about the beautiful, historical significance and ties it up into a national monument.

I have since introduced legislation which would limit the antiquities law to 5,000 acres. I have had a number of my colleagues, Democrats and Republicans, come to me and say do not let that happen to my State. Mr. Speaker, I say, ''Well, let's not do away with the antiquities bill because there may be something come up that needs to be protected, but what we must do is limit the President so he can't abstractly go out on a huge land grab like he has in the State of Utah, and I would urge my colleagues as we introduce this in January that we immediately pass this legislation to prevent this type of thing happening.

I just really feel bad that there is so little respect for the West, that there truly is another war on the West, that we are constantly being hit with things such as I have just mentioned. I feel very bad that the President of the United States took it upon himself to take 1.7 million acres out of our State, ruin the economy of many of our little cities, hurt so many people, without as much as one sentence on it and not one minimum of spending any time on an investigation of what it would do to the people in Utah.

Mr. Speaker, that is the largest arrogance of power I have seen in 36 years as an elected official.

OMNIBUS INSULAR AREAS ACT OF 1996

The SPEAKER pro tempore. Without objection, the title of the bill (H.R. 1332) to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund, and for other purposes, agreed to earlier today, is amended so as to read: ''A bill to make certain technical changes affecting United States territories, and for other purposes.''.

There was no objection.

SALUTE TO THE HONORABLE WILLIAM CLINGER

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

Mr. FOX of Pennsylvania. Mr. Speaker, my fellow colleagues, I would be remiss if I did not also give special mention to the Honorable WILLIAM CLINGER, who has served this House with distinction, most recently as the chairman of the Government Reform and Oversight Committee where he has in a very bipartisan manner, a very judicious manner, he has been the individual who has overseen the hearings that deal with Whitewater and Filegate and various other matters that are very sensitive to the United States.

I think the people of central Pennsylvania were privileged to have someone of his class, his distinction, and his honor serving us here in this body, and to BILL CLINGER and his family, well deserved retirement, but he was a role model for many of us in Congress and he will be sorely missed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY) for today, on account of personal business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today, on account of district business.

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. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. DICKS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GILCHREST) to revise and extend his remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. COBLE, for 5 minutes, on September 28 and 30.

Mr. ZELIFF, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 737. An act to extend the deadlines applicable to certain hydroelectric projects, and for other purposes; to the Committee on Commerce.

S. 2153. An act to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building'', and for other purposes; to the Committee on Government Reform and Oversight.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3068. An act to accept the request of the Prairie Island Indian Community to revoke their charter of incorporation issued under the Indian Reorganization Act.

H.R. 2660. An act to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge, and for other purposes.

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that Act, and for other purposes.

H.R. 2508. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, September 30, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ECT.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5354. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Assessment Rate [Docket No. FV96–905–1 FIR] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5355. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Technical Amendments to the Soybean Promotion and Research Order and Rules and Regulations [Docket No. LS–96–005] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5356. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Sale of HUD-Held Single Family Mortgages; Notice of Extension of Interim Rule Effective Period (FR–3814) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5357. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Base Closure Community Redevelopment and Homeless Assistance; Extension of Interim Rule Effective Period (FR–3820) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5358. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Optional Earned Income Exclusion Interim Rule (FR–4080) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5359. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantee Recovery Fund Final Rule (FR–4108) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5360. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Termination of Tenancy for Criminal Activity Final Rule (FR–3472) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5361. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals Final Rule (FR–3929) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5362. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining Multifamily and Single Family Nonjudicial Foreclosure Procedures Final Rule (FR–4110) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5363. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Homeownership of Single Family Homes Program (HOPE 3); Streamlining Final Rules (FR–3857) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5364. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program Final Rule (FR–3962) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5365. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Conversion from Coinsurance to Full Insurance Final Rule (FR–3813) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5366. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgage Insurance Demonstration; Additional Streamlining Final Rule (FR–2958) received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5367. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—RESPA; Statement of Enforcement Standards; Title Insurance Practices in Florida Final Rule (FR–4114) received September

26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5368. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Department's final rule—Sales of Credit Life Insurance [Docket No. 96–22] (RIN: 1557–AB49) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5369. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Removal of Duplicative Regulations Governing the H–1A Nurses Labor Attestation Program, the D–1 Foreign Maritime Crewmembers Program, the H–1B Nonimmigrant Labor Condition Application Program, and the F–1 Students Labor Attestation Program (RIN: 1205–AB13) received September 28, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5370. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, ''Presidential Honors Scholarship Act of 1996''; to the Committee on Economic and Educational Opportunities.

5371. 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 Saudi Arabia for defense articles and services (Transmittal No. 96–75), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5372. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Secretary's determination and justification for authorizing assistance to strengthen the ECOMOG peacekeeping mission in Liberia, pursuant to 22 U.S.C. 2261(a)(2); to the Committee on International Relations.

5373. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a memorandum of justification for drawdown under section 506 of the Foreign Assistance Act to support ECOMOG, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on International Relations.

5374. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a memorandum of justification for drawdown under section 552 of the Foreign Assistance Act to support ECOMOG, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

5375. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus Question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5376. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation (GSAR) for Change 73, Authorizing Deviations from the FAR and GSAR [APD 2800.12A, CHGE 73] (RIN: 3090–AG09) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5377. A letter from the Director, Office of the Secretary of Defense, transmitting the Office's final rule—Privacy Program (32 CFR Part 505) received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5378. A letter from the Secretary of Education, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5379. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to clarify the effective date provision of Rules 413 through 415 of the Federal Rules of Evidence; to the Committee on the Judiciary.

5380. A letter from the Secretary of Transportation transmitting the Department's 1995 progress report on the transition to quieter airplanes, pursuant to Public Law 101–508, section 9308(g) (104 Stat. 1388–383); to the Committee on Transportation and Infrastructure.

5381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Testing Requirements for Ocean Dumping [FRL–5617–6] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5382. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey Transportation Control Measures [FRL–5554–9] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5383. A letter from the Secretary of Energy transmitting the Department's report entitled ''Annual Report on the Metals Initiative,'' pursuant to Public Law 100–680, section 8; to the Committee on Science.

5384. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Work Opportunity Tax Credit—Pre-Screening Notice [Notice 96–52] received September 27, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on 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. HYDE: Committee on the Judiciary. H.R. 3307. A bill to amend title 5, United States Code, to provide for a limitation on sanctions imposed by agencies and for other purposes; with amendments (Rept. 104–859). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2392. A bill to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, and for other purposes; with an amendment (Rept. 104–860). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Federal Government Management: Examining Government Performance As We Near the Next Century (Rept. 104–861). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files (Rept. 104–862). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 3610. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–863). Ordered to be printed.

Mr. BLILEY: Committee of Conference. Conference report on H.R. 3005. A bill to amend the Federal securities laws in order to promote efficiency and capital information in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation (Rept. 104–864). Ordered to be printed.

Mr. BLILEY: Committee on Conference. H.R. 2976. A bill to prohibit health plans from interfering with health care provider communications with their patients; (Rept. 104–865 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2976. Referral to the Committees on Ways and Means, Economic and Educational Opportunities, and Government Reform and Oversight for a period ending not later than October 2, 1996.

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. BROWN of California (for himself, Mr. DEFAZIO, Mr. SANDERS, Mr. DELLUMS, Mr. MILLER of California, and Mr. EVANS):

H.R. 4274. A bill to require the Commissioner of Social Security and the Secretary of the Treasury to develop and implement measures to eliminate and prevent mismatching of earnings information maintained by the Social Security Administration and the Internal Revenue Service resulting in underpayment of social security benefits; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. ROBERTS, and Mr. MILLER of California):

H.R. 4275. A bill to provide funding for the nutrition education and training program authorized under the Child Nutrition Act of 1966, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Agriculture, 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. EWING:

H.R. 4276. A bill to amend the Commodity Exchange Act to provide a conditional exemption for certain transactions involving professional markets, to clarify the effect of the designation of a board of trade as a contract market, to simplify the process for the making effective of contract market rules, to regulate audit trail requirements, to establish cost-benefit analysis requirements, and to combat fraud in transactions in or involving foreign currency, and for other purposes; to the Committee on Agriculture.

By Mr. GREENWOOD (for himself, Mr. WAXMAN, Mr. BURR, Mr. TOWNS, Mr. KLUG, Mr. FRANKS of New Jersey, and Mr. HALL of Texas):

H.R. 4277. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Commerce.

By Mr. LIVINGSTON:

H.R. 4278. A bill making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, and for other purposes; passed pursuant to the order of the House.

By Mr. ACKERMAN:

H.R. 4279. A bill to direct the Secretary of Transportation to determine the feasibility of placing bar codes on passenger motor vehicles to facilitate the tracing of stolen vehicles, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS:

H.R. 4280. A bill to amend title 44, United States Code, to establish the Joint Committee on Information, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Government Reform and Oversight, and Rules, 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. YOUNG of Alaska (for himself, Mr. BURTON of Indiana, and Mr. GALLEGLY):

H.R. 4281. A bill to provide a process leading to full self-government for Puerto Rico; to the Committee on Resources, and in addition to the Committee on Rules, 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. BATEMAN:

H.R. 4282. A bill to amend the National Defense Authorization Act for fiscal year 1993 to make a technical correction relating to the provision of Department of Defense Assistance to local educational agencies; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on National Security, 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. LATOURETTE:

H.R. 4283. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

By Mr. HOYER (for himself, Mr. EDWARDS, Mr. ABERCROMBIE, Mrs. THURMAN, Mr. SAWYER, Mr. WYNN, Mr. BENTSEN, Ms. MCCARTHY, Mr. DOOLEY, Mr. HINCHEY, Mr. DICKS, Mr. CUMMINGS, Mr. FROST, Mr. SCOTT, Mr. MORAN, and Mr. RICHARDSON):

H.R. 4284. A bill to prohibit certain abortions; to the Committee on Commerce.

By Mr. COX (for himself, Mr. LARGENT, Mr. BARTON of Texas, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. LIVINGSTON, Mr. ARCHER, Mr. KASICH, Mr. PAXON, Ms. MOLINARI, Mr. CLINGER, Mr. SOLOMON, Mr. GOSS, Mr. HORN, Mr. STENHOLM, Ms. HARMAN, Mr. CONDIT, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. MONTGOMERY, Mr. ROSE, Mr. PETE GEREN of Texas, Mr. ALLARD, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BATEMAN, Mr. BEREUTER, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BONILLA, Mr. BONO, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CAMPBELL, Mr. CANADY, Mr. CASTLE, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. COOLEY, Mr. CRANE, Mr. CRAPO, Mr. CREMEANS, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EHLERS, Mr. EHRLICH, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. EWING, Mr. FLANAGAN, Mr. FOLEY, Mr. FOX, Mr. FIELDS of Texas, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GILMAN, Mr. GOODLATTE, Mr. GOODLING, Mr. GRAHAM, Mr. GREENWOOD, Ms. GREENE of Utah, Mr. GUNDERSON, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOKE, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON, Mr. JONES, Mrs. KELLY, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LATHAM, Mr. LATOURETTE, Mr. LAUGHLIN, Mr. LAZIO of New York, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCDADE, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. MARTINI, Mr. METCALF, Mrs. MEYERS of Kansas, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mrs. MYRICK, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. OXLEY, Mr. PACKARD, Mr. PARKER, Mr. PETRI, Mr. POMBO, Mr. PORTMAN, Ms. PRYCE, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. ROBERTS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROTH, Mrs. ROUKEMA, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Mr. SCHIFF, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAUZIN, Mr. THOMAS, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, Mr. WHITE, Mr. WICKER, Mr. WHITFIELD, Mr. WOLF, and Mr. ZIMMER):

H.R. 4285 A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Government Reform and Oversight, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisidiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 4286. A bill to amend the Anti Car Theft Act of 1992 to provide for the establishment of a toll-free telephone number for the reporting of stolen and abandoned passenger motor vehicles, and for other purposes; to the Committee on the Judiciary.

H.R. 4287. A bill to require the Administrator of the Federal Aviation Administration to address the aircraft noise problems of Queens and the northshore of Long Island, NY; to the Committee on Transportation and Infrastructure.

By Mr. BARTON of Texas (for himself, Mr. BILBRAY, Mr. BONO, Mr. COMBEST, Mr. GINGRICH, Mr. MCCRERY, Mr. REGULA, Mr. TAUZIN, Mr. THORNBERRY, and Mr. WISE):

H.R. 4288. A bill to encourage the increased use of domestic natural gas as a transportation fuel, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 4289. A bill to provide a more effective remedy for inadequate trade benefits extended to the United States by other countries and for restrictions on free emigration imposed by other countries; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. BROWN of California:

H.R. 4290. A bill to amend title V of the Trade Act of 1974 to add to the eligibility criteria for the generalized system of preference full cooperation with the United States in preventing illegal drug traffic and the entry of illegal drugs into the United States; to the Committee on Ways and Means.

H.R. 4291. A bill to provide for the multilateral negotiation of Western Hemisphere environmental, labor, and agricultural standards, to implement as U.S. negotiating objectives in any free trade area negotiations pursuant to the Free-Trade Agreement for the Americas certain threshold protections regarding enforceable worker rights, agricultural standards, and environmental quality, and to implement a corresponding, comprehensive multilateral dispute resolution mechanism to investigate, adjudicate, and render binding, enforceable judgments against any unfair trade practices arising within the Western Hemisphere free trade area, including those involving the systematic denial or practical nullification of certain threshold protections of worker rights, agricultural standards, and environmental quality; to the Committee on Ways and Means.

H.R. 4292. A bill to provide a comprehensive program of adjustment assistance to workers displaced as a result of any program, project, or activity carried out under Federal law; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Transportation and Infrastructure, and 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. BROWNBACK (for himself, Mr. ALLARD, and Mr. HOKE):

H.R. 4293. A bill to amend title 31, United States Code, to provide for public disclosure

of the amounts of Federal funds used to conduct field examinations of appropriation estimates; to the Committee on Government Reform and Oversight.

By Mr. COOLEY.

H.R. 4294. A bill to prohibit further extension or establishment of any national monument in Oregon without full public participation and an express act of Congress, and for other purposes; to the Committee on Resources.

By Mr. CRAPO:

H.R. 4295. A bill to authorize the Secretary of the Interior to transfer certain facilities of the Minidoka Project to the Burley Irrigation District, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. DINGELL, Mr. SANDERS, Mr. COSTELLO, Mr. FOGLIETTA, Mr. MORAN, Mrs. LOWEY, Mr. PALLONE, Mrs. MEEK of Florida, Mr. LOBIONDO, Ms. PELOSI, Mr. NADLER, Ms. ESHOO, Mrs. MALONEY, Ms. NORTON, Mrs. CLAYTON, and Ms. SLAUGHTER):

H.R. 4296. A bill to require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection of the treatment of breast cancer; to the Committee on Commerce.

By Mr. DELAY:

H.R. 4297. A bill to give all American electricity consumers the right to choose among competitive providers of electricity in order to secure lower electricity rates, higher quality services, and a more robust U.S. economy, and for other purposes; to the Committee on Commerce.

By Mr. ENSIGN:

H.R. 4298. A bill to provide for a special Medicare part B enrollment period and a special Medigap open enrollment period for certain military retirees and dependents; 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. FRANKS of New Jersey (for himself, Mr. HERGER, Mr. BILBRAY, and Mrs. MEYERS of Kansas):

H.R. 4299. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Commerce.

By Ms. FURSE:

H.R. 4300. A bill to amend the Public Health Service Act to assure the availability of health insurance coverage for children in the individual market in a manner similar to guaranteed availability of individual health insurance coverage for certain previously covered individuals under the Health Insurance Portability and Accountability Act of 1996; to the Committee on Commerce.

By Mr. GOODLING:

H.R. 4301. A bill to amend the Internal Revenue Code of 1986 to provide that elected tax collectors shall be treated as self-employed for certain purposes; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.R. 4302. A bill to consolidate within the Department of Agriculture all inspection activities regarding livestock and poultry carcasses, seafood, meat products, poultry products, and seafood products to provide for the improved inspection of those articles and products; to the Committee on Agriculture.

By Ms. HARMAN (for herself and Mr. CAMPBELL):

H.R. 4303. A bill to authorize appropriations to reimburse States for costs of educating certain illegal alien students; to the Committee on Economic and Educational Opportunities.

By Mr. HOKE:

H.R. 4304. A bill to restore equal educational opportunity; to the Committee on Economic and Educational Opportunities, 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. JOHNSON of South Dakota (for himself and Mr. MINGE):

H.R. 4305. A bill to amend the research provisions of the Fund for Rural America to include the development and promotion of precision agriculture and precision agriculture technologies among the purposes for which research, extension, and education grants may be provided; to the Committee on Agriculture.

By Mr. KENNEDY of Massachusetts (for himself and Mr. MILLER of California):

H.R. 4306. A bill to enhance international security by using the resources and expertise of the international financial institutions and the United Nations to redirect world military spending to human development; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, 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. KENNEDY of Massachusetts (for himself, Mr. SMITH of New Jersey, Mr. BROWN of California, Mr. MORAN, Mr. SANDERS, Mr. EVANS, and Mr. FRANK of Massachusetts):

H.R. 4307. A bill to prohibit the importation of soccer balls manufactured or assembled with child labor; to the Committee on Ways and Means, 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 Mrs. LOWEY (for herself, Mr. SKAGGS, Mr. FROST, Mr. YATES, Mrs. MORELLA, Mr. TORRICELLI, Mr. NADLER, Mr. MANTON, Mr. SCHUMER, and Mr. PALLONE):

H.R. 4308. A bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H.R. 4309. A bill to provide interest subsidies for new school construction and renovation projects; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 4310. A bill to amend the Federal Election Campaign Act of 1971 to establish the Presidential Debate Commission on an ongoing basis and to amend the Internal Revenue Code of 1986 to reduce the amount of funds provided under such act for party nominating conventions for any party whose nominee for President or Vice President does not participate in any debate scheduled by the Commission, and for other purposes; to the Committee on House Oversight.

H.R. 4311. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from IRA's for certain purposes, to increase the amount of tax deductible IRA contributions, and for other purposes; to the Committee on Ways and Means.

H.R. 4312. A bill to revitalize the tourism industry and to provide airport security, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Commerce, Ways and means, the Judiciary, and 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 Mrs. MEYERS of Kansas:

H.R. 4313. A bill to amend the Small Business Act to strengthen existing protections for small business participation in Federal contracting opportunities, to provide for assessments of the impacts on small businesses of the steadily increasing use of contract bundling by the procurement activities of the various Federal agencies, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORHEAD (for himself and Mr. HYDE):

H.R. 4314. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. OWENS (for himself, Ms. NORTON, Ms. MCKINNEY, Mr. FRAZER, Mr. YATES, Mr. DELLUMS, Mr. PAYNE of New Jersey, Mr. HILLIARD, Mr. KILDEE, and Mrs. MINK of Hawaii):

H.R. 4315. A bill to provide patients with information and rights to promote better health care; 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. PALLONE:

H.R. 4316. A bill to amend the Federal Power Act to provide a moratorium on the retail wheeling of electric energy until the Clean Air Act is amended to reduce significantly certain transboundary air pollution, and for other purposes; to the Committee on Commerce.

H.R. 4317. A bill relating to disposal of contaminated dredged materials in the Port of New York-New Jersey; to the Committee on Transportation and Infrastructure.

By Mr. PETRI:

H.R. 4318. A bill to provide for a system of guaranteeing the deposits and certain other liabilities of depository institutions through a self-regulating system of cross-guarantees, to protect taxpayers against deposit insurance losses, and for other purposes; to the Committee on Banking and Financial Services, 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. SANFORD:

H.R. 4319. A bill to provide for the establishment of uniform accounting systems, accounting standards, and accounting reporting systems in the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SCHUMER:

H.R. 4320. A bill to amend the Truth in Lending Act to require a credit card issuer to disclose only 1 annual percentage rate of

interest in any preapproved application or solicitation to open a credit card account under an open end consumer credit plan, and for other purposes; to the Committee on Banking and Financial Services.

H.R. 4321. A bill to enhance and protect retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, 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. SCHUMER (for himself and Mr. CUMMINGS):

H.R. 4322. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Ms. SLAUGHTER):

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing tax benefits to individuals who save for, or pay for, higher education; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 4324. A bill to improve the program of block grants to States for temporary assistance for needy families; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. CAMPBELL, and Mr. SHAYS):

H.R. 4325. A bill to amend title XVIII of the Social Security Act to provide hospitals extend fair visitor privileges to non-family members; to the Committee on Ways and Means.

By Mr. TORRICELLI:

H.R. 4326. A bill to amend title 18, United States Code, to prohibit interactive computer services from releasing to the public certain private information; to the Committee on the Judiciary.

By Mr. WHITE (for himself and Mr. HORN):

H.R. 4327. A bill to establish a temporary commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on House Oversight, and in addition to the Committee on Rules, 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. WHITE:

H.R. 4328. A bill to enhance the competitiveness of the United States and promote foreign commerce generally through the creation of the U.S. Trade Administration as an independent establishment in the executive branch of the Government; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Government Reform and Oversight, International Relations, 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 Ms. PRYCE:

H.J. Res. 197. Joint resolution waiving certain enrollment requirements with respect to any bill or joint resolution of the 104th Congress making general or continuing appropriations for fiscal year 1997; considered and passed.

By Mr. ARMEY:

H.J. Res. 198. Joint resolution appointing the day for the convening of the first session of the 105th Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996; considered and passed.

By Mr. SHUSTER:

H. Con. Res. 229. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 1004; considered and agreed to.

By Mr. ARMEY:

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the 104th Congress; considered and agreed to.

By Mrs. LOWEY (for herself, Mr. GILMAN, Mrs. KELLY, and Mr. ENGEL):

H. Con. Res. 231. Concurrent resolution condemning anti-semitic vandalism in Westchester County, NY; to the Committee on the Judiciary.

H. Res. 551. Resolution relating to early organization of the House of Representatives for the 105th Congress; pursuant to House Resolution 546, considered as having been adopted.

H. Res. 552. Resolution providing for the printing of the revised edition of the Rules and Manual of the House of Representatives for the 105th Congress; pursuant to House Resolution 546, considered as having been adopted.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1317: Mr. CAMP and Mr. WELLER.
H.R. 1560: Mr. BORSKI.
H.R. 2152: Mr. BACHUS.
H.R. 2237: Mrs. THURMAN.
H.R. 2396: Mr. PICKETT, Mr. PAYNE of Virginia, Mr. ENSIGN, and Mrs. VUCANOVICH.
H.R. 2746: Mr. SCHUMER, Mr. SERRANO, and Mr. PORTER.
H.R. 2962: Ms. SLAUGHTER.
H.R. 2976: Mr. PICKETT, Mr. BONIOR, and Mr. GILCHREST.
H.R. 3011: Mr. ACKERMAN, Mr. SAM JOHNSON, and Mr. BAKER of Louisiana.
H.R. 3142: Mr. ORTON.
H.R. 3163: Mr. NETHERCUTT.
H.R. 3252: Mrs. MINK of Hawaii, Mr. DEFAZIO, and Mr. BORSKI.
H.R. 3332: Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mr. OWENS, Mr. FOGLIETTA, Mr. WATT of North Carolina, Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, Mr. WYNN, and Mrs. MALONEY.
H.R. 3631: Mr. CUMMINGS.
H.R. 3654: Mr. DUNCAN.
H.R. 3713: Mr. ACKERMAN, Mr. LANTOS, Mrs. SCHROEDER, and Mr. SERRANO.
H.R. 3714: Mrs. CLAYTON and Mrs. LOWEY.
H.R. 3731: Mr. BAKER of Louisiana.
H.R. 3737: Mr. DUNCAN, Mr. WAMP, Mr. TANNER, Mr. LIPINSKI, Mr. FROST, Mr. FLAKE, Mr. LAFALCE, and Mr. PASTOR.
H.R. 3747: Mr. SPRATT and Mr. BISHOP.
H.R. 3775: Mr. BISHOP, Mr. ORTIZ, and Mr. CHAMBLISS.
H.R. 3787: Mr. LEWIS of Georgia.
H.R. 3817: Mr. BARTLETT of Maryland.
H.R. 3839: Mr. SERRANO.
H.R. 3849: Mr. WELDON of Pennsylvania.
H.R. 3857: Mr. MILLER of California.
H.R. 3961: Mr. CONDIT.
H.R. 3991: Mrs. CLAYTON.
H.R. 3992: Ms. KAPTUR.
H.R. 4001: Mr. DELLUMS.
H.R. 4019: Ms. HARMAN.
H.R. 4027: Mr. LAZIO of New York.
H.R. 4031: Mr. KIM and Mrs. SEASTRAND.
H.R. 4047: Mrs. CLAYTON and Mrs. KAPTUR.
H.R. 4052: Ms. SLAUGHTER and Mrs. CLAYTON.
H.R. 4058: Mr. KILDEE, Mr. TOWNS, Mr. FILNER, Mr. DELLUMS, Ms. LOFGREN, Mr. GEJDENSON, Mr. GONZALEZ, Mr. BOUCHER, Mrs. MALONEY, Mr. MANTON, Mr. FRANK of Massachusetts, Mrs. LOWEY, and Mr. FALEOMAVAEGA.
H.R. 4065: Mr. EVANS, Mr. FRANK of Massachusetts, and Mr. BORSKI.
H.R. 4066: Mrs. VUCANOVICH.
H.R. 4068: Mr. ORTON.
H.R. 4071: Ms. NORTON, Mrs. CLAYTON, Mr. CONYERS, and Ms. BROWN of Florida.
H.R. 4072: Mr. EWING, Mr. COX, and Mr. SMITH of Texas.
H.R. 4077: Mrs. CHENOWETH.
H.R. 4093: Mrs. ROUKEMA and Mr. PALLONE.
H.R. 4102: Mr. CAMP.
H.R. 4117: Mr. STARK, Mrs. MYRICK, Mr. ENGEL, and Mr. FROST.
H.R. 4124: Mr. STUPAK.
H.R. 4131: Ms. FURSE, Mr. COSTELLO, Mr. GUTIERREZ, and Mr. ORTIZ.
H.R. 4149: Mr. NUSSLE and Mr. BENTSEN.
H.R. 4178: Mr. BAESLER.
H.R. 4262: Mr. HOYER.
H.R. 4264: Ms. FURSE.
H.J. Res. 174: Mr. SALMON.
H. Con. Res. 190: Ms. FURSE.
H. Con. Res. 210: Mr. GREEN of Texas, Mr. WALSH, Mr. LIPINSKI, Mr. SISISKY, Mr. OBERSTAR, Mr. NEAL of Massachusetts, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. TEJEDA, Mr. WARD, and Mr. MCHALE.
H. Con. Res. 215: Mr. SCHUMER, and Mr. PORTER.
H. Res. 510: Mr. GILMAN and Mr. GOSS.
H. Res. 518: Mr. WAXMAN, Mr. GUTIERREZ, Mr. FATTAH, Ms. KAPTUR, Mr. FLAKE, Mr. RUSH, Mr. WATT of North Carolina, Mr. CLAY, Mr. STOKES, Ms. WOOLSEY, Ms. NORTON, Mr. FORD, Mr. CONYERS, Mr. RANGEL, Mr. HINCHEY, Ms. FURSE, Mr. OWENS, Mr. BECERRA, Ms. ESHOO, Mr. WARD, Mr. WATTS of Oklahoma, Mr. FARR, Mr. MARKEY, Mrs. MALONEY, Mrs. LOWEY, Mr. RICHARDSON, Mr. TRAFICANT, Mr. TEJEDA, Mrs. THURMAN, Mr. KENNEDY of Massachusetts, Mr. TOWNS, Mr. HOYER, and Mr. FROST.
H. Res. 519: Mr. GOSS.
H. Res. 542: Ms. SLAUGHTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4148: Mr. BARRETT of Nebraska.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, SATURDAY, SEPTEMBER 28, 1996 No. 137—Part II

Senate

THE SAVINGS IN CONSTRUCTION ACT OF 1996

BURNS (AND OTHERS) AMENDMENT NO. 5417

Mr. LOTT (for Mr. BURNS, for himself, Mr. STEVENS, Mr. GLENN, Mr. PRESSLER, Mr. HOLLINGS, Mr. KERRY, Mr. WARNER, Mr. ROBB, Mr. SHELBY, and Mr. GRAMS) proposed an amendment to the bill (H.R. 2779) to provide for soft-metric conversation, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

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 measurements in its procurement, 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) In accordance with that Act and Executive Order 12770, of July 25, 1991, Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers.

SEC. 3. DEFINITIONS.

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

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking ''Commerce.'' in paragraph (4) and inserting ''Commerce;''; and

(3) by inserting after paragraph (4) the following:

''(5) 'full and open competition' has the same meaning as defined in section 403(6) of title 41, United States Code;

''(6) 'total installed price' means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

''(7) '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;

''(8) 'cost or pricing data or price analysis' has the meaning given such terms in section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b); and

''(9) 'Federal facility' means any public building (as defined under section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612) and shall include any Federal building or construction project—

''(A) on lands in the public domain;

NOTICE

A final issue of the Congressional Record for the 104th Congress will be published on October 21, 1996, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–220 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m., through October 21. The final issue will be dated October 21, 1996 and will be delivered on October 23.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event, that occurred after the sine die date.

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By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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''(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

''(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

''(D) on or used in connection with housing and residential projects;

''(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

''(F) on installations of the Department of Veteran Affairs used for hospital or domiciliary purposes; or

''(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal Building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.''.

SEC. 4. IMPLEMENTATION IN ACQUISITION OF FEDERAL FACILITIES.

(a) The Metric Conversion Act of 1975 (15 U.S.C. 205 et sec.) is amended by inserting after section 13 the following new section:

''SEC. 14. IMPLEMENTATION IN ACQUISITION OF CONSTRUCTION SERVICES AND MATERIALS FOR FEDERAL FACILITIES.

''(a) IN GENERAL.—Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, United States Code, section 2377 of title 10, United States Code, title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), and section 3(2) of this Act. Determination of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10, United States Code, and section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c)). If the requirements of this Act conflict with the provisions of section 2377 of title 10, United States Code, or section 314B of the Federal Property and Administrative Services Act of 1949, then the provisions of 2377 or 314B shall take precedence.

''(b) CONCRETE MASONRY UNITS.—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 the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

''(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

''(2) the following 2 criteria are met:

''(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

''(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

''(c) RECESSED LIGHTING FIXTURES.—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 the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

''(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

''(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

''(3) the following 2 criteria are met:

''(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

''(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

''(d) LIMITATION.—The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

''(e) EXPIRATION.—The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996.''.

SEC. 5. OMBUDSMAN.

Section 14 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:

''(f) AGENCY OMBUDSMAN.—(1) The head of each executive agency that awards construction contracts within the United States and its territories 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 contracts for the construction of Federal buildings; and

''(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

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 while ensuring that the goals of the Metric Conversion Act of 1975 are observed.

''(3) The ombudsman shall respond to each complaint in writing within 60 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) whether the agency is adequately applying the policies and procedures in this section;

''(B) whether the availability of hard-metric products and services from United States firms is sufficient to ensure full and open competition; and

''(C) the total installed price 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.

''(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31, United States Code.''.

SEC. 6. EFFECTIVE DATE AND MISCELLANEOUS PROVISIONS.

(a) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

(b) SAVINGS PROVISIONS.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.

THE READJUSTMENT COMMISSION ACT OF 1996

SIMPSON (AND ROCKEFELLER) AMENDMENT NO. 5418

Mr. NICKLES (for Mr. SIMPSON, for himself and Mr. ROCKEFELLER) proposed an amendment to the bill (S. 1711) to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting '', resulting in substantial part from a disability described in section 3102(1)(A) of this title,'' after ''impairment'';

(2) in paragraph (6), by inserting ''authorized under section 3120 of this title'' after ''assistance''; and

(3) in paragraph (7), by inserting '', resulting in substantial part from a service-connected disability rated at 10 percent or more,'' after ''impairment''.

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out ''which is'' and all that follows through ''chapter 11 of this title and'' and inserting in lieu thereof ''rated at 20 percent or more'';

(2) in paragraph (2)(A), by striking out ''which is'' and all that follows through ''chapter 11 of this title and'' and inserting in lieu thereof ''rated at 10 percent''; and

(3) by amending paragraph (2)(B) to read as follows:

''(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.''.

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out ''described in section 3102(1)(A)(i) of this title'' and inserting in lieu thereof ''rated at 10 percent or more'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out ''particular'' and inserting in lieu thereof ''current''; and

(B) in paragraph (2), by striking out ''veteran's employment'' and inserting in lieu thereof ''veteran's current employment''; and

(3) in subsection (d), by striking out ''under this chapter'' and inserting in lieu thereof ''in accordance with the provisions of section 3120 of this title''.

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out ''such veteran's disability or disabilities cause'' and inserting in lieu thereof ''the veteran has an employment handicap or''; and

(ii) by inserting ''reasonably'' after ''goal is'';

(B) in paragraph (7)(A)—

(i) by striking out ''(i)''; and

(ii) by striking out '', and (ii)'' and all that follows through ''such Act''; and

(C) in paragraph (12), by striking out ''For the most severely disabled veterans requiring'' and inserting in lieu thereof ''For veterans with the most severe service-connected disabilities who require''; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out ''veteran's employment'' and inserting in lieu thereof ''veteran's current employment''.

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out ''described in clause (i) or (ii) of section 3102(1)(A) of this title'' and inserting in lieu thereof ''rated at 10 percent or more'';

(B) in subsection (b), by striking out ''counseling in accordance with'';

(C) in subsection (c), by striking out ''with extended'' and inserting in lieu thereof ''with an extended''; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.''.

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out ''3106(e)'' and inserting in lieu thereof ''3106(f)'';

(B) in section 3109, by striking out ''3106(d)'' and inserting in lieu thereof ''3106(e)'';

(C) in section 3118(c), by striking out ''3106(e)'' and inserting in lieu thereof ''3106(f)''; and

(D) in section 3120(b), by striking out ''3106(d)'' and inserting in lieu thereof ''3106(d) or (e)''.

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out ''following the conclusion of such pursuit'' and inserting in lieu thereof ''while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title''; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting ''eligible for and'' after ''veteran is'';

(ii) by striking out ''chapter 30 or 34'' and inserting in lieu thereof ''chapter 30''; and

(iii) by striking out ''either chapter 30 or chapter 34'' and inserting in lieu thereof ''chapter 30''; and

(B) in subparagraph (B), by striking out ''chapter 30 or 34'' and inserting in lieu thereof ''chapter 30''.

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting ''rated at 10 percent or more'' after ''disability''.

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out ''service-connected disability described in section 3102(1)(A)'' and inserting in lieu thereof ''serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)''; and

(2) in subsection (d), by striking out ''and (b)''.

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out ''For the period ending on September 30, 1996, such'' and inserting in lieu thereof ''Such''.

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out ''3689(b)(6) of this title'' and inserting in lieu thereof ''subsection (g)''.

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

''(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

''(1) the educational institution has been operating for less than two years;

''(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

''(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

''(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

''(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

''(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

''(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.''.

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

''(b) As a condition of approval under this section, the State approving agency must find the following:

''(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

''(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

''(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.''.

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out ''in part''.

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting ''(including open circuit television)'' after ''independent study program'' the second place it appears; and

(2) in subsection (c), by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out ''$327'' and inserting in lieu thereof ''$404''.

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out ''(g)'' and inserting in lieu thereof ''(f)''.

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

''§ 3018C. Opportunity for certain VEAP participants to enroll

''(a) Notwithstanding any other provision of law, an individual who—

''(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

''(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

''(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

''(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

''(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

''(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

''(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

''(2) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on

behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

''(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.''.

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

''3018C. Opportunity for certain VEAP participants to enroll.''.

(2) Subsection (d) of section 3013 is amended by striking out ''or 3018B'' and inserting in lieu thereof '', 3018B, or 3018C''.

(3) Subsection (f) of section 3015 is amended by inserting '', 3018B, or 3018C'' after ''section 3018A''.

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out '', for the purposes of section 1322(a) of title 31,''; and

(B) by striking out ''as provided in such section'' and inserting in lieu thereof ''to the Secretary for payments for entitlement earned under subchapter II of chapter 30''.

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: ''and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title''.

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out ''November 29, 1989'' and inserting in lieu thereof ''June 30, 1985''.

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out ''December 31, 1996'' and inserting in lieu thereof ''December 31, 1997''.

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

''(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

''(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

''(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.''.

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out ''or 3712(a)(1)(F)'' and inserting in lieu thereof ''3712(a)(1)(F), or 3762(h)''.

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after ''minor child'' the following: ''(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)''.

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

''(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

''(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

''(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

''(2) A facility described in this paragraph is—

''(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

''(B) an institution at which the deceased veteran was, at the time of death, receiving—

''(i) hospital care in accordance with section 1703 of this title;

''(ii) nursing home care under section 1720 of this title; or

''(iii) nursing home care for which payments are made under section 1741 of this title.''.

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out ''a grave liner'' each place it appears and inserting in lieu thereof ''an outer burial receptacle'';

(2) in paragraph (2)—

(A) by striking out ''grave liners'' and inserting in lieu thereof ''outer burial receptacles''; and

(B) by striking out ''specifications and procedures'' and inserting in lieu thereof ''regulations or procedures''; and

(3) by adding at the end the following:

''(3) Regulations or procedures under paragraph (2) may specify that—

''(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

''(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

''(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

''(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

''(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2306. Headstones, markers, and burial receptacles''.

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

''2306. Headstones, markers, and burial receptacles.''.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: ''Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.''.

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out ''full-time Federal clerical support'' and inserting in lieu thereof ''full-time Federal clerical or other support personnel''; and

(2) in the third sentence, by striking out ''Full-time Federal clerical support personnel'' and inserting in lieu thereof ''Full-time Federal clerical or other support personnel''.

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may

conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term ''veteran'' has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term ''disabled veteran'' has the meaning given such term by section 4211(3) of such title.

(3) The term ''active military, naval, or air service'' has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out ''under honorable conditions''.

(2) Section 4303(16) is amended by inserting ''national'' before ''emergency''.

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

''(c) An employer shall be considered to have engaged in actions prohibited—

''(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

''(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

''(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.''.

(4) Section 4312 is amended—

(A) in subsection (a), by striking out ''who is absent from a position of employment'' and inserting in lieu thereof ''whose absence from a position of employment is necessitated'';

(B) in subsection (c)—

(i) by striking out ''section 270'' in paragraph (3) and inserting in lieu thereof ''section 10147''; and

(ii) in paragraph (4)—

(I) by striking out ''section 672(a), 672(g), 673, 673b, 673c, or 688'' in subparagraph (A) and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, or 12305'';

(II) by amending subparagraph (B) to read as follows:

''(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;'';

(III) by striking out ''section 673b'' in subparagraph (C) and inserting in lieu thereof ''section 12304''; and

(IV) by striking out ''section 3500 or 8500'' in subparagraph (E) and inserting in lieu thereof ''section 12406''; and

(C) in subsection (d)(2)(C), by striking out ''is brief or for a nonrecurrent period and without a reasonable expectation'' and inserting in lieu thereof ''is for a brief, nonrecurrent period and there is no reasonable expectation''.

(5) Section 4313(a)(4) is amended—

(A) by striking out ''uniform services'' in subparagraph (A)(ii) and inserting in lieu thereof ''uniformed services''; and

(B) by striking out ''of lesser status and pay which'' and inserting in lieu thereof ''which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which''.

(6) Section 4316(d) is amended by adding at the end the following new sentence: ''No employer may require any such person to use vacation, annual, or similar leave during such period of service.''.

(7) Section 4317(a) is amended—

(A) by striking out ''(a)(1)(A) Subject to paragraphs (2) and (3), in'' and inserting in lieu thereof ''(a)(1) In'';

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out ''services,'' and inserting in lieu thereof ''services, such payment period''.

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting ''attempt to'' before ''resolve''; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out ''with respect to a complaint under subsection (d) are unsuccessful,'' and inserting in lieu thereof ''with respect to any complaint filed under subsection (a) do not resolve the complaint,''; and

(ii) in paragraph (2), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''.

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out ''of an unsuccessful effort to resolve a complaint''; and

(B) in paragraph (2)(A), by striking out ''regarding the complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out ''of an unsuccessful effort to resolve a complaint relating to a Federal executive agency'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) in paragraph (1), by striking out ''regarding a complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''; and

(C) in subsection (c)(2)—

(i) by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) by striking out ''employee'' and inserting in lieu thereof ''Office''.

(12) Section 4325(d)(1) is amended—

(A) by striking out '', alternative employment in the Federal Government under this chapter,''; and

(B) by striking out ''employee'' the last place it appears and inserting in lieu thereof ''employees''.

(13) Section 4326(a) is amended by inserting ''have reasonable access to and the right to interview persons with information relevant to the investigation and shall'' after ''at all reasonable times,''.

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: ''Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act.''; and

(2) in paragraph (4), by striking out ''such period'' and inserting in lieu thereof ''such 60-day period''.

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out ''person on active duty'' and inserting in lieu thereof ''person serving a period of service in the uniformed services''.

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Veterans' Insurance Reform Act of 1996''.

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding ''and'' at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out ''or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,''; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out ''subparagraph (B), (C), or (D) of section 1965(5)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''section 1965(5)(B)'';

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and'';

(D) in paragraph (4)—

(i) by striking out ''one hundred and twenty days after'' in the matter preceding subparagraph (A) and all that follows through ''(A) unless on'' and inserting in lieu thereof ''120 days after separation or release from such assignment, unless on'';

(ii) by striking out ''prior to the expiration of one hundred and twenty days'' and inserting in lieu thereof ''before the end of 120 days'';

(iii) by striking out the semicolon after ''such assignment'' and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out ''is assigned to the Reserve (other than the Retired Reserve)'' and all that follows through ''section 1965(5)(D) of this title,'';

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting ''(1)'' after ''(b)'' at the beginning of the subsection;

(2) by striking out ''would cease,'' in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof ''would cease—

''(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

''(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.''; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out ''Such automatic conversion'' and inserting in lieu thereof ''Automatic conversion to Veterans' Group Life Insurance under paragraph (1)''.

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

''(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000.''; and

(2) in subsection (e)—

(A) in the first sentence, by inserting ''at any time'' after ''shall have the right''; and

(B) by striking out the third sentence and inserting in lieu thereof the following: ''The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.''.

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

''(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

''(1) the purpose and role of life insurance in financial planning;

''(2) the difference between term life insurance and whole life insurance;

''(3) the availability of commercial life insurance; and

''(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.''.

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out ''Servicemen's Group Life Insurance'' each place it appears and inserting in lieu thereof ''Servicemembers' Group Life Insurance'':

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE''.

(B) The heading of section 1974 is amended to read as follows:

''§ 1974. Advisory Council on Servicemembers' Group Life Insurance''.

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE'';

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

''1974. Advisory Council on Servicemembers' Group Life Insurance.''.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out ''servicemen's'' the first place it appears and inserting in lieu thereof ''servicemembers'''.

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out ''Servicemen's'' each place it appears and inserting in lieu thereof ''Servicemembers'''.

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out ''and (e)'' in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting ''career or'' before ''noncareer''.

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

''(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

''(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.''.

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

''(g) In this section—

''(1) The term 'veterans who are minorities' means veterans who are minority group members.

''(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.''.

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out ''(relating to'' and all that follows through ''and of'' and inserting in lieu thereof ''(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on''.

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting '', including the Center for Women Veterans'' before the period at the end.

(2) Section 544(b) is amended by inserting '', including the Center for Minority Veterans'' before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

''§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

''In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365 of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

''5313A. Limitation on payment of clothing allowance to incarcerated veterans.''.

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4661) is amended by striking out ''Not later than 18 months after such date'' and inserting in lieu thereof ''Not later than December 31, 1996''.

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

''(29) The term 'Vietnam era' means the following:

''(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

''(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.''.

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''.

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975''.

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out ''during the Vietnam era,'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''; and

(B) in clause (ii), by striking out ''such era'' and inserting in lieu thereof ''such period''.

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting ''(a)'' before ''If, in accordance with''; and

(2) by adding at the end the following:

''(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

''(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out ''one year'' in the matter preceding paragraph (1) and inserting in lieu thereof ''two years''.

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

''(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.''.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

''(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

''(2) If the claimant has an authorized representative, the Board shall—

''(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

''(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.''.

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1998''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(E) $10,000,000 for fiscal year 1997.

''(F) $10,000,000 for fiscal year 1998.''.

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled ''An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes'', approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

''(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

''(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

''(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

''(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).''.

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

''SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

''(b) The Commission shall—

''(1) by March 1 of each year (beginning with 1998)—

''(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

''(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

''(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

''(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.''.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall

be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term ''veterans transition assistance and benefits program'' means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term ''Armed Forces'' has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term ''veterans service organization'' means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

THE MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

ROTH AMENDMENT NO. 5419

Mr. NICKLES (for Mr. ROTH) proposed an amendment to the bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws; as follows:

On page 48, line 17, strike all through line 19, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.
Sec. 26. Elimination of duty on 3,3′-diaminobenzidine (tetraamino biphenyl).
Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

On page 88, strike lines 7 and 8, and insert the following:

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

On page 89, strike lines 15 through 17, and insert the following:

SEC. 26. ELIMINATION OF DUTY ON 3,3′-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

On page 112, beginning on line 1, strike all through the matter following line 6, and insert the following:

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000	''.

ADDITIONAL STATEMENTS

OBJECTION TO NOMINATIONS TO VARIOUS AMBASSADORIAL POSTS

● Mr. GRASSLEY. Mr. President, it is my intention to object to the Senate proceeding to the consideration of Senate Executive Calendar Nos. 756 through 766, Nominations to various Ambassadorial posts. I request that a hold be put on these nominations.

A vacancy has existed since March 31, 1995 on the Board of the Farm Credit Administration. For over a year the White House has had the name of Ann Jorgensen to fill that Republican vacancy. All background work with regard to the nomination has been completed. All that needs to be done is for her name to be submitted to the Senate for confirmation.

I have repeatedly contacted the White House about this nomination and, to date, have not had the courtesy of a reply. The FCA has oversight responsibilities for the farm credit system, the backbone of agricultural finance. It is important for the smooth functioning of the FCS that the FCA have a full complement on its board.

It is my intention to maintain this objection until the White House has disposed of this nomination.●

LEAKING UNDERGROUND STORAGE TANKS

● Mr. SMITH. Mr. President, earlier this week, the House passed H.R. 3391, a bill to amend the Leaking Underground Storage Tank Program.

Given the press of time, the Senate will not be able to address and resolve several potential problems in the legislation before the end of this session. I am sorry this is the case. However, I wanted to call this bill to the attention of my colleagues and point out that the issues raised by H.R. 3391 are serious and deserve the attention of the Senate Subcommittee on Superfund, Waste Control and Risk Assessment, that I chair.

Leaking underground storage tanks have been a major source of groundwater contamination over a number of decades. Frequently, underground tanks that held petroleum products or highly toxic chemicals have eroded with time. These tanks have leaked their contents into the soil, which then washed into aquifers supplying drinking water. This problem is particularly acute in rural areas where a large proportion of the population is dependent on groundwater as their drinking water source.

To curtail the impact of leaking underground storage tanks on the environment and the health of those dependent on groundwater, Congress established the Underground Tank Program in 1986. Significant elements of this program included the establishment of national underground storage tank standards which come into full force in 1998; the establishment of State underground storage tank programs for compliance with and enforcement of the national standards; and the establishment of an underground storage tank trust fund to assist the State programs.

In many ways, the underground tank program provides us a model for cooperative federalism in an environmental cleanup program. There are many lessons to be learned and applied from this cleanup program to other programs like Superfund. Similar to the Superfund Program, however, the underground storage tank program is a discretionary spending program. Therefore, in spite of a dedicated trust fund, it has a significant problem.

The problem, Mr. President, is that after a decade of collecting 1/10th of a cent tax on every gallon of gas sold, nearly $1 billion just sits in the trust fund. I believe that this money should be at work in the States helping to clean up leaking underground storage tanks, and I intend to have my subcommittee staff look further into this issue when the Senate reconvenes next year.●

SURVEYING THE STRATEGIC LANDSCAPE

● Mr. NUNN. Mr. President, the post-cold war era has been in existence for nearly 7 years. Like the period that followed the end of the Second World War, the years since the collapse of the Soviet Union required our Nation to think anew about our security. It has been a time of reorientation and uncertainty as we take stock of our situation and decide on a future course of action. We can no longer, however, afford to continue in a holding pattern that lacks a clear long-term national security strategy. We must put forth the contours of a strategic vision that will guide us through the post-cold war period and that will define and safeguard our vital interests.

THE ROAD AHEAD

The strategic landscape of the post-cold war era includes certain familiar features. One such feature is the resurgence of deeply rooted national, ethnic, and regional rivalries which were unfrozen by the end of the cold war. Amidst this background are other familiar landmarks. The United States stands as the world's lone superpower but due to their economic strength or vast potential, the other great powers, Russia, China, Japan and Europe, also remain in a class by themselves. Great power politics did not end with the cold war. In fact, the international relations of tomorrow may in some ways look more like the 19th century balance of power system than the cold war system that was dominated by two superpowers. We can hope but we should not assume that the semichaotic nature of the post-cold war period we now inhabit will soon transition to a more stable world order. In other words, this may be it.

The end of the cold war brought an easing of the most ominous threat to our security—a Soviet nuclear missile attack on the United States. We are no longer compelled to contain Soviet aggression on a global scale. That struggle absorbed untold national resources; victory came at no small price in terms of blood and treasure. Without question, freedom is in greater supply around the world today thanks to the United States and our allies. The overall prospect for our security has improved. However, while the character of the threats to our security have been dramatically transformed, war and interstate conflict are not obsolete. The means of conflict may have changed, but the sources of human conflict and cruelty remain.

We must, therefore, adapt our security posture to a world in which power, in all its forms, is far more dispersed than it was during the cold war. Technology is also more dispersed, raising the risk that countries or groups hostile to our Nation can more easily acquire the means to harm American interests. It was with a profound sense of irony that those who have devoted so much of their efforts to defeating communism came to the realization that the long-awaited collapse of the Soviet empire—and the easing of the nuclear confrontation between Washington and Moscow that was then possible—actually carried with it a new proliferation threat. The possible leakage of nuclear weapons and materials from the former Soviet Union compound the already complex proliferation threat during a time of rapid change and instability at cold war's end.

We can not afford to wait until we have a clearer picture of the future before taking action. Some of the defining features of the strategic landscape are already clear enough.

First and foremost we need to build consensus in support of a common understanding of America's national interests. During the cold war, there were disagreements about tactics, but the basic sense of mission was clear. This is no longer the case. Liberated from the burden of leading the free world against communism, public interest in foreign affairs has diminished, and consensus about foreign policy has evaporated. Nowhere is the lack of consensus more apparent than in the Congress. As we approach the millennium, we must begin to rebuild consensus with a focused discussion of our fundamental interests.

DEFINING OUR NATIONAL INTERESTS AFTER THE COLD WAR

What are America's vital interests? A bipartisan commission, of which I was a member, recently issued a report brings needed clarity to the discussion of our national interests. The report, America's National Interests, distinguished between vital, extremely important, important, and secondary interests. These distinction are essential to the task of establishing national priorities and building public support for foreign and defense policy. And despite the common use of the term ''vital interests,'' to describe everything from

soup to nuts, the report defines truly vital interests only those conditions that are strictly necessary to safeguard and enhance the well-being of Americans in a free and secure nation.

It should come as no surprise that preventing and deterring the threat of nuclear, biological and chemical weapons attacks on the United States is at the top of the list of vital interests. According to the report, other vital interests are to prevent the emergence of a hostile hegemon in Europe or Asia; to prevent the emergence of a hostile major power on U.S. borders or in control of the seas; to prevent the catastrophic collapse of major global systems (trade, financial markets, energy supplies, environment; and to ensure the survival of U.S. allies.

Other objectives, such as preventing the use of nuclear, chemical, or biological weapons outside our borders or countering proliferation are extremely important, but not vital interests. Similarly, combating terrorism and avoiding major conflicts in important geographic regions are extremely important, but do not directly threaten the American way of life. This hierarchy of interests does not diminish the desirability of other objectives, such as promoting democracy, human rights and open markets. It is in no way a betrayal of our values to acknowledge that our survival takes precedence over our hopes for a better world to come. But we shall have no peace, no prosperity, nor the ability to help others if our own security is threatened by successful attacks on our vital interests. In our complex post cold war world, we must begin to build a national consensus around the bedrock requirements of our security.

PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

The spread of weapons of mass destruction still clouds our security outlook. Possession of nuclear, chemical, or biological weapons by rogue nations or terrorist groups could pose a clear and present danger to our society. U.S. leadership will continue to be the driving force for maintaining norms against either acquisition or use of weapons of mass destruction. The Aspen Strategy Group, which I co-chair along with Ken Dam, recently examined the post-cold war threats posed by WMD proliferation, and found that some significant progress has been made. The Aspen group found:

Important progress has been achieved in restraining—and even rolling back—nuclear proliferation. The nuclear Nonproliferation Treaty has been extended indefinitely. The nuclear weapons formerly controlled by Ukraine, Belarus and Kasakhstan have been consolidated in Russian hands. South Africa has voluntarily dismantled its nuclear arsenal. Brazil and Argentina terminated their nuclear efforts. Only India, Israel and Pakistan are holdouts on the Comprehensive Test Ban Treaty.

While treaties and institutions are only one part of our nonproliferation efforts, they are important tools which can provide a legal and moral framework for practical mechanisms to deter and detect violations of international treaty commitments. The denuclearization of the former Soviet States other than Russia, the U.N. program to eliminate Iraq's weapons of mass destruction, and efforts to freeze and dismantle North Korea's nuclear weapons program would have been vastly more difficult without the international consensus codified in the Non-Proliferation Treaty [NPT]. The Chemical Weapons Convention, while no panacea, can add a valuable barrier against the diversion of commercial chemicals to make weapons. Our security directly benefits from stronger safeguards on nuclear and chemical materials and from robust enforcement of those treaties.

In addition to the direct threat that these weapons pose to our homeland, our abilities to project military force and to forge coalitions as was assembled in the gulf war could be seriously harmed by the possession of nuclear, chemical, or biological weapons by regional adversaries. Thus, our counter proliferation efforts are another important aspect of our overall nonproliferation policy.

Much of our previous efforts to control the spread of these weapons also benefitted from the ability to deny access to the technology and materials required to make them. The effectiveness of those controls has eroded due to expanding commerce in technologies that can contribute to strategic weapons production and due to increasingly porous and unguarded borders. The materials and know-how for weapons of mass destruction are more available than ever to the highest bidder.

A widening circle of States, non-state actors, and ideologically motivated groups may increasingly have the resources and capabilities to acquire the technology and materials necessary to create weapons of mass destruction. Such groups may not need to wield battlefield-ready military weapons to wreak mass destruction—crude bombs and low-tech delivery systems may suffice. Our new strategy must assume that proliferation, like war, is not a relic of the cold war headed for the dustbin of history.

TERRORISM, FANATICISM & LETHAL MATERIALS

Unfortunately, these weapons of unthinkable destructive power already appear within the grasp of individuals and groups willing to do the unthinkable. While terrorism and fanaticism are hardly new, the medium of the terrorists' perverse message is expanding as lethal materials and technology become more readily available. The Unabomber demonstrated the terror one man can inspire, Oklahoma City, allegedly, illustrated the damage two can do, the World Trade Center showed the power of a small, well-organized group and the bombing of an American base in Saudi Arabia drove home the point that terrorists probe for vulnerabilities abroad and at home. Across the world, the Aum Shinrikyo provided a chilling precedent of a doomsday cult viewing nuclear, chemical and biological weapons as their ticket to paradise.

As a nation we have just begun to come to terms with the full scope of the terrorism threat. For many years, terrorists were mainly interested in making a political statement or drawing attention to a cause through discreet acts of violence such as an assassination, a taking of a hostage or some violent event of limited impact. These criminals were conscious of public relations and even viewed certain acts—such as use of chemical and biological weapons—as taboo. The 1990's, however, have seen terrorists acts that appear intended to create casualties of the highest order. These enemies are too often zealots filled with hate for civil society, and who believe their conduct is justified or divinely inspired. Despite the vivid memories of Oklahoma City and the World Trade Center, I am not sure Americans truly comprehend the devastating effect the use a weapon of mass destruction would have on a civilian population at home.

The possibility of terrorist groups gaining access to former Soviet nuclear materials or know-how, and using them to attack the United States is not merely the stuff of paperback thrillers. A report released last summer by a Center for Strategic and International Studies [CSIS] study group on nuclear smuggling concluded that the risk is no hoax. The Director of Central Intelligence at a 1996 hearing expressed his view on the risk of chemical and biological terrorism that ''we have been lucky so far.'' Mr. President, I do not believe we should base our security on luck. It was a little-noticed fact that the judge in the World Trade Center case stated at the defendant's sentencing hearing that he believed the terrorists attempted to augment the blast with the deadly nerve agent, cyanide. Incidents like these have heightened awareness to this threat. We have begun to take some steps required to meet the challenge of terrorism, such as the domestic preparedness provisions of the Nunn-Lugar-Domenici legislation included in the fiscal year 1997 Defense Authorization Act. We now have a very important foundation for this challenge. But I depart the Senate with a sense that this mission is just beginning,

These are the known dangers that are now coming into focus. Unfortunately, we are a nation of soft targets. An effective response is possible, but it requires a willingness to think anew about our security and about the way our Government and our military are organized to defense against the threats of today. We should not assume that the bureaucratic structures of our foreign policy and national security apparatus, nor the force postures that were successful for waging the cold war, are the right ones for the threats we will face in the future.

THE NEW CHALLENGE: SECURITY IN CYBERSPACE

The information age has brought us unimaginable efficiency and productivity, in effect shrinking time and space. In military affairs the power of computers and networks have helped make our armed forces the most powerful in the history of the world. Our forces are able to achieve battlefield dominance through use of information systems that receive, collate, and analyze data in real time. Elsewhere in Government and in the private sector every aspect of our society is realizing the great advantages offered by the computer. Key components of our Nation's infrastructure—government, financial, transportation, power, communication—are becoming increasingly dependent upon information systems and networks. Every day new industries and services are going on-line. This process is fueled by advancing technologies that enhance the capability and power of computing, while simultaneously decreasing their cost.

Yet we are only now beginning to comprehend that the same information networks that we are relying upon to run our society are vulnerable to disruption and penetration. The Defense Department estimates that their computers are probably subjected to as many as 250,000 computer attacks each year. When conducting vulnerability assessments of their own systems the Defense Department successfully hacks into its own system over 65 percent of the time. Already we have seen examples of hackers in foreign nations launching electronic info-war attacks on our Defense Department computers. Experts agree we are only detecting the least competent intruders. The loss of sensitive information is not the only result to fear. Much of our Nation's critical infrastructure could be disrupted by a hacker equipped with little more than bad intentions. Imagine the consequences of the northeast power grid being taken down—if even for only a few days—in the middle of winter. Our communications, medical, transportation, and financial infrastructures are all at risk.

Ironically, our dominance and sophistication creates weaknesses our adversaries can exploit, cheaply and with fear of little detection. In this regard, we are our own worst enemy. Most of the vulnerabilities of our information systems are based not simply upon technological defects, but human ones. Our intoxication with technological advantages has made us blind and deaf to information age vulnerabilities. If we fail to embed a culture of information security early in this revolution, we will create scenarios where info-war could become a great equalizer for our enemies.

Thus, along with the proliferation of weapons of mass destruction and terrorism, has arrived a new method to cause mass disruption. How we police the borderless world of cyberspace is a question we have not yet begun to answer.

INTELLIGENCE AND LAW ENFORCEMENT

Two essential elements of any successful national security strategy, our intelligence and law enforcement capabilities, are both in the process of adjusting to the post-cold war situation. We can not afford a lapse in either. Yet the distinction between warfare and crime is becoming less clear every day, especially when such lethal materials and expertise are being smuggled across borders, when organized crime groups are involved in smuggling everything from weapons of mass destruction, to drugs, to illegal aliens, and when terrorists maintain sophisticated international financial networks.

In light of the new realities, we face, it is imperative that our intelligence agencies work effectively with law enforcement to protect America from the threat posed by the convergence of these formerly distinct threats of proliferation, terrorism, and international organized crime. This intersection of foreign and domestic security has implications for our military and civilian institutions that share responsibilities in the rapidly changing security field. In the process of improving our defenses we must be mindful of our political traditions that separate civilian law enforcement from the military and limit government's intrusion into our lives, but these important sensitivities must not be allowed to paralyze us.

COOPERATIVE THREAT REDUCTION

Perhaps the most urgent nuclear danger of the post-cold war era stems from the potential loss of control over the nuclear assets of the former Soviet Union, which opens a potential Pandora's box of nuclear proliferation nightmare scenarios. Set free with the disintegration of the Russian empire was a vast potential supermarket of thousands of nuclear, chemical and biological weapons, materials and scientists with the know-how to create them.

Our response to that threat, the Nunn-Lugar Cooperative Threat Reduction [CTR] Program, has been aptly described by Secretary of Defense Bill Perry as defense by other means. Since it began in 1990, the CTR program has been instrumental in assuring central command and control over deployed weapons, preventing the emergence of new nuclear weapons states in Ukraine, Belarus, and Kazakstan, and locking up tons of nuclear materials to prevent it from falling into the wrong hands.

History will record the prevention of four new nuclear weapons states from emerging out of the wreckage of the Soviet empire as one of the greatest achievements of the decade, and as laying an important foundation for a post-Soviet world. Yet the CTR program is still criticized as foreign aid. Viewed in an historical context, it is useful to ask how much would we have paid during the cold war to eliminate thousands of Soviet warheads. How much is it worth to prevent countries like Iraq and North Korea, or cults like the Aum Shinrikyo, from getting hold of foreign Soviet nuclear weapons? In my view, the nearly $2 billion spent on CTR is a bargain. At the recent Aspen Strategy Group meeting on the post-cold war era, the overwhelming consensus of this group of experts was that the Nunn-Lugar programs have opened the door to solutions to a wide range of urgent security problems, some of which threaten Russia itself. The group recommended continued strong support for CTR programs.

THE BACKBONE OF THE STRATEGIC AGENDA: NATO, RUSSIA, CHINA, AND NUCLEAR ARMS CONTROL

NATO

The pivotal issue of NATO enlargement has important ramifications for America, the Atlantic Alliance, the countries of central and eastern Europe, and for Russia and the other FSU countries. The decision to move ahead in the immediate future with NATO enlargement raises several questions that need to be addressed as part of our strategic agenda. First, how will NATO expansion affect our vital interests, especially our efforts to stem the proliferation of nuclear weapons and materials from the FSU? Second, how can expansion be conducted without causing Russia to react by redeployment of tactical nuclear weapons and moving further toward a launch on warning hair trigger response. And third, how can the proposed inclusion of the Visegrad nations in NATO be accomplished without threatening the long term security of Ukraine and the Baltics?

RUSSIA AND THE FSU

With their vast territory, their diverse peoples and great military capabilities, the countries of the former Soviet Union can be either major contributors to global stability and peace or a major cause of instability and conflict. The challenge for the United States and its allies is to facilitate the former outcome.

At the Aspen Strategy Group meeting, experts identified the short, medium and long term aspects of this challenge. In the short term, maintaining controls on nuclear assets remains our top priority. There is more that needs to be done to ensure the safety and security of the nuclear materials that we know are sought by Iran and other nuclear renegades.

We must not lose sight of our medium and long term objectives. In the medium term, therefore, we must continue to craft our strategic relationship with Russia and the other FSU countries, including efforts to further reduce nuclear dangers. This effort should include arms control as well as efforts to convert Russia's massive weapons industries to peaceful purposes.

In the long term, we should encourage new thinking about national security and foreign policy in the minds of Russian and FSU leaders. Our long term strategy should, therefore, include sustained efforts to expose FSU policy makers to the logic of cooperative measures such as strategic arms

control, missile defense and the CTR programs, not just their technical implementation. The recent Aspen Strategy Group meeting discussed several proposals to deepen and expand cooperation on threat reduction, and nonproliferation by harnessing economic forces to move obsolete defense industries into productive and profitable civilian activities. Avoiding another cold war is a goal worth pursuing, where success or failure will affect our security for decades to come.

CHINA

With the world's most rapidly growing economy and one fourth of its population, China has joined the ranks of the great powers. China's military modernization and arms policies are already having repercussions throughout Asia. Yet it is an open question whether China will accept the norms and standards that are adhered to by all but a few outlaw states, or will seek revolutionary changes in the existing world order. As important as it is for China to respect international standards for human rights and trade, the future strategic agenda—including nonproliferation, arms control, and regional stability—depends on China's adherence to existing agreements and regimes. Our strategic agenda must not overlook China's ability to make or break the norms and institutions that define the international system.

A major obstacle to China's full incorporation into the international community is the incompleteness of the rule of law in China. With respect to human rights and arms proliferation, a fundamental aspect of our approach should be to encourage China to strengthen its rule of law. This approach would include our concern for human rights, but would also be provide a broader appeal to China's self-interest, because a nation governed by law is more predictable, more attractive to economic investment, and more likely to abide by its commitments.

NUCLEAR WEAPONS AND ARMS CONTROL

The end of the cold war did not render deterrence obsolete. Iraq's nonuse of its chemical and biological warheads during the Gulf War stands as an important reminder that even rogue states are not immune to the logic of overwhelming retaliation. The credibility of our deterrent forces must remain unquestioned. Yet, the period between the end of the cold war and early decades of the next century offers the United States a unique opportunity. Though the transformation of Russia and emergence of China as a global power could pose new security challenges by about 2010, in the interim, the United States faces no peer competitor and is unrivaled in conventional military superiority. I say this having devoted much of my career to the betterment of our Armed Forces. Our current situation offers a window of opportunity to build our qualitative edge in conventional weapons technology to strengthen deterrence for the future.

At the same time, we can continue to reduce the role of nuclear weapons in our defense strategy—if such reductions are matched by the other nuclear powers. If reductions in our own arsenal can persuade others to make comparable cuts, or not develop nuclear weapons at all, we come out ahead. This is the logic of the Comprehensive Test Ban Treaty; the benefits of freezing the nuclear status quo outweigh the costs and leave us in a position of relative advantage.

Similarly, our promising development of needed limited missile defenses should proceed with an awareness of the unintended consequences that could result if Russia and China respond by retaining, redeploying and building enough warheads and missiles to overwhelm any conceivable antimissile system, as they have vowed to do. I have argued for years that it is possible to advance as rapidly as possible with missile defenses in a way that does not result in more nuclear weapons being pointed at us. Putting aside the issue of cost for a moment, a policy that leaves us facing more of the threat we were trying to defend against in the first place is the essence of bad strategy. The error is especially shortsighted if it is possible—as it is in this case—to have missile defense and reduce the numbers of missiles pointed at us. In my view, this can be accomplished by cooperation with Russia on limited defense for both nations and modest amendments to the ABM Treaty.

I do not have any illusions about arms control; treaties are not cost-free and do not necessarily address the root causes of conflict. Some people may, as the critics warn, be lulled into a false sense of security by arms control. But I believe my record shows that I have not been one of them. Our Armed Forces today are second to none and will remain so for the foreseeable future. But to the critics of arms control I ask: What is the better alternative to agreements such as START II, which would eliminate the most destabilizing strategic weapons of all—Russia's land-based MIRVed missiles? Would we be better off without Cooperative Threat Reduction programs that keep nuclear weapons out of the hands of terrorists? Sound arms control agreements can and do enhance our security.

These are critical determinants of our national security for the coming era: proliferation, terrorism, and relations among the great powers. Of course, many other important issues contribute to the overall security outlook—our bilateral relationships with key allies, regional developments in Asia and the Middle East, maintaining our technological lead, and various global issues such as trade, population, immigration, environment, human rights, economic development and the march of democracy. But, as the report on America's National Interests and the Aspen Strategy Group both remind us we must give priority to those core issues that are truly vital to our citizens.

The material follows:

RECOMMENDATIONS OF THE MINORITY STAFF OF THE U.S. SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS—HEARINGS ON SECURITY IN CYBERSPACE, JUNE 5, 1996

The need to establish a comprehensive plan within which to address the vulnerabilities of our National Information Infrastructure (NII) is paramount. Whether through a White House-led Task Force or some similar mechanism, the interdisciplinary nature of this threat requires a government-wide response that also addresses the exposure of the private sector.

The U.S. must formulate national policy to promote the security of its information infrastructure.

Presently, agencies are greatly limited by pre-existing missions and jurisdictional assignments. Unfortunately, the threat ignores national boundaries and often remains a mystery until it is fully investigated. Based upon the multidimensional nature of the threat posed to our information infrastructure, there exists a need to establish a free standing entity that can conduct operational responses to computer attacks, and task different agencies within our government.

The Staff recommends the creation of a National Information Infrastructure Threat Center that will include representatives from the law enforcement, intelligence and the Defense communities, as well as liaison with the private sector. This center should have ''real time'' 24 hour operational capabilities as well as serve as a clearing house for intrusion reports.

No intelligence, counter-intelligence or law enforcement agency has yet produced an NII threat assessment. More importantly, the intelligence community is having difficulty collecting the data necessary to even prepare such an estimate. Collection of data must become a high priority within the intelligence community.

The Staff recommends that the Director of Central Intelligence complete an NII threat estimate. The estimate should have an unclassified version that can be made available to private industry.

The uneven response in the international community to the threat posed to information infrastructures has created difficulties enforcing anti-intrusion legislation. Only a handful of countries presently have meaningful computer crime investigative capability, and the absence of uniformity has given would-be attackers refuge from detection or prosecution.

The Staff recommends that the U.S. promote the creation of an international computer crime bureau with emergency response capability. This Bureau may be assigned to Interpol and would provide education and awareness training to foreign law enforcement agencies in order to promote the creation of dedicated computer crime units or similar capability as well as uniform investigative and computer forensic practices. This Bureau would also have operational response, like a CERT, in support of computer crime incidents. The Bureau would also collect data on vulnerabilities and disseminate countermeasures as well as serve as an international clearinghouse for intrusion incidents.

Our government must foster a security culture that appreciates the vulnerabilities of our National Information Infrastructure (NII). We need to maintain a better pool of security professionals and, generally, improve the security consciousness of our users and our managers. There are several specialties in the computer career field for government employees including computer operators, computer technicians, computer programmers and computer analysis. There is

no specialty in the computer career fields for network administrators, computer security personnel, nor in the criminal investigative career field for computer crime investigators.

In order to ensure that computer security positions are filled with personnel that possess the requisite experience and training the Staff recommends the creation of a Government Computer Security Specialist Career Field that will include potential for career progression and incorporate specialized computer security training.

In order to promote a stable pool of information security managers within the U.S. government, the Staff recommends the creation of a Government Computer Systems Administrator Career Field that will include potential for career progression and incorporate specialized computer security training.

In order to promote and improve our government's computer crime investigative potential, the Staff recommends the creation of a Government Computer Crime Investigators Career Field that will include the potential for career progression and specialized computer crime investigation training.

Vulnerability testing and assessment of government and government interest computer systems is the best method of enhancing awareness of the vulnerabilities of our information infrastructure. Presently, only the Defense Department has an aggressive vulnerability program.

The Staff recommends that the federal government promote regular vulnerability assessments, or ''red teaming,'' of government agencies, especially agencies outside of the Department of Defense. The Staff further recommends that an agency be designated to perform such vulnerability assessments in the same manner that the Defense Information Systems Agency (DISA) perform such assessments for the armed services.

One of the most significant voids in computer security is the lack of reporting of attempted and even successful penetrations of government systems as well as other systems of national interest. Mandating the reporting of intrusions in government systems will foster a greater security culture with the NII. Further, it is important to give private industry a mechanism within which it can report intrusions without fear of inciting customer insecurity.

The Staff recommends that the U.S. government mandate the reporting of intrusions and attempted intrusions in all government and government interest systems. The Staff further recommends that federal agencies develop protocols and procedures for reporting computer intrusions, and subsequent referral of same to proper criminal or other appropriate agencies like the proposed National Information Infrastructure Threat Center.

The Staff further recommends that the federal government encourage private industry and the private sector to report intrusions into private information systems. The Staff would further recommend that the government promote private industry reporting through creation of anonymous clearinghouses or similar methods.

Logon warning banners that advise users of government computers that there is no expectation of privacy, though recommended by the Department of Justice, are not mandatory on government computer networks. The logon banners put users on notice that they have no reasonable expectation of privacy on government systems and the use of the system constitutes consent to monitoring. Presently, when intrusions occur on government systems, lack of such a logon banner hampers investigative efforts and response.

The Staff recommends logon warning banners become mandatory for all government and government interest systems.●

NATIONAL SECURITY AND THE INFORMATION AGE

● Mr. NUNN. Mr. President, technology has long been an instrument of power and change. From the invention of the printing press to the advent of the industrial revolution to the development of nuclear weapons, technological advances have profoundly altered our society and changed the course of our history. Today, we find ourselves in the midst of one of the most far-reaching technological developments of all—the information age.

OUR INFORMATION INFRASTRUCTURE

Advances in computing and networking have affected every aspect of our society—from civilian government and the military, to public utilities, health care, communications, transportation, and financial systems. Computer networks and the ever-increasing power of the information systems they connect, are compressing time and space, creating vast efficiencies in the delivery of goods and services. Government is more productive and connected, business is more robust, versatile, and cost-effective, and individuals now have access to large caches of information and each other.

The rush to connect seems to reach new and unimaginable heights each day with the announcement of a more powerful computer or some new innovation. Just 5 years ago the number of users on the Internet totaled 2 to 3 million. Today, over 55 million log-on worldwide and the number grows. Computer links that stretch around the world transcend national and regional boundaries: Beijing and Baltimore are within a keystroke of each other. Equally impressive is the expanding technology that supports this revolution. Today's home computers are literally hundreds of times more powerful and versatile than the mainframe systems that NASA used to send a man to the moon. Connectivity between networks has similarly increased: In 1980, most modems required nearly 3 hours to transmit a 200 page book; today's commercially available modems can transmit the same book in 0.06 of a second.

Along with the great promise of the information age, however, has arrived new dependencies. Our banking and financial systems, though more efficient, rely almost totally upon daily electronic fund transfers in excess of $1 trillion. Our transportation system—air, rail, and road—is able to receive and analyze vast amounts of data but must also be certain of the accuracy of the information directing its critical operations. Energy and communication networks are more responsive but are similarly reliant upon the redundancy of electronic networks. And the information revolution in military affairs, though establishing the unquestionable preeminence of our force structure, has fostered a dependency upon 2 million interconnected DOD computers.

How would we get by if the information infrastructure of any of these critical systems proved unreliable?

As we rush to connect to the information superhighway, are we sufficiently addressing the potential weaknesses created by our growing dependency on computers and networks? To what extent can the vital services supported by our information infrastructure be disrupted? How can we be assured that the information stored—especially data related to our national security—retains its availability, reliability, and confidentiality?

THE THREAT FROM CYBERSPACE

Ironically, the same technological advances that have brought us the advantages of the information age, have also given us the tools to disrupt and exploit it. In the early 1980's only the very technically competent had the expertise to break into computer systems. Not only were there fewer hackers, there were not as many targets.

Today, the situation is reversed: while the hacker tools are becoming more sophisticated, they are also becoming more available and user-friendly, requiring little expertise. Logic bombs, viruses, password sniffers and other tools that can disrupt and destroy computer networks, are now widely available on the Internet. For instance, last year ''point and click'' computer security program—Security Administrator Tool for Analyzing Networks or ''SATAN''—was disseminated on the Internet. Now this computer program, which provides its user with automated intrusion capability into many networks, is available to millions.

In hearings of the Permanent Subcommittee on Investigations earlier this year experts demonstrated how many of our critical computer networks were neither secure nor confidential. A report issued this year by the General Accounting Office estimated that the unclassified but sensitive networks at the Defense Department are likely experiencing as many as 250,000 computer attacks per year. Vulnerability studies of DOD networks suggest that these network attacks could be successful more than 65 percent of the time. Over 90 percent of all Department of Defense voice and data traffic transits these networks, and the data includes sensitive research data and valuable intelligence information. Furthermore, these systems support critical defense missions related to troop movement and operational plans, procurement, and weapons systems maintenance.

Statistics from the civilian area are equally troubling. A recent FBI survey that included corporations, financial institutions, universities, and health care institutions revealed that 42 percent of those responding experienced

some form of intrusion or other unauthorized use of computer systems within the previous 12 months. Over 15 percent of these attacks involved the unauthorized altering of data.

We have already observed anecdotal evidence of this threat. Last year two London residents penetrated the Rome Air Development Center computers at Griffiss Air Force Base in New York. Earlier this year an Argentinean national attacked NASA and other DOD computer systems from his living room in Buenos Aires. Recently, a computer gang based in St. Petersburg, Russia, launched a computer attack against Citibank and were discovered only after they were able to steal millions. Though disturbing, these incidents involved the least competent and immature attacker. The more sophisticated and structured attack likely occurs without detection or apprehension.

Fortunately, we have not suffered serious breakdowns in our information infrastructure. Americans have not had to endure an unexpected, prolonged, and widespread interruption of power, the indefinite grounding of air traffic, or the loss of banking and financial services and records. We should not, however, wait for an ''electronic Pearl Harbor'' to spur us into rethinking the speed and nature of our entry into some of these information technologies.

Our intelligence agencies have already acknowledged that potential adversaries throughout the world are developing a body of knowledge about Defense Department and other government computer networks. According to DOD officials, these potential adversaries are developing attack methods that include sophisticated computer viruses and automated attack routines which allow them to launch anonymous attacks from anywhere in the world.

In testimony before the Permanent Subcommittee on Investigations this year, CIA Director John Deutch explained that both hostile nations and terrorist organizations can, with relative ease, acquire the techniques to penetrate information systems. Indeed, in response to a question as to where he would place the threat of cyber-based attacks in terms of overall threats to the United States, Director Deutch stated as follows:

> I would say it is very, very close to the top, especially if you ask me to look 10 years down the road. I would say that after the threats from weapons of mass destruction . . . nuclear, chemical and biological weapons, this would fall right under it; it is right next in priority, and it is a subject that is going to be with us for a long time.

A DIFFICULT PROBLEM FOR GOVERNMENT

Who is the enemy and what does he or she want? Is it a lone anarchist trying to create chaos, or a well-organized group sponsored by a foreign government? Is the motive of the bad actor greed, espionage, or vandalism? Notwithstanding Director Deutch's admonitions, the staff of the subcommittee found that the collection and analysis of data that would help provide the nature and extent of the threat posed to our information infrastructure is not presently enough of a priority of our intelligence community. The Brown Commission Report on Roles and Capabilities of the United States Intelligence Community similarly observed that the activity that was occurring did ''not appear well coordinated or responsive to an overall strategy.''

Likewise, the law enforcement community has been unable to provide reliable threat assessment in this area, perhaps because so little is ever reported to law enforcement. According to an FBI survey, only 17 percent of those responding indicated that they would advise law enforcement if attacked.

Without reliable threat assessment data we can neither conduct meaningful risk management, nor structure a coherent national response to this issue. This is one area where we cannot afford to be operating in the dark. Too many parts of our society have come to rely on the information infrastructure for us to remain ignorant of the extent of our vulnerabilities and the nature of the threat facing us.

This issue poses problems for our Government that are not easily addressed within the framework of our traditional national security strategies. Historically, our Government's security threats have been defined geographically: a foreign threat versus domestic. And the type of threat would inspire a different response from the appropriate agency; whether enforcement, military or intelligence. When we move from the physical world into cyberspace, traditional divisions of responsibility, and assignment of roles and missions become confusing. Is the bad actor a 16 year old, a foreign agent, an anarchist, or a combination thereof? Furthermore, the Internet exists in a ''border less'' world. How do you ascertain the nature of a threat if you don't know the motive of your adversary? Which agency is used if you can't tell until the end of the investigation the origin of the attack?

CONNECTION, PROTECTION AND A CULTURE OF SECURITY

I believe if we fail to recognize and address the potential vulnerabilities of our information infrastructure today, we may find ourselves victims to very costly scenarios tomorrow. Security must be imbedded into not only the technology of the computer age, but its culture as well. Computer users, systems administrators and software and hardware manufacturers must emphasize security on the front-end, not as an afterthought.

Many critical elements of our infrastructure—power, communications, financial, transportation—are largely in the hands of the private sector. As these critical elements become more reliant upon open computer networks, government will have to partner with industry to ensure the reliability of the systems they support. Our intelligence and law enforcement agencies must develop reliable threat estimates that will not only help secure government and military systems, but provide data to the private sector so that they can manage their own attendant risks. Pivotal to this challenge will be fostering trust between industry and government in this arena.

Finally, we must be willing to reconsider our previously defined notions of national security. The threat from cyberspace, because it can emanate from a borderless world that transcends national boundaries, eludes many of our traditional national security assets. We cannot permit this problem to get lost in the seams of our intelligence, enforcement and defense communities. We will undoubtedly require the types of international alliances that has served us well in our defense of our physical perimeters.

This year the minority staff of the Permanent Subcommittee on Investigations completed a lengthy investigation into these issues that included a report entitled ''*Security in Cyberspace*.'' The report set forth numerous recommendations intended to improve our Nation's cyber defenses. Those recommendations include some key proposals:

(1) Formulate a national policy that promotes the security of our information infrastructure;

(2) Create a National Information Infrastructure Threat Center that includes the law enforcement, intelligence, and the defense communities as well as liaison with the private sector;

(3) Complete an intelligence estimate of the threats to our information infrastructure, that includes an unclassified version that can be made available to the private sector;

(4) Promote the creation of an international computer crime bureau with emergency response capability;

(5) Maintain a better and qualified pool of computer security professionals and, generally, improve the security consciousness of our government's users and managers;

(6) Promote regular computer vulnerability assessments, or ''red teaming'' of government agencies, especially agencies outside of the Defense Department; and

(7) Encourage better reporting of computer incidents within private industry while creating a mechanism within which industry can report intrusions without fear of inciting customer insecurity.

Ultimately, there is no question that the information age will bring us to new plateaus that will greatly benefit our citizens and our world. We must make sure, however, that in our rush to connect, we do not lose sight of the more mundane but equally important need to protect.●

TERRORISM MEETS PROLIFERATION: THE CONVERGENCE OF THREATS IN THE POST COLD WAR ERA

WHEN FICTION BECOMES REALITY

● Mr. NUNN. Mr. President, last year, I spoke to a group about the changes that have occurred since the demise of

the former Soviet Union. In my remarks, I offered a Tom Clancy-like hypothetical, set in 1998, that was intended to illustrate the possible nightmares that we might face in an age of proliferation. In my scenario, Libyan terrorists used a drone aircraft filled with anthrax to attack the Capital during the President's State of the Union Address. Seventy-two hours later, the Government is stunned as Washington hospitals are overwhelmed with fatalities, including many of our elected and appointed leaders. In my scenario, there were few survivors except for those few visionary Senators who had retired in 1996.

Today I will offer another scenario, perhaps even more unbelievable, Imagine that a group of religious zealots led by a charismatic, half-blind yoga instructor assembles an international following of nearly 50,000 members and collects over $1 billion in assets. Further imagine, this group recruits physicists and scientists from all over the world, and finds a large number of converts among the scientific and professional communities in Russia and Japan. Believing it is their destiny to destroy the world, they begin work on nuclear, chemical, and biological weapons right under the noses of their governments and go completely unnoticed by foreign intelligence services. They purchase sophisticated dual-use technology along with many of the precursors needed to develop their lethal weapons. They send their members worldwide: looking for the Ebola virus in Zaire; mining for uranium in Australia; seeking protein databases for biological weapons and laser instruments in the United States; and obtaining helicopters and drone aircraft, as well as other weapons delivery systems, from the former Soviet Union and elsewhere. They then conduct macabre experiments on sheep and humans.

They are only caught after an attempted sarin nerve gas attack on a major subway system goes awry. A mistake in crafting their delivery system reduces the possible fatalities from tens of thousands, to 12 people, although 5,000 are injured including scores with severe nerve damage.

Of course, this is not a Tom Clancy novel, it is fact. If I had used this same scenario before March 20, 1995, the date of the Tokyo subway sarin gas attack, people would have said, ''impossible.'' The world has learned much since then about the Aum Shinrikyo attack. Much of what we know stems from hearings held by the Permanent Subcommittee on Investigations last year. Those hearings revealed that the Aum and their doomsday weapons were simply not on anybody's radar screen.

The initial response to the subcommittee's revelations was astonishment and disbelief. It sounded unbelievable. Subsequent hearings focused on another previously unthinkable event, the frightening prospect of nuclear chaos in the aftermath of the collapse of the Soviet Union. The Aum, we now know, was not alone in trying to exploit instability in Russia to buy unconventional weapons and materials—the Iranians and others have been shopping around the former Soviet Union in search of materials, technology, and know-how.

The seizure of 2.7 kilograms of weapon grade uranium in the Czech capital of Prague and other smaller amounts of plutonium elsewhere in Europe prove that nuclear smuggling is a reality. These shipments were intercepted by law enforcement authorities, but is it possible that other shipments may have gone undetected? Last spring I participated in a CSIS study of the nuclear black market headed by former FBI and CIA Director, William Webster. The CSIS panel, which included top intelligence and nuclear specialists, concluded that this was a problem we cannot ignore. It is simply unrealistic to assume that the tons of nuclear materials that are improperly secured, along with thousands of out-of-work Soviet weapons scientists and their equipment will never end up in the wrong hands. Add to this new proliferation problem evidence of possible organized crime involvement in weapons smuggling and you have the ingredients of a full blown disaster looming on the horizon.

Unfortunately, nuclear smuggling is only part of the problem, and perhaps even the least likely one to threaten our security.

UNTHINKABLE POWER WITHIN THE GRASP OF THE UNTHINKING

Weapons of mass destruction are increasingly within the grasp of a growing number of developing countries, sub-national groups, terrorist groups and even individuals. The borderless world of cyberspace expands access to information about terrorist techniques and unconventional weapons even further. Various violence-prone groups now share recipes for making weapons of mass destruction on the Internet and offer their trade secrets on how to make and use unconventional weapons for sale through catalogs. This situation is, as observed by Alvin Tofler, ''The ultimate devolution of power, the demassification of mass-destruction weapons.''

Proliferation and terrorism are not new threats. However, changes in the international situation, in access to technology, and in terrorist motivation require us to think anew about the potential use of unconventional weapons against the United States.

In August I attended a meeting of the Aspen Strategy Group that examined these post-cold-war security threats. The Aspen Strategy Group is a bipartisan committee sponsored by the Aspen Institute that examines critical issues affecting U.S. national security. Secretary of Defense William Perry and other top officials also attended the meeting.

The consensus of the meeting was that the convergence of proliferation, terrorism, and organized crime makes the post-cold-war period a uniquely dangerous time for our country. Although the risk of nuclear war is vastly reduced and the overall outlook for our security is greatly improved, the risk of chemical, biological or some form of nuclear terrorism has increased. This new threat does not put our civilization at risk in the way that nuclear confrontation did, but it is much harder to deter. The familiar balance of nuclear terror has yielded to a much unpredictable situation, where adversaries may not be dissuaded by threats of retaliation. Our massive retaliatory forces are useless against terrorists who hide among civilian populations. Our biggest threats of the future may well be people who do not have a return address.

At the same time that most of the world has turned its back on nuclear, chemical, and biological weapons, a few desperate nations, terrorist groups, ideologically driven cults, ethnic minorities, disaffected political groups and even individuals may view weapons of mass destruction as the only way to wield power over world events. And if battlefield-usable weapons are not available, crude bombs or dispersal systems may suffice to produce mass terror. The Aspen group and other assess the risk of chemical and biological terrorism as higher than nuclear, with the caveat that radiological weapons could produce massive terror even without posing a major health hazard.

The trend lines in the last several years are not encouraging. In our own country, survivalist and militia-type groups have been charged with attempting to acquire bubonic plague and ricin, a deadly substance derived from the castor bean. A small amount of ricin can kill in minutes if ingested, inhaled, or absorbed through the skin. Two individuals associated with a group called the Minnesota Patriots Council were convicted of planning to use ricin to assassinate IRS officials and other Government employees. A former member of the Aryan Nation ordered the plague, saying he needed it for research purposes. And it is useful to recall that in May 1994, the sentencing judge in the World Trade Center case said the defendants had placed sodium cyanide in their explosives package with the intent of creating a poisonous cyanide gas but fortunately the gas burned during the explosion. If true, we have already had the first attempted chemical terrorist attack here at home.

PREPARING FOR THE UNTHINKABLE

Add to these events the bombings in Oklahoma and Dharhan, the plans of the World Trade Center bombers to blow up tunnels during New York City rush hour and another plot to kill thousands by downing commercial aircraft and the challenge is clear. The moral, political, military, and technical factors that made WMD terrorism unthinkable may not last forever. The nuclear strategist Herman Kahn warned over thirty years ago that we

must think about the unthinkable in order to avoid it. We need to think about the unthinkable possibility of a terrorist WMD attack against our country.

These indicators of terrorism's future take place against a background of proliferation, which also continues after the cold war. We learned in 1995, after four years of unprecedented inspections, the true extent of Iraq's nuclear, chemical, and biological weapons programs. Before the gulf war, Saddam Hussein possessed bombs and missiles deployed with anthrax, botulinum, sarin and VX, the most lethal form of nerve gas. Saddam also planned to seize the safeguarded enriched uranium from Iraq's civilian nuclear program and quickly make it into a nuclear bomb. Iran is developing nuclear, chemical and biological weapons; and Libya continues its drive for weapons of mass destruction. North Korea still possesses an unknown quantity of plutonium and continues to sell missiles despite the freeze on its nuclear construction projects; China may be selling nuclear missile technology despite its pledges not to do so. In South Asia, we see India and Pakistan embarking on a nuclear arms race. The list of countries actively pursuing chemical and biological weapons and missiles continues to grow. There are some bright spots on the proliferation front—not least of which is the fact that Ukraine, Belarus and Kazakstan are giving up the Soviet weapons on their territory. The new twist is that terrorists may join the ranks of the proliferators. Some proliferators such as Iraq, Iran, Libya and Syria are also sponsors of terrorism. Would a government supply WMD capabilities to terrorists, or help terrorists acquire weapons of mass destruction from the former Soviet Union?

This possibility poses a clear challenge to our intelligence and law enforcement efforts against this threat. We cannot keep track of every cult and every disaffected group or individual. While we can and must improve our intelligence capabilities, this is one area in which an ounce of prevention is worth more than a pound of cure. Job number one is to make sure the actual weapons materials are safe from diversion at the source. The cooperative threat reduction programs do just that, and we have just passed legislation to beef up our efforts to improve the security of Russian and FSU nuclear, chemical, and biological weapons materials. That legislation also included support for detection and interdiction of smuggling of these lethal materials, and increased penalties for those who are caught.

Our intelligence and law enforcement efforts also benefit from international cooperation. We need to strengthen the safeguards of the International Atomic Energy Agency to make certain that nuclear materials can all be accounted for, and that suspicious nuclear programs are carefully scrutinized. The Chemical Weapons Convention is not a cure-all, but it is a step in the right direction and will provide additional technical and political barriers to deter and detect covert chemical weapons programs. As for those who cheat on their international commitments or shun the norms of international behavior, we must be willing to hold them accountable.

Proliferation and terrorism are not new threats. Each will continue to be a threat in its own right and neither shows signs of disappearing any time soon. What is new is the degree of overlap between them. A new breed of terrorism appears willing to take even more extreme measures in pursuit of even more extreme objectives.

A COMPREHENSIVE STRATEGY

We need to address the threat posed by the convergence of proliferation and terrorism in a comprehensive way. Unfortunately, the task is even more difficult than negotiating with an ideologically hostile, aggressive, and nuclear-armed superpower. For certain religiously or ideologically driven terrorists, self-preservation may not even be a priority, as it was for the Soviets. The traditional tools of statecraft—the careful blending of force and diplomacy—may have little relevance where the goals of mass destruction and retribution, or supposed divine inspiration, are concerned. The explosive mix of age-old zealotry and new-age weaponry has brought instruments of unthinkable destructive power within the grasp of those willing to commit the unthinkable.

A new strategy to combat the convergence of proliferation and terrorism should consist of several aspects adapted from our current defense posture. The three main components should be deterrence, interdiction and consequence mitigation.

With respect to deterrence, our enemies should never doubt our willingness to respond to any attack, with overwhelming force, whether or not weapons of mass destruction are involved. At the same time, it should also be clear that the use of weapons of mass destruction against the United States would guarantee a retaliation that would far exceed any attacker's ability to withstand. In light of our conventional weapons superiority, overwhelming retaliation can be carried out under most circumstances without resort to nuclear weapons, although nuclear deterrence should remain an option. For the present, ambiguity regarding our response may inspire caution in the minds of any potential attacker.

The threat of overwhelming retaliation, however, is not effective against terrorists, unless they can be traced to a state sponsor. Terrorists typically hide among civilian populations, thus ruling out certain retaliatory options. Of course, military force can still be directed against terrorists where they hide, and we have the capability to conduct special operations, but law enforcement agencies will also be on the forefront of our counter-terrorism efforts. Nation that sponsor WMD terrorism should not feel safe from retaliation. Moreover, terrorists of all types should know with certainty that the United States will vigilantly track down and punish them for their criminal acts. In the case of WMD terrorism, the world will not be a big enough place to hide, and any person, group or state associated with such terrorists will be held equally responsible. Fortunately, there is broad consensus throughout the world on extradition and hot-pursuit of terrorists—that consensus is even more solid where WMD are concerned.

Interdiction is the second part of the stragety—to detect and stop illicit transfers of weapons of mass destruction and related technologies, both at our borders and those of cooperating countries. This task will require the accelerated development of improved detection technologies for chemical, biological, and radiological materials as well as training of foreign customs inspectors and law enforcement officials. We have taken some steps toward improving our interdiction capabilities and training foreign customs officials, but we have a long ways yet to go. I am confident that there are promising technologies and innovative methods out there if we are willing to properly fund and support them. My colleagues DICK LUGAR and PETE DOMENICI, and I have called for a new Manhattan Project to solve this problem, and the national laboratories at Livemore, Los Alamos and elsewhere are doing some promising work in this area. The Defense Against Weapons of Mass Destruction Act which we sponsored provides $27 million to begin this effort.

The third part of our strategy is preparedness to face the threat if prevention fails. We need to rethink and then rebuild our domestic preparedness and planning. Some important improvements have been made recently but, again, much remains to be done. Some agencies, like the Federal Emergency Management Agency [FEMA] have updated their Cold War mission. Others, like the Departments of Defense and Energy, possess specialized equipment and expertise that must be available if a WMD incident occurs. Managing these efforts during a crisis is the job of law enforcement, although their mission to apprehend suspects and collect evidence may sometimes have to take a back seat to public safety.

This is just on the Federal level. We heard during our hearings the concerns of the first responders—the fire, medical, police, public works, and other local officials who would be the first on the scene in the event of a chemical, biological, or nuclear incident. We owe it to those public servants and the citizens they protect to make available the training, equipment, and expertise needed to prevent them from joining the ranks of the first victims of an attack. Our strategy must consolidate

our scattershot efforts to focus on this problem.

The legislation I sponsored with Senators LUGAR and DOMENICI contained a key section on domestic preparedness. We provided the authority and funding to begin to establish special chemical and biological emergency response teams and to train local officials. We also included a provision to improve coordination of all the relevant agencies and departments by establishing a special coordinator at the White House. The Coordinator would oversee the Government's nonproliferation, counterproliferation, counterterrorism, intelligence, and law enforcement activities that are directly relevant to this problem, but are spread far and wide throughout the various departments, and pull them together in a coherent policy.

The change in the nature of the threat requires a change in the way we organize our resources to provide for our defense. We should be willing to rethink and reshape the cold war bureaucracy and adjust our institutions to respond dynamically to a dynamic threat. We will need new doctrine and innovative technologies, improved intelligence and law enforcement, and cooperation with foreign governments to address this threat. The three-pronged strategy I have described is within our reach and within our budget. Of course we will need to shift priorities and more funding will be required. But the threat of terrorist attack on American cities involving radiological, chemical, biological or nuclear weapons has reached a point where a new effort is required. We should not wait to take action in the wake of an incident. This is a clear and present danger that requires a timely response.●

RETIREMENT OF COMPTROLLER GENERAL CHARLES A. BOWSHER

● Mr. NUNN. Mr. President, next Monday the Comptroller General of the United States, Charles A. Bowsher, will retire after 15 years in that position. At the time of his appointment in 1981, President Reagan said ''this is one of the most important appointments that I shall make as President, adding that ''it's obvious that in this post, a strong and effective leader can have an enduring impact on our political institutions.'' As chairman and ranking member of the Armed Services Committee, and the Permanent Subcommittee on Investigations, I have had the privilege of working with Mr. Bowsher and his able staff as they assist the Congress in its oversight function. I believe his efforts have made an enduring impact on our Government, making it more responsible, efficient and accountable to our citizens.

During his tenure, Mr. Bowsher has overseen a tremendous growth in the amount of reports produced by GAO as well as the amount of official testimony given to Congressional committees. GAO is now producing over 1,000 reports per year, and provides expert testimony before congressional committees over 300 times per year, doubling their productivity since 1983. Despite reductions of 25 percent in their audit and staffing budget since fiscal year 1992, Mr. Bowsher made sure the quality of GAO's report and services remained uncompromised.

Under their mandate to evaluate and audit all Government programs and activities, GAO has consistently produced reports that are on the cutting edge of research, analysis, and investigation. Mr. Bowsher continually pressed for strengthened and revised budget and accounting systems. As a result of GAO's recommendations, over $100 billion in savings and benefits have been realized through budget reductions, cost avoidances, appropriations deferrals, and revenue enhancements.

As chairman and ranking member of the Permanent Subcommittee on Investigations, I came to rely on the work produced by GAO through their high risk series. These reports documented programs where the potential for billions of dollars in waste, fraud, abuse and mismanagement existed. Their expertise in identifying problem areas didn't end here. Through their work for the subcommittee, they identified innumerable areas for improvement. In the last few years alone, their work for the subcommittee has resulted in hundreds of millions of dollars in documented savings to the Federal Government.

In the Armed Services Committee, we relied on GAO's work on many occasions, especially in areas such as financial management and acquisition policy, and on their investigative abilities in cases where the committee needed to find out exactly what the facts were.

GAO's fine work under Mr. Bowsher's leadership goes well beyond measurable cost savings. Although the benefits are less qualifiable than dollar savings, they are just as significant. Their work has repeatedly alerted Congress and the executive branch to weaknesses in Federal regulations, law enforcement, and issues related to our Armed Forces. Some examples include:

Identifying problems in requirements for reporting currency transactions at banks and other financial institutions to strengthen the ability to detect money laundering to prevent billions of dollars of drug and criminal proceeds to escape taxation, forfeiture and seizure;

Highlighting the shortcomings of State insurance regulation of the Blue Cross/Blue Shield plans that exposed thousands of subscribers to loss of health care benefits through insurer default;

Identifying differences and weaknesses in state insurance regulations that permit fraudulent insurance schemes to sell worthless policies to unsuspecting consumers;

Identifying loopholes in Department of Education procedures that regulate the Federal Student Loan and Pell Grant Programs to protect the quality of postsecondary education; and

Prodding the Defense Department to improve its troubled financial management systems, providing continued oversight of DOD's progress, and continuing to press for further improvements in DOD's oversight of the Defense business operations fund and other systems required to ensure that the taxpayer's money has been correctly accounted for.

Mr. Bowsher has also demonstrated great vision as our Government prepares for the next millennium. Under his leadership, GAO greatly enhanced its focus on issues related to information management and technology, and they have produced cutting edge analysis of the challenges our Government will face in the information age. GAO recently issued a report on the extent to which Defense computer systems are being attacked, the actual and potential damage to its information and systems, and the challenges the Defense Department is facing in securing its sensitive but unclassified information systems. This report and their resulting testimony before the Permanent Subcommittee on Investigations was some of the most professional and skillful I have seen.

This Congress and the American people owe a great debt to Charles Bowsher for his fine work. I congratulate him on his 15 years of service, and wish him well in his future endeavors.●

EXPLANATION OF VOTES ON THE SENATE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

● Mr. ABRAHAM. Mr. President, recently, the Senate passed the conference report to the Energy and Water Development Appropriations Act. I would like to take a moment to comment on the amendments to the original bill that was passed out of this Chamber.

The first vote during consideration of this act was on a McCain amendment to eliminate the advanced light water reactor [ALWR] program. Started in 1993, the ALWR represents a joint commitment by Government and industry to develop a new generation of standardized, advanced reactors. I opposed the McCain amendment for several reasons: First, 1997 is the final year of a 5-year program that, once complete, will result in an estimated $1 billion in U.S. revenue. Congress originally agreed to fund this program for 5 years, and it was important that this commitment be upheld. Perhaps more importantly, the committee estimated that the cost to eliminate the program was actually greater than the 1997 funding amount. Finally, once complete, a major portion of the DOE contributions to this project will be repaid as royalties from the sale of the powerplants. A bipartisan majority of Senators agreed with me and voted to fund the ALWR in its final year on a 53-to-45 vote.

Following the consideration of the ALWR program, the Senate turned to a Bumpers proposal to cut $269 million from the nuclear weapons stewardship and maintenance accounts. This is an amendment which I resolutely opposed. I believe that continued cuts to this Nation's defense structure may endanger U.S. security at home and abroad. Due to the prohibition on nuclear weapon testing, the DOE is now forced to use noncritical—that is, nonexplosive or computer modeled—testing methods to guarantee the stability of nuclear weapons. As plutonium is only 50 years old as a known element, it isn't known what will happen to it over time, and therefore, how it will change weapons performance or affect maintenance personnel during routine parts replacement. The necessary procurement of new computer and testing facilities requires this level of spending for at least the next 5 years. This shortsighted amendment was tabled 61 to 37.

Immediately thereafter, Senator ROD GRAMS of Minnesota offered an amendment to limit funding for the Appalachian Regional Commission at the House-passed level and require the Commission be phased out in 5 years. I believe that this regional commission is largely unnecessary and should face the same scrutiny which has been given to defense and entitlement funding. I supported similar efforts with regard to this Commission last year. Nonetheless, this amendment was defeated 69 to 30.

The final amendment to the energy and water appropriations bill was a Feingold amendment to eliminate funding for the Bureau of Reclamation's Animas-La Plata [A–LP] project in Colorado. The A–LP project would construct two reservoirs, seven pumping plants, and 200 miles of canals and pipes to pump water uphill to provide irrigation for local residents, most of them native American. And while I applaud Senator FEINGOLD for his efforts to reduce Government spending, this program was agreed to by treaty between the local Indian tribes and the U.S. Government. In instances such as this, I believe treaty commitments must be honored by a compelling showing of necessity, and so I opposed Senator FEINGOLD's amendment which was defeated 65 to 33.

After consideration of all amendments, I was pleased to support final passage of this important funding legislation, and I voted in support of the Energy and Water Development Appropriations Act, and it passed the Senate 93 to 6.●

EXPLANATION OF VOTES ON THE SENATE AGRICULTURE APPROPRIATIONS BILL

● Mr. ABRAHAM. Mr. President, farming is Michigan's second largest industry and a cornerstone of the State's economy. For this reason, I would like to take a moment to comment on some of the amendments considered by the Senate. Prior to final passage, several amendments were debated on the floor of the Senate.

The first amendment considered was a Santorum amendment to prohibit the use of funds in excess of $125,000 for nonrecourse loans to peanut producers. Recently, the peanut program has faced extensive scrutiny. In response to several attempts to eliminate this program, members from peanut-producing States addressed some of the more problematic aspects of this program in the farm bill. Since this issue had already been considered and decided by the Senate, I opposed Senator SANTORUM's amendment. If the peanut program is going to be amended, I believe it should be done so during consideration of farm programs as a whole. Senator SANTORUM's amendment was ultimately tabled by a vote of 64 to 34.

I did, however, support a second Santorum amendment to ensure that America's farm programs are managed in the most objective manner possible. Specifically, Senator SANTORUM's amendment prohibited the use of funds to carry out a program that was operated by a marketing association if the Secretary of Agriculture determined that a member of the board of directors of the association had a conflict of interest with respect to the program. In my opinion, a program that is not influenced by individuals who stand to gain from decisions will garner greater respect and run more smoothly than a program that is viewed as a Government subsidy for a few individuals. Unfortunately, by a vote of 61 to 37, this amendment was also tabled.

The final amendment considered was a Bryan amendment to reduce the amount of funds appropriated to the Market Access Program [MAP]. The Bryan amendment would have eliminated funding if the aggregate amount of funds and value of commodities under the program exceeded $70 million. Formerly known as the Market Promotion Program, this program has provided funding for large and lucrative corporations such as Sunkist. I believe the Market Access Program is a clear example of corporate welfare, and I have consistently supported elimination or reduction of this unnecessary Government subsidy. I supported Senator BRYAN's amendment which was tabled by a vote of 55 to 42.

Following disposition of these three amendments, the 1997 Agriculture appropriations bill was passed, with my support, by a vote of 97 to 1. Mr. President, I am pleased that the conferees were able to act quickly to finalize this legislation and allow America's farmers to begin to grow for the market.●

EXPLANATION OF VOTES ON THE FISCAL YEAR 1997 TREASURY/POSTAL AND VA/HUD APPROPRIATIONS

● Mr. ABRAHAM. Mr. President, the Senate recently considered several appropriation bills and addressed a number of amendments upon which I did not have the opportunity to comment at the time. One of these votes was on a motion to table the Dorgan amendment to the Treasury-Postal Appropriations bill which would have raised taxes on companies doing business overseas.

Under current law, income generated by a domestically owned controlled foreign corporation is not subject to our income taxes until that income is repatriated back into the country. In addition, CFC's earn tax credits equal to the amount of tax they pay to their foreign host—up to but not exceeding the United States rate of taxation. The Dorgan amendment would require income generated by a CFC by producing goods overseas and selling them back here to be taxed currently, rather than be deferred.

Mr. President, I believe there are a number of provisions in our Tax Code which need to be addressed, but I disagree that offering ad hoc amendments on the Senate floor to appropriation bills is the way to go about it. Appropriation bills are simply not suitable vehicles for major tax reforms. Instead, these issues should be addressed in a comprehensive manner in the Finance Committee.

That said, I also have a number of specific concerns regarding the Dorgan amendment. First, I believe Senator DORGAN needs to make a better case that companies move their plants due to this tax provision, rather than in response to comparative advantages or political barriers. Second, absent some unspecified new protective barriers, I see nothing in this amendment which would repatriate existing overseas jobs or prevent future jobs from being located there as opposed to here.

Mr. President, none of our foreign trading partners impose such a tax burden on their foreign corporations, and before the Senate chooses to impose new taxes on our companies operating overseas, I believe this issue needs to be more fully studied. While I am certain this amendment will raise taxes on American businesses and could harm our competitiveness in Michigan and elsewhere, I am unconvinced it will protect American jobs from foreign competition.

Another issue on which I wish to explain my vote was the motion to table the Bumpers amendment prohibiting the use of funds for the Space Station Program. A similar amendment was introduced last year by Senator BUMPERS, which I supported. Then and now, I have been concerned as to the costs of the program and the extent to which federal taxpayers verses the private sector should fund the effort.

In addition, I am concerned by reports that the American Physical Society has joined 14 other scientific organizations in stating that the scientific justification for the space station was lacking, and that the cost overruns threatened to crowd out other, more

promising NASA programs in future years. As was the case last year, I still believe there would be a net advantage to terminating this program. However, we are near the point where our investment is too great to not finish the project, and so I will continue to review this program annually. Should I reach the conclusion that we have reached the stage where our investment has matured, I will drop my opposition to the space station.

A pair of amendments concerning the distribution of Veterans Medical Administration resources are also worthy of additional explanation. Senators MCCAIN and GRAHAM introduced an amendment to develop a redistribution plan of Veterans Administration medical care resources. The amendment's purpose is to ensure that veterans have similar access to health care services regardless of where they live. This seems to be the correct way for a efficient government to function and is consistent with our commitment to provide quality medical care to our Nation's veterans. The Senate overwhelmingly adopted this amendment by a vote of 79 to 18.

Senators HARKIN and MOYNIHAN then introduced an amendment that would have prohibited this plan from reducing VA funds spent in any State over the previous year. Given our declining veterans population with shifting medical requirements, I believe it is unreasonable to prohibit the Department of Veterans Affairs from reducing its outlays in certain regions of the country, even if the demand for such services has decreased. The effect of this prohibition would have been large segments of our veterans population being denied medical care. This is not responsible governance, and I therefore joined with 59 other Senators in defeating this amendment 60 to 37.

Another amendment related to health care was offered by the Senator from Oregon, Senator WYDEN, which would prohibit health care plans from restricting or prohibiting certain communications between doctors and their patients. Mr. President, I believe this issue has merit and should be addressed by Congress, but I do not believe the Treasury-Postal Appropriations bill is the appropriate vehicle, especially considering that the amendment had a substantial cost which would have made the entire appropriation bill exceed its budget limits. As such, it was subject to a point of order which I supported.

It is my understanding that Senator WYDEN, Senator KASSEBAUM, and others are working at this moment to construct a bipartisan solution to both the problem raised by Senator WYDEN and the concerns of other Senators and the insurance industry. I support these efforts and look forward to seeing some type of resolution, if not in this Congress then in the next.

Finally, Mr. President, this Senator would like to explain his reasoning in voting to table Senator KERRY's amendment calling for additional expenditures on behalf of a study on the use of taggants in black gun powder and smokeless powder. On this amendment, both the majority and minority managers of the bill as well as the administration objected to the offset used by the Senator from Massachusetts in paying for the study's expanded mandate. Therefore, I chose to support the managers' motion to table. The amendment was successfully tabled by a vote of 57 to 42.●

EXPLANATION OF VOTES ON THE DEPARTMENT OF DEFENSE AUTHORIZATION BILL

● Mr. ABRAHAM. Mr. President, I wish to explain a number of my votes on amendments to the Department of Defense Authorization Bill (S. 1745) passed out of this chamber on July 10, 1996. Specifically, I wish to address my votes on Senator EXON's amendment regarding a general cut in defense spending, Senator WELLSTONE's amendment regarding a shift of defense funds to other budget priorities, and Senator KYL's amendment regarding nuclear weapon testing.

Senator EXON proposed cutting the Defense budget across the board by $4 billion. I opposed this because I believe such a blanket approach is not a responsible way to contain defense spending. Moreover, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, has stated the he needs $60 billion more than the President requested to modernize weapon systems. America's superior military equipment is aging quickly compared to that of our potential adversaries, and I believe our men and women in uniform should not be placed in harms way without the best equipment possible. By the year 2010, our average fighter will have aged by 218 percent, and will only have 1 year left in its service life limit. Tanks will be almost four times as old as they are today because we are not buying new tanks, and the current stock of tanks will have, on average, passed their designed service life. This is unacceptable. To cut these funds when our fighting men and women need them most is unconscionable, and therefore, I voted against the Exon amendment.

Mr. President, I would also like to address my vote regarding Senator WELLSTONE's amendment on shifting $1.3 billion from defense spending to education programs. I have pledged to support those Federal education programs that work. However, this body has long respected the ''firewall'' between defense spending and other discretionary spending because we realize the common defense is indeed our first priority, and therefore funding for the military should be determined independent of other programs. Thus I voted to table this amendment.

The manner in which we provide for that common defense, however, sometimes is guaranteed as much by the policies we establish as by the money we spend. Although all of us pray that nuclear weapons are never again used, we still find ourselves in a world where we must maintain an effective nuclear deterrent to defend our country and our national security. As an aside, this requirement for nuclear weapons would be drastically reduced if we were to develop an effective ballistic missile defense system for the territory of the United States. Due to the Clinton administration's opposition, however, we remain much more vulnerable to enemy nuclear attack. This requires us to maintain more nuclear weapons than we would otherwise need as a deterrent force. Therefore, as long as we have nuclear weapons, we must also ensure that they are stable and effective to maintain the deterrent influence.

To that end, we must also preserve the ability, at least in the short term, to test these weapons for stability and effectiveness. We may soon have the capability to conduct these tests by computer simulation, but I do not believe we are there yet. The data presented leads me to believe we must maintain the ability to test these weapons, at least for a few more years. As our technological capabilities progress, this may very well change, and I will be willing to reexamine this position. However, for now, I believe it was necessary for our national defense to oppose the motion to table the Kyl amendment allowing continued and limited nuclear testing.

Mr. President, as Members of the Congress, our first constitutional duty is to pass legislation for the raising and support of our Armed Forces, just as the Federal Government's first duty is to provide for the common defense. My votes, I believe, serve that duty and further our national security goals.●

NATIONAL INSTITUTES OF HEALTH REVITALIZATION ACT OF 1996

The text of the bill (S. 1897) to amend the Public Health Service Act to revise and extend certain programs relating to the National Institutes of Health, and for other purposes; as passed by the Senate on September 26, 1996, is as follows:

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

SECTION 1. SHORT TITLE; REFERENCES; AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''National Institutes of Health Revitalization Act of 1996''.

(b) REFERENCES.—Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; and table of contents

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

Sec. 101. Director's discretionary fund.
Sec. 102. Children's vaccine initiative.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES
Sec. 201. Research on osteoporosis, paget's disease, and related bone disorders.
Sec. 202. National Human Genome Research Institute.
Sec. 203. Increased amount of grant and other awards.
Sec. 204. Meetings of advisory committees and councils.
Sec. 205. Elimination or modification of reports.
TITLE III—SPECIFIC INSTITUTES AND CENTERS
Subtitle A—National Cancer Institute
Sec. 301. Authorization of appropriations.
Sec. 302. DES study.
Subtitle B—National Heart Lung and Blood Institute
Sec. 311. Authorization of appropriations.
Subtitle C—National Institute of Allergy and Infectious Diseases
Sec. 321. Terry Beirn community-based AIDS research initiative.
Subtitle D—National Institute of Child Health and Human Development
Sec. 331. Research centers for contraception and infertility.
Subtitle E—National Institute on Aging
Sec. 341. Authorization of appropriations.
Subtitle F—National Institute on Alcohol Abuse and Alcoholism
Sec. 351. Authorization of appropriations.
Sec. 352. National Alcohol Research Center.
Subtitle G—National Institute on Drug Abuse
Sec. 361. Authorization of appropriations.
Sec. 362. Medication development program.
Sec. 363. Drug Abuse Research Centers.
Subtitle H—National Institute of Mental Health
Sec. 371. Authorization of appropriations.
Subtitle I—National Center for Research Resources
Sec. 381. Authorization of appropriations.
Sec. 382. General Clinical Research Centers.
Sec. 383. Enhancement awards.
Sec. 384. Waiver of limitations.
Subtitle J—National Library of Medicine
Sec. 391. Authorization of appropriations.
Sec. 392. Increasing the cap on grant amounts.
TITLE IV—AWARDS AND TRAINING
Sec. 401. Medical scientist training program.
Sec. 402. Raise in maximum level of loan repayments.
Sec. 403. General loan repayment program.
Sec. 404. Clinical research assistance.
TITLE V—RESEARCH WITH RESPECT TO AIDS
Sec. 501. Comprehensive plan for expenditure of AIDS appropriations.
Sec. 502. Emergency AIDS discretionary fund.
TITLE VI—GENERAL PROVISIONS
Subtitle A—Authority of the Director of NIH
Sec. 601. Authority of the Director of NIH.
Subtitle B—Office of Rare Disease Research
Sec. 611. Establishment of Office for Rare Disease Research.
Subtitle C—Certain Reauthorizations
Sec. 621. National Research Service Awards.
Sec. 622. National Foundation for Biomedical Research.
Subtitle D—Miscellaneous Provisions
Sec. 631. Establishment of National Fund for Health Research.
Sec. 632. Definition of clinical research.
Sec. 633. Establishment of a pediatric research initiative.
Sec. 634. Diabetes research.
Sec. 635. Parkinson's research.
Sec. 636. Pain research consortium.
Subtitle E—Repeals and Conforming Amendments
Sec. 641. Repeals and conforming amendments.

TITLE I—PROVISIONS RELATING TO THE NATIONAL INSTITUTES OF HEALTH

SEC. 101. DIRECTOR'S DISCRETIONARY FUND.

Section 402(i)(3) (42 U.S.C. 282(i)(3)) is amended by striking ''$25,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 102. CHILDREN'S VACCINE INITIATIVE.

Section 404B(c) (42 U.S.C. 283d(c)) is amended by striking ''$20,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

TITLE II—PROVISIONS RELATING TO THE NATIONAL RESEARCH INSTITUTES

SEC. 201. RESEARCH ON OSTEOPOROSIS, PAGET'S DISEASE, AND RELATED BONE DISORDERS.

Section 409A(d) (42 U.S.C. 284e(d)) is amended by striking ''$40,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 202. NATIONAL HUMAN GENOME RESEARCH INSTITUTE.

(a) IN GENERAL.—Part C of title IV (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

''Subpart 18—National Human Genome Research Institute

''SEC. 464Z. PURPOSE OF THE INSTITUTE.

''(a) IN GENERAL.—The general purpose of the National Human Genome Research Institute is to characterize the structure and function of the human genome, including the mapping and sequencing of individual genes. Such purpose includes—

''(1) planning and coordinating the research goal of the genome project;

''(2) reviewing and funding research proposals;

''(3) conducting and supporting research training;

''(4) coordinating international genome research;

''(5) communicating advances in genome science to the public;

''(6) reviewing and funding proposals to address the ethical, legal, and social issues associated with the genome project (including legal issues regarding patents); and

''(7) planning and administering intramural, collaborative, and field research to study human genetic disease.

''(b) RESEARCH.—The Director of the Institute may conduct and support research training—

''(1) for which fellowship support is not provided under section 487; and

''(2) that is not residency training of physicians or other health professionals.

''(c) ETHICAL, LEGAL, AND SOCIAL ISSUES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), of the amounts appropriated to carry out subsection (a) for a fiscal year, the Director of the Institute shall make available not less than 5 percent of amounts made available for extramural research for carrying out paragraph (6) of such subsection.

''(2) NONAPPLICATION.—With respect to providing funds under subsection (a)(6) for proposals to address the ethical issues associated with the genome project, paragraph (1) shall not apply for a fiscal year if the Director of the Institute certifies to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, that the Director has determined that an insufficient number of such proposals meet the applicable requirements of sections 491 and 492.

''(d) TRANSFER.—

''(1) IN GENERAL.—There are transferred to the National Human Genome Research Institute all functions which the National Center for Human Genome Research exercised before the date of enactment of this subpart, including all related functions of any officer or employee of the National Center for Human Genome Research. The personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred under this subsection shall be transferred to the National Human Genome Research Institute.

''(2) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, regulations, privileges, and other administrative actions which have been issued, made, granted, or allowed to become effective in the performance of functions which are transferred under this subsection shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law.

''(3) REFERENCES.—References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the National Center for Human Genome Research shall be deemed to refer to the National Human Genome Research Institute.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 1997.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 401(b) (42 U.S.C. 281(b)) is amended—

(A) in paragraph (1), by adding at the end thereof the following new subparagraph:

''(R) The National Human Genome Research Institute.''; and

(B) in paragraph (2)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraph (E) as subparagraph (D).

(2) Subpart 3 of part E of title IV (42 U.S.C. 287c et seq.) is repealed.

SEC. 203. INCREASED AMOUNT OF GRANT AND OTHER AWARDS.

Section 405(b)(2)(B) (42 U.S.C. 284(b)(2)(B) is amended—

(1) in clause (i), by striking ''$50,000'' and inserting ''$100,000''; and

(2) in clause (ii), by striking ''$50,000'' and inserting ''$100,000''.

SEC. 204. MEETINGS OF ADVISORY COMMITTEES AND COUNCILS.

(a) IN GENERAL.—Section 406 (42 U.S.C. 284a) is amended—

(1) in subsection (e), by striking '', but at least three times each fiscal year''; and

(2) in subsection (h)(2)—

(A) in subparagraph (A)—

(i) in clause (iv), by adding ''and'' after the semicolon;

(ii) in clause (v), by striking ''; and'' and inserting a period; and

(iii) by striking clause (vi); and

(B) in subparagraph (B), by striking '', except'' and all that follows through ''year''.

(b) PRESIDENT'S CANCER PANEL.—Section 415(a)(3) (42 U.S.C. 285a–4(a)(3)) is amended by striking '', but not less often than four times a year''.

(c) INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking '', but not less often than four times a year''.

(d) INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES INTERAGENCY COORDINATING COMMITTEES.—Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking '', but not less often than four times a year''.

(e) INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS INTERAGENCY COORDINATING COMMITTEES.—Section 464E(d) (42 U.S.C. 285m–5(d)) is amended by striking '', but not less often than four times a year''.

(f) INSTITUTE OF NURSING RESEARCH ADVISORY COUNCIL.—Section 464X(e) (42 U.S.C. 285q–2(e)) is amended by striking '', but at least three times each fiscal year''.

(g) CENTER FOR RESEARCH RESOURCES ADVISORY COUNCIL.—Section 480(e) (42 U.S.C. 287a(e)) is amended by striking '', but at least three times each fiscal year''.

(h) APPLICATION OF FACA.—Part B of title IV (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 409B. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.

''Notwithstanding any other provision of law, the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to a scientific or technical peer review group, established under this title.''.

SEC. 205. ELIMINATION OR MODIFICATION OF REPORTS.

(a) PUBLIC HEALTH SERVICE ACT REPORTS.—The following provisions of the Public Health Service Act are repealed:

(1) Section 403 (42 U.S.C. 283) relating to the biennial report of the Director of the National Institutes of Health to Congress and the President.

(2) Subsection (c) of section 439 (42 U.S.C. 285d-4(c)) relating to the annual report of the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee and the annual report of the Skin Diseases Interagency Coordinating Committee.

(3) Subsection (j) of section 442 (42 U.S.C. 285d-7(j)) relating to the annual report of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Board.

(4) Subsection (b) of section 494A (42 U.S.C. 289c–1(b)) relating to the annual report of the Secretary of Health and Human Services on health services research relating to alcohol abuse and alcoholism, drug abuse, and mental health.

(5) Subsection (b) of section 503 (42 U.S.C. 290aa–2(b)) relating to the triennial report of the Secretary of Health and Human Services to Congress.

(b) REPORT ON DISEASE PREVENTION.—Section 402(f)(3) (42 U.S.C. 282(f)(3)) is amended by striking ''annually'' and inserting ''biennially''.

(c) REPORTS OF THE COORDINATING COMMITTEES ON DIGESTIVE DISEASES, DIABETES MELLITUS, AND KIDNEY, UROLOGIC AND HEMATOLOGIC DISEASES.—Section 429 (42 U.S.C. 285c–3) is amended by striking subsection (c).

(d) REPORT OF THE TASK FORCE ON AGING RESEARCH.—Section 304 of the Home Health Care and Alzheimer's Disease Amendments of 1990 (42 U.S.C. 242q–3) is repealed.

(e) SUDDEN INFANT DEATH SYNDROME RESEARCH.—Section 1122 (42 U.S.C. 300c–12) is amended—

(1) in subsection (a)—

(A) by striking the subsection designation and heading; and

(B) by striking ''of the type'' and all that follows through ''adequate,'' and insert '', such amounts each year as will be adequate for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, and to the relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome,''; and

(2) by striking subsections (b) and (c).

(f) U.S.-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM.—Subsection (h) of section 5 of the International Health Research Act of 1960 is repealed.

(g) BIOENGINEERING RESEARCH.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report containing specific plans and timeframes on how the Director will implement the findings and recommendations of the report to Congress entitled ''Support for Bioengineering Research'' (submitted in August of 1995 in accordance with section 1912 of the National Institutes of Health Revitalization Act of 1993 (42 U.S.C. 282 note)).

(h) CONFORMING AMENDMENTS.—Title IV is amended—

(1) in section 404C(c) (42 U.S.C. 283e(c)), by striking ''included'' and all that follows through the period and inserting ''made available to the committee established under subsection (e) and included in the official minutes of the committee'';

(2) in section 404E(d)(3)(B) (42 U.S.C. 283g(d)(3)(B)), by striking ''for inclusion in the biennial report under section 403'';

(3) in section 406(g) (42 U.S.C. 284a(g))—

(A) by striking ''for inclusion in the biennial report made under section 407'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(4) in section 407 (42 U.S.C. 284b)—

(A) in the section heading, to read as follows:

''REPORTS'';

and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(5) in section 416(b) (42 U.S.C. 285a–5(b)) by striking ''407'' and inserting ''402(f)(3)'';

(6) in section 417 (42 U.S.C. 285a–6), by striking subsection (e);

(7) in section 423(b) (42 U.S.C. 285b–6(b)), by striking ''407'' and inserting ''402(f)(3)'';

(8) by striking section 433 (42 U.S.C. 285c–7);

(9) in section 451(b) (42 U.S.C. 285g–3(b)), by striking ''407'' and inserting ''402(f)(3)'';

(10) in section 452(d) (42 U.S.C. 285g–4(d))—

(A) in paragraph (3)—

(i) in subparagraph (A), by striking ''(A) Not'' and inserting ''Not''; and

(ii) by striking subparagraph (B); and

(B) in the last sentence of paragraph (4), by striking ''contained'' and all that follows through the period and inserting ''transmitted to the Director of NIH.'';

(11) in section 464I(b) (42 U.S.C. 285n–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(12) in section 464M(b) (42 U.S.C. 285o–1)(b)), by striking ''407'' and inserting ''402(f)(3)'';

(13) in section 464S(b) (42 U.S.C. 285p–1(b)), by striking ''407'' and inserting ''402(f)(3)'';

(14) in section 464X(g) (42 U.S.C. 285q–2(g)) is amended—

(A) by striking ''for inclusion in the biennial report made under section 464Y'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(15) in section 464Y (42 U.S.C. 285q–3)—

(A) in the section heading, to read as follows:

''REPORTS'';

and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(16) in section 480(g) (42 U.S.C. 287a(g))—

(A) by striking ''for inclusion in the biennial report made under section 481'' and inserting ''as it may determine appropriate''; and

(B) by striking the second sentence;

(17) in section 481 (42 U.S.C. 287a–1)—

(A) in the section heading, to read as follows:

''REPORTS'';

and

(B) by striking ''shall prepare for inclusion in the biennial report made under section 403 a biennial'' and inserting ''may prepare a'';

(18) in section 486(d)(5)(B) (42 U.S.C. 287d(d)(5)(B)), by striking ''for inclusion in the report required in section 403'';

(19) in section 486B (42 U.S.C. 287d–2) by striking subsection (b) and inserting the following new subsection:

''(b) SUBMISSION.—The Director of the Office shall submit each report prepared under subsection (a) to the Director of NIH.''; and

(20) in section 492B(f) (42 U.S.C. 289a–2(f)), by striking ''for inclusion'' and all that follows through the period and inserting ''and the Director of NIH.''.

TITLE III—SPECIFIC INSTITUTES AND CENTERS

Subtitle A—National Cancer Institute

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 417B (42 U.S.C. 286a–8) is amended—

(1) in subsection (a), by striking ''$2,728,000,000'' and all that follows through the period and inserting ''$3,000,000,000 for fiscal year 1997.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence of subparagraph (A), by striking ''$225,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(ii) in the first sentence of subparagraph (B), by striking ''$100,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(B) in the first sentence of paragraph (2), by striking ''$75,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''; and

(3) in the first sentence of subsection (c), by striking ''$72,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 302. DES STUDY.

Section 403A(e) (42 U.S.C. 283a(e)) is amended by striking ''1996'' and inserting ''1997''.

Subtitle B—National Heart Lung and Blood Institute

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

Section 425 (42 U.S.C. 285b–8) is amended by striking ''$1,500,000,000'' and all that follows through the period and inserting ''$1,600,000,000 for fiscal year 1997.''.

Subtitle C—National Institute of Allergy and Infectious Diseases

SEC. 321. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.

Section 2313(e) (42 U.S.C. 300cc–13(e)) is amended—

(1) in paragraph (1), by striking ''1996'' and inserting ''1997''; and

(2) in paragraph (2), by striking ''1996'' and inserting ''1997''.

Subtitle D—National Institute of Child Health and Human Development

SEC. 331. RESEARCH CENTERS FOR CONTRACEPTION AND INFERTILITY.

Section 452A(g) (42 U.S.C. 285g–5(g)) is amended by striking ''$30,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

Subtitle E—National Institute on Aging

SEC. 341. AUTHORIZATION OF APPROPRIATIONS.

Section 445I (42 U.S.C. 285e–11) is amended by striking ''$500,000,000'' and all that follows through the period and inserting ''$550,000,000 for fiscal year 1997.''.

Subtitle F—National Institute on Alcohol Abuse and Alcoholism

SEC. 351. AUTHORIZATION OF APPROPRIATIONS.

Section 464H(d)(1) (42 U.S.C. 285n(d)(1)) is amended by striking ''300,000,000'' and all that follows through the period and inserting ''$330,000,000 for fiscal year 1997.''.

SEC. 352. NATIONAL ALCOHOL RESEARCH CENTER.

Section 464J(b) (42 U.S.C. 285n–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the third sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle G—National Institute on Drug Abuse

SEC. 361. AUTHORIZATION OF APPROPRIATIONS.

Section 464L(d)(1) (42 U.S.C. 285o(d)(1)) is amended by striking ''$440,000,000'' and all that follows through the period and inserting ''$500,000,000 for fiscal year 1997.''.

SEC. 362. MEDICATION DEVELOPMENT PROGRAM.

Section 464P(e) (42 U.S.C. 285o–4(e)) is amended by striking ''$85,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997''.

SEC. 363. DRUG ABUSE RESEARCH CENTERS.

Section 464N(b) (42 U.S.C. 285o–2(b)) is amended—

(1) by striking ''(b) The'' and inserting ''(b)(1) The'';

(2) by striking the last sentence; and

(3) by adding at the end thereof the following new paragraph:

''(2) As used in paragraph (1), the terms 'construction' and 'cost of construction' include—

''(A) the construction of new buildings, the expansion of existing buildings, and the acquisition, remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of the acquisition of land or offsite improvements; and

''(B) the initial equipping of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; except that

such term does not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.''.

Subtitle H—National Institute of Mental Health

SEC. 371. AUTHORIZATION OF APPROPRIATIONS.

Section 464R(f)(1) (42 U.S.C. 285p(f)(1)) is amended by striking ''$675,000,000'' and all that follows through the period and inserting ''$750,000,000 for fiscal year 1997.''.

Subtitle I—National Center for Research Resources

SEC. 381. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 481A(h) (42 U.S.C. 287a–2(h)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

(b) RESERVATION FOR CONSTRUCTION OF REGIONAL CENTERS.—Section 481B(a) (42 U.S.C. 287a–3(a)) is amended—

(1) by striking ''shall'' and inserting ''may'';

(2) by striking ''through 1996'' and inserting ''through 1997''; and

(3) by striking ''$5,000,000'' and inserting ''such sums as may be necessary for each such fiscal year''.

SEC. 382. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by section 205(h), is further amended by adding at the end thereof the following new section:

''SEC. 409C. GENERAL CLINICAL RESEARCH CENTERS.

''(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

''(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under subsection (a), such sums as may be necessary for each of the fiscal years 1996 and 1997.''.

SEC. 383. ENHANCEMENT AWARDS.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 205(h) and 382, is further amended by adding at the end thereof the following new section:

''SEC. 409D. ENHANCEMENT AWARDS.

''(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $130,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year in which grants are awarded under this subsection. The total number of grants awarded under this subsection for the first and second fiscal years in which grants such are awarded shall not exceed 40 grants.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

''(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

''(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects.

''(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

''(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $100,000 per year per grant.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under paragraph (1), such sums as may be necessary for fiscal year 1997.

''(c) PEER REVIEW.—The Director of NIH, in cooperation with the Director of the National Center for Research Resources, shall establish peer review mechanisms to evaluate applications for clinical research fellowships, clinical research career enhancement awards, and innovative medical science award programs. Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research trainees.''.

SEC. 384. WAIVER OF LIMITATIONS.

Section 481A (42 U.S.C. 287a–2) is amended—

(1) in subsection (b)(3)(A), by striking ''9'' and inserting ''12'';

(2) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''50'' and inserting ''40''; and

(ii) in subparagraph (B), by striking ''40'' and inserting ''30''; and

(B) in paragraph (4), by striking ''for applicants meeting the conditions described in paragraphs (1) and (2) of subsection (c)''; and

(3) in subsection (h), by striking $150,000,000'' and all that follows through ''1996'' and inserting ''such sums as may be necessary for fiscal year 1997''.

Subtitle J—National Library of Medicine

SEC. 391. AUTHORIZATION OF APPROPRIATIONS.

Section 468(a) (42 U.S.C. 286a–2(a)) is amended by striking ''$150,000,000'' and all that follows through the period and inserting ''$160,000,000 for fiscal year 1997.''.

SEC. 392. INCREASING THE CAP ON GRANT AMOUNTS.

Section 474(b)(2) (42 U.S.C. 286b–5(b)(2)) is amended by striking ''$1,000,000'' and inserting ''$1,250,000''.

TITLE IV—AWARDS AND TRAINING

SEC. 401. MEDICAL SCIENTIST TRAINING PROGRAM.

(a) EXPANSION OF PROGRAM.—Notwithstanding any other provision of law, the Secretary of Health and Human Services, acting through the Director of the National Institutes of Health, shall expand the Medical Scientist Training Program to include fields that will contribute to training clinical investigators in the skills of performing patient-oriented clinical research.

(b) DESIGNATION OF SLOTS.—In carrying out subsection (a), the Director of the National Institutes of Health shall designate a specific percentage of positions under the Medical Scientist Training Program for use with respect to the pursuit of a Ph.D. degree in the disciplines of economics, epidemiology, public health, bioengineering, biostatistics and bioethics, and other fields determined appropriate by the Director.

SEC. 402. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in subsection (c), by striking ''1996'' and inserting ''1997''.

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) (42 U.S.C. 288–2(a)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) (42 U.S.C. 288–3(a)(1)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in paragraph (3), by striking ''338C'' and inserting ''338B, 338C''.

SEC. 403. GENERAL LOAN REPAYMENT PROGRAM.

Part G of title IV (42 U.S.C. 288 et seq.) is amended by inserting after section 487E, the following new section:

''SEC. 487F. GENERAL LOAN REPAYMENT PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of NIH, shall carry out a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research with respect to the areas identified under paragraph (2) in consideration of the Federal Government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(2) RESEARCH AREAS.—In carrying out the program under paragraph (1), the Director of NIH shall annually identify areas of research for which loan repayments made be awarded under paragraph (1).

''(3) TERM OF AGREEMENT.—A loan repayment agreement under paragraph (1) shall be for a minimum of two years.

''(b) APPLICABILITY OF CERTAIN PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established in such subpart.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1997.''.

SEC. 404. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) (42 U.S.C. 288(a)(1)(C)) is amended—

(1) by striking ''50 such'' and inserting ''100 such''; and

(2) by striking ''1996'' and inserting ''1997''.

(b) LOAN REPAYMENT PROGRAM.—Section 487E (42 U.S.C. 288–5) is amended—

(1) in the section heading, by striking ''FROM DISADVANTAGED BACKGROUNDS'';

(2) in subsection (a)(1), by striking ''who are from disadvantaged backgrounds'';

(3) in subsection (b)—

(A) by striking ''Amounts'' and inserting the following:

''(1) IN GENERAL.—Amounts''; and

(B) by adding at the end thereof the following new paragraph:

''(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the amounts appropriated for a fiscal year are used for contracts involving those appropriately qualified health professionals who are from disadvantaged backgrounds.''; and

(4) by adding at the end thereof the following new subsections:

''(c) CLINICAL RESEARCH TRAINING POSITION.—A position shall be considered a clinical research training position under subsection (a)(1) if such position involves an individual serving in a general clinical research center or other organizations and institutions determined to be appropriate by the Director of NIH, or a physician receiving a clinical research career enhancement award or NIH intramural research fellowship.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.''.

TITLE V—RESEARCH WITH RESPECT TO AIDS

SEC. 501. COMPREHENSIVE PLAN FOR EXPENDITURE OF AIDS APPROPRIATIONS.

Section 2353(d)(1) (42 U.S.C. 300cc–40b(d)(1)) is amended by striking ''through 1996'' and inserting ''through 1997''.

SEC. 502. EMERGENCY AIDS DISCRETIONARY FUND.

Section 2356(g)(1) (42 U.S.C. 300cc–43(g)(1)) is amended by striking ''$100,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

TITLE VI—GENERAL PROVISIONS

Subtitle A—Authority of the Director of NIH

SEC. 601. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

''(13) may conduct and support research training—

''(A) for which fellowship support is not provided under section 487; and

''(B) which does not consist of residency training of physicians or other health professionals; and

''(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.''.

Subtitle B—Office of Rare Disease Research

SEC. 611. ESTABLISHMENT OF OFFICE FOR RARE DISEASE RESEARCH.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 404F. OFFICE FOR RARE DISEASE RESEARCH.

''(a) ESTABLISHMENT.—There is established within the Office of the Director of the National Institutes of Health an office to be known as the Office for Rare Disease Research (in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of the National Institutes of Health.

''(b) PURPOSE.—The purpose of the Office is to promote and coordinate the conduct of research on rare diseases through a strategic research plan and to establish and manage a rare disease research clinical database.

''(c) ADVISORY COUNCIL.—The Secretary shall establish an advisory council for the purpose of providing advice to the director of the Office concerning carrying out the strategic research plan and other duties under this section. Section 222 shall apply to such council to the same extent and in the same manner as such section applies to committees or councils established under such section.

''(d) DUTIES.—In carrying out subsection (b), the director of the Office shall—

''(1) develop a comprehensive plan for the conduct and support of research on rare diseases;

''(2) coordinate and disseminate information among the institutes and the public on rare diseases;

''(3) support research training and encourage the participation of a diversity of individuals in the conduct of rare disease research;

''(4) identify projects or research on rare diseases that should be conducted or supported by the National Institutes of Health;

''(5) develop and maintain a central database on current government sponsored clinical research projects for rare diseases;

''(6) determine the need for registries of research subjects and epidemiological studies of rare disease populations; and

''(7) prepare biennial reports on the activities carried out or to be carried out by the Office and submit such reports to the Secretary and the Congress.''.

Subtitle C—Certain Reauthorizations

SEC. 621. NATIONAL RESEARCH SERVICE AWARDS.

Section 487(d) (42 U.S.C. 288(d)) is amended by striking ''$400,000,000'' and all that follows through the first period and inserting ''such sums as may be necessary for fiscal year 1997.''.

SEC. 622. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Section 499(m)(1) (42 U.S.C. 290b(m)(1)) is amended by striking ''an aggregate'' and all that follows through the period and inserting ''such sums as may be necessary for fiscal year 1997.''.

Subtitle D—Miscellaneous Provisions

SEC. 631. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by section 611, is further amended by adding at the end thereof the following new section:

''SEC. 404G. ESTABLISHMENT OF NATIONAL FUND FOR HEALTH RESEARCH.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the 'National Fund for Health Research' (hereafter in this section referred to as the 'Fund'), consisting of such amounts as are transferred to the Fund and any interest earned on investment of amounts in the Fund.

''(b) OBLIGATIONS FROM FUND.—

''(1) IN GENERAL.—Subject to the provisions of paragraph (2), with respect to the amounts made available in the Fund in a fiscal year, the Secretary shall distribute all of such amounts during any fiscal year to research institutes and centers of the National Institutes of Health in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and centers for the fiscal year bears to the total amount of appropriations under appropriations Acts for all research institutes and centers of the National Institutes of Health for the fiscal year.

''(2) TRIGGER AND RELEASE OF MONIES.—No expenditure shall be made under paragraph (1) during any fiscal year in which the annual amount appropriated for the National

Institutes of Health is less than the amount so appropriated for the prior fiscal year.''.

SEC. 632. DEFINITION OF CLINICAL RESEARCH.

Part A of title IV (42 U.S.C. 281 et seq.) as amended by sections 611 and 631, is further amended by adding at the end thereof the following new section:

''SEC. 404H. DEFINITION OF CLINICAL RESEARCH.

''As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations, or on material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease, epidemiologic or behavioral studies, outcomes research, or health services research.''.

SEC. 633. ESTABLISHMENT OF A PEDIATRIC RESEARCH INITIATIVE.

Part A of title IV (42 U.S.C. 281 et seq.), as amended by sections 611, 631, and 632, is further amended by adding at the end the following new section:

''SEC. 404I. PEDIATRIC RESEARCH INITIATIVE

''(a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (hereafter in this section referred to as the 'Initiative'). The Initiative shall be headed by the Director of NIH.

''(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH to encourage—

''(1) increased support for pediatric biomedical research within the National Institutes of Health to ensure that the expanding opportunities for advancement in scientific investigations and care for children are realized;

''(2) enhanced collaborative efforts among the Institutes to support multidisciplinary research in the areas that the Director deems most promising;

''(3) increased support for pediatric outcomes and medical effectiveness research to demonstrate how to improve the quality of children's health care while reducing cost;

''(4) the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population; and

''(5) recognition of the special attention pediatric research deserves.

''(c) DUTIES.—In carrying out subsection (b), the Director of NIH shall—

''(1) consult with the Institutes and other advisors as the Director determines appropriate when considering the role of the Institute for Child Health and Human Development;

''(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the—

''(A) assistance is directly related to the illnesses and diseases of children; and

''(B) assistance is extramural in nature; and

''(3) be responsible for the oversight of any newly appropriated Initiative funds and be accountable with respect to such funds to Congress and to the public.

''(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal years 1997 through 1999.

''(e) TRANSFER OF FUNDS.—The Director of NIH may transfer amounts appropriated to any of the Institutes for a fiscal year to the Initiative to carry out this section.''.

SEC. 634. DIABETES RESEARCH.

(a) FINDINGS.—The Congress finds as follows:

(1) Diabetes is a serious health problem in America.

(2) More than 16,000,000 Americans suffer from diabetes.

(3) Diabetes is the fourth leading cause of death in America, taking the lives of more than 169,000 people annually.

(4) Diabetes disproportionately affects minority populations, especially African-Americans, Hispanics, and Native Americans.

(5) Diabetes is the leading cause of new blindness in adults over age 30.

(6) Diabetes is the leading cause of kidney failure requiring dialysis or transplantation, affecting more than 56,000 Americans each year.

(7) Diabetes is the leading cause of nontraumatic amputations, affecting 54,000 Americans each year.

(8) The cost of treating diabetes and its complications are staggering for our Nation.

(9) Diabetes accounted for health expenditures of $105,000,000,000 in 1992.

(10) Diabetes accounts for over 14 percent of our Nation's health care costs.

(11) Federal funds invested in diabetes research over the last two decades has led to significant advances and, according to leading scientists and endocrinologists, has brought the United States to the threshold of revolutionary discoveries which hold the potential to dramatically reduce the economic and social burden of this disease.

(12) The National Institute of Diabetes and Digestive and Kidney Diseases supports, in addition to many other areas of research, genetic research, islet cell transplantation research, and prevention and treatment clinical trials focusing on diabetes. Other research institutes within the National Institutes of Health conduct diabetes-related research focusing on its numerous complications, such as heart disease, eye and kidney problems, amputations, and diabetic neuropathy.

(b) INCREASED FUNDING REGARDING DIABETES.—With respect to the conduct and support of diabetes-related research by the National Institutes of Health, there are authorized to be appropriated for such purpose—

(1) for each of the fiscal years 1997 through 1999, an amount equal to the amount appropriated for such purpose for fiscal year 1996; and

(2) for the 3-fiscal year period beginning with fiscal year 1997, an additional amount equal to 25 percent of the amount appropriated for such purpose for fiscal year 1996.

SEC. 635. PARKINSON'S RESEARCH.

Part B of title IV (42 U.S.C. 284 et seq.), as amended by sections 204, 382 and 383, is further amended by adding at the end the following section:

''PARKINSON'S DISEASE

''SEC. 409E. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease.

''(b) INTER-INSTITUTE COORDINATION.—

''(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

''(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

''(c) MORRIS K. UDALL RESEARCH CENTERS.—

''(1) IN GENERAL.—The Director of NIH shall award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director shall award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

''(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

''(ii) conduct basic and clinical research.

''(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

''(i) conduct training programs for scientists and health professionals;

''(ii) conduct programs to provide information and continuing education to health professionals;

''(iii) conduct programs for the dissemination of information to the public;

''(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

''(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

''(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

''(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

''(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

''(d) MORRIS K. UDALL AWARDS FOR INNOVATION IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH shall establish a grant program to support innovative proposals leading to significant breakthroughs in Parkinson's research. Grants under this subsection shall be available to support outstanding neuroscientists and clinicians who bring innovative ideas to bear on the understanding of the pathogenesis, diagnosis and treatment of Parkinson's disease.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $80,000,000 for fiscal year 1997.''.

SEC. 636. PAIN RESEARCH CONSORTIUM.

(a) SHORT TITLE.—This section may be cited as the ''Pain Research Consortium Act of 1996''.

(b) OPERATION.—Part E of title IV (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

''Subpart 5—Pain Research Consortium

''SEC. 485E. ESTABLISHMENT AND PURPOSE OF THE CONSORTIUM.

''(a) ESTABLISHMENT.—The Director of NIH shall, subject to the availability of appropriations, and acting in cooperation with appropriate Institutes and with leading experts in pain research and treatment, establish within the National Institutes of Health, a Pain Research Consortium (hereafter referred to in this subpart as the 'Consortium').

''(b) PURPOSE.—It is the purpose of the Pain Research Consortium to—

''(1) provide a structure for coordinating pain research activities;

''(2) facilitate communications among Federal and State governmental agencies and private sector organization (including extramural grantees) concerned with pain;

''(3) share information concerning research and related activities being conducted in the area of pain;

''(4) encourage the recruitment and retention of individuals desiring to conduct pain research;

''(5) develop collaborative pain research efforts;

''(6) avoid unnecessary duplication of pain research efforts; and

''(7) achieve a more efficient use of Federal and private sector research funds.

''(c) COMPOSITION.—The Consortium shall be composed of representatives of—

''(1) the National Institute of Neurological Disorders and Stroke;

''(2) the National Institute of Drug Abuse;

''(3) the National Institute of General Medical Sciences;

''(4) the National Institute of Dental Research;

''(5) the National Health, Lung, and Blood Institute;

''(6) the National Cancer Institute;

''(7) the National Institute of Mental Health;

''(8) the National Institute of Nursing Research;

''(9) the National Center for Research Resources;

''(10) the National Institute of Child Health and Human Development;

''(11) the National Institute of Arthritis and Musculoskeletal and Skin Diseases;

''(12) the National Institute on Aging;

''(13) pain management practitioners, which may include physicians, psychologists, physical medicine and rehabilitation service representatives (including physical therapists and occupational therapists), nurses, dentists, and chiropractors; and

''(14) patient advocacy groups.

''(d) ACTIVITIES.—The Consortium shall coordinate and support research, training, health information dissemination and related activities with respect to—

''(1) acute pain;

''(2) cancer and HIV-related pain;

''(3) back pain, headache pain, and facial pain; and

''(4) other painful conditions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1997.''.

Subtitle E—Repeals and Conforming Amendments

SEC. 641. REPEALS AND CONFORMING AMENDMENTS.

(a) RENAMING OF DIVISION OF RESEARCH RESOURCES.—Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''Division of Research Resources'' and inserting ''National Center for Research Resources''.

(b) RENAMING OF NATIONAL CENTER FOR NURSING RESEARCH.—

(1) Section 403(5) (42 U.S.C. 283(5)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(2) Section 408(a)(2) (42 U.S.C. 284c(a)(2)) is amended by striking ''National Center for Nursing Research'' and inserting ''National Institute of Nursing Research''.

(c) RENAMING OF CHIEF MEDICAL DIRECTOR FOR VETERANS AFFAIRS.—

(1) Section 406 (42 U.S.C. 284a) is amended—

(A) in subsection (b)(2)(A), by striking ''Chief Medical Director of the Department of Veterans Affairs or the Chief Dental Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''; and

(B) in subsection (h)(2)(A)(v) by striking ''Chief Medical Director of the Department of Veterans Affairs,'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(2) Section 424(c)(3)(B)(x) (42 U.S.C. 285b–7(c)(3)(B)(x)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(3) Section 429(b) (42 U.S.C. 285c–3(b)) is amended by striking ''Chief Medical Director of the Veterans' Administration'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(4) Section 430(b)(2)(A)(i) (42 U.S.C. 285c–4(b)(2)(A)(i)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(5) Section 439(b) (42 U.S.C. 285d–4(b)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(6) Section 452(f)(3)(B)(xi) (42 U.S.C. 285g–4(f)(3)(B)(xi)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(7) Section 466(a)(1)(B) (42 U.S.C. 286a(a)(1)(B)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(8) Section 480(b)(2)(A) (42 U.S.C. 287a(b)(2)(A)) is amended by striking ''Chief Medical Director of the Department of Veterans Affairs'' and inserting ''Under Secretary for Health of the Department of Veterans Affairs''.

(b) ADVISORY COUNCILS.—Section 406(h) (42 U.S.C. 284a(h)) is amended—

(1) by striking paragraph (1); and

(2) in paragraph (2)—

(A) by striking ''(2)(A) The'' and inserting ''(1) The'';

(B) by redesignating subparagraph (B) as paragraph (2); and

(C) by redesignating clauses (i) through (vi) of paragraph (1) (as so redesignated) as subparagraphs (A) through (F), respectively.

(c) DIABETES AND DIGESTIVE AND KIDNEY DISORDERS ADVISORY BOARDS.—Section 430 (42 U.S.C. 285c–4) is repealed.

(d) NATIONAL ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES ADVISORY BOARD.—Section 442 (42 U.S.C. 285d–7) is repealed.

(e) RESEARCH CENTERS REGARDING CHRONIC FATIGUE SYNDROME.—Subpart 6 of part C of title IV (42 U.S.C. 285f et seq.) is amended by redesignating the second section 447 (42 U.S.C. 285f–1) as section 447A.

(f) NATIONAL INSTITUTE ON DEAFNESS ADVISORY BOARD.—Section 464D (42 U.S.C. 285m–4) is repealed.

(g) BIOMEDICAL AND BEHAVIORAL RESEARCH PERSONNEL STUDY.—Section 489 (42 U.S.C. 288b) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(h) NATIONAL COMMISSION ON ALCOHOLISM AND OTHER ALCOHOL-RELATED PROBLEMS.—Section 18 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979 (42 U.S.C. 4541 note) is repealed.

(i) ADVISORY COUNCIL ON HAZARDOUS SUBSTANCES RESEARCH AND TRAINING.—Section 311(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9660(a)) is amended—

(1) by striking paragraph (5); and

(2) in the last sentence of paragraph (6), by striking ''the relevant Federal agencies referred to in subparagraph (A) of paragraph (5)'' and inserting ''relevant Federal agencies''.

The PRESIDING OFFICER. The Senator from Oklahoma, the acting leader.

SETTING THE TIME FOR COUNTING ELECTORAL VOTES

Mr. NICKLES. Mr. President, I send to the desk a bill and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2158) to set the time for counting electoral votes.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2158) was deemed read for a third time and passed, as follows:

S. 2158

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

In carrying out the procedure set forth in section 15 of title 3, United States Code, for 1997, ''the 9th day of January'' shall be substituted for ''the sixth day of January'' in the first sentence of such section.

SETTING THE TIME FOR THE CONVENING OF THE 105TH CONGRESS

Mr. NICKLES. Mr. President, I send a bill to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2159) to set the time for the convening of the 105th Congress.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2159) was deemed read for a third time and passed, as follows:

S. 2159

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

The 1st session of the 105th Congress shall convene at noon on January 7, 1997.

RELIEF OF OSCAR SALAS-VELAZQUEZ

Mr. NICKLES. I ask unanimous consent the Senate now proceed to consideration of H.R. 1031 which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1031) for the relief of Oscar Salas-Velazquez.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1031) was deemed read for a third time and passed.

Mr. NICKLES. Mr. President, this is a bill that I know Congressman Ramstad and others have worked very hard on. I am pleased we were able to get it passed this evening.

NATIONAL DUCK CALLING DAY

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate turn to the immediate consideration of Senate Resolution 305, a resolution submitted earlier today by Senators PRYOR, BUMPERS, JOHNSTON, BREAUX, and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 305) to designate Saturday, November 30, 1996, as ''National Duck Calling Day.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 305

Whereas Stuttgart, Arkansas, with its flooded rice and soybean fields, is located in the heart of the Mississippi River flyway for migratory birds;

Whereas for the past 60 years, the World's Championship Duck Calling Contest and the Wings Over the Prairie Festival have attached waterfowl enthusiasts from around the world to come to Stuttgart, Arkansas, on Thanksgiving Day weekend;

Whereas the first national duck calling contest was held on November 24, 1936, as part of the traditional Rice Carnival in downtown Stuttgart;

Whereas Thomas E. Walsh of Greenville, Mississippi, was the first national duck calling contest champion, and was awarded a hunting coat valued at $6.60 for his achievement;

Whereas today, the World's Championship Duck Calling Contest draws contestants from throughout the United States and Canada, with a first place prize package valued at over $15,000;

Whereas in order to enter the World's Championship Duck Calling Contest a contestant must qualify by winning a World's Championship Duck Calling Contest sanctioned calling contest, which are held in 29 states;

Whereas over the history of the World's Championship Duck Calling Contest attendance at the event has steadily grown; the number of participants has jumped from 10,000 in 1954, to 50,000 in 1992, to 65,000 in 1995: Now, therefore, be it

Resolved, That the Senate designates Saturday, November 30, 1996, as ''National Duck Calling Day''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

CODIFYING LAWS RELATED TO TRANSPORTATION AND TO IMPROVE THE UNITED STATES CODE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2297 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2297) to codify without substantive change laws related to transportation and to improve the United States Code.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2297) was deemed read the third time and passed.

CORRECTING ENROLLMENT OF H.R. 3159

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 221, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be deemed agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 221) was agreed to.

ESTABLISHING NATIONAL TOURISM BOARD AND NATIONAL TOURISM ORGANIZATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2579, received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2579) to establish the National Tourism Board and National Tourism Organization to promote international tourism to the United States.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2579) was deemed read the third time and passed.

NATIONAL FILM PRESERVATION ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1734 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1734) to reauthorize the National Film Preservation Board, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate is today passing and sending to the President for his signature, the National Film Preservation Act of 1996 to reauthorize and extend the National Film Preservation

Act. I thank Mr. MOORHEAD, Mr. CONYERS and the other House sponsors for successfully bringing this matter through the House of Representatives. I also commend two retiring Senators who have always been champions of the arts, libraries and the public—Senator ALAN SIMPSON and Senator PAUL SIMON. Without their support this Senate action, which I have been seeking since January, would not be taking place today.

I have been a sponsor and supporter of the National Film Preservation Board since 1988 when we first took action to authorize the Board within the Library of Congress. We acted then to recognize the educational, cultural, and historical importance and the fragile nature of our film heritage. Motion pictures are an important part of the American experience and an extraordinary record of our history, our mores, and our aspirations. While there is currently a political penchant for chastising American filmmakers for the sex, violence and drugs seen on screen, we should not lose sight of the contributions of filmmaking to our cultural life and our life as a nation.

Before Congress acted in 1988, we had lost more than half of the feature films produced in the United States before 1951 and 80 percent of our silent films to deterioration. With the efforts of the National Film Preservation Board and those of such private groups as the Film Foundation, Turner Entertainment Co. and others we have made significant progress.

Since 1988 we have maintained a National Film Registry wherein classic movies like ''Casablanca'', ''Citizen Kane'', and ''High Noon'' have been maintained and orphan films, which no studio had an interest in preserving, were rescued from oblivion. The scientists have found better ways to preserve the images that were decaying on celluloid and studios have discovered that film libraries retain economic value and viewer interest.

In 1991, I joined with Senator STEVENS, Senator PELL, and Senator DeConcini to reauthorize and extend the National Film Preservation Act and we succeeded in doing so in June 1992. We acted at a time when there were growing film preservation efforts around the country but little coordination. The Librarian and the National Film Preservation Board were charged with the responsibility for conducting an extensive study of film preservation in American. It is that authorization that expired this summer and which we now renew.

The Library of Congress houses the largest film collection in the world. I am glad that those film treasures are being preserved there and at the UCLA film archive, at the Museum of Modern Art and at the George Eastman House. I am delighted that those films are now being exhibited to the public with the cooperation of their copyright holders. I am happy that they are available to scholars and researchers.

I am encouraged that we have an agreed-upon system for ensuring the integrity of the National Film Registry Collection of the Library of Congress and a certification process to ensure that National Registry films distributed or exhibited to the public that bear the National Registry seal are the genuine article. That seal verifies that they are the registry version. While this is not a full-blown guarantee of moral rights of those involved in the creation of the work, this system is consistent with a recognition of the first-published version as the original or true version of the work.

The comprehensive study conducted by the Librarian and the Board included extensive public hearings and public participation. I am glad to see the Library and the Board taking seriously their mandate to raise public awareness and to increase public involvement. The study further documents the problems that even recent films face, including color-fading, vinegar syndrome and the like. While new technology may hold some prospect for greater stability of the film elements, we still need extensive efforts if we are to preserve our art and respect our history.

This legislation signals the next phase in our coordinated national and local efforts. The bill will reauthorize a program for the preservation of educational and historical films held by libraries, archives, universities, historical societies, and filmmakers in every State. The materials that are at the center of concern are not Hollywood feature films but the orphan films of little commercial value that will not survive without public intervention. These include independent films, newsreels and documentaries, films of historical, educational, and regional importance, films by and about ethnic and minority groups, silent films, short subject films, early animation and films no longer protected by copyright and now part of the public domain.

This action should help preserve important resource materials for scholars and teachers like Denise Youngblood in the History Department, Frank Manchel and Ted Lyman in Arts and Sciences and Kenneth Rothwell in English at the University of Vermont; Ted Perry at Middlebury College; and Kenneth Peck at Burlington College. It is important to the special collection at the Bailey/Howe Library at the University of Vermont and the Vermont Historical Society.

Film preservation, film history and filmmaking matter. They matter to the Vermont Independent Media Artists, the Vermont International Film Foundation, the Savoy Theatre, the Flaherty family in Putney, Barbara VanDyke, the increasing number of creative film artists in Vermont, Vermont's growing film industry, our new film commission and to us all as audience and Americans.

Two film archives in our region should be among the beneficiaries of the preservation program authorized by this legislation. They have worked closely with the Board and encouraged my continued involvement in this effort. The Northeast Historic Film archive is dedicated to preserving motion pictures of northern New England. I know that many saw and enjoyed their exhibition, ''Going to the Movies: A Century of Motion Picture Audiences in Northern New England'' last May in Burlington and that more than 1,000 participating in a screening of Charlie Chaplin's ''The Circus.'' In addition, I have heard from the National Center for Jewish Film, which works to preserve America's film heritage and a glimpse of the cultural heritage of the Jewish people.

I have also heard from the Association of Moving Image Archivists and ask that letters from these organizations be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. This bill will reauthorize the National Film Preservation Board to continue to bring parties together to implement the realistic program outlined in the 1993 national plan. To help fund these activities over the long-term, the bill creates a nonprofit organization to be known as the National Film Preservation Foundation to combine public and private resources and leverage the Federal seed money with private fundraising. The bill we consider and pass today retains only 5 percent of the authorized funds that were initially requested. I urge the private section and those interested in preserving our heritage to rise to the challenge, contribute to the National Film Preservation Foundation and make it a success.

I thank all those who have served on the National Film Preservation Board for their contributions to this important effort. I want to commend Eric Schwartz of the Proskauer Rose law firm for his dedicated commitment as pro bono counsel to the National Film Preservation Board. Finally, I know that our Librarian of Congress strongly supports this legislation and want to thank Jim Billington and the Library staff for their help and for making our National Registry films available to the public.

EXHIBIT 1

NORTHEAST HISTORIC FILM,
Bucksport, ME, August 30, 1996.

Hon. Patrick J. Leahy,
Russell Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the board, staff and members of Northeast Historic Film, we ask for your strong support of THE NATIONAL FILM PRESERVATION ACT of 1996 (H.R. 1734). This bill has already passed the House of Representatives without controversy or opposition. Now we hope you will help the Senate to pass H.R. 1734 quickly so that libraries, educators and archives can benefit from the legislation as soon as possible.

The passage of this act will mean a great deal to our survival as a cultural organization. Northeast Historic Film is a nonprofit

organization preserving film and videotape from Vermont, Maine and New Hampshire.

We spent most of May in Burlington with our history exhibition, ''Going to the Movies: A Century of Motion Picture Audiences in Northern New England.'' The culmination of this educational and cultural series—in which scholars and filmmakers from the University of Vermont, Middlebury College, and other institutions, spoke to the public—was a screening of Charlie Chaplin's classic film *The Circus* with live orchestra at The Flynn to 1,100 people of all ages.

After the screening we received letters from people around Vermont, such as a letter from Hinesburg saying, ''It would be an awful shame to lose this and other such cultural treasures to neglect.'' Film preservation needs your support.

The National Film Preservation Board, which is up for reauthorization, has been a significant force in making people aware of our film heritage nationally. The establishment of a new National Film Preservation Foundation, as recommended by the Librarian of Congress and the Film Board, is essential to the continued preservation and presentation of our film heritage.

While the amount of federal matching funds authorized by H.R. 1734 has been reduced by 95% from the original request, we are all too aware of the frugality of the present period. We still enthusiastically support the bill, seeing it is an important start for a preservation effort that will grow in size and energy as we turn the century.

We are members of the Association of Moving Image Archivists, the professional group representing our field. I enclose testimony to the House by Edward Richmond, AMIA's president at the time of the hearings, in support of this legislation.

The National Film Preservation Act will give the field a way to seek matching funds—an important source of leverage—with a very investment by the federal government.

Archives like this one preserve images and sound that record the changes to our social history, the changes in our landscape, the way we relate to each other. The work we do is very important to the education of young people. We saw first-hand how compelling this experience is to Vermont people.

Please help the many organizations working to save our history by supporting the Senate passage of H.R. 1734.

Sincerely,

KARAN SHELDON,
DAVID WEISS.

THE NATIONAL CENTER FOR JEWISH FILM,
Waltham, MA, August 30, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. EDWARD M. KENNEDY,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the National Center for Jewish Film, located at Brandais University, we are writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

The passage of this act will accomplish two goals which are critically important to the nationwide effort to preserve America's film heritage and make it available to educators, students, scholars and the public. First, it will reauthorize the National Film Preservation Board, which has provided valuable leadership in helping the film archive community develop a coordinated national preservation plan, and which has done much to raise the public's awareness of the need for film preservation.

Second, it will establish the National Film Preservation Foundation, which will allow the nation's film archives to raise private sector funding on a national level, with the need for only a minimum investment by the federal government in matching funds. In Massachusetts and throughout America, archives everyday are facing mountains of deteriorating film which they cannot afford to preserve. These films, often called ''orphans'' because they are no longer owned by commercial entities—including documentaries, newsreels, actuality footage, independent and avant-garde films, films of local and regional interest, socially significant amateur footage, and films which have fallen into public domain.

The National Center for Jewish Film was the recipient of uninterrupted grants from the National Endowment for the Arts/American Film Institute Film Preservation for 19 years until that invaluable program was eradicated last year. The preservation funds provided by that program were crucial in assisting our Center save a number of classic Yiddish feature films including: THE DYBBUK, TEVYE, GREEN FIELDS and UNCLE MOSES. Our Center holds thousands of cans of film in dire need of preservation. Each can preserved saves a small glimpse of the rich cultural heritage of the Jewish people.

Important collections of films exist in each of the fifty states—in local archives, museums, historical societies, libraries, universities and other non-profit institutions. Taken together they constitute an amazingly rich and very endangered cultural legacy.

The National Film Preservation Foundation represents our best hope for saving this legacy on behalf of the American people. Please help us in this effort by supporting H.R. 1734.

Sincerely,

SHARON PUCKER RIVO,
Executive Director.

ASSOCIATION OF MOVING IMAGE ARCHIVISTS,
Los Angeles, CA, September 4, 1996.

Re National Film Preservation Act (H.R. 1734).

Hon. PATRICK J. LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: On behalf of the Association of Moving Image Archivists (AMIA), I am writing to ask you to support the NATIONAL FILM PRESERVATION ACT (H.R. 1734).

AMIA is a professional organization established in 1991 to provide a means for cooperation among individuals concerned with the preservation and use of moving image materials. It currently represents over 300 professional archivists working at more than 100 institutions in both the public and private sectors, most of the working professionals in the film archive field.

AMIA strongly endorses H.R. 1734. This Act has but one purpose—to preserve American films, especially educational and historical materials, which are deteriorating at an alarming rate. The need to act immediately was documented by Film Preservation 1993, a study completed by the Library of Congress and the National Film Preservation Board. H.R. 1734 will reauthorize the Board and establish a separate Foundation to coordinate fundraising efforts to save films. The Act is almost entirely dependent on private funds.

We believe passage of H.R. 1734 is critically important to preserving our nation's history, and insuring that educators, students, scholars, and the public will have access to the most vivid records of our past for teaching, research and enjoyment. The focus of the Act is not Hollywood feature films, but so-called ''orphan films'' which are not owned by commercial entities. These films include newsreels, documentaries, actuality footage, educational films, socially significant amateur footage, films documenting local and regional history, and films which have fallen into the public domain with no copyright owner to insure their survival.

H.R. 1734 will help preserve such films by accomplishing two related and vital goals. First, it will reauthorize the National Film Preservation Board, originally established in 1988. The Board consists of representatives from all important constituencies within the film and academic communities, and operates under the direction of the Librarian of Congress. During the past eight years, the Board has proven invaluable in raising the public's awareness of the need for film preservation and in working with archives throughout the country to develop a coordinated national plan. Reauthorizing the Board will enable it to carry on the work of implementing this plan and providing leadership for the nationwide effort to preserve America's film heritage.

Secondly, H.R. 1734 will establish the National Film Preservation Foundation, as strongly recommended by the Film Board and the Librarian of Congress. The Foundation will work with the nation's film archives to raise private sector funding on a national level, with no investment of federal funds until the year 2000, and after then limited to a maximum allocation of $250,000 in annual matching funds. All funds raised by the Foundation will be used by non-profit archives to preserve and make available historical, educational and cultural films of local, regional and national interest which will otherwise be lost forever.

Important collections of such films exist in each of the fifty states. They are housed in local archives, museums, historical societies, libraries, universities, and non-profit associations. Everyday these institutions face vaults full of deteriorating films which they cannot afford to preserve. These are not Hollywood films, belonging to the film studios and production companies, but orphan films comprising an amazingly rich and valuable national resource.

H.R. 1734 is a non-controversial proposal. It has already passed the House of Representatives by voice vote with complete bi-partisan support and no opposition. It focuses exclusively on films held in the public trust, that are not owned or protected by commercial entities. In recognition of these frugal times, the amount of federal matching funds it authorizes has been reduced by a full 95%. It simply and for the first time gives the nation's archives the tool they need to save the nation's film heritage—a federally chartered National Film Preservation Foundation.

We hope the Senate will act quickly to pass H.R. 1734, so its benefits can be felt as soon as possible. Your help is very much appreciated. Please give the nation's archives a chance to do their job for the benefit of the American people.

Sincerely,

MAXINE FLECKNER DUCEY,
President.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1734) was deemed read the third time and passed.

COMMENDING GOVERNMENTS OF HUNGARY AND ROMANIA

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 303, submitted earlier today by Senators BROWN and SIMON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 303) commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I rise today with my distinguished colleague Senator SIMON to urge adoption of a resolution commemorating a historic treaty.

On September 16, 1996, the governments of Romania and Hungary signed a Treaty of Understanding, Cooperation and Good Neighborliness. Both countries deserve high praise for putting aside long time differences to agree to work together toward their common goal of democracy. This treaty shows the commitment of Romania and Hungary to improve their economic cooperation and to expand military relationships not only between each other, but also to the members of the North Atlantic Treaty Organization.

This agreement will allow both countries to enjoy a broader participation and sets the framework for the type of cooperation that will be required as these countries eventually enter the NATO.

I recently visited Romania and was able to see first hand the remarkable economic changes that are taking place. American investment in Romania doubled from 1993 to 1994 and doubled again in 1995. This agreement, and the increasing regional security that it exemplifies, will ensure increasing opportunities for U.S. investment.

It is clear that Romania and Hungary were able to set aside their long time differences by signing this treaty in order to improve their regional cooperation in hopes that they will eventually be included in NATO. By the mere suggestion that we expand NATO to include the countries of Central and Eastern Europe, we see moves to improve the relationships with their neighbors. If we were to actually expand NATO to include these newly emerging democracies, we would ensure that they will never return to communism. We will ensure that the tragic mistakes of the past will never be repeated and the wonderful people of Central and Eastern Europe will enjoy the long deserved freedoms of democracy.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 303) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 303

Whereas on September 16, 1996, a ''Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary'' was signed by Gyula Horn, Prime Minister of Hungary, and by Nicolae Vacaroiu, Prime Minister of Romania, in Timisoara/Temesvar, Romania;

Whereas this agreement between the two governments is an important step in contributing to the stability of that region and to reconciliation and cooperation among the nations of Central and Eastern Europe.

Whereas this agreement will enhance the participation of both countries in the Partnership for Peace program and will contribute to and facilitate their closer cooperation with the members of the North Atlantic Treaty Organization and the eventual entry of these countries into full NATO participation; and

Whereas this agreement is a further significant step in the process of reconciliation between Hungary and Romania and reflects the desire and effort of both countries to improve their economic cooperation, to foster the free movement of peoples between their countries, to expand military relationships, and to increase cultural and educational cooperation.

It is resolved by the Senate, That the Senate—

(1) commends the farsighted leadership shown by both the government of Hungary and the government of Romania in reaching agreement on the Treaty of Understanding, Cooperation and Good Neighborliness signed on September 16, 1996;

(2) commends the frank, open, and reasoned political dialogue between officials of Hungary and Romania which led to the treaty;

(3) commends the two countries for their efforts to foster improved relations in all fields; and

(4) calls upon the President to utilize all available and appropriate means on behalf of the United States to support the implementation of the provisions of the ''Treaty of Understanding, Cooperation and Good Neighborliness between Romania and the Republic of Hungary'' and to promote their efforts for regional cooperation as the best means of bring these two countries into NATO and to ensure lasting security in the region.

VOICE OF AMERICA AND RADIO MARTI

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 632, H.R. 3916.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3916) to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3916) was deemed read the third time and passed.

VETERANS' BENEFITS IMPROVEMENTS ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 625, S. 1711.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S.1711) to establish a commission to evaluate the programs of the Federal Government and assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

Sec. 101. Establishment of commission.
Sec. 102. Duties of commission.
Sec. 103. Powers of commission.
Sec. 104. Miscellaneous administrative provisions.
Sec. 105. Commission personnel matters.
Sec. 106. Termination of commission.
Sec. 107. Definitions.
Sec. 108. Funding.

TITLE II—LIFE INSURANCE PROGRAMS

Sec. 201. Short title.
Sec. 202. Removal of gender references with respect to Servicemen's Group Life Insurance.
Sec. 203. Conversion of retired reservist Servicemembers' Group Life Insurance to Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserves.
Sec. 204. Conversion of SGLI and VGLI to commercial life insurance.
Sec. 205. Technical amendment.

TITLE III—BENEFITS PROVISIONS

Sec. 301. Expansion of period of Vietnam era for certain veterans.
Sec. 302. Revision of authority relating to centers for minority veterans and women veterans.
Sec. 303. Outer burial receptacles.
Sec. 304. Clarification of eligibility of minors for burial in national cemeteries.

Sec. 305. Extension of authority to treat alternative teacher certification programs as educational institutions for certain educational assistance purposes.
Sec. 306. Direct loans to refinance loans under Native American Veteran Housing Loan Pilot Program.
Sec. 307. Clothing allowance for incarcerated veterans.
Sec. 308. Appointment of veterans service organizations as claimants' representatives.
Sec. 309. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 310. Extension of certain authorities for services for homeless veterans.

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 401. Purposes.
Sec. 402. Definitions.
Sec. 403. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
Sec. 404. Reemployment rights of persons who serve in the uniformed services.
Sec. 405. Reemployment positions.
Sec. 406. Leave.
Sec. 407. Health plans.
Sec. 408. Employee pension benefit plans.
Sec. 409. Enforcement of employment or reemployment rights.
Sec. 410. Enforcement of rights with respect to a State or private employer.
Sec. 411. Enforcement of rights with respect to Federal executive agencies.
Sec. 412. Enforcement of rights with respect to certain Federal agencies.
Sec. 413. Conduct of investigation; subpoenas.
Sec. 414. Transition rules and effective dates.
Sec. 415. Effective dates.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—COMMISSION ON TRANSITION ASSISTANCE

SEC. 101. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Service Members and Veterans Transition Assistance (hereafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters, of whom—

(A) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the Senate, in consultation with the Ranking Member of that committee;

(B) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the House of Representatives, in consultation with the Ranking Member of that committee;

(C) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Ranking Member of that committee; and

(D) two shall be appointed by the Chairman of the Committee on National Security of the House of Representatives, in consultation with the Ranking Member of that committee.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(4) The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 102. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness of veterans transition and assistance programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life upon their separation from the Armed Forces and in providing assistance to veterans in making the transition to, and adjusting to, civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition and assistance programs among the various departments and agencies of the Federal Government and determine the feasibility and desirability of consolidating such administration in one such department or agency;

(3) evaluate proposals for improving such programs, including proposals to consolidate, streamline, and enhance the provision of such assistance and proposals for alternative means of providing such assistance; and

(4) make recommendations to Congress regarding means of ensuring the continuing utility of such programs and assistance and of otherwise improving such programs and the provision of such assistance.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 101(b)(1) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members in preparing for the transition of such members from military life to civilian life and to facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine—

(A) the adequacy of the programs referred to in paragraph (1) for their purposes;

(B) the adequacy of the support of the Armed Forces for such programs;

(C) the effect, if any, of the existence of such programs on military readiness;

(D) the extent to which such programs provide members of the Armed Forces with job-search skills;

(E) the extent to which such programs prepare such members for employment in the private sector and in the public sector;

(F) the effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service; and

(G) the ways in which such programs could be improved in order to assist such members in securing meaningful employment in the private sector upon their separation from service.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 101(b)(1) shall—

(A) review the adequacy of programs intended to assist veterans (including disabled veterans, homeless veterans, and economically disadvantaged veterans) in adjusting to civilian life, including the programs referred to in paragraph (2); and

(B) consider—

(i) whether the scope, focus, or content of such programs should be changed as a result of the conversion of the Armed Forces to an all-volunteer force; and

(ii) whether responsibility for administration of such programs should be transferred to a department or agency other than the Department of Veterans Affairs as a result of such conversion and, if so, the department or agency to which the administration should be transferred.

(2) The programs referred to in paragraph (1)(A) are the following:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Federal Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government.

(2)(A) Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the Secretary of Education, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 103. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 104. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

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

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall, upon the request of the Chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 105. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the Chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 106. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 102(d)(2).

SEC. 107. DEFINITIONS.

For the purposes of this title—

(1) The term ''veterans transition and assistance program'' means any program of the Federal Government, including the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Department of Education, the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term ''Armed Forces'' has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term ''veterans service organization'' means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 108. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the Chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

TITLE II—LIFE INSURANCE PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Veterans' Insurance Reform Act of 1996''.

SEC. 202. REMOVAL OF GENDER REFERENCES WITH RESPECT TO SERVICEMEN'S GROUP LIFE INSURANCE.

(a) IN GENERAL.—The following provisions are amended by striking out ''Servicemen's Group Life Insurance'' each place it appears and inserting in lieu thereof ''Servicemembers' Group Life Insurance'':

(1) Subsections (a), (c), and (e) of section 1967.

(2) Subsections (a) through (d) of section 1969.

(3) Subsections (a), (f), and (g) of section 1970.

(4) Section 1971(b).

(5) Section 1973.

(6) The text of section 1974(a).

(7) Subsections (a) (other than the third and fourth sentences), (d), and (g) of section 1977.

(8) Section 3017(a)(2)(A)(i).

(9) Section 3224(1).

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out ''servicemen's group life insurance'' and inserting in lieu thereof ''servicemembers' group life insurance''.

(2)(A) The heading of subchapter III of chapter 19 is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE''.

(B) The item relating to such subchapter in the table of sections at the beginning of such chapter is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE''.

(3)(A) The section head of section 1974 is amended to read as follows:

''§ 1974. Advisory Council on Servicemembers' Group Life Insurance''.

(B) The item relating to such section in the table of sections at the beginning of chapter 19 is amended to read as follows:

''1974. Advisory Council on Servicemembers' Group Life Insurance.''.

(d) REFERENCES.—(1) Any reference to Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance.

(2) Any reference to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to the Advisory Council on Servicemembers' Group Life Insurance.

SEC. 203. CONVERSION OF RETIRED RESERVIST SERVICEMEMBERS' GROUP LIFE INSURANCE TO VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVES.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding ''and'' at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by adding ''and'' at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the full sentence in the matter following paragraph (2), by striking out ''or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,'';

(2) by striking out subsection (d); and

(3) by redesignating subsection (e) as subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968(a) is amended—

(1) by striking out ''subparagraph (B), (C), or (D) of section 1965(5)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''section 1965(5)(B)'';

(2) by striking out paragraph (4) and inserting in lieu thereof the following new paragraph (4):

''(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 1965(5)(B) of this title, one hundred and twenty days after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Secretary, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment.''; and

(3) by striking out paragraphs (5) and (6).

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out ''is assigned to the Reserve (other than the Retired Reserve)'' and all that follows through ''section 1965(5)(D) of this title,'';

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any

member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of enactment of this Act.

SEC. 204. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968 is amended to read as follows:

''(b)(1) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Secretary, that, except as hereinafter provided, Servicemembers' Group Life Insurance which is continued in force after expiration of the period of duty or travel under section 1967(b) or 1968(a) of this title, effective the day after the date such insurance would cease, shall, at the election of the member or former member concerned—

''(A) be automatically converted to Veterans' Group Life Insurance subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

''(B) be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.

''(2) Automatic conversion under paragraph (1)(A) shall be effective only in the case of an otherwise eligible member or former member who is separated or released from a period of active duty or active duty for training or inactive duty training on or after the date on which the Veterans' Group Life Insurance program (provided for under section 1977 of this title) becomes effective.''.

(b) CONVERSION OF VGLI.—Section 1977 is amended—

(1) in subsection (a), by striking out the fourth and fifth sentences and inserting in lieu thereof the following sentence: ''If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Life Insurance to Servicemembers' Group Life Insurance, Veterans' Group Life Insurance will be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which when added to the amount of Servicemembers' Group Life Insurance payable shall not exceed $200,000.''; and

(2) in subsection (e), by striking out the third sentence and inserting in lieu thereof the following new sentence: ''A Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the date before the date on which the individual policy becomes effective.''.

SEC. 205. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out ''and (e)'' each place it appears in the first and second sentences.

TITLE III—BENEFITS PROVISIONS

SEC. 301. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Section 101(29) of title 38, United States Code, is amended to read as follows:

''(29) The term 'Vietnam era' means the following:

''(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.

''(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.''.

(b) LIMITED EXPANSION FOR SPECIFIC PURPOSES.—(1)(A) Paragraphs (1)(B) and (3) of section 1116(a) of such title are each amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''.

(B) Paragraphs (1)(A), (2)C), (2)(E), (2)(F), and (4) of such section are each amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975''.

(2) Section 1710(e)(1)(A) of such title is amended—

(A) in clause (i), by striking out ''during the Vietnam era,'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''; and

(B) in clause (ii), by striking out ''such era'' and inserting in lieu thereof ''such period''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 302. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting ''career or'' before ''noncareer''.

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

''(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

''(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.''.

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

''(g) In this section—

''(1) The term 'veterans who are minorities' means veterans who are minority group members.

''(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.''.

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out ''(relating to'' and all that follows through ''and of'' and inserting in lieu thereof ''(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on''.

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting '', including the Center for Women Veterans'' before the period at the end.

(2) Section 544(b) is amended by inserting '', including the Center for Minority Veterans'' before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 303. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out ''a grave liner'' each place it appears and inserting in lieu thereof ''an outer burial receptacle'';

(2) in paragraph (2)—

(A) by striking out ''grave liners'' and inserting in lieu thereof ''outer burial receptacles''; and

(B) by striking out ''specifications and procedures'' and inserting in lieu thereof ''regulations or procedures''; and

(3) by adding at the end the following:

''(3) Regulations or procedures under paragraph (2) may specify that—

''(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

''(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

''(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

''(ii) to pay the amount of the administrative costs incurred by the Secretary concerned in providing the outer burial receptacle in lieu of such grave liner.

''(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary concerned, for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.''.

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 2306. Headstones, markers, and burial receptacles''.

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

''2306. Headstones, markers, and burial receptacles.''.

SEC. 304. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after ''minor child'' the following: ''(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)''.

SEC. 305. EXTENSION OF AUTHORITY TO TREAT ALTERNATIVE TEACHER CERTIFICATION PROGRAMS AS EDUCATIONAL INSTITUTIONS FOR CERTAIN EDUCATIONAL ASSISTANCE PURPOSES.

Section 3452(c) is amended in the second sentence by striking out ''September 30, 1996'' and inserting in lieu thereof ''December 31, 1998''.

SEC. 306. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

''(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

''(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

''(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.''.

(b) LOAN FEE.—Section 3729(a)(2)(E) of such title is amended by striking out ''or 3712(a)(1)(F)'' and inserting in lieu thereof ''3712(a)(1)(F), or 3762(h)''.

SEC. 307. CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) IN GENERAL.—Chapter 53 is amended by inserting after section 5313 the following new section:

''§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

''In the case of a veteran incarcerated in a Federal, State, or local penal institution for a period in excess of sixty days and furnished clothing without charge by the institution, the amount of any clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365th of the amount of the allowance otherwise payable under that section for each day during the 12-month period preceding the date of the payment of the allowance on which the veteran was so incarcerated.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

''5313A. Limitation on payment of clothing allowance to incarcerated veterans.''

SEC. 308. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

''(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.''.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 309. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Section 7104(e) is amended to read as follows:

''(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

''(2) If the claimant has an authorized representative, the Board shall—

''(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

''(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.''.

SEC. 310. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1998''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(E) $10,000,000 for fiscal year 1997.

''(F) $10,000,000 for fiscal year 1998.''.

TITLE IV—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 401. PURPOSES.

Section 4301(a)(2) is amended by striking out ''under honorable conditions''.

SEC. 402. DEFINITIONS.

Section 4303(16) is amended by inserting ''national'' before ''emergency''.

SEC. 403. DISCRIMINATION AGAINST PERSONS WHO SERVE IN THE UNIFORMED SERVICES AND ACTS OF REPRISAL PROHIBITED.

Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. This subsection shall apply with respect to a person regardless of whether the person has performed service in the uniformed services.

''(c) An employer shall be considered to have engaged in actions prohibited—

''(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

''(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

''(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position covered by section 4312(d)(1)(C).''.

SEC. 404. REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES.

(a) INCLUSION OF PREPARATION AND TRAVEL TIME PRIOR TO SERVICE.—Section 4312(a) is amended by striking out ''who is absent from a position of employment'' and inserting in lieu thereof ''whose absence from a position of employment is necessitated''.

(b) LIMITATION ON SERVICE EXEMPTION TO WAR OR NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is amended to read as follows:

''(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;''.

(c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—Section 4312(d)(2)(C) is amended by striking out ''is brief or for a nonrecurrent period and without a reasonable expectation'' and inserting in lieu thereof ''is for a brief, nonrecurrent period and there is no reasonable expectation''.

(d) CONFORMING AMENDMENTS TO REDESIGNATIONS IN TITLE 10.—Section 4312(c) is amended—

(1) in paragraph (3), by striking out ''section 270'' and inserting in lieu thereof ''section 10147''; and

(2) in paragraph (4)—

(A) by striking out ''section 672(a), 672(g), 673, 673b, 673c, or 688'' in subparagraph (A) and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, or 12305'';

(B) by striking out ''section 673b'' in subparagraph (C) and inserting in lieu thereof ''section 12304''; and

(C) by striking out ''section 3500 or 8500'' in subparagraph (E) and inserting in lieu thereof ''section 12406''.

SEC. 405. REEMPLOYMENT POSITIONS.

Section 4313(a)(4) is amended—

(1) by striking out ''uniform services'' in subparagraph (A)(ii) and inserting in lieu thereof ''uniformed services''; and

(2) by striking out ''of lesser status and pay which'' and inserting in lieu thereof ''which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which''.

SEC. 406. LEAVE.

Section 4316(d) is amended by adding at the end the following new sentence: ''No employer may require any such person to use vacation, annual, or similar leave during such period of service.''.

SEC. 407. HEALTH PLANS.

Section 4317(a) is amended—

(1) by striking out ''(a)(1)(A) Subject to paragraphs (2) and (3), in'' and inserting in lieu thereof ''(a)(1) In'';

(2) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by paragraph (1) of this section) as subparagraphs (A) and (B), respectively;

(3) by redesignating subparagraph (B) as paragraph (2); and

(4) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

SEC. 408. EMPLOYEE PENSION BENEFIT PLANS.

The last sentence of section 4318(b)(2) is amended by striking out ''services,'' and inserting in lieu thereof ''services, such payment period''.

SEC. 409. ENFORCEMENT OF EMPLOYMENT OR REEMPLOYMENT RIGHTS.

(a) TECHNICAL AMENDMENT.—The second sentence of section 4322(d) is amended by inserting ''attempt to'' before ''resolve''.

(b) NOTIFICATION.—Section 4322(e) is amended—

(1) in the matter preceding paragraph (1), by striking out ''with respect to a complaint under subsection (d) are unsuccessful,'' and inserting in lieu thereof ''with respect to any complaint filed under subsection (a) do not resolve the complaint,''; and

(2) in paragraph (2), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''.

SEC. 410. ENFORCEMENT OF RIGHTS WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

Section 4323(a) is amended—

(1) in paragraph (1), by striking out ''of an unsuccessful effort to resolve a complaint''; and

(2) in paragraph (2)(A), by striking out ''regarding the complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

SEC. 411. ENFORCEMENT OF RIGHTS WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.

(a) REFERRAL.—Section 4324(a)(1) is amended by striking out ''of an unsuccessful effort to resolve a complaint relating to a Federal executive agency''.

(b) ALTERNATIVE SUBMISSION OF COMPLAINT.—Section 4324(b) is amended—

(1) in the matter preceding paragraph (1), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(2) in paragraph (1), by striking out ''regarding a complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

(c) RELIEF.—Section 4324(c)(2) is amended—

(1) by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(2) by striking out ''employee'' and inserting in lieu thereof ''Office''.

SEC. 412. ENFORCEMENT OF RIGHTS WITH RESPECT TO CERTAIN FEDERAL AGENCIES.

Section 4325(d)(1) is amended—

(1) by striking out '', alternative employment in the Federal Government under this chapter,''; and

(2) by striking out ''employee'' the last place it appears and inserting in lieu thereof ''employees''.

SEC. 413. CONDUCT OF INVESTIGATION; SUBPOENAS.

Section 4326(a) is amended by inserting ''have reasonable access to and the right to interview persons with information relevant to the investigation and shall'' after ''at all reasonable times,''.

SEC. 414. TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: ''Any service begun up to 60 days after the date of enactment of this Act, which is served up to 60 days after the date of enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act.''; and

(2) in paragraph (4), by striking out ''such period'' and inserting in lieu thereof ''such 60-day period''.

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out ''person on active duty'' and inserting in lieu thereof ''person serving a period of service in the uniformed services''.

SEC. 415. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by section 404(d) of this Act shall take effect as of December 1, 1994.

AMENDMENT NO. 5418

Mr. NICKLES. Mr. President, Senator SIMPSON has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] for Mr. SIMPSON, for himself and Mr. ROCKEFELLER, proposes amendment numbered 5418.

Mr. NICKLES. Mr. President, I ask unanimous consent that further 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. SIMPSON. Mr. President, I rise to speak briefly on S. 1711, the Veterans Benefits Improvements Act of 1996.

This bill is one of three major veterans' bills being considered this week by the Senate; the other two are S. 1791, a bill to provide cost of living increases to recipients of veterans' benefits, and H.R. 3118, a compromise measure crafted jointly by the members of the House and Senate Committees on Veterans' Affairs which would, among other things, reform the eligibility standards for VA health care. These three bills are the culmination of 2 years of work in the Veterans' Affairs Committee. They are all good bills, bills that have achieved bipartisan support within the Committee. They are also bills that, while they put into place useful, even vital, legislation—without ''breaking the bank.''

Time is becoming a precious commodity as the Senate winds down in these final days, so I will not overstay my welcome with a lengthy explanation of the contents of S. 1711. A detailed explanation of the original bill as reported by the Committee on Veterans' Affairs—and of the eight bills from which it is derived—is in the committee's report of the legislation. A detailed explanation of the bill, as it would be amended in accordance with an agreement reached with our House counterparts, is set out in the ''Joint Explanatory Statement'' which I request be made part of the RECORD. I will, however, summarize.

S. 1711, as reported, would, first, create a commission proposed by our former leader, Bob Dole. That commission, the Commission on Service Members and Veterans Transition Assistance, would study current programs designed to assist service members and veterans in readjusting to civilian life after service. Based on that analysis, it would report to the Congress its recommendations on how such programs might be improved.

I have yet to see a Government program, Mr. President, that cannot stand improvement, so I am confident that the next Congress will be provided with useful information on how we can better assist veterans in readjusting to civilian life.

S. 1711 would also put into place a number of reforms in VA-administered life insurance programs. Most notably, it would make lifetime insurance coverage available to retired reservists who now can only get such coverage until they are 61-years old. It would also facilitate the viatication—or cashing out—of life insurance policies by the terminally ill before they die. These are significant, and useful, reforms.

The bill would also redefine the term ''Vietnam era'' for purposes of VA programs. Some members of the Senate may be surprised to learn that the legal definition of the ''Vietnam era'' extends only from August 5, 1964—the date of the incident which gave rise to the Gulf of Tonkin resolution—until May 7, 1975. United States troops were in Vietnam, however, before that time, and by February 28, 1961, they were accompanying their Vietnamese counterparts on combat missions.

In short, U.S. troops were subjected to the real perils of ground combat at least as early as February 28, 1961. This bill would recognize that fact by redefining the term ''Vietnam era'' back to February 28, 1961 for purposes of most VA programs. This amendment is more than a symbolic one—though the symbolic value of recognizing the valor of those who were first into Vietnam should not be lost. Some VA benefits—most notably pension benefits to assist poor ''wartime'' veterans who are disabled due to non-service-connected injury or disease—are only available to those who served in wartime. It is entirely appropriate that such benefits be extended to those who actually faced peril in Vietnam before that war's ''legal'' starting date.

The bill would make a number of other constructive improvements to VA education, home loan, and burial benefit programs, and would also make necessary changes in procedures governing VA's adjudication of claims. I know that every Senator is concerned about the time it takes for VA to process a veteran's application for benefits. Progress is being made on that front—but more needs to be made.

Finally, Mr. President, this bill, as reported, would make a series of technical corrections to a massive piece of legislation approved by the 103d Congress, the Uniformed Services Employment and Reemployment Rights Act of 1994, Public Law 103–353. That bill was the product of a multiyear executive branch effort, spanning both the Bush and Clinton administrations, which resulted in a recommended updating of Veterans Reemployment Rights laws which dated back to World War II. Those laws, which allow service members to return to prior employment after service, had not been systematically reviewed since World War II. The 1994 legislation took care of that—and did so, I might add, after an extraordinary display of joint, cooperative effort by the executive and legislative branches, and by employer and veterans' groups. But, as is often the case in a massive restructuring of the law, the bill, as enacted, contained both ambiguities and technical oversights and errors. S. 1711 contains provisions to correct such problems.

Mr. President, the amendment to S. 1711 which I offer today contains each and all of these key provisions from S. 1711. It would add, however, a series of provisions adopted by the House in various bills which I—and the ranking

member, my good friend, Senator JAY ROCKEFELLER—have agreed to. Crucial among those provisions are amendments to the law which will have the effect of overturning the result reached by the Court of Veterans Appeals in the case, *Davenport* v. *Brown*, 7 Vet.App. 476 (1995). In that case, the Court construed existing law creating veterans' eligibility for vocational rehabilitation benefits, and ruled that since the statutes do not require that there be a connection between the veteran's service-connected disability and his or her employment handicap, VA could not impose such a requirement as a condition to the receipt of vocational rehabilitation benefits. That requirement—which VA had imposed by now-overturned regulations literally for decades—would be reinstated.

The House-enacted amendments to which we have agreed would also put into place a number if constructive changes to the ''Montgomery GI Bill.'' It would provide for benefits to students participating in cooperative and open-circuit television programs. More importantly, it would allow certain previously ineligible persons—those eligible for the education benefits program in place before enactment of the Montgomery GI bill, and certain National Guard members and reservists—to ''buy into'' Montgomery GI bill benefits.

Finally, these additions would create equity with respect to benefits earned by deceased veterans. First, they would increase the benefits made available to the survivors of veterans who were entitled to VA compensation benefits, but who had not established their entitlement through VA's adjudication process before they died. S. 1711 would allow the survivors of such veterans to claim 2 years' worth of compensation. It would also allow the survivors of any veteran receiving compensation to retain compensation paid for the month within which the veteran died. Currently, Mr. President, VA requests that the veteran's widow refund money previously sent by VA.

As I said when I began these comments, S. 1711 is a good, thoughtful, useful bill. It is also a bill that does not ''bust the budget.'' It is just the sort of legislation—good legislation that does not add to the deficit—that I was determined to guide through the Veterans' Affairs Committee when I assumed the chairmanship of the committee this Congress.

I recall that when I assumed the job of chairman in the 104th Congress—much to the chagrin of some so-called ''leaders'' of the veterans community—there was a good deal of gnashing of teeth. Worse, there was much distortion of what they assumed I planned to do. It was bandied about that I would cut veterans' benefits. Many assumed that, and based on that assumption, some service organizations fanned the flames of fear among veterans. Their assumptions about what I would seek to accomplish were grossly in error, as this and other bills—and history—have shown. They were based, I can only surmise, on the mistaken belief that my zeal for restraining the growth in entitlements spending would lead me to cutting veterans' benefits. I, of course, had never proposed cuts—because cuts in entitlements' spending are not necessary to get control over the deficit. All that is required is restrained growth.

The bill before the Senate now reflects that sort of restraint. It includes positive, useful, constructive, bipartisan legislation that helps veterans, and does not contribute to the deficit. Such legislation is possible, if all start with the determination to craft that form of thoughtful legislation. I do thank the members of the Veterans' Affairs Committee, particularly the committee's ranking minority member, my friend, Senator ''JAY'' ROCKEFELLER, and the committee's staff, for working with me to put together that sort of legislation.

I urge the Senate's approval of S. 1711.

Mr. President, I ask unanimous consent that relevant material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON S. 1711, AS AMENDED

S. 1711, as amended, reflects a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on certain bills considered in the House of Representatives and the Senate during the 104th Congress. These are H.R. 1483, which passed the House on May 21, 1996; H.R. 2289, which passed the House on December 12, 1995; H.R. 3373, which passed the House on May 21, 1996; H.R. 3673, which passed the House on July 16, 1996; H.R. 3674, which passed the House on July 17, 1996 (hereinafter referred to in context as ''House Bill''); and S. 1711, which passed the Senate on September 27, 1996 (hereinafter referred to as ''Senate Bill'').

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of S. 1711, as amended (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement and minor drafting, technical and clarifying changes.

TITLE I—EDUCATION BENEFITS

REPEAL OF THE DAVENPORT DECISION

Current law

Since 1917, when vocational rehabilitation for veterans was established by law, a causal relationship between a veteran's service-connected disability and an employment handicap was required for service-disabled veterans to be eligible for vocational rehabilitation benefits. This nexus formed the basis for the original program and defined the Nation's responsibility for vocational rehabilitation to those veterans who incur or aggravate a disability while serving in our Armed Forces.

In 1980, Public Law 96–466 extensively revised vocational rehabilitation programs in chapter 31 of title 38 and the express statutory language requiring the causal relationship was omitted. As a result, under current law, veterans seeking vocational rehabilitation benefits under chapter 31 satisfy the statutory requirements if they (1) have a compensable service-connected disability and (2) are found to be in need of rehabilitation because of an employment handicap. Nonetheless, when VA promulgated regulations related to the changes in the vocational rehabilitation programs, VA continued to require the causal relationship as it had in the past.

A 1995 Court of Veterans Appeals decision, *Davenport* v. *Brown*, 7 Vet.App. 476 (1995), found no statutory support for VA's regulations requiring a causal relationship between the service-connected disability and the employment handicap. As a result, VA estimated that the decision would produce 32,366 additional participants in vocational rehabilitation programs over 5 years—a 14.4 percent increase in participation and a 14.6 percent increase in entitlement spending.

House bill

Section 101 of H.R. 3674 would, in effect, reverse the *Davenport* decision, and reinstate original Congressional intent by restoring the requirement of a causal relationship between a veteran's service-connected disability and employment handicap for the purpose of awarding vocational rehabilitation benefits.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 101 follows the House bill.

ALTERNATIVE TEACHING CERTIFICATION PROGRAMS

Current law

A pilot program which provides Montgomery GI Bill benefits to persons pursuing State-approved alternative teacher programs through non-traditional educational institutions established under Public Law 103–446 and defined at section 3452(c) of title 38, United States Code, is set to expire on September 30, 1996. Such programs typically offer certification through a combination of course work and ''student teaching'' under the guidance of a certified teacher and are sponsored by educational institutions, such as State or local boards of education. The program saves both time and tuition for the new teacher.

House bill

Section 105 of H.R 3674 would make the program permanent.

Senate bill

Section 305 of S. 1711 would extend the program for twenty-seven months.

Compromise agreement

Section 102 follows the House bill.

GI BILL ''TWO-YEAR'' RULE MODIFICATION

Current law

Under section 3689 of title 38, GI Bill benefits are not authorized for the pursuit of training unless the institution and course offered have been in operation for two years.

Under chapter 36 of title 38, GI Bill benefits are not authorized for courses offered on or through military bases under contract with the Department of Defense (DoD).

House bill

Section 201 of H.R. 3673 would: (a) remove the two year restriction on all degree granting institutions, including branch campuses (but not on non-degree granting institutions); (b) authorize the Secretary to approve

the use of GI Bill benefits for courses offered on or through military bases under contract with DoD; and (c) strengthen and clarify the requirements under which the State Approving Agencies approve courses.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 103 follows the House bill.

ELIMINATION OF THE DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY

Current law

Under section 3482(f) of title 38, a veteran who takes a course by open circuit TV, unlike other courses of independent study, must be concurrently enrolled in an in-residence course to receive educational assistance under the GI Bill.

House bill

Section 202 of H.R. 3673 would eliminate the requirement of being concurrently enrolled in an in-residence course, and would, for benefit purposes, make a course taught by open circuit TV equivalent to a course in independent study.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 104 follows the House bill.

COOPERATIVE PROGRAMS

Current law

Under sections 3032, 3231 and 3532(b), veterans enrolled in cooperative training programs—a combination of in-residence class work at an institution of higher learning and work experience at a job site—receive 80 percent of the full-time educational benefit rate.

House bill

Section 204 of H.R. 3673 would authorize veterans enrolled in cooperative training programs to receive the full amount of the educational benefit rate.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 105 follows the House bill.

ENROLLMENT OF VEAP PARTICIPANTS IN THE MONTGOMERY GI BILL

Current law

Chapter 32 authorizes the Secretary to operate the Veterans' Education Assistance Program (VEAP) for post-Vietnam servicemembers who enrolled after December 31, 1976 and before April 1, 1987. VEAP was the first VA contributory education benefit plan. Under VEAP, active duty servicemembers made voluntary contributions to an individual account which the federal government matched at a 2:1 ratio. The maximum participant contribution was $2,700 and participants could elect to make a lump-sum contribution to the fund. In most cases, a veteran had 10 years in which to use the education benefit and/or make a claim for the unused contribution.

According to VA statistics, 18,927 persons used their VEAP entitlement in fiscal year 1995, which amounted to four percent of the total persons using VA training and education benefits. By comparison, the Montgomery GI Bill provided benefits to nearly 292,000 trainees, or 59 percent of the total.

House bill

Section 103 of H.R. 3674 would authorize servicemembers participating in VEAP to transfer to the Montgomery GI Bill.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 106 follows the House bill.

MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN CURRENT AND FORMER ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD

Current law

Current and former active duty members of the Army and Air National Guard who served between June 30, 1985 and November 29, 1989 are not eligible to participate in any VA education programs.

House bill

Section 104 of H.R. 3674 would provide eligibility for the Montgomery GI Bill to certain current and former active duty members of the Army and Air Nation Guard who served between June 30, 1985 and November 29, 1989.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 107 follows the House bill.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

SUBTITLE A—HOUSING

ENHANCED LOAN ASSET SALE AUTHORITY

Current law

Section 3720(h) of title 38 authorizes VA to guarantee the timely payment of principal and interest to purchasers of real estate mortgage investment conduits (REMICs). REMICs are used to ''bundle'' and market a number of vendee loan notes—that is, notes on direct loans made by VA to purchasers of VA-acquired real estate—so that they may be sold for cash under favorable terms. Under this authority, VA guarantees to REMIC purchasers that principal and interest will be paid in a timely manner. That assurance facilitates the marketing of such securities and enhances their value in the marketplace and simultaneously reduces the interest paid by VA on the notes, thus increasing the return to the Treasury when such securities are sold.

VA's authority to guarantee REMICs expires on December 31, 1996.

House bill

Section 205 of H.R. 3673 would extend, through December 31, 1997, VA's authority to guarantee the timely payment of principal and interest to purchasers of REMICs.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 201 follows the House bill.

REFINANCING OF NATIVE AMERICAN HOME LOANS

Current law

Section 3762 authorizes the Secretary to make a direct housing loan to a Native American veteran if, at the time the loan is made, the Secretary and the tribal organization that has jurisdiction over the veteran have entered a memorandum of understanding with respect to such loans.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 306 of S. 1711 would authorize the Secretary to make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under section 3762 providing the new interest rate is at least one percent below the existing mortgage.

Compromise agreement

Section 202 follows the Senate bill.

SUBTITLE B—MEMORIAL AFFAIRS

MINORS' BURIAL ELIGIBILITY

Current law

Prior to 1973, the Department of the Army operated national cemeteries. In 1973, this function was transferred to the VA with an intent that similar eligibility rules should apply under the VA's management. Title 24 of United State Code, regarding the Army, defines the term ''minor child'' as a person under age 21. However, VA regulations at 38 C.F.R. 1.620(g) allow burial eligibility for a ''minor child'' if such a child was, at death, under 21 or under 23 and pursuing a course of instruction at an approved educational institution.

House bill

Section 201 of H.R. 3373 would clarify that for burial purposes, ''minor child'' includes students up to age 23 who had been pursuing a course of instruction at an approved educational institution, and amend section 2402(5) of title 38 to incorporate VA's regulatory definition.

Senate bill

Section 304 of S. 1711 contains an identical provision.

Compromise agreement

Section 211 contains this provision.

BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES

Current law

Section 2303(a) authorizes VA to pay burial benefits for veterans who die in VA medical facilities or in facilities at which the veteran was receiving hospital or nursing home care under contract with VA.

House bill

Section 303 of H.R. 3673 would provide burial costs and transportation to the place of burial for a veteran who dies in a State nursing home.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 212 follows the House bill.

OUTER BURIAL RECEPTACLES

Current law

Section 2306(d) of title 38 requires the Secretary to provide grave liners for each new grave in a national cemetery in which remains are interred in a casket at no cost to the veteran's survivors. The Secretary of the Army is also authorized to provide a grave liner for such graves at Arlington National Cemetery.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 303 of S. 1711 would require VA, and authorize the Secretary of the Army, to furnish grave liners or burial vaults or other casket receptacles as provided by regulations or procedures adopted to implement this statutory change. Such regulations or procedures would allow persons to elect burial receptacles other than grave liners and, if they did, would require them to pay any additional cost associated with such products and, in addition, an amount which reflects the administrative costs incurred in providing, and procuring, that product choice.

Compromise agreement

Section 213 follows the Senate bill.

TITLE III—EMPLOYMENT AND TRAINING

SUBTITLE A—VETERANS' EMPLOYMENT AND TRAINING

VETS REORGANIZATION

Current law

Section 4102A authorizes Veterans' Employment and Training (VETS) regional offices under the Secretary of Labor equal to the number of regional offices maintained by

the Department of Labor's Employment and Training Administration. VETS Regional Administrators are not required to be veterans.

Section 4103(a) authorizes full-time Federal clerical support personnel to be assigned to each State Directors for VETS in accordance with applicable provisions of title 5, United States Code.

Section 4103(b) requires each VETS State Director and Assistant State Director to be a resident of the state of appointment for at least two years prior to assuming the position.

House bill

Title II of H.R. 2289 would (a) reduce the number of VETS regional administrators to no fewer than five and require that each appointed after enactment of this bill be a veteran; (b) expand the duties of certain clerical personnel assigned to VETS State Directors to include more substantive VETS program responsibilities; (c) maintain the residency requirement except that an individual who had served as a VETS State Director or Assistant State Director for at least two years would become eligible for either position in any state; and (d) authorize the Secretary of Labor to conduct a pilot program to investigate methods of service delivery to veterans.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

The Compromise Agreement incorporates some of the provisions of the House bill. It requires that each Regional Administrator appointed after enactment of the bill be a veteran, and follows paragraphs (b) and (d) described in the House bill.

SUBTITLE B—TECHNICAL AMENDMENTS RELATING TO THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994

USERRA TECHNICAL AMENDMENTS

Current law

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) revised chapter 43 of title 38, United States Code, which safeguards the employment and reemployment rights of members of the uniformed services. Because the laws are complex and technical, the Committee anticipated that as the law was implemented, minor problems would occur and future technical amendments would be necessary to clarify the intent of Congress.

House bill

Title III of H.R. 2289 would make technical amendments to chapter 43 of title 38.

Senate bill

Title IV of S. 1711 contains substantially identical provisions.

Compromise agreement

In sections 311–313, the Compromise Agreement contains these provisions.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM AMENDMENTS

Current law

Under chapter 19 of title 38, the VA administers six life insurance programs and supervises the administration of two others for the benefit of servicemembers, veterans and their beneficiaries. The two programs supervised by the VA, Servicemen's Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI), are administered under a contract with the Prudential Insurance Company. SGLI provides low cost group life insurance to persons on active duty, ready and retired reservists, and persons in several other uniformed services. VGLI, a post-separation insurance program, provides for the conversion of SGLI policies to five-year renewable term policies. When members of the Ready Reserve retire with 20 years of service or are transferred to the Retired Reserve they may continue their SGLI coverage until they receive their first retired paycheck or reach age 61, whichever occurs first. Servicemembers covered by SGLI policies may not convert their insurance to commercial policies upon separation. Upon separation, they must convert to VGLI policies, and VGLI policies may not be converted to commercial policies for 5 years. The Department of Defense is not required to furnish information about life insurance programs.

House bill

Sections 101–104 of H.R. 3373 would (a) merge the Retired Reservists' component of SGLI with VGLI and make lifetime coverage under VGLI available to Retired Reservists; (b) give insureds an option to convert the VGLI policies to commercial policies at any time; (c) require the appropriate Secretary to furnish general information about life insurance to servicemembers; and (d) change the name of Servicemen's Group Life Insurance to Servicemembers' Group Life Insurance.

Senate bill

Title II of S. 1711 contains substantially identical provisions, except for the House provision described in (c).

Compromise agreement

In sections 401–406, the Compromise Agreement follows the House Bill.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

VA CENTERS FOR MINORITY AND WOMEN VETERANS

Current law

Section 317 of title 38 established a Center for Minority Veterans in VA and section 318 established a Center for Women Veterans in VA. Each Center is run by a director who is required to be a noncareer appointee in the Senior Executive Service, appointed for a six year term.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 302 of S. 1711 would (a) allow career and noncareer appointees to be directors of the centers; (b) expand the functions of the Center for Minority Veterans and clarify functions of the Center for Women Veterans in order to make the functions of the centers more parallel; and (c) extend, through December 31, 1999, the Advisory Committee on Minority Veterans.

Compromise agreement

Section 501 follows the Senate bill.

REPEAL OF INCARCERATED VETERANS' CLOTHING ALLOWANCE

Current law

Under chapter 53 of title 38, VA is required to pay a clothing allowance to each veteran, who, because of a service-connected disability, wears or uses a prosthetic or orthopedic appliance which tends to wear out or tear clothing. VA also makes clothing allowance payments to each veteran who uses medication prescribed for a service-connected skin condition and whose outer garments sustain irreparable damage due to the use of that medication.

House bill

Section 104 of H.R. 3673 would add a new section 5313A to title 38 which would require VA to withhold payment on a pro-rated basis to veterans incarcerated for more than 60 days in penal institutions and who receive institutional clothing at no personal expense.

Senate bill

Section 307 of S. 1711 contains a substantively identical provision.

Compromise agreement

Section 502 contains this provision.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Current law

Section 402 of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446) established the Veterans' Claims Adjudication Commission to study the processes and procedures of the VA for the adjudication, resolution, review and final disposition of VA benefits claims. On April 23, 1996, the Chairman of the Veterans' Claims Adjudication Commission submitted a request for an extension in order to complete the study requirements set forth in Public Law 103–446.

House bill

Section 105 of H.R. 3673 would authorize the extension of the Commission's final report deadline from May 2, 1996 to December 31, 1996. Section 105 of H.R. 3673 would also authorize an additional $75,000 in fiscal year 1996 and $75,000 in the first two quarters of fiscal year 1997. These funds would be available in either fiscal year.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 503 follows the House bill.

PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS

Current law

Physicians employed by the Veterans Health Administration may conduct disability examinations of applicants for VA benefits. There is no express provision in current law relating to the use of contract physicians for disability examinations of applicants for VA benefits.

House bill

Section 103 of H.R. 3673 would establish a pilot program for the use of contract physicians for disability examinations at up to 10 VA regional offices.

Senate bill

The Senate Bill contains no comparable provision.

Compromise agreement

Section 504 follows the House bill. The Compromise Agreement contains a requirement that the costs of the pilot program be paid from the Compensation and Pensions account.

DEFINITION OF VIETNAM ERA

Current law

Section 101(29) of title 38 defines the term ''Vietnam era'' as the period beginning August 5, 1964 and ending on May 7, 1975.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Section 301 of S. 1711 would: (a) change the beginning date of the Vietnam era from August 5, 1964 to February 28, 1961 in the case of a veteran who served in the Republic of Vietnam for purposes of VA programs generally; and (b) change the beginning date of the Vietnam era to January 9, 1962 for VA benefits and health care eligibility provisions which presume that the veteran had been exposed to herbicides and defoliants while in the Republic of Vietnam.

Compromise agreement

Section 505 follows the Senate bill.

EFFECTIVE DATE OF DISCONTINUANCE OF CERTAIN VETERANS' BENEFITS BY REASON OF DEATH OF RECIPIENT

Current law

Section 5112(b) authorizes the Secretary to reduce or discontinue the payment of compensation, dependency and indemnity compensation, or pension benefits when the recipient marries or remarries or dies. The effective date of such a reduction or discontinuance is the last day of the month before the marriage, remarriage or death occurs.

House bill

Section 201 of H.R. 3674 would permit a surviving spouse to retain compensation or pension payments pro rated to the day of the death, instead of the last day of the previous month. The effective date for this provision would be October 1, 1997.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 506 follows the House bill but changes date of payment to the last day of the month in which the veteran dies. Where under section 506, the surviving spouse who has been paid benefits for the full month in which the veteran died, is subsequently determined to be entitled to DIC or pension, it is expected that VA will reduce the award of DIC or pension by the amount of benefits paid to the surviving spouse for the month of the veteran's death.

INCREASE OF ACCRUED BENEFITS PAYABLE AFTER DEATH

Current law

Section 5121 authorizes the Secretary to make payments of accrued benefits to survivors for one year when the veteran dies prior to complete adjudication of a VA claim.

House bill

Section 202 of H.R. 3674 would authorize the Secretary to make payments of accrued benefits to survivors for two years when the veteran dies prior to complete adjudication of a VA claim.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 507 follows the House bill.

BVA PROVISIONS

Current law

The Court of Veterans Appeals invalidated the Board of Veterans' Appeals (Board) past practice of mailing decisions in *Trammell* v. *Brown*, 6 Vet. App. 181 (1994). Section 7104(e) of title 38, United States Code, specifies that ''the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any).'' Prior to this decision, the Board's method of ''mailing'' a copy of a decision to a representative depended on where the representative was located. For a representative at the Board's offices in Washington, D.C., a contractor hand-delivered the Board decision to the representative. For a representative at a VA regional office, the Board gave the decision to the contractor, who ''bundled'' mail for the 58 VA regional offices and delivered the bundles to the U.S. Postal Service. Upon receipt, each regional office sorted its bundled mail and distributed any Board decision to the appropriate representative at that regional office. For a representative at an office at a VA facility, the Board mailed its decision directly to the representative.

The Court of Veterans Appeals held that the phrase ''the Board shall promptly mail'' in section 7104(e) means that the Board decision must be delivered directly by the Board into the custody of the U.S. Postal Service. This decision precluded a Board employee or contractor from delivering a decision to a service organization representative. Rather, the Board is currently required to deliver the decision to the U.S. Postal Service.

Section 5902 of title 38 authorizes the Secretary to recognize representatives of certain veterans service organizations in the preparation, presentation and prosecution of VA benefit claims.

House bill

The House bill contains no provisions relating to this matter.

Senate bill

Section 309 of S. 1711 would (a) permit the Board to send its decisions to claimants' representatives by any means reasonably calculated to provide them with a copy of the decision within the same time a copy of the decision sent by first-class mail would be expected to reach them; and (b) permit VA to treat a claimant's power of attorney as an appointment of an entire service organization as the claimant's representative, unless the claimant specifically indicates a desire to limit the power of attorney to a specific representative of an organization. In cases where no such specific indication is made, when the Secretary is required or permitted to notify a claimant's representative, the Secretary would be authorized to notify the organization at the address designated by the organization for such purposes.

Compromise agreement

Section 508 follows the Senate bill.

VA EDUCATION SERVICE

Current law

The VA's Education Service is currently located in Washington, D.C. However, the VA has proposed to move its offices to St. Louis, MO as part of the Veterans Benefits Administration's effort to restructure.

House bill

Section 202 of H.R. 3373 would require VA's Education Service to be located in Washington, D.C.

Senate bill

The Senate bill contains no comparable provisions.

Compromise agreement

Section 509 would prohibit the VA from expending any appropriated funds to move VA's Education Service from its current location in Washington, DC prior to December 31, 1997.

TITLE VI—OTHER MATTERS

HOMELESS VETERANS' REINTEGRATION PROJECT

Current law

The Department of Labor administers the Homeless Veterans' Reintegration Project (HVRP) which is designed to help indigent and homeless veterans return to society as productive citizens. Veterans are estimated to account for one-third of the adult male homeless population. Aided by community-based organizations, the program places homeless veterans in jobs. In the past, the program had been funded at $5 million per year, but in fiscal year 1996, HVRP did not receive an annual appropriation. Rather, the Appropriations Committee urged the Secretary of Labor to fund the program from a discretionary spending account. Public Law 103–446 indicated the sense of Congress that organizations dedicated to serving homeless veterans should receive a share of federal funds devoted to the homeless in a proportion roughly equal to the percentage of veterans among the general homeless population.

House bill

Section 206 of H.R. 3673 would authorize appropriations to the program at $10,000,000 per year for fiscal years 1997 through 1999.

Senate bill

Section 310 of S. 1711 would authorize appropriations to the program at $10,000,000 per year for fiscal years 1997 and 1998.

Compromise agreement

Section 601 follows the Senate bill.

REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS

Current law

Under title 36, United States Code, the American Battle Monuments Commission (ABMC) is not authorized to accept monetary donations for the maintenance of overseas memorials for which ABMC has accepted responsibility from private entities.

House bill

Section 301 of H.R. 3673 would authorize the ABMC to accept monetary donations for the maintenance of overseas memorials determined by the ABMC to be of sufficient importance to warrant long term Federal responsibility.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

Section 602 follows the House bill except that ABMC may not accept monetary donations until it adopts reporting and accounting systems.

TITLE VII—COMMISSION ON TRANSITION ASSISTANCE

COMMISSION ON SERVICE MEMBERS AND VETERANS TRANSITION ASSISTANCE

Current law

There is no provision in current law relating to the establishment of a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life.

House bill

The House bill contains no provision relating to this matter.

Senate bill

Title I of S. 1711 would establish a Commission on Service Members and Veterans Transition Assistance to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life. The Commission would review the efficacy and appropriateness of such existing programs.

Compromise agreement

Title VII follows the Senate bill but clarifies the duties of both Commission panels regarding transition and veterans benefits programs, and makes other perfecting amendments.

ADDITIONAL MATTERS: CLEAR AND UNMISTAKABLE ERROR

Current law

Under 38 C.F.R. 3.105(a), decisions made by VA regional offices are subject to review on the grounds of clear and unmistakable error. Decisions made by the Board of Veterans' Appeals are not subject to this standard of review by law or regulation.

House bill

H.R. 1483 would codify this regulation as it applies to VA regional office decisions and extend the principle underlying it to Board decisions.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION THAT BRONCIOLO-ALVEOLAR CANCER IS SERVICE-CONNECTED

Current law

Section 1112(c) lists certain diseases that are presumed to be service-connected in radiation exposed veterans. Veterans diagnosed with such diseases are eligible for compensation benefits.

House bill

Section 101 of H.R. 3673 would add bronchiolo-alveolar carcinoma, a radiation-related cancer of the lung, to the list of presumptive service-connected diseases which manifest in radiation exposed veterans.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

PRESUMPTION OF PERMANENT/TOTAL DISABILITY IF A VETERAN IS 65 YEARS OF AGE AND IN A NURSING HOME

Current law

Under section 1502(a), a person is considered to be permanently and totally disabled if such a person is unemployable as a result of a disability which is reasonably certain to continue throughout the life of the person. A person is also considered to be permanently and totally disabled if suffering from any disability which renders it impossible for the average person to be gainfully employed throughout the person's life. The Secretary may also make a determination that any disease or disorder renders a person permanently and totally disabled.

House bill

Section 102 of H.R. 3673 would provide a presumption of permanent and total disability for veteran nursing home patients over the age of 65.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

MEDICAL QUALIFICATIONS FOR FLIGHT TRAINING

Current law

Sections 3034(d)(2) and 3241(b)(2) of title 38 and section 16136(c) of title 10 authorizes education benefits to a veteran enrolled in a course of flight instruction provided a commercial pilot medical certificate is maintained throughout flight training. If VA later discovers that the veteran's medical certification has lapsed during training, an overpayment may be created.

House bill

Section 203 of H.R. 3673 would authorize payment of educational benefits for flight training provided the veteran meets the medical requirements for a commercial pilot's certificate at the beginning of training and within 60 days after completion of training.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

INCREASE IN MONTOGMERY GI BILL—ACTIVE DUTY RATES

Current law

Section 3015(b)(1) authorizes the Secretary to award basic monthly education benefits of $416.62 for full-time education training and $338.51 for two-year enlistees.

House bill

Section 102 of H.R. 3674 would increase the basic monthly education benefit for full-time education training and two-year enlistees by $5 to $421.62 and $343.51, respectively.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement follows the Senate bill.

INCREASE IN AUTOMOBILE ALLOWANCE

Current law

Section 3902(a) authorizes the Secretary to make a one-time grant of $5,500 toward the purchase of an automobile to severely disabled veterans if their disability is the result of an injury incurred or disease contracted in or aggravated by military service.

House bill

Section 203 of H.R. 3674 would authorize the Secretary to increase the automobile allowable from $5,500 to $6,500.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

COURT OF VETERANS APPEALS PRO BONO PROGRAM

Current law

There is no provision in current law which relates to legal assistance for financially needy veterans in connection with Court of Veterans Appeals (the Court) proceedings. In fiscal years 1992 through 1995, a discrete line-item appropriation was included in the Court's budget and designated for transfer to the Pro Bono Program's administrator, the Legal Services Corporation. In fiscal year 1996, the Court's operating funds were appropriated through successive continuing resolutions which did not include such a discrete line-item appropriation.

House bill

Section 204 of H.R. 3674 would fund the Pro Bono Program for six years at $700,000 per year, with an increase of three percent per year. The three percent per year increase would begin in fiscal year 1998. Section 204 would fund the Program through VA's Compensation and Pension account, based on savings realized as a result of the reversal of the Davenport decision pursuant to section 101 of the Compromise Agreement. This amount would be reduced during each of the six years by any appropriation enacted for operation of the Program.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Compromise Agreement contains no provision relating to this matter.

S. 1711 AS AMENDED (PAY–GO PROVISIONS)

	1997	1998	1999	2000	2001	2002
Sec. 101: Budget authority	−20	−39	−56	−56	−56	−57
Outlays	−20	−39	−56	−56	−56	−57
Sec. 102: Budget authority	1	1	1	1	1	1
Outlays	1	1	1	1	1	1
Sec. 103: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 104: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 105: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 106: Budget authority	5	2	2	3	3	3
Outlays	5	2	2	3	3	3
Sec. 107: Budget authority	−4	4	5	4	3	2
Outlays	−4	4	5	4	3	2

S. 1711 AS AMENDED (PAY–GO PROVISIONS)—Continued

	1997	1998	1999	2000	2001	2002
Sec. 201: Budget authority	−4	−1	0	0	0	0
Outlays	−4	−1	0	0	0	0
Sec. 202: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 211: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 212: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 213: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 301: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 302: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 303: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 311: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 312: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 313: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 401: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 402: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 403: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 404: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 405: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 406: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 501:			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 502: Budget authority	−1	−1	−1	−1	−1	−1
Outlays	−1	−1	−1	−1	−1	−1
Sec. 503: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 504: Budget authority	9	9	9	10	10	11
Outlays	7	9	9	10	10	11
Sec. 505: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 506: Budget authority	14	14	16	16	16	16
Outlays	13	14	16	17	14	16
Sec. 507: Budget authority	3	3	3	3	3	3
Outlays	3	3	3	3	3	3
Sec. 508: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 509: Budget authority	0	0	0	0	0	0
Outlays	0	0	0	0	0	0
Sec. 510: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 601: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 602: Budget authority	*	*	*	*	*	*
Outlays	*	*	*	*	*	*
Sec. 701: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 702: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 703: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 704: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 705: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 706: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 707: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Sec. 708: Budget authority			Discretionary			
Outlays	*	*	*	*	*	*
Total:						
Budget authority	3	−8	−21	−20	−21	−22
Outlays	0	−8	−21	−19	−23	−22

Mr. ROCKEFELLER. Mr. President, as the Ranking Minority Member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate is considering S. 1711, a bill that would make amendments to a number of veterans benefits and services. I urge my colleagues to give their unanimous support to this measure as it will be amended with a final compromise developed by the two Veterans' Affairs Committees.

Mr. President, because a description of all of the provisions of this measure—which I will refer to as the ''compromise agreement''—are set forth in the explanatory statement which Senator SIMPSON will place in the RECORD, I will just discuss some of the issues which are of particular interest to me. The explanatory statement was developed in cooperation with the House Committee on Veterans' Affairs and

that Committee's Chairman, Bob Stump, will insert the same explanatory statement in the RECORD when the House considers this measure.

OVERTURNING THE DAVENPORT DECISION

Mr. President, section 101 of the compromise agreement amends various provisions of chapter 31 of title 38, United States Code, to effectively reverse the results of the decision of the U.S. Court of Veterans Appeals in Davenport v. Brown, 7 Vet. App. 476 (1995).

In the Davenport decision, the Court invalidated VA regulations relating to eligibility for VA vocational rehabilitation benefits, holding that the VA regulations, which required the showing of a connection between a veteran's service-connected disability and the veteran's employment handicap, were not consistent with the underlying law.

Because the facts of the case—in terms of the background of the veteran claimant, his disability, the apparent lack of any employment handicap related to that disability, and the vocational rehabilitation benefit he sought—were so egregious and because of the potential results of the Court's decision on other claimants for vocational rehabilitation benefits, many seemed to challenge the validity of the Court's action.

While I am fully supportive of the provision in the compromise agreement which will reverse the result of the decision, I think it is vital that all understand that the Court's decision was proper and completely correct. The Court was not ruling on the merits of the veteran claimant's disability or on the veteran's need for vocational rehabilitation services. Rather, the Court was ruling on the narrow, legal question—was VA's regulation which was being challenged authorized by the underlying statutory scheme.

Mr. President, reviewing the validity of VA regulations is just one of the vital functions for which the Court was established, one that the Court carries out very well. Rather than expressing any concern about the Court's decision in the Davenport case, we should applaud the Court for its action in ruling that VA had overstepped its legal authority in issuing the regulation in question. To the extent there was a problem in the law that the veteran in that case sought to exploit—and there was—the fault lies with the Congress for our failure to have included the requirement that there be a connection between a veteran's disability and employment handicap when we revised chapter 31 in 1980 in Public Law 96–466.

CONVERSION OF CERTAIN VA LIFE INSURANCE

Mr. President, I am very pleased that the compromise agreement contains a provision, in section 403, which would permit individuals covered by either of two VA insurance programs—SGLI, Servicemembers' Group Life Insurance, and VGLI, Veterans' Group Life Insurance—to convert their policies to commercial policies at any time, rather than, as under current law, being unable to convert a SGLI policy to anything other than a VGLI policy upon leaving active duty and then having to wait five years after leaving service to convert a VGLI policy to a commercial policy.

There are numerous advantages to this change but one of the key ones—and the reason I highlight this provision—is the opportunity it will afford an individual with a terminal illnesses to convert his or her SGLI or VGLI policy, which can not otherwise be converted prior to death, to a commercial policy. The commercial policy would then be available for conversion to cash through one of two means—acceleration, in which an insured collects on an insurance policy prior to death, or the viatication process, in which an insured sells the policy to a viatical agent who collects at the time of the insured's death.

EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION

Mr. President, as one of the authors of the legislation, enacted in Public Law 103–446, which established the Veterans' Claims Adjudication Commission, and as one of the Commission's major proponents, I am delighted that the compromise agreement, in section 503, contains a provision which extends the Commission through the end of this year so as to enable it to complete its work. The preliminary report, submitted by the Commission earlier this year, showed the depth and breadth of the Commission's work and I look forward with anticipation to the Commission's final report.

EXTENSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS

Mr. President, for purposes of veterans benefits, the ''Vietnam era'' is defined in title 38 as the period beginning on August 5, 1964, and ending on May 7, 1975. The starting date is tied to the incident in the Gulf of Tonkin which led to the adoption of the Tonkin Gulf Resolution on August 7. However, prior to that time, U.S. forces had been serving in Vietnam for a number of years. Under current law, any individual who served in Vietnam but who left active duty prior to August 1964 is not considered a Vietnam era veteran.

An effort has been underway in the Senate for a number of years, dating back to the early 1980's, to amend title 38 to provide for an earlier starting date for the Vietnam era for those veterans who served in Vietnam. However, despite Senate passage on at least four prior occasions, the House has never agreed to this change.

Finally, Mr. President, we have, this year, reached agreement with our colleagues in the House and the compromise agreement, in section 505, would amend the definition to provide that the Vietnam era includes the period between February 28, 1961, and August 4, 1964, for those who served in Vietnam during that period. The date of February 28, 1961, was chosen because that is the approximate date on which American military advisers began to accompany their Vietnamese counterparts on military missions and, as such, is used as the starting date for the Vietnam conflict in a number of other contexts.

INCREASE IN AMOUNT OF ACCRUED BENEFITS

Mr. President, as my colleagues know, the VA claims adjudication system is under serious stress and there are frequently great delays in the processing of claims. With these significant delays, there often are awards of significant back due benefits, dating back to when a claim was first filed, when claims are finally awarded. However, under current law, when a veteran dies while pursuing a claim for benefits, if the claim is ultimately awarded, the veteran's survivors are limited to so-called accrued benefits, which are limited to a maximum of one year's worth of benefits. This result applies, regardless of what the size of the award would have been had the veteran been able to pursue the claim to its conclusion. This result frequently deprives survivors of significant benefits.

Mr. President, I think this result is wrong and should be corrected. My preference is to eliminate the limit on accrued benefits totally. However, there is a need for more information on such an effort, especially the cost implications, before it can move forward. As a first step, therefore, I am pleased that the compromise agreement contains, in section 507, a provision which extends the period of accrued benefits from 1 to 2 years.

Mr. President, in closing, I acknowledge the work of my colleagues in the House, Chairman BOB STUMP and the ranking minority member, SONNY MONTGOMERY, and our committee's chairman, Senator SIMPSON, in developing the comprehensive legislation.

Mr. President, I thank the staff who have worked extremely long and hard on this compromise—JILL COCHRAN, Beth Kiker, Pat Ryan, Mike Brinck, Kingston Smith, and others on the House committee, and Bill Brew, Jim Gottlieb, Bill Tuerk, Chris Yoder, and Tom Harvey with the Senate committee. I also thank Bob Cover and Charlie Armstrong of the House and Senate Offices of Legislative Counsel for their excellent assistance and support in drafting the compromise agreement.

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill be deemed read a third time, and passed, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5418) was agreed to.

The committee amendment, as amended, was agreed to.

The bill (S. 1711), as amended, was deemed read the third time and passed, as follows:

S. 1711

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Improvements Act of 1996''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Employment handicap for which an individual may receive training and rehabilitation assistance.
Sec. 102. Permanent authority for alternative teacher certification programs.
Sec. 103. Period of operation for approval.
Sec. 104. Elimination of distinction between open circuit TV and independent study.
Sec. 105. Cooperative programs.
Sec. 106. Enrollment of certain VEAP participants in Montgomery GI Bill.
Sec. 107. Montgomery GI Bill eligibility for certain active duty members of Army and Air National Guard.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

Sec. 201. Extension of enhanced loan asset sale authority.
Sec. 202. Direct loans to refinance loans under Native American veteran housing loan pilot program.

Subtitle B—Memorial Affairs

Sec. 211. Clarification of eligibility of minors for burial in national cemeteries.
Sec. 212. Burial benefits for certain veterans who die in State nursing homes.
Sec. 213. Outer burial receptacles.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

Sec. 301. Regional Administrator.
Sec. 302. Support personnel for Directors of Veterans' Employment and Training.
Sec. 303. Pilot program to integrate and streamline functions of local veterans' employment representatives.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

Sec. 311. Amendments to chapter 43 of title 38, United States Code.
Sec. 312. Amendments to transition rules and effective dates.
Sec. 313. Effective dates.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

Sec. 401. Short title.
Sec. 402. Merger of Retired Reserve Servicemembers' Group Life Insurance and Veterans' Group Life Insurance and extension of Veterans' Group Life Insurance to members of the Ready Reserve.
Sec. 403. Conversion of SGLI and VGLI to commercial life insurance policy.
Sec. 404. Information to be provided members concerning automatic maximum coverage of $200,000 under Servicemen's Group Life Insurance.
Sec. 405. Renaming of Servicemen's Group Life Insurance program.
Sec. 406. Technical amendment.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 501. Revision of authority relating to Centers for Minority Veterans and Women Veterans.
Sec. 502. Limitation on clothing allowance for incarcerated veterans.
Sec. 503. Extension of Veterans' Claims Adjudication Commission.
Sec. 504. Pilot program for use of contract physicians for disability examinations.
Sec. 505. Expansion of period of Vietnam era for certain veterans.
Sec. 506. Payment of benefit to surviving spouse for month in which veteran dies.
Sec. 507. Increase in period for which accrued benefits payable.
Sec. 508. Appointment of veterans service organizations as claimants' representatives.
Sec. 509. Provision of copies of Board of Veterans' Appeals decisions.
Sec. 510. Limitation on relocation or reduction in staffing of certain elements of the Education Service of the Veterans Benefits Administration.

TITLE VI—OTHER MATTERS

Sec. 601. Extension of certain authorities for services for homeless veterans.
Sec. 602. Repair and long-term maintenance of war memorials.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

Sec. 701. Establishment of Commission.
Sec. 702. Duties of Commission.
Sec. 703. Powers of Commission.
Sec. 704. Miscellaneous administrative provisions.
Sec. 705. Commission personnel matters.
Sec. 706. Termination of Commission.
Sec. 707. Definitions.
Sec. 708. Funding.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—EDUCATION BENEFITS

SEC. 101. EMPLOYMENT HANDICAP FOR WHICH AN INDIVIDUAL MAY RECEIVE TRAINING AND REHABILITATION ASSISTANCE.

(a) DEFINITIONS.—Section 3101 is amended—

(1) in paragraph (1), by inserting '', resulting in substantial part from a disability described in section 3102(1)(A) of this title,'' after ''impairment'';

(2) in paragraph (6), by inserting ''authorized under section 3120 of this title'' after ''assistance''; and

(3) in paragraph (7), by inserting '', resulting in substantial part from a service-connected disability rated at 10 percent or more,'' after ''impairment''.

(b) BASIC ENTITLEMENT.—Section 3102 is amended—

(1) in paragraph (1)(A)(i), by striking out ''which is'' and all that follows through ''chapter 11 of this title and'' and inserting in lieu thereof ''rated at 20 percent or more'';

(2) in paragraph (2)(A), by striking out ''which is'' and all that follows through ''chapter 11 of this title and'' and inserting in lieu thereof ''rated at 10 percent''; and

(3) by amending paragraph (2)(B) to read as follows:

''(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.''.

(c) PERIODS OF ELIGIBILITY.—Section 3103 is amended—

(1) in subsection (b)(3), by striking out ''described in section 3102(1)(A)(i) of this title'' and inserting in lieu thereof ''rated at 10 percent or more'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking out ''particular'' and inserting in lieu thereof ''current''; and

(B) in paragraph (2), by striking out ''veteran's employment'' and inserting in lieu thereof ''veteran's current employment''; and

(3) in subsection (d), by striking out ''under this chapter'' and inserting in lieu thereof ''in accordance with the provisions of section 3120 of this title''.

(d) SCOPE OF SERVICES AND ASSISTANCE.—Section 3104 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking out ''such veteran's disability or disabilities cause'' and inserting in lieu thereof ''the veteran has an employment handicap or''; and

(ii) by inserting ''reasonably'' after ''goal is'';

(B) in paragraph (7)(A)—

(i) by striking out ''(i)''; and

(ii) by striking out '', and (ii)'' and all that follows through ''such Act''; and

(C) in paragraph (12), by striking out ''For the most severely disabled veterans requiring'' and inserting in lieu thereof ''For veterans with the most severe service-connected disabilities who require''; and

(2) by striking out subsection (b) and redesignating subsection (c) as subsection (b).

(e) DURATION OF REHABILITATION PROGRAMS.—Paragraph (1) of section 3105(c) is amended by striking out ''veteran's employment'' and inserting in lieu thereof ''veteran's current employment''.

(f) INITIAL AND EXTENDED EVALUATIONS; DETERMINATIONS REGARDING SERIOUS EMPLOYMENT HANDICAP.—(1) Section 3106 is amended—

(A) in subsection (a), by striking out ''described in clause (i) or (ii) of section 3102(1)(A) of this title'' and inserting in lieu thereof ''rated at 10 percent or more'';

(B) in subsection (b), by striking out ''counseling in accordance with'';

(C) in subsection (c), by striking out ''with extended'' and inserting in lieu thereof ''with an extended''; and

(D) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.''.

(2) Chapter 31 is amended—

(A) in section 3107(c)(2), by striking out ''3106(e)'' and inserting in lieu thereof ''3106(f)'';

(B) in section 3109, by striking out ''3106(d)'' and inserting in lieu thereof ''3106(e)'';

(C) in section 3118(c), by striking out ''3106(e)'' and inserting in lieu thereof ''3106(f)''; and

(D) in section 3120(b), by striking out ''3106(d)'' and inserting in lieu thereof ''3106(d) or (e)''.

(g) ALLOWANCES.—Section 3108 is amended—

(1) in subsection (a)(2), by striking out ''following the conclusion of such pursuit'' and inserting in lieu thereof ''while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title''; and

(2) in subsection (f)(1)—

(A) in subparagraph (A)—

(i) by inserting ''eligible for and'' after ''veteran is'';

(ii) by striking out ''chapter 30 or 34'' and inserting in lieu thereof ''chapter 30''; and

(iii) by striking out ''either chapter 30 or chapter 34'' and inserting in lieu thereof ''chapter 30''; and

(B) in subparagraph (B), by striking out ''chapter 30 or 34'' and inserting in lieu thereof ''chapter 30''.

(h) EMPLOYMENT ASSISTANCE.—Paragraph (1) of section 3117(a) is amended by inserting ''rated at 10 percent or more'' after ''disability''.

(i) PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120 is amended—

(1) in subsection (b), by striking out ''service-connected disability described in section 3102(1)(A)'' and inserting in lieu thereof ''serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)''; and

(2) in subsection (d), by striking out ''and (b)''.

(j) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsection (a) (other than paragraph (2)), subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)), and subsection (i) shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter.

SEC. 102. PERMANENT AUTHORITY FOR ALTERNATIVE TEACHER CERTIFICATION PROGRAMS.

Subsection (c) of section 3452 is amended by striking out ''For the period ending on September 30, 1996, such'' and inserting in lieu thereof ''Such''.

SEC. 103. PERIOD OF OPERATION FOR APPROVAL.

(a) IN GENERAL.—(1) Chapter 36 is amended—

(A) by striking out section 3689; and

(B) by striking out the item relating to section 3689 in the table of sections at the beginning of such chapter.

(2) Subparagraph (C) of section 3680A(d)(2) is amended by striking out ''3689(b)(6) of this title'' and inserting in lieu thereof ''subsection (g)''.

(b) DISAPPROVAL OF ENROLLMENT IN CERTAIN COURSES.—Section 3680A is amended by adding after subsection (d) the following new subsections:

''(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

''(1) the educational institution has been operating for less than two years;

''(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

''(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

''(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

''(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

''(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

''(g) Notwithstanding subsections (e) and (f), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Transportation and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.''.

(c) APPROVAL OF ACCREDITED COURSES.—Subsection (b) of section 3675 is amended to read as follows:

''(b) As a condition of approval under this section, the State approving agency must find the following:

''(1) The educational institution keeps adequate records, as prescribed by the State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

''(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

''(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), and (3) of section 3676(c) of this title.''.

SEC. 104. ELIMINATION OF DISTINCTION BETWEEN OPEN CIRCUIT TV AND INDEPENDENT STUDY.

(a) VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Subsection (f) of section 3482 is amended by striking out ''in part''.

(b) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3523 is amended—

(1) in subsection (a)(4), by inserting ''(including open circuit television)'' after ''independent study program'' the second place it appears; and

(2) in subsection (c), by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

(c) ADMINISTRATION OF EDUCATIONAL BENEFITS.—Subsection (c) of section 3680A is amended by striking out ''radio'' and all that follows through the end and inserting in lieu thereof ''radio.''.

SEC. 105. COOPERATIVE PROGRAMS.

(a) CHAPTER 30.—Section 3032 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CHAPTER 32.—Section 3231 is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(c) CHAPTER 35.—Subsection (b) of section 3532 is amended by striking out ''$327'' and inserting in lieu thereof ''$404''.

(d) CHAPTER 1606.—Section 16131 of title 10, United States Code, is amended—

(1) by striking out subsection (e) and redesignating subsections (f), (g), (h), (i), and (j) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) in subsection (b)(1), by striking out ''(g)'' and inserting in lieu thereof ''(f)''.

SEC. 106. ENROLLMENT OF CERTAIN VEAP PARTICIPANTS IN MONTGOMERY GI BILL.

(a) IN GENERAL.—Subchapter II of chapter 30 is amended by inserting after section 3018B the following new section:

''§ 3018C. Opportunity for certain VEAP participants to enroll

''(a) Notwithstanding any other provision of law, an individual who—

''(1) is a participant on the date of the enactment of the Veterans' Benefits Improvements Act of 1996 in the educational benefits program provided by chapter 32 of this title;

''(2) is serving on active duty (excluding the periods referred to in section 3202(1)(C) of this title) on such date;

''(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(4) if discharged or released from active duty during the one-year period specified in paragraph (5), is discharged or released therefrom with an honorable discharge; and

''(5) during the one-year period beginning on the date of the enactment of the Veterans' Benefits Improvements Act of 1996, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

may elect to become entitled to basic educational assistance under this chapter.

''(b) With respect to an individual who makes an election under subsection (a) to become entitled to basic education assistance under this chapter—

''(1) the basic pay of the individual shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

''(2) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under paragraph (1), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from such chapter 32 program as of the date of such election.

''(2) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) to the individual, as provided in section 3223(b) of this title and subject to subsection (b)(2) of this section, the unused contributions made by the individual to the

Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) shall remain in such account to make payments of benefits to such individual under section 3015(f) of this title.

''(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) and of subparagraph (A) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.''.

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 is amended by inserting after the item relating to section 3018B the following new item:

''3018C. Opportunity for certain VEAP participants to enroll.''.

(2) Subsection (d) of section 3013 is amended by striking out ''or 3018B'' and inserting in lieu thereof '', 3018B, or 3018C''.

(3) Subsection (f) of section 3015 is amended by inserting '', 3018B, or 3018C'' after ''section 3018A''.

(c) TRANSFER OF EDUCATIONAL ASSISTANCE FUNDS.—(1) Subparagraph (B) of section 3232(b)(2) is amended—

(A) by striking out '', for the purposes of section 1322(a) of title 31,''; and

(B) by striking out ''as provided in such section'' and inserting in lieu thereof ''to the Secretary for payments for entitlement earned under subchapter II of chapter 30''.

(2) Paragraph (1) of section 3035(b) is amended by inserting before the period at the end the following: ''and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title''.

SEC. 107. MONTGOMERY GI BILL ELIGIBILITY FOR CERTAIN ACTIVE DUTY MEMBERS OF ARMY AND AIR NATIONAL GUARD.

(a) IN GENERAL.—Paragraph (7) of section 3002 is amended by striking out ''November 29, 1989'' and inserting in lieu thereof ''June 30, 1985''.

(b) APPLICATION.—(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act and in the manner required by the Secretary of Defense.

(2) In the case of any individual making an election under paragraph (1)—

(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

(A) the date determined under such section 3031; or

(B) the date on which the election under paragraph (1) becomes effective.

TITLE II—HOUSING AND MEMORIAL AFFAIRS

Subtitle A—Housing

SEC. 201. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Paragraph (2) of section 3720(h) is amended by striking out ''December 31, 1996'' and inserting in lieu thereof ''December 31, 1997''.

SEC. 202. DIRECT LOANS TO REFINANCE LOANS UNDER NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.

(a) AUTHORITY.—Section 3762 is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The Secretary may make direct loans to Native American veterans in order to enable such veterans to refinance existing loans made under this section.

''(2)(A) The Secretary may not make a loan under this subsection unless the loan meets the requirements set forth in subparagraphs (B), (C), and (E) of paragraph (1) of section 3710(e) of this title.

''(B) The Secretary may not make a loan under this subsection unless the loan will bear an interest rate at least one percentage point less than the interest rate borne by the loan being refinanced.

''(C) Paragraphs (2) and (3) of such section 3710(e) shall apply to any loan made under this subsection, except that for the purposes of this subsection the reference to subsection (a)(8) of section 3710 of this title in such paragraphs (2) and (3) shall be deemed to be a reference to this subsection.''.

(b) LOAN FEE.—Section 3729(a)(2)(E) is amended by striking out ''or 3712(a)(1)(F)'' and inserting in lieu thereof ''3712(a)(1)(F), or 3762(h)''.

Subtitle B—Memorial Affairs

SEC. 211. CLARIFICATION OF ELIGIBILITY OF MINORS FOR BURIAL IN NATIONAL CEMETERIES.

Section 2402(5) is amended by inserting after ''minor child'' the following: ''(which for purposes of this chapter includes a child under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution)''.

SEC. 212. BURIAL BENEFITS FOR CERTAIN VETERANS WHO DIE IN STATE NURSING HOMES.

Subsection (a) of section 2303 is amended to read as follows:

''(a)(1) When a veteran dies in a facility described in paragraph (2), the Secretary shall—

''(A) pay the actual cost (not to exceed $300) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Department; and

''(B) when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

''(2) A facility described in this paragraph is—

''(A) a Department facility (as defined in section 1701(4) of this title) to which the deceased was properly admitted for hospital, nursing home, or domiciliary care under section 1710 or 1711(a) of this title; or

''(B) an institution at which the deceased veteran was, at the time of death, receiving—

''(i) hospital care in accordance with section 1703 of this title;

''(ii) nursing home care under section 1720 of this title; or

''(iii) nursing home care for which payments are made under section 1741 of this title.''.

SEC. 213. OUTER BURIAL RECEPTACLES.

(a) IN GENERAL.—Subsection (d) of section 2306 is amended—

(1) in paragraph (1), by striking out ''a grave liner'' each place it appears and inserting in lieu thereof ''an outer burial receptacle'';

(2) in paragraph (2)—

(A) by striking out ''grave liners'' and inserting in lieu thereof ''outer burial receptacles''; and

(B) by striking out ''specifications and procedures'' and inserting in lieu thereof ''regulations or procedures''; and

(3) by adding at the end the following:

''(3) Regulations or procedures under paragraph (2) may specify that—

''(A) an outer burial receptacle other than a grave liner be provided in lieu of a grave liner at the election of the survivors of the interred veteran; and

''(B) if an outer burial receptacle other than a grave liner is provided in lieu of a grave liner upon an election of such survivors, such survivors be required—

''(i) to pay the amount by which the cost of the outer burial receptacle exceeds the cost of the grave liner that would otherwise have been provided in the absence of the election; and

''(ii) to pay the amount of the administrative costs incurred by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army) in providing the outer burial receptacle in lieu of such grave liner.

''(4) Regulations or procedures under paragraph (2) may provide for the use of a voucher system, or other system of reimbursement approved by the Secretary (or, with respect to Arlington National Cemetery, the Secretary of the Army), for payment for outer burial receptacles other than grave liners provided under such regulations or procedures.''.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2306. Headstones, markers, and burial receptacles''.

(2) The table of sections at the beginning of chapter 23 is amended by striking out the item relating to section 2306 and inserting in lieu thereof the following new item:

''2306. Headstones, markers, and burial receptacles.''.

TITLE III—EMPLOYMENT AND TRAINING

Subtitle A—Veterans' Employment and Training

SEC. 301. REGIONAL ADMINISTRATOR.

Paragraph (1) of section 4102A(e) is amended by adding at the end the following: ''Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran.''.

SEC. 302. SUPPORT PERSONNEL FOR DIRECTORS OF VETERANS' EMPLOYMENT AND TRAINING.

Subsection (a) of section 4103 is amended—

(1) in the first sentence, by striking out ''full-time Federal clerical support'' and inserting in lieu thereof ''full-time Federal clerical or other support personnel''; and

(2) in the third sentence, by striking out ''Full-time Federal clerical support personnel'' and inserting in lieu thereof ''Full-time Federal clerical or other support personnel''.

SEC. 303. PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) AUTHORITY TO CONDUCT PILOT PROGRAM.—In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

(b) AUTHORITIES UNDER CHAPTER 41.—To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than sections 4104(b)(1) and (c)) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

(c) TARGETED VETERANS.—Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

(d) STATES DESIGNATED.—The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

(e) REPORTS TO CONGRESS.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

(f) DEFINITIONS.—For the purposes of this section:

(1) The term ''veteran'' has the meaning given such term by section 101(2) of title 38, United States Code.

(2) The term ''disabled veteran'' has the meaning given such term by section 4211(3) of such title.

(3) The term ''active military, naval, or air service'' has the meaning given such term by section 101(24) of such title.

(g) ALLOCATION OF FUNDS.—Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

(h) EXPIRATION DATE.—The authority to carry out the pilot program under this section shall expire on October 1, 1999.

Subtitle B—Technical Amendments Relating to the Uniformed Services Employment and Reemployment Rights Act of 1994

SEC. 311. AMENDMENTS TO CHAPTER 43 OF TITLE 38, UNITED STATES CODE.

Chapter 43 is amended as follows:

(1) Section 4301(a)(2) is amended by striking out ''under honorable conditions''.

(2) Section 4303(16) is amended by inserting ''national'' before ''emergency''.

(3) Section 4311 is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

''(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

''(c) An employer shall be considered to have engaged in actions prohibited—

''(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

''(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

''(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.''.

(4) Section 4312 is amended—

(A) in subsection (a), by striking out ''who is absent from a position of employment'' and inserting in lieu thereof ''whose absence from a position of employment is necessitated'';

(B) in subsection (c)—

(i) by striking out ''section 270'' in paragraph (3) and inserting in lieu thereof ''section 10147''; and

(ii) in paragraph (4)—

(I) by striking out ''section 672(a), 672(g), 673, 673b, 673c, or 688'' in subparagraph (A) and inserting in lieu thereof ''section 688, 12301(a), 12301(g), 12302, 12304, or 12305'';

(II) by amending subparagraph (B) to read as follows:

''(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;'';

(III) by striking out ''section 673b'' in subparagraph (C) and inserting in lieu thereof ''section 12304''; and

(IV) by striking out ''section 3500 or 8500'' in subparagraph (E) and inserting in lieu thereof ''section 12406''; and

(C) in subsection (d)(2)(C), by striking out ''is brief or for a nonrecurrent period and without a reasonable expectation'' and inserting in lieu thereof ''is for a brief, nonrecurrent period and there is no reasonable expectation''.

(5) Section 4313(a)(4) is amended—

(A) by striking out ''uniform services'' in subparagraph (A)(ii) and inserting in lieu thereof ''uniformed services''; and

(B) by striking out ''of lesser status and pay which'' and inserting in lieu thereof ''which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which''.

(6) Section 4316(d) is amended by adding at the end the following new sentence: ''No employer may require any such person to use vacation, annual, or similar leave during such period of service.''.

(7) Section 4317(a) is amended—

(A) by striking out ''(a)(1)(A) Subject to paragraphs (2) and (3), in'' and inserting in lieu thereof ''(a)(1) In'';

(B) by redesignating clauses (i) and (ii) of paragraph (1) (as amended by subparagraph (A) of this paragraph) as subparagraphs (A) and (B), respectively;

(C) by redesignating subparagraph (B) as paragraph (2); and

(D) by redesignating subparagraph (C) as paragraph (3), and in that paragraph by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(8) The last sentence of section 4318(b)(2) is amended by striking out ''services,'' and inserting in lieu thereof ''services, such payment period''.

(9) Section 4322 is amended—

(A) in the second sentence of subsection (d) by inserting ''attempt to'' before ''resolve''; and

(B) in subsection (e)—

(i) in the matter preceding paragraph (1), by striking out ''with respect to a complaint under subsection (d) are unsuccessful,'' and inserting in lieu thereof ''with respect to any complaint filed under subsection (a) do not resolve the complaint,''; and

(ii) in paragraph (2), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''.

(10) Section 4323(a) is amended—

(A) in paragraph (1), by striking out ''of an unsuccessful effort to resolve a complaint''; and

(B) in paragraph (2)(A), by striking out ''regarding the complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''.

(11) Section 4324 is amended—

(A) in subsection (a)(1), by striking out ''of an unsuccessful effort to resolve a complaint relating to a Federal executive agency'';

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) in paragraph (1), by striking out ''regarding a complaint under section 4322(c)'' and inserting in lieu thereof ''under section 4322(a)''; and

(C) in subsection (c)(2)—

(i) by inserting ''or the Office of Personnel Management'' after ''Federal executive agency''; and

(ii) by striking out ''employee'' and inserting in lieu thereof ''Office''.

(12) Section 4325(d)(1) is amended—

(A) by striking out '', alternative employment in the Federal Government under this chapter,''; and

(B) by striking out ''employee'' the last place it appears and inserting in lieu thereof ''employees''.

(13) Section 4326(a) is amended by inserting ''have reasonable access to and the right to interview persons with information relevant to the investigation and shall'' after ''at all reasonable times,''.

SEC. 312. AMENDMENTS TO TRANSITION RULES AND EFFECTIVE DATES.

(a) REEMPLOYMENT.—Section 8(a) of the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; 108 Stat. 3175; 38 U.S.C. 4301 note) is amended—

(1) in paragraph (3), by adding at the end thereof the following: ''Any service begun up to 60 days after the date of the enactment of this Act, which is served up to 60 days after the date of the enactment of this Act pursuant to orders issued under section 502(f) of title 32, United States Code, shall be considered under chapter 43 of title 38, United States Code, as in effect on the day before such date of enactment. Any service pursuant to orders issued under such section 502(f) served after 60 days after the date of the enactment of this Act, regardless of when begun, shall be considered under the amendments made by this Act.''; and

(2) in paragraph (4), by striking out ''such period'' and inserting in lieu thereof ''such 60-day period''.

(b) INSURANCE.—Section 8(c)(2) of such Act is amended by striking out ''person on active duty'' and inserting in lieu thereof ''person serving a period of service in the uniformed services''.

SEC. 313. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as of October 13, 1994.

(b) REORGANIZED TITLE 10 REFERENCES.—The amendments made by clause (i), and subclauses (I), (III), and (IV) of clause (ii), of section 311(4)(B) shall take effect as of December 1, 1994.

TITLE IV—VETERANS LIFE INSURANCE PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the ''Veterans' Insurance Reform Act of 1996''.

SEC. 402. MERGER OF RETIRED RESERVE SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE AND EXTENSION OF VETERANS' GROUP LIFE INSURANCE TO MEMBERS OF THE READY RESERVE.

(a) DEFINITIONS.—Section 1965(5) is amended—

(1) by adding ''and'' at the end of subparagraph (B);

(2) by striking out subparagraphs (C) and (D); and

(3) by redesignating subparagraph (E) as subparagraph (C).

(b) PERSONS INSURED.—Section 1967 is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking out paragraphs (3) and (4); and

(C) in the matter following paragraph (2), by striking out ''or the first day a member of the Reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 1965(5)(C) of this title, or the first day a member of the Reserves meets the qualifications of section 1965(5)(D) of this title,''; and

(2) by striking out subsection (d).

(c) DURATION AND TERMINATION OF COVERAGE.—Section 1968 is amended—

(1) in subsection (a)—

(A) by striking out ''subparagraph (B), (C), or (D) of section 1965(5)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''section 1965(5)(B)'';

(B) by striking out the period at the end of paragraphs (1) and (2) and inserting in lieu thereof a semicolon;

(C) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and'';

(D) in paragraph (4)—

(i) by striking out ''one hundred and twenty days after'' in the matter preceding subparagraph (A) and all that follows through ''(A) unless on'' and inserting in lieu thereof ''120 days after separation or release from such assignment, unless on'';

(ii) by striking out ''prior to the expiration of one hundred and twenty days'' and inserting in lieu thereof ''before the end of 120 days'';

(iii) by striking out the semicolon after ''such assignment'' and inserting in lieu thereof a period; and

(iv) by striking out subparagraphs (B) and (C); and

(E) by striking out paragraphs (5) and (6); and

(2) in subsection (b), by striking out the last two sentences.

(d) DEDUCTIONS.—Section 1969 is amended—

(1) in subsection (a)(2), by striking out ''is assigned to the Reserve (other than the Retired Reserve)'' and all that follows through ''section 1965(5)(D) of this title,'';

(2) by striking out subsection (e); and

(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(e) CONVERSION OF SGLI TO VGLI.—The Servicemembers' Group Life Insurance of any member of the Retired Reserve of a uniformed service shall be converted to Veterans' Group Life Insurance effective 90 days after the date of the enactment of this Act.

SEC. 403. CONVERSION OF SGLI AND VGLI TO COMMERCIAL LIFE INSURANCE POLICY.

(a) OPTION TO CONVERT SGLI.—Subsection (b) of section 1968, as amended by section 402(c)(2), is amended—

(1) by inserting ''(1)'' after ''(b)'' at the beginning of the subsection;

(2) by striking out ''would cease,'' in the first sentence and all that follows through the period at the end of the sentence and inserting in lieu thereof ''would cease—

''(A) shall be automatically converted to Veterans' Group Life Insurance, subject to (i) the timely payment of the initial premium under terms prescribed by the Secretary, and (ii) the terms and conditions set forth in section 1977 of this title; or

''(B) at the election of the member, shall be converted to an individual policy of insurance as described in section 1977(e) of this title upon written application for conversion made to the participating company selected by the member and payment of the required premiums.''; and

(3) by designating the second sentence as paragraph (2) and in that sentence striking out ''Such automatic conversion'' and inserting in lieu thereof ''Automatic conversion to Veterans' Group Life Insurance under paragraph (1)''.

(b) VGLI CONVERSION.—Section 1977 is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after ''(a)'';

(B) by striking out the last two sentences; and

(C) by adding at the end the following:

''(2) If any person insured under Veterans' Group Life Insurance again becomes insured under Servicemembers' Group Life Insurance but dies before terminating or converting such person's Veterans' Group Insurance, Veterans' Group Life Insurance shall be payable only if such person is insured for less than $200,000 under Servicemembers' Group Life Insurance, and then only in an amount which, when added to the amount of Servicemembers' Group Life Insurance payable, does not exceed $200,000.''; and

(2) in subsection (e)—

(A) in the first sentence, by inserting ''at any time'' after ''shall have the right''; and

(B) by striking out the third sentence and inserting in lieu thereof the following: ''The Veterans' Group Life Insurance policy converted to an individual policy under this subsection shall terminate on the day before the date on which the individual policy becomes effective.''.

SEC. 404. INFORMATION TO BE PROVIDED MEMBERS CONCERNING AUTOMATIC MAXIMUM COVERAGE OF $200,000 UNDER SERVICEMEN'S GROUP LIFE INSURANCE.

Section 1967, as amended by section 402(b), is further amended by inserting after subsection (c) the following new subsection (d):

''(d) Whenever a member has the opportunity to make an election under subsection (a) not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount of $200,000, and at such other times periodically thereafter as the Secretary concerned considers appropriate, the Secretary concerned shall furnish to the member general information concerning life insurance. Such information shall include—

''(1) the purpose and role of life insurance in financial planning;

''(2) the difference between term life insurance and whole life insurance;

''(3) the availability of commercial life insurance; and

''(4) the relationship between Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.''.

SEC. 405. RENAMING OF SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) IN GENERAL.—The program of insurance operated by the Secretary of Veterans Affairs under subchapter III of chapter 19 of title 38, United States Code, is hereby redesignated as the Servicemembers' Group Life Insurance program.

(b) AMENDMENTS TO CHAPTER 19.— Chapter 19 is amended as follows:

(1) The following provisions are amended by striking out ''Servicemen's Group Life Insurance'' each place it appears and inserting in lieu thereof ''Servicemembers' Group Life Insurance'':

(A) Subsections (a), (c), and (e) of section 1967.

(B) Section 1968(b).

(C) Subsections (a) through (d) of section 1969.

(D) Subsections (a), (f), and (g) of section 1970.

(E) Section 1971(b).

(F) Section 1973.

(G) The first sentence of section 1974(a).

(H) Subsections (a), (d), and (g) of section 1977.

(2)(A) The heading of subchapter III is amended to read as follows:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE''.

(B) The heading of section 1974 is amended to read as follows:

''§ 1974. Advisory Council on Servicemembers' Group Life Insurance''.

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking out the item relating to subchapter III and inserting in lieu thereof the following:

''SUBCHAPTER III—SERVICEMEMBERS' GROUP LIFE INSURANCE'';

and

(B) by striking out the item relating to section 1974 and inserting in lieu thereof the following:

''1974. Advisory Council on Servicemembers' Group Life Insurance.''.

(c) OTHER CONFORMING AMENDMENTS.—(1) Section 1315(f)(1)(F) is amended by striking out ''servicemen's'' the first place it appears and inserting in lieu thereof ''servicemembers' ''.

(2) Sections 3017(a)(2)(A)(i) and 3224(1) are amended by striking out ''Servicemen's'' each place it appears and inserting in lieu thereof ''Servicemembers' ''.

(d) REFERENCES.—Any reference to Servicemen's Group Life Insurance or to the Advisory Council on Servicemen's Group Life Insurance in any Federal law, Executive order, regulation, delegation of authority, or other document of the Federal Government shall be deemed to refer to Servicemembers' Group Life Insurance or the Advisory Council on Servicemembers' Group Life Insurance, respectively.

SEC. 406. TECHNICAL AMENDMENT.

Section 1977(a) is amended by striking out ''and (e)'' in the first and second sentences.

TITLE V—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

SEC. 501. REVISION OF AUTHORITY RELATING TO CENTERS FOR MINORITY VETERANS AND WOMEN VETERANS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) are each amended by inserting ''career or'' before ''noncareer''.

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

''(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of minorities in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

''(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.''.

(c) DEFINITION OF MINORITY VETERANS.—Section 317 is amended by adding at the end the following:

''(g) In this section—

''(1) The term 'veterans who are minorities' means veterans who are minority group members.

''(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.''.

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) is amended by striking out ''(relating to'' and all that follows through ''and of'' and inserting in lieu thereof ''(42 U.S.C. 289a–2) with respect to the inclusion of women in clinical research and on''.

(e) ADDITIONAL FUNCTIONS OF ADVISORY COMMITTEES.—(1) Section 542(b) is amended by inserting '', including the Center for Women Veterans'' before the period at the end.

(2) Section 544(b) is amended by inserting '', including the Center for Minority Veterans'' before the period at the end.

(f) TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.—Section 544(e) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1999''.

SEC. 502. LIMITATION ON CLOTHING ALLOWANCE FOR INCARCERATED VETERANS.

(a) PRO RATA REDUCTION.—Chapter 53 is amended by inserting after section 5313 the following new section:

''§ 5313A. Limitation on payment of clothing allowance to incarcerated veterans

''In the case of a veteran who is incarcerated in a Federal, State, or local penal institution for a period in excess of 60 days and who is furnished clothing without charge by the institution, the amount of any annual clothing allowance payable to the veteran under section 1162 of this title shall be reduced by an amount equal to 1/365 of the amount of the allowance otherwise payable under that section for each day on which the veteran was so incarcerated during the 12-month period preceding the date on which payment of the allowance would be due. This section shall be carried out under regulations prescribed by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5313 the following new item:

''5313A. Limitation on payment of clothing allowance to incarcerated veterans.''.

SEC. 503. EXTENSION OF VETERANS' CLAIMS ADJUDICATION COMMISSION.

(a) EXTENSION OF TIME FOR SUBMISSION OF FINAL REPORT.—Section 402(e)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4661) is amended by striking out ''Not later than 18 months after such date'' and inserting in lieu thereof ''Not later than December 31, 1996''.

(b) FUNDING.—From amounts appropriated to the Department of Veterans Affairs for each of fiscal years 1996 and 1997 for the payment of compensation and pension, the amount of $75,000 is hereby made available for the activities of the Veterans' Claims Adjudication Commission under title IV of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 5101 note).

SEC. 504. PILOT PROGRAM FOR USE OF CONTRACT PHYSICIANS FOR DISABILITY EXAMINATIONS.

(a) AUTHORITY.—The Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, may conduct a pilot program under this section under which examinations with respect to medical disability of applicants for benefits under laws administered by the Secretary that are carried out through the Under Secretary for Benefits may be made by persons other than employees of the Department of Veterans Affairs. Any such examination shall be performed pursuant to contracts entered into by the Under Secretary for Benefits with those persons.

(b) LIMITATION.—The Secretary may carry out the pilot program under this section through not more than 10 regional offices of the Department of Veterans Affairs.

(c) SOURCE OF FUNDS.—Payments for contracts under the pilot program under this section shall be made from amounts available to the Secretary of Veterans Affairs for payment of compensation and pensions.

(d) REPORT TO CONGRESS.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report on the effect of the use of the authority provided by subsection (a) on the cost, timeliness, and thoroughness of medical disability examinations.

SEC. 505. EXPANSION OF PERIOD OF VIETNAM ERA FOR CERTAIN VETERANS.

(a) IN GENERAL.—Paragraph (29) of section 101 is amended to read as follows:

''(29) The term 'Vietnam era' means the following:

''(A) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

''(B) The period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases.''.

(b) LIMITED EXPANSION FOR SPECIFIC COMPENSATION PURPOSES.—(1) Paragraphs (1)(B) and (3) of section 1116(a) are each amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''.

(2) Paragraphs (1)(A), (2)(C), (2)(E), (2)(F), and (4) of such section are amended by striking out ''during the Vietnam era'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975''.

(c) LIMITED EXPANSION FOR SPECIFIC HEALTH CARE PURPOSES.—(1) The provision stipulated in paragraph (2) is amended—

(A) in clause (i), by striking out ''during the Vietnam era,'' and inserting in lieu thereof ''during the period beginning on January 9, 1962, and ending on May 7, 1975,''; and

(B) in clause (ii), by striking out ''such era'' and inserting in lieu thereof ''such period''.

(2) The provision referred to in paragraph (1)—

(A) if the Veterans' Health Care Eligibility Reform Act of 1996 is enacted as a measure of the One Hundred Fourth Congress, is paragraph (4)(A) of section 1710(e) of title 38, United States Code, as added by section 102 of such Act; and

(B) if such Act is not enacted as a measure of the One Hundred Fourth Congress, is paragraph (1)(A) of section 1710(e) of such title.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997. No benefit may be paid or provided by reason of such amendments for any period before such date.

SEC. 506. PAYMENT OF BENEFIT TO SURVIVING SPOUSE FOR MONTH IN WHICH VETERAN DIES.

(a) BENEFIT FOR MONTH OF DEATH.—Section 5310 is amended—

(1) by inserting ''(a)'' before ''If, in accordance with''; and

(2) by adding at the end the following:

''(b)(1) If the surviving spouse of a veteran who was in receipt of compensation or pension at the time of death is not entitled to death benefits under chapter 11, 13, or 15 of this title for the month in which the veteran's death occurs, that surviving spouse shall be entitled to a benefit for that month in the amount of benefits the veteran would have received under chapter 11 or 15 of this title for that month but for the death of the veteran.

''(2) If (notwithstanding section 5112(b)(1) of this title) a check or other payment is issued to, and in the name of, the deceased veteran as a benefit payment under chapter 11 or 15 of this title for the month in which death occurs, that check or other payment (A) shall be treated for all purposes as being payable to the surviving spouse, and (B) if that check or other payment is negotiated or deposited, shall be considered to be the benefit to which the surviving spouse is entitled under this paragraph. However, if such check or other payment is in an amount less than

the amount of the benefit under paragraph (1), the unpaid amount shall be treated in the same manner as an accrued benefit under section 5121 of this title.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death of compensation and pension recipients occurring after December 31, 1996.

SEC. 507. INCREASE IN PERIOD FOR WHICH ACCRUED BENEFITS PAYABLE.

Subsection (a) of section 5121 is amended by striking out ''one year'' in the matter preceding paragraph (1) and inserting in lieu thereof ''two years''.

SEC. 508. APPOINTMENT OF VETERANS SERVICE ORGANIZATIONS AS CLAIMANTS' REPRESENTATIVES.

(a) POWER OF ATTORNEY NAMING A VETERANS SERVICE ORGANIZATION.—Section 5902 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c)(1) Unless a claimant specifically indicates in a power of attorney filed with the Department a desire to appoint only a recognized representative of an organization listed in or approved under subsection (a), the Secretary may, for any purpose, treat the power of attorney naming such an organization, a specific office of such an organization, or a recognized representative of such an organization as the claimant's representative as an appointment of the entire organization as the claimant's representative.

''(2) Whenever the Secretary is required or permitted to notify a claimant's representative, and the claimant has named in a power of attorney an organization listed in or approved under subsection (a), a specific office of such an organization, or a recognized representative of such an organization without specifically indicating a desire to appoint only a recognized representative of the organization, the Secretary shall notify the organization at the address designated by the organization for the purpose of receiving the notification concerned.''.

(b) APPLICABILITY.—The amendments made by this section apply to any power of attorney filed with the Department of Veterans Affairs, regardless of the date of its execution.

SEC. 509. PROVISION OF COPIES OF BOARD OF VETERANS' APPEALS DECISIONS.

Subsection (e) of section 7104 is amended to read as follows:

''(e)(1) After reaching a decision on a case, the Board shall promptly mail a copy of its written decision to the claimant at the last known address of the claimant.

''(2) If the claimant has an authorized representative, the Board shall—

''(A) mail a copy of its written decision to the authorized representative at the last known address of the authorized representative; or

''(B) send a copy of its written decision to the authorized representative by any means reasonably likely to provide the authorized representative with a copy of the decision within the same time a copy would be expected to reach the authorized representative if sent by first-class mail.''.

SEC. 510. LIMITATION ON RELOCATION OR REDUCTION IN STAFFING OF CERTAIN ELEMENTS OF THE EDUCATION SERVICE OF THE VETERANS BENEFITS ADMINISTRATION.

No funds available to the Department of Veterans Affairs may be obligated or expended before January 1, 1998, to relocate any function of, or to reduce the number of personnel assigned to, any of the following elements of the Veterans Benefits Administration of the Department of Veterans Affairs:

(1) The Office of Education Procedures Systems.

(2) The Office of Education Operations.

(3) The Office of Education Policy and Program Administration.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION OF CERTAIN AUTHORITIES FOR SERVICES FOR HOMELESS VETERANS.

(a) AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL VETERANS AND OTHER VETERANS.—Section 115(d) of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1998''.

(b) AUTHORIZATIONS OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(E) $10,000,000 for fiscal year 1997.

''(F) $10,000,000 for fiscal year 1998.''.

SEC. 602. REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.

(a) REPAIR AND LONG-TERM MAINTENANCE OF WAR MEMORIALS.—Section 5(b)(2) of the Act entitled ''An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes'', approved March 4, 1923 (36 U.S.C. 125(b)(2)), is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following:

''(B) In assuming responsibility for a war memorial under paragraph (1), the Commission may enter into arrangements with the sponsors of the memorial to provide for the repair or long-term maintenance of the memorial. Any funds transferred to the Commission for the purpose of this subparagraph shall, in lieu of subparagraph (A), be deposited by the Commission in the fund established by paragraph (3).

''(3)(A) There is established in the Treasury a fund which shall be available to the Commission for expenses for the maintenance and repair of memorials with respect to which the Commission enters into arrangements under paragraph (2)(B). The fund shall consist of (i) amounts deposited, and interest and proceeds credited, under subparagraph (B), and (ii) obligations obtained under subparagraph (C).

''(B) The Commission shall deposit in the fund such amounts from private contributions as may be accepted under paragraph (2)(B). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

''(C) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current expenses. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission, has a maturity suitable for the fund.

''(D) The Commission shall separately account for all moneys deposited in and expended from the fund with respect to each war memorial for which an arrangement for the repair or long-term maintenance of the memorial is entered to under paragraph (2)(B).''.

(b) ACCOUNTING PROCEDURES RELATING TO RECEIPT AND EXPENDITURE OF CONTRIBUTIONS.—Such Act is further amended by adding at the end the following new section:

''SEC. 14. (a) The Commission shall have a system of financial controls to enable the Commission to comply with the requirements of subsection (b) and section 5(b)(3)(D).

''(b) The Commission shall—

''(1) by March 1 of each year (beginning with 1998)—

''(A) prepare a financial statement which covers all accounts and associated activities of the Commission for the preceding fiscal year and is consistent with the requirements of section 3515 of title 31, United States Code; and

''(B) submit the financial statement, together with a narrative summary, to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

''(2) obtain an audit by the Comptroller General of the United States of each financial statement prepared under paragraph (1)(A), which shall be conducted in accordance with applicable generally accepted government auditing standards and shall be in lieu of any audit otherwise required by law.

''(c) The Commission may not obligate, withdraw, or expend funds received as contributions before March 1, 1998.''.

TITLE VII—COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

SEC. 701. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Servicemembers and Veterans Transition Assistance (hereafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—(1) The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse experiences, expertise, and historical perspectives on veterans, military, organizational, and management matters. The members shall be appointed as follows:

(A) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the House of Representatives.

(B) Four shall be appointed jointly by the chairman and ranking minority member of the Committee on Veterans' Affairs of the Senate.

(C) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on National Security of the House of Representatives.

(D) Two shall be appointed jointly by the chairman and ranking minority member of the Committee on Armed Services of the Senate.

(2)(A) One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(B) To the maximum extent practicable, the individuals appointed under paragraph (1) as members of the Commission shall be veterans.

(C) Not more than seven of the members of the Commission may be members of the same political party.

(3) In addition to the members appointed under paragraph (1), the following shall be nonvoting members of the Commission:

(A) The Under Secretary for Benefits of the Department of Veterans Affairs.

(B) The Assistant Secretary of Defense for Force Management and Personnel.

(C) The Assistant Secretary of Labor for Veterans' Employment and Training.

(4) The appointments of members of the Commission shall, to the maximum extent practicable, be made after consultation with representatives of veterans service organizations.

(5) The appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed under subsection (b)(1), the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a chairman and vice chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the chairman of the Commission.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 702. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the adequacy and effectiveness of veterans transition assistance and benefits programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life;

(2) review the allocation under law of responsibility for the administration of veterans transition assistance and benefits programs among the various departments and agencies of the Government and determine the feasibility and desirability of consolidating such administration;

(3) evaluate proposals for improving such programs, including proposals for alternative means of providing services delivered by such programs; and

(4) make recommendations to Congress regarding the need for improvements in such programs.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 701(b)(1) and the member specified in subparagraph (B) of section 701(b)(3) shall review primarily the programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members.

(2) In carrying out the review, those members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Armed Forces for such programs.

(C) The adequacy of funding levels for such programs.

(D) The effect, if any, of the existence of such programs on military readiness.

(E) The extent to which such programs provide members of the Armed Forces with job-search skills.

(F) The extent to which such programs prepare such members for employment in the private sector and in the public sector.

(G) The effectiveness of such programs in assisting such members in finding employment in the public sector upon their separation from service.

(H) The ways in which such programs could be improved.

(3) In carrying out the review, the Commission shall make use of previous studies which have been made of such programs.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—(1) While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 701(b)(1) and the members specified in subparagraphs (A) and (C) of section 701(b)(3) shall review the following programs:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector, including employer training programs and union apprenticeship programs.

(G) Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of members of the Armed Forces for their transition from military life to civilian life and facilitate that transition.

(2) In carrying out the review, such members of the Commission shall determine the following:

(A) The adequacy of the programs referred to in paragraph (1) for their purposes.

(B) The adequacy of the support of the Department of Veterans Affairs for such programs.

(C) The adequacy of funding levels for such programs.

(D) The extent to which such programs provide veterans with job-search skills.

(E) The extent to which such programs prepare veterans for employment in the private sector and in the public sector.

(F) The effectiveness of such programs in assisting veterans in finding employment in the public sector upon their separation from service.

(G) The ways in which such programs could be improved.

(d) REPORTS.—(1) Not later than 90 days after the date on which all members of the Commission have been appointed under section 701(b)(1), the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the heads of other appropriate departments and agencies of the Government.

(2)(A) Not later than 18 months after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly transmit the report to Congress, together with the Secretaries' comments on the report.

SEC. 703. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Government such information as the Commission considers necessary to carry out its duties under this title. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 704. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Government.

(b) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall, upon the request of the chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 705. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission.

(b) TRAVEL AND TRAVEL EXPENSES.—(1) Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Commission except when the cost of commercial transportation is less expensive.

(2) The members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to five additional staff members as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other staff members may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any department or agency of the Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 706. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its report under section 702(d)(2).

SEC. 707. DEFINITIONS.

For the purposes of this title:

(1) The term ''veterans transition assistance and benefits program'' means any program of the Government the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in making the transition to civilian life.

(2) The term ''Armed Forces'' has the meaning given such term in section 101(10) of title 38, United States Code.

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term ''veterans service organization'' means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 708. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this title. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense, except that such amounts may not be from amounts appropriated for the transition assistance program (TAP), the Army career alumni program (ACAP), or any similar program.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

The title is amended so as to read:

To amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, to provide for a study of the Federal programs for veterans, and for other purposes.

Mr. NICKLES. Mr. President, this bill is a very important bill. It is the Senate bill S. 1711, the Veterans' Benefits Improvements Act of 1996.

Senator SIMPSON had a substitute which we are now entering into the RECORD. Again, this is very substantive legislation, which Senator SIMPSON deserves great accolades for. And I compliment him for the amendment.

CORRECTING THE ENROLLMENT OF THE COAST GUARD AUTHORIZATION ACT CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 229, which corrects the enrollment of the Coast Guard authorization conference report.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution be considered agreed to, with the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 229) was agreed to.

COAST GUARD AUTHORIZATION ACT OF 1996—CONFERENCE REPORT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of the Senate conference report to accompany S. 1004, the Coast Guard authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1004) to authorize appropriations for the United States Coast Guard, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 27, 1996.)

Mr. CHAFEE. Mr. President, I rise in support of the conference report to S. 1004, the Coast Guard Authorization Act. As chairman of the Environment and Public Works Committee, which has jurisdiction over oil pollution issues, I am pleased to report that S. 1004 contains a number of important improvements to the Oil Pollution Act of 1990, or OPA. These improvements represent several solid steps forward in our ongoing efforts to prevent oil spills from occurring in our Nation's waters and to better respond to the oil spills that do occur.

I convened the Environment and Public Works Committee for a series of hearings to address oil pollution issues earlier this year in response to a number of major oil spills.

The spill of greatest interest to me, as you might imagine, happened just off the coast of my home State of Rhode Island on January 19 of this year. It occurred when a tug boat had a fire in rough seas and eventually lost control of the barge it was towing, which was carrying millions of gallons of home heating oil. The sad outcome was that the barge, the North Cape, ran aground and spilled some 800,000 gallons of oil into Block Island Sound.

The economic and environmental harm to my State from the spill was extensive. Thousands of lobster carcasses washed up on our shores, hundreds of birds were left dead or severely injured, and many who rely upon the sea for their livelihood in the area were financially hurt, some seriously.

The committee held a total of three hearings. The first of these was held in Rhode Island so we could hear and learn from the people most directly affected by the spill.

In our hearings we learned that, overall, OPA is working pretty well. The clear consensus of all witnesses who testified during our hearings is that OPA is a valuable piece of legislation that has helped to produce faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement in the Act. On the prevention side, for example, OPA can, and should, be strengthened so that we can avoid having to respond to an oil spill at all. The recent spills have only served to underscore the need for more effective prevention measures. We also learned that our oil spill response capabilities can, and should, be honed.

As a result, on May 7, I, along with Senators LIEBERMAN and LAUTENBERG, introduced S. 1730, the Oil Spill Prevention and Response Improvement Act. Senator PELL also eventually became a cosponsor. As its name implies, the bill has two major purposes: First, to prevent oil spills from occurring; and second, to provide for a more effective response to the oil spills that do occur.

On June 20, the Committee on Environment and Public Works voted 17 to 0 to report S. 1730. I am extremely gratified that the majority of the provisions and issues addressed in S. 1730 as reported are contained in the conference report before us today.

Let me now explain what these provisions are and the intent underlying them.

ENHANCING OIL SPILL PREVENTION

There are two major provisions in the conference report that will help prevent oil spills from single-hull oil-carrying barges. Both provide for new rules to apply to such barges within 1 year, by October 1, 1997.

The first set of rules will require all single-hull oil-carrying barges to have means to prevent grounding in the event of a problem at sea. The required anti-grounding protection can take the form of an operable anchor and crew

member on board the barge, an emergency barge retrieval system, or comparable measures. These rules will prevent situations where barges carry millions of gallons of oil through environmentally sensitive waters without any kind of protection against grounding.

The second set of rules will require all vessels that tow oil-carrying barges to have fire-suppression measures. Never again should we be in a situation where the lives of crew members and a pristine marine environment are at risk because a towing vessel does not have the ability to suppress an onboard fire.

These new rules for single-hull tank barges and the vessels which tow them are important. Although the best way to prevent spills from vessels is to equip them with double hulls, it is quite expensive to build a new double-hull vessel or to retrofit a single hull vessel with a second hull.

Thus, in enacting OPA originally, Congress determined that all oil-carrying vessels in U.S. waters ought eventually to have double hulls, but that the oil transportation industry would need some time to make the transition, given the expense involved. Congress directed the Coast Guard to issue rules to help prevent oil spills from single hull vessels during this transition period.

These rules were to have been issued within one year after OPA's enactment—or by August 1991. Remarkably, however, by the time we held our first hearing on OPA, the Coast Guard still had failed to issue the rules, nearly five years after the mandatory statutory deadline.

This delay has undermined a key purpose of OPA, which is to reduce spills from single-hull vessels pending their replacement with double-hull vessels by the year 2015.

The Coast Guard finally issued one part of the required rules earlier this summer. The rules prescribe operational measures for single-hull tank vessels, which should prove valuable in helping to prevent oil spills from such vessels.

But there is another important subset of rules on single-hull tank vessels the Coast Guard still has not issued—those prescribing structural measures to reduce spills from such vessels. During our hearings, various high-level Coast Guard officials assured the Committee repeatedly that such rules would be published by December 1996.

It is this Senator's firm expectation that the Coast Guard will be true to its word and issue the rules on structural measures within the next three months; 6½ years has been more than enough time for the Coast Guard to adopt such measures. If the agency fails again to comply with its mandate, then the Congress will have no choice but to consider seriously taking up similar legislation again.

Let me add that one of the reasons the Coast Guard offered for being so late in issuing the single-hull vessel rules is because of confusion about the standard under which such rules are to be issued. That standard, set forth in section 4115(b) of OPA, provides that such measures are to ''provide as substantial protection to the environment as is economically and technologically feasible.''

Although there admittedly is some room for interpretation in this, as in any qualitative standard, let me state for the record a couple of things that are absolutely clear about the congressional intent behind section 4115(b). First, the standard is not to be read to require adoption only of the measure or measures the Coast Guard determines are the most cost-effective or cost-efficient. Rather, the standard makes clear that all measures which satisfy its criteria are to be included in the final rule.

The rulemaking should consider measures that prevent collision or grounding of a tank vessel in addition to those that reduce oil outflow after such a collision or grounding has occurred. Finally, due regard ought to be taken of human safety, including the safety of crew members and in particular those crew serving on affected tank barges.

In addition to providing for new rules, the conference report includes a series of additional measures to address specific oil spill prevention concerns raised by recent spills in the Northeast.

For example, after the *North Cape* spill, Governor Almond of Rhode Island convened a task force to examine the economic and environmental implications of dredging the State's waterways. The conference report directs the U.S. Army Corps of Engineers to review the task force's study and to submit recommendations concerning the feasibility and environmental effects of such dredging.

The conference report further directs the Secretary of Transportation, in cooperation with the Marine Board, to examine the incidence and risk of spills from lightering, a process by which oil is transferred from one vessel to another. This examination is to evaluate the adequacy of existing rules to prevent spills from lightering operations. It should examine not only how lightering is practiced, but also where lightering is done and the extent to which sensitive environmental areas may be at risk under current rules.

The conference report also directs the Secretary to assess the role of automatic fueling shutoff equipment in preventing the actual or threatened discharge of oil during fuel loading or off-loading activity.

IMPROVING OIL SPILL RESPONSE MEASURES

Notwithstanding the best efforts of those of us in Government and in the industry, a certain number of oil spills probably are inevitable. Consequently, the conference report contains important advances that will improve our ability to respond more effectively to spills that still occur.

It does so by reducing and redressing the economic hardship and environmental damage that is caused once a spill has taken place.

On the economic side, the conference report includes a key provision of the bill I introduced in the spring, S. 1730, which will ensure that injured parties are able to obtain financial relief in the immediate aftermath of a spill. After the North Cape spill, some lobstermen and fishermen were reluctant to pursue compensation for short-term damages for fear of waiving any rights to future compensation. This reluctance at times led to significant hardship, as most fishermen and lobstermen are self-employed, and thus, do not qualify for unemployment benefits.

To address this troubling situation, the conference report makes clear that a person injured by a spill may bring a claim for less than the full amount of damages to which he may be entitled, without waiving the right to future compensation. Thanks to this clarification, fishermen put out of work will no longer have to wait while their rent and grocery bills pile up before pursuing a claim. And small businesses such as fish markets that depend on the marine environment will not be forced out of business while awaiting compensation for their injuries.

The responsible party may establish reasonable parameters within which claims for partial, interim damages may be presented to avoid undue transaction costs, consistent with avoiding financial hardship to parties injured by a spill.

On the environmental response side, the conference report improves OPA by encouraging better advanced planning. It also fosters rapid availability to important new information and expertise in the wake of a spill.

First of all, the report clarifies that the owner or operator carrying out the response must follow the National Contingency Plan unless the President or On-Scene Coordinator determines that deviation would bring about a faster or more effective response.

Second, the report provides for a national clearinghouse to compile and disseminate information on the environmental effects of oil spills. This information clearinghouse will distribute up-to-the-minute knowledge to response personnel on how best to mitigate the environmental effects of particular spills.

Some of this information undoubtedly will derive from another provision in the conference report, which directs the Secretary of Transportation to study the environmental and public health risks from discharges of group-5 fuel oil.

Finally, area contingency plans will now be required to include the names of local scientists with expertise in the environmental effects of oil spills. This requirement will ensure that response officials may avail themselves quickly of expertise available in the spill area,

in particular with respect to the local marine environment.

CHANGES TO SECTION 1016 REGARDING ENSURING EVIDENCE OF FINANCIAL RESPONSIBILITY

Section 1125 of the conference report modifies OPA's financial responsibility requirements.

These requirements mandate that vessels and oil-related facilities demonstrate evidence of access to financial resources that will cover the likely costs of cleanup and damages in the event of a spill. In this way they provide a guarantee that money will be available to finance all or most of the cleanup and damages. An entity may satisfy this requirement by entering into a contract with a guarantor, usually in the insurance industry, who agrees to be subject to claims for cleanup costs and damages up to a designated amount in the event of a spill.

There are at least two important purposes served by these requirements: First, they ensure that the polluter—not the U.S. taxpayer—bears the financial burdens resulting from oil pollution. Second, they ensure that claims will be presented and resolved promptly without subjecting claimants, especially injured individuals and small businesses, to protracted and expensive litigation.

MODIFICATIONS TO AMOUNT OF FINANCIAL RESPONSIBILITY REQUIRED FOR OFFSHORE FACILITIES

The conference report brings the amount of financial responsibility required of offshore facilities under OPA more into line with common sense and the original intent of Congress. It will allow us to avoid imposing undue and unintended economic burdens while also ensuring that the interests of the environment and the parties financially injured by a spill will continue to be protected.

The conference report does three things in this regard.

First, it corrects an unjustifiably broad interpretation of OPA by the Department of the Interior. That interpretation would apply the financial responsibility requirements for offshore facilities to traditional onshore facilities like land-based oil terminals and marinas.

We have many such onshore facilities in my State of Rhode Island and throughout the country. They never were intended to be subject to OPA's financial responsibility requirements for offshore facilities, even if they have certain appurtenances that extend onto submerged land. The report serves to make our original intent unmistakably clear.

Second, the conference report exempts from financial responsibility requirements small offshore operators who, even under a worst-case scenario, lack the capacity to cause a major oil spill. This de minimis exemption removes the potential for imposing an unjustifiably heavy financial burden on small businesses that pose only minimal environmental risk.

Importantly, however, the conference report does not affect the liability of a facility that actually engages in a spill. Moreover, the President retains the discretion to require even a small offshore facility to demonstrate evidence of financial responsibility if the risk justifies it.

Third, the conference report allows for some flexibility in the amount of financial responsibility to be required of non-de minimis offshore facilities. OPA currently directs the promulgation of regulations that would require all offshore facilities to meet financial responsibility requirements at a $150 million level.

The conference report, however, calls for use of the current $35 million requirement in the Outer Continental Shelf Lands Act for facilities in Federal waters while giving the President discretion to increase the requirement on the basis of risk. A similar approach is taken for offshore facilities in State waters, except that the minimum financial responsibility requirement is $10 million, given that many coastal States impose their own such requirements.

These changes should remove the potential for unnecessary and inefficient economic burdens yet preserve OPA's fundamental purpose of ensuring that oil-spill polluters pay for their pollution.

NARROWING ''DIRECT ACTION'' AGAINST GUARANTORS FOR OFFSHORE FACILITIES AND REAFFIRMATION OF LIMIT ON GUARANTOR LIABILITY

There are a couple of other changes the conference report makes to OPA's financial responsibility requirements.

First, the conference report modifies the situations in which claims may be brought directly against a guarantor for an offshore facility. Ordinarily, OPA provides that all claims may be brought against a spiller's guarantor.

The conference report limits the filing of claims directly against a guarantor for an offshore facility, however, to three instances: First, the claim is asserted by the United States, either for its own removal costs and damages or to recover any compensation paid by the oil spill liability trust fund to any claimant under OPA, including costs incurred by the Fund in processing claims; second, the spiller has filed a petition for bankruptcy; or third, the spiller has denied or failed to pay a claim on the basis of insolvency.

These changes to direct action against a guarantor for an offshore facility arose from the concern some have expressed that smaller, independently owned offshore facilities might find it difficult to meet OPA's financial responsibility requirements because of high insurance costs. Because OPA's financial responsibility requirements have yet to be imposed on offshore facilities, this remains to be seen.

Nevertheless, it is important to point out that the report makes changes to direct action against guarantors only with respect to offshore facilities. This narrow scope is intentional and it would not be proper to expand it—to vessels, for example—because offshore facilities are fundamentally different in this context. Many are small and independently owned and, most important, unlike vessels, they are immobile.

The report also directs that regulations be issued to establish a process for implementing the changes to direct action for guarantors of offshore facilities. The process must allow for the orderly and expeditious presentation and resolution of claims and effectuate OPA's purposes.

This is an important rulemaking and needs to protect claimants from procedural mazes and confusion in the presentation of their claims. They must not be subjected to shell games in which they get bounced back and forth between a responsible party and its guarantor. The key purpose of OPA to ensure that injured parties have quick and clear access to compensation for their damages must not be undermined.

Consequently, in the rulemaking authorized under the conference report, it should be clarified that the guarantor may not raise a defense to a direct action that is based on an allegation that the responsible party has not engaged in a prerequisite to the allowance of the direct action—that is, the guarantor should not, on direct action, be permitted to bar the claim by arguing that the responsible party has not filed a petition for bankruptcy or has not denied or failed to pay a claim on the ground of insolvency. To allow for such defenses to be raised would in essence allow a guarantor for an offshore facility to further narrow the conditions under which it is subject to direct action from three to one, thereby undermining congressional intent.

Moreover, the rulemaking ought to provide clear guidance and notice to injured parties on how and to whom they may present their claims. The changes to direct action in the report should not result in parties injured by spills from offshore facilities having their claims subject to a more protracted or difficult process than other OPA claimants.

The conference report also reaffirms Congress's original intent in enacting OPA in 1990 concerning the limit of liability for a guarantor on claims brought under the act. Thus, the changes to and addition of text in the subsection should not be read to effect any substantive change in that liability limitation. Instead, they are meant only to confirm that OPA does not impose liability with respect to an incident on a guarantor for damages and removal costs in excess of the amount of financial responsibility provided by the guarantor under the act.

CONCLUSION

The Senate Environment and Public Works Committee, of which I am chairman, has jurisdiction over many of the OPA issues addressed in the conference

report. Some of the other OPA amendments in the report, however, are within the jurisdiction of the Senate Commerce Committee.

In that regard, I would like to thank Commerce Committee Chairman PRESSLER for his cooperation in facilitating the coordination of the work of our two committees. In the same vein, special thanks also are due Senator STEVENS, chairman of the Subcommittee on Oceans and Fisheries.

I also want to express my gratitude to House Transportation and Infrastructure Chairman SHUSTER for his willingness to work so cooperatively with the Senate on the differences between the House and Senate bills in conference.

Finally, I want to thank Senators LIEBERMAN and LAUTENBERG, the two original cosponsors of S. 1730. These Senators have worked diligently to help shape the OPA amendments, first offered in S. 1730 and now in the conference report, so that the amendments will best achieve their intended purposes.

Mr. HOLLINGS. Mr. President, I am pleased to join with my colleagues in supporting the conference report on S. 1004, the Coast Guard Authorization Act of 1996. Congress has not completed action on a Coast Guard authorization bill since 1993. In recent years, the bill has become the hostage of legislative battles on issues that are completely unrelated to the Coast Guard authorization.

Today, after many hours of discussion, I am pleased that the conferees finally have reached agreement on wideranging legislation that enjoys widespread support. The conference report authorizes funding of just over $3.7 billion annually for fiscal years 1996 and 1997, provides for end-of-year military strength and training loads and addresses a backlog of Coast Guard-related administrative and policy issues. Among such issues, the bill provides for: personnel administrative reforms requested by the administration, marine safety and waterways management improvements, updated authority for the Coast Guard Auxiliary, regulatory reforms for the U.S. maritime industry, and tougher controls to reduce marine plastic pollution.

The conference report recognizes that the Coast Guard has an important job and does it well. Indeed, the widespread support for the Coast Guard budget reflects the breadth and complexity of its missions—from protecting our maritime boundaries and the safety of life at sea to preserving the ocean environment and enforcing maritime laws and treaties. On an average day in 1994, the Coast Guard saved 14 lives, assisted 328 people, responded to 34 oil or hazardous chemical spills, inspected 64 commercial vessels, seized 379 pounds of illegal drugs, serviced 150 aids-to-navigation, and interdicted 174 illegal aliens.

Over the years, we have continued to ask the Ocean Guard to do more with less. In typical fashion, the Coast Guard has responded with a streamlining plan that will trim $400 million from the budget by 1998 and allow personnel reductions of 4000 people. As an example of the pragmatic approach the Coast Guard has taken in this plan, we recently welcomed the Coast Guard high endurance cutters, *Dallas* and *Gallatin*, to their new homeport at the Charleston Navy Base. By relocating Coast Guard assets from expensive locales like Governors Island to areas where the quality of life is high and the cost of living is reasonable, everyone benefits. The Coast Guard is better able to meet both its budgetary bottom line and its personnel needs.

Turning to the conference report, I would like to highlight some key provisions. With respect to the Coast Guard bridge program under the Truman-Hobbs Act, the Federal Government shares with the States the cost of altering publicly owned bridges that obstruct the free movement of marine traffic. The administration requested no funding for this account in fiscal year 1995, initiating a new policy under which the Coast Guard no longer would seek direct funding for alteration of highway bridges. Instead, the administration proposed that the Federal share of such projects be financed from the discretionary bridge funds of the Federal Highway Administration, under the continuing program direction of the Coast Guard.

The conference report provides the Secretary of Transportation with the discretionary authority and the flexibility to fund the program from either the Coast Guard bridge account or the discretionary bridge fund of the Federal Highway Administration. I anticipate that the Department of Transportation will use this new authority in the months to come in developing a plan to ensure stable funding for this longstanding and essential part of our national transportation safety program. In addition, individual Truman-Hobbs bridge projects, such as the John F. Limehouse Memorial Bridge in Charleston, SC, are critically important to address local transportation infrastructure needs. Consequently, I would like to thank the Department for working with me to identify $9 million in unused federal highway funds that will be made available to begin construction of the Limehouse Bridge. This bridge project is essential to improve navigation safety and provide for adequate evacuation of the Charleston area in the event of another hurricane or natural disaster.

On another matter, the Coast Guard has worked with the maritime industry in recent years to develop a package of amendments to existing marine safety laws that would allow their implementation in a more cost-effective and efficient manner, reduce the regulatory burden on the industry, and provide greater flexibility in making safety decisions. The amendments contained in the conference report before us today specifically would: implement the International Safety Management Code for U.S. vessels engaged in foreign commerce; allow qualified third parties such as the American Bureau of Shipping to conduct vessel safety inspections; allow greater use of foreign manufactured safety equipment; and extend the validity of Coast Guard certificates of inspection from 2 to 5 years, allowing earlier scheduling of annual inspections. The changes will help U.S. flag vessels to become more competitive in international trade and reflect the Coast Guard's commitment to harmonize U.S. regulations with international requirements. In addition, the conference report provides relief to operators of small passenger vessels from the exorbitantly high inspection fees that the Coast Guard was forced to establish in its efforts to achieve deficit reduction mandates.

The conference report also includes a provision developed in cooperation with Senator Lautenberg that would amend the act to Prevent Pollution from Ships [APPS] to strengthen requirements that ports maintain reception facilities to offload plastic wastes generated by vessels at sea. The legislation calls for the Secretary to inspect and maintains a list of such facilities and for port operators to post placards encouraging reporting of any inadequacies. The report also amends the Marine Plastic Pollution Research and Control Act to: continue the Secretary's biannual reporting to Congress on compliance with APPS; add a requirement to publish an annual list of APPS violators; establish a Marine Debris Coordinating Committee; and continue and expand the Federal public outreach program to include the use of grants.

Like most legislation, this conference report reflects a compromise and does not include some provisions which this Senator would have liked to have had enacted. In particular, I was disappointed that we were unable to persuade the House of Representatives to accept the Senate provision on funding for State boating safety programs. The Senate-passed provision would have ensured that States receive a stable source of financial assistance for the development and implementation of a coordinated national recreational boating safety program. This is an issue that should be addressed early in the 105th Congress.

Over the past two centuries, the U.S. Coast Guard has built an enduring reputation throughout the world for its maritime safety, environmental protection, humanitarian, and lifesaving efforts. We have all watched the valiant and often heroic work of Coast Guard seamen and officers as they rescue desperate refugees who have taken to the seas in crowded and makeshift boats. Even in the remote regions of the world, the Coast Guard is present, actively engaged in the enforcement of United Nations embargoes against countries like the former Republic of

Yugoslavia and Iraq. The men and women of the Coast Guard respond with equal dedication during times of war and peace. I ask my colleagues to recognize this service by joining me in supporting the conference report on S. 1004.

Mr. PRESSLER. Mr. President, I rise to support adoption of the Coast Guard Conference Report for fiscal years 1996 and 1997.

Mr. President, the Coast Guard has broad ranging responsibilities—from enforcing America's maritime laws to ensuring the safety of recreational boaters.

Mr. President, like other Federal agencies, the Coast Guard faces the challenge of continuing to provide better government at less cost. It is clear the American taxpayers are demanding a smaller, more accountable Federal Government. At the same time, the demand for certain government services, including those provided by the Coast Guard, continues to be great. The Commandant of the Coast Guard, Admiral Robert E. Kramek, recently announced his National Plan for Streamlining the Coast Guard, which will save, on a cumulative basis, nearly one billion dollars by the year 2005 and make available over one billion dollars in property for other uses. Despite cuts of this magnitude, the Coast Guard will continue to perform all its current missions. I am pleased the Coast Guard is making a serious effort to improve it's efficiency while maintaining its effectiveness.

Mr. President, the conference report before us authorizes appropriations for the Coast Guard for fiscal years 1996 and 1997 and authorizes several management improvements requested by the Coast Guard. Many Members on both sides of the aisle have expressed interest in this bill and we have addressed their requests as best we could. The conference report has broad bipartisan support.

Mr. President, I believe the Coast Guard is up to the challenge of maintaining its status as the world's premier maritime organization despite intense budget pressure. It is my belief this authorization bill provides the Coast Guard with the support it needs to meet that challenge.

Mr. President, let me take this opportunity to thank the very capable Senator STEVENS, who is chairman of our Oceans and Fisheries Subcommittee, for his leadership in developing the original bill. I would like to recognize Senator HOLLINGS, the ranking Democratic member on the full committee for his bipartisanship throughout this process.

Mr. President, I would also like to thank Congressman SHUSTER, chairman of the House Transportation and Infrastructure Committee and chairman of our Coast Guard Conference. He and his staff have worked long and hard in completing our work on this authorization.

Mr. President, finally I thank my colleagues for their contributions and support and I urge the adoption of the conference report for S. 1004.

Mr. STEVENS. Mr. President, the Coast Guard is very important in Alaska, where the commercial fishing industry is the largest private sector employer. We have over half the coastline of the United States, and sportsmen from around the world come to fish off Alaska. Alaskans and others rely on the Coast Guard every single day in Alaska.

At a national level, the Coast Guard is also important. Nationwide last year, the Coast Guard: (1) saved 4,450 lives—an average of one life every two hours; (2) assisted 98,900 persons in distress; (3) conducted 12,634 fisheries boardings; (4) inspected 38,000 U.S. vessels and 9,000 foreign vessels; (5) conducted 51 drug seizure cases, confiscating 23 tons of marijuana and 49,000 pounds of cocaine; (6) conducted 16,976 pollution investigations; (7) serviced 39,059 Federal navigation aids; and (8) saved or protected $7.3 billion in property, more than twice the Coast Guard's budget in 1995. In short, the Coast Guard performs functions that are vital to every American who goes near the water.

The conference bill and statement reauthorize the important activities of the Coast Guard for fiscal years 1996 and 1997. Our statement explains each of the sections of the bill, so I will not go through it in detail here.

I would like to thank Conference Chairman BUD SHUSTER and his staff, Rebecca Dye and Ed Lee. They have done a great job running this conference. In the Senate, I want to thank Chairman PRESSLER, and his staff Tom Melius and Jim Sartucci. Chairman PRESSLER's record as chairman this Congress has been remarkable. His accomplishments have included the Telecommunications bill, the ICC dismantling bill, the Maritime Security bill, the Magnuson reauthorization, and now the Coast Guard authorization, to name a few. Both Tom Melius and Jim Sartucci have been invaluable to the chairman and to me on the Coast Guard bill and other legislation.

Thanks also to Senator HOLLINGS and Subcommittee Chairman KERRY for their help with this bill, and to their staff, Penny Dalton, Carl Bentzel and Lila Helms. Lastly, I would like to thank my legislative director, Earl Comstock, and my staff on the Oceans and Fisheries Subcommittee, Trevor McCabe, for their work on S. 1004.

I strongly support the enactment of this important legislation.

● Mr. KERRY. Mr. President, I am pleased to join my distinguished colleagues Senators STEVENS, HOLLINGS, and BREAUX in bringing this bill before the Senate today to authorize the programs and activities of the United States Coast Guard for fiscal years 1996 and 1997.

In this time of dramatic changes in our society and our Government, I speak in support of an agency which I think virtually everyone if not absolutely everyone can agree is a good investment—the United States Coast Guard. This is something that I have observed at close range; the Coast Guard is vital to my state of Massachusetts, with its hundreds of miles of coastline, unforgiving storms, bustling maritime industry, history-rich fishing industry and thriving recreational boating population.

Moreover, the Coast Guard is vital to the safety and well-being of citizens in every coastal state, and in every state with navigable waters. Today, over 50 percent of the U.S. population lives within the coastal zone, and directly benefits from the services the Coast Guard provides. Indirectly, the Coast Guard provides invaluable services to every American. In fact, more than two-thirds of the total budget for the Coast Guard is used for its operating expenses, as it provides for the public safety, protects the marine environment, enforces laws and treaties, maintains aids to navigation, prevents illegal drug trafficking and illegal immigration, and preserves defense readiness.

As we act on this bill, it is fitting that we briefly review the history of our Nation's oldest continuous seagoing service—that has fought in almost every war since the Constitution established our government in 1789. Throughout its history of over two hundred years, the Coast Guard has served as a multi-mission service, flexible enough to adjust to the needs of the nation in peacetime as well as wartime. From its origins as the Revenue Cutter Service enforcing tariff laws of the young nation under Alexander Hamilton's command in 1789, to its activities today of saving lives, enforcing U.S. laws and treaties, ensuring maritime safety and defense, maintaining safe navigation and protecting the environment, the Coast Guard has served and continues to serve the nation well.

Because of this legacy of service, I believe it is our responsibility to ensure that the Coast Guard has adequate resources for its missions as it prepares for the next century. We should be concerned that the Coast Guard is capable of meeting its existing mandates and recognize the Coast Guard's ever-expanding roles and missions in our coastal waters and beyond.

The Commonwealth of Massachusetts has a long and storied involvement with the sea and the Coast Guard. One of Alexander Hamilton's 10 original revenue cutters was built in the city of Newburyport. Today's Coast Guard cutters are stationed in the ports of Boston, Gloucester, Woods Hole, and New Bedford. The first lighthouse built in the country was Boston Light in 1716. Today, Boston Light stands as the only manned lighthouse still in operation in the United States. The people of Massachusetts love the water and many rely on it directly or indirectly for their livelihood. The men and women of the Coast Guard keep watch over the fishing fleets, the maritime industry,

and the over 145,000 recreational boats registered in Massachusetts. Indeed, I believe that Massachusetts has a unique and historic relationship with the Coast Guard.

But we all know that the Coast Guard's mission does not end at our shore. It protects all of our interests throughout the world, in times of war and peace. From supporting U.S. peacekeepers in Haiti, to responding to oil spills in the Persian Gulf, to supporting drug interdiction efforts in South and Central America, the Coast Guard has been there. Its work has been exemplary, but it seems that we continually ask the Coast Guard to do more with less, a practice that has persisted for some time. The Coast Guard is now in the process of a 4-year downsizing and streamlining which will ultimately reduce the Service by 12 percent—4,000 people and $400 million. I believe that we must eventually acknowledge the finite limitations on Coast Guard capabilities and resources and I am deeply concerned about some of the choices that it will be forced to make. The bill before us today will assist the Coast Guard in this respect, allowing it to do its job more effectively and efficiently. This ultimately will benefit the public by increasing the level of safety on the Nation's waterways.

This bill contains an assortment of significant provisions. Long awaited by the maritime industry, the Coast Guard regulatory reform provisions contained in the bill will eliminate unnecessary and burdensome regulations on American shipping companies, enabling them to be more competitive in the world market. This reform will save precious resources while also relieving an unnecessary burden from a struggling industry.

A provision amending the Act to Prevent Pollution from Ships will strengthen Coast Guard enforcement capability for protecting the environment from plastics, will ensure adequate waste reception facilities at ports and terminals, and will encourage public education and reporting programs.

To increase the tools in our war on drugs, the bill will provide new authority for Federal law enforcement officials by eliminating the potential defense of some would-be drug smugglers arrested during a vessel boarding at sea by the Coast Guard. Some smugglers have thwarted prosecution by claiming protection of another country's flag during legal proceedings, when at the time of the Coast Guard boarding at sea when they were arrested, they claimed their vessel was a stateless vessel.

To make the best use of an existing technology, and to prevent a dangerous disconnect to develop during the migration to a new navigation technology, the bill calls for the Coast Guard to develop a plan for the transition from the current ground-based radio navigation technology [LORAN–C] system to a satellite-based technology, global positioning system or GPS. For safety, this plan will include an appropriate timetable for transition from LORAN–C after it is determined that GPS can serve adequately as a sole means of safe and efficient navigation. The plan must also take into consideration the need to ensure that LORAN–C equipment purchased by the public before the year 2000 has a useful economic life. This provision ensures that those that made the financial investment in LORAN–C equipment will not suddenly find that system is worthless.

The Coast Guard's efforts to downsize and streamline have been admirable, and, in general, I support the Coast Guard's plans to streamline and consolidate operations where possible. In fact, I applaud the Coast Guard's recently announced streamlining plans which do not close or consolidate any front-line operating units while they reduce the Service's personnel by 1,000 people and its overhead expense by $100 million. However, I am concerned by the proposal to close 23 of the Coast Guard's front-line Small Boat Stations as a cost cutting effort to save $6 million.

Another important issue is involved in the Coast Guard's proposed closing of small boat stations. I have looked closely at the criteria used by the Coast Guard to develop the closure and station modification lists and was surprised to find absent from the criteria any consideration of local and regional factors, including water temperature and unusual tidal or current conditions. The Coast Guard uses a ''one-size-fits-all'' approach to determining response time for its small boat stations. I believe that other important regional criteria such as severe weather conditions and tides and currents should be considered as well. For example, in some regions these conditions could slow the average response, and colder water temperatures could necessitate a quicker response time. In 1789, Treasury Secretary Hamilton, the founding father of the service that eventually became the Coast Guard, was the first to acknowledge that such conditions matter when he allowed additional funding for the construction of two larger revenue cutters in order to handle the harsh weather conditions off the coast of New England. These conditions have not changed, and it is equally legitimate and essential today for local and regional conditions to be addressed in any Coast Guard decision process. This is not a consideration limited only to Massachusetts—or even to the New England region. Especially challenging conditions exist in numbers of regions, including, for example, the Great Lakes and the Northwest Pacific.

The Coast Guard criteria also appear to exclude consideration of vital Coast Guard missions other than search and rescue—including marine environmental protection; boating safety; enforcement of drug, illegal alien, and fisheries laws. In determining whether to close a station, I believe it is important for the Coast Guard to take into account all the services provided by the station. The Coast Guard also should contemplate the alternative measures for maintaining the station's current level of service in the area it serves.

The provisions in this bill establish a more detailed and public process to address station closure issues and those enunciated by the Senate appropriations Committee last year. My provision includes the appropriators' prohibition on station closures for fiscal year 1996. However, the provision in this bill does not prohibit station closures in the future; it only requires the Coast Guard to take into consideration the unique local and regional conditions, including water temperature, in reaching a closure decision. It also requires the Coast Guard to determine and take into account the cop on the beat effect of the station. The presence of the station, and boats and Coast Guard personnel on the water, has a positive impact on local boaters and serves as a deterrent to crime. This provision also requires the Secretary of Transportation to ensure that the closure of a station will not result in the degradation of services that would cause significant increased threat to life, property, environment, public safety or national security. Also important, the provision requires public review procedures to be established and used by the Coast Guard so that those coastal communities most impacted by the closure of a station can submit comments on their concerns before the final decision is made.

Ultimately, though, nothing in the bill prohibits the Secretary of Transportation from implementing management efficiencies within the small boat system, such as modifying the operational posture of units or reallocating resources as necessary to ensure the safety of the maritime public nationwide. I believe that my provision gives the Coast Guard the flexibility to make the operational changes it needs to make, but ensures that coastal communities, their residents, and the environment are not put at risk by closing a station.

I am extremely pleased to have secured another key provision for Massachusetts in this bill—language that will permit financing to go forward to revitalize the Fore River Shipyard in Quincy, MA. Section 1139 of the bill is based on an amendment originally sought by Senator KENNEDY and me in the Commerce-State-Justice appropriation bill for fiscal year 1997, and later amended by Majority Leader LOTT. In my view, Senator LOTT has not inappropriately toughened up the language. In the case of the Quincy project, this language will place a greater responsibility on the Commonwealth of Massachussets to help underwrite the necessary financing. I am satisfied that the new language leaves enough discretion to the Maritime Administration so

that a suitable arrangement can be reached that is both affordable and acceptable to the Commonwealth. This is a matter on which I, Senator KENNEDY, and Representative STUDDS have been working for over a year.

Specifically, section 1139 establishes the basis for the Secretary of Transportation to assist certain shipyards, including the yard at Quincy, by facilitating the extension of Federal loan guarantees for the reactivation and modernization of those yards and the construction of vessels by the yards. Significantly, this section has been carefully drafted to provide several layers of protection to the Federal taxpayer, and to ensure the State where a yard is located shoulders a degree of the financial burden of revitalizing the yard, and also a portion of the financial risk. For example, subsection (d) requires the State or a State chartered agency where the yard is located to deposit the amount of funds needed to cover the percentage of the risk factor cost under the Federal Credit Reform Act into the Federal treasury, and provides for the reversion of the funds to the State if no obligation needs to be paid from the deposited funds. I fully expect that the percentage of the risk factor under this subsection will never exceed 12 percent. It appears to me that a deposit from the State of 12 percent will be more than adequate to fulfill the requirements associated with the risk of default for a project of this nature.

This provision is significant to my State because the Quincy Shipyard project is the first of its kind. It is the first project to revitalize an inoperative shipyard and put it back into production as a state-of-the-art facility that will employ up to two thousand workers in good jobs. This is an amendment that makes sense, because the proposal to revitalize the Quincy Shipyard will turn it into a shipyard on the cutting edge of technology and one which will produce vessels that will be in demand in the international marketplace for years—double-hulled oil tankers to carry petroleum safely around the world. The Federal Government's investment in the Quincy Shipyard will be repaid many times over through the jobs that will be created, and through the renewed position of American maritime leadership that the project will help us attain. Now that Congress has done its part, it is incumbent upon the Commonwealth, the city of Quincy, the Massachussets Heavy Industries Corp., and the Maritime Administration to make this project a reality.

This bill is the culmination of almost 2 years of effort. and I would like to thank the chairman of the subcommittee, Senator STEVENS, the chairman of the Commerce Committee, Senator PRESSLER, and the committee's ranking Democrat, Senator HOLLINGS, for their hard work in bringing this bipartisan bill to the floor. I believe this bill and the work of the four of us provide a superb example of how this institution can effectively write and pass good law. I also would like to acknowledge the hard work and long hours invested by the staffs on both sides of the aisle, including Penny Dalton and Lila Helms on the Commerce Committee minority staff, and Tom Melius, Trevor McCabe, and Jim Sartucci of the majority staff. On my personal staff, I would like to acknowledge the work of Kate English, Steve Metruck, Peter Hill and Tom Richey on this bill.

This bill is carefully considered, and carefully written. It merits passage. I urge my colleagues to vote for it today.●

Mr. SMITH. Mr. President, I rise today in support of the Coast Guard Authorization Act which includes a number of provisions related to preventing oil spills in the future. Two of these provisions were added to the bill at my request, and arise out of an oil spill that occurred in Portsmouth, NH on July 1, 1996.

For the benefit of my colleagues, I would like to take the chance to briefly explain the series of events that led to this oil spill. At approximately 10:30 p.m. on Monday, July 1st, the tanker ''Provence'' was off-loading fuel at the Schiller Station powerplant in Portsmouth when, during a flood tide, the ship parted its mooring lines and began to drift into the middle of the Piscataqua River. One of the workers who was involved in off-loading the ship, quickly acted to shut off the pumps, but unfortunately, approximately 1000 gallons of number 6 fuel oil, which was contained in the hoses of the ship, spilled into the river. The ship then drifted over to the Maine side of the river and ran aground. Given the fact that the ship contained 250,000 barrels of oil, it is fortunate that a much more serious accident did not occur.

Less than 15 minutes after the grounding occurred, the Portsmouth Response Co-op, a local entity created to respond to these types of spills, had already begun stationing oil containment booms around the tanker, and a little more than one-half hour after that, the Coast Guard was at the site responding to the spill. Although there was a quick response to this incident, the number 6 oil that was spilled at this site is a type of oil that is heavier than water, and thus, sank to the bottom of the Piscataqua River. The result was that thousands of lobsters were soiled or killed in an area that is a prime fishing spot for the lobstermen of my State.

Notwithstanding the fact that they were limited in their ability to respond to the spill, I believe that the local fishermen, the Portsmouth Co-op, the State of New Hampshire Department of Fish and Game and the United States Coast Guard should all be commended for their expeditious and highly professional response to this spill.

Soon after the spill, I was able to take a tour of the Piscataqua on the boat of Mr. Ed Heaphy, a lobsterman in my State, in order to understand, first hand, what occurred with this spill. While it is too soon to fully grasp the long term effects from this incident, it appears that the oil has dissipated and the lobstermen are again able to fish in this area. During my tour, and the subsequent conversations I have had with the Coast Guard, it has become readily apparent to me that there are two problems that occurred related to this spill that deserve additional attention by the Coast Guard.

The first issue involves the oil itself. The number 6 oil that spilled in the Piscataqua is classified as ''group 5'' oil by the Coast Guard because it is heavier than water and sinks to the bottom when it is spilled. In Portsmouth, little could be done to clean up this oil except to attempt to ''fish'' it off the bottom of the river utilizing oil sorbent pads tied to anchors dangled from boats. I think this is a primitive way of addressing an important oil cleanup issue.

The second issue at this site involved the oil pumping operations on the ship. Although we were fortunate that quick action resulted in the pumps being shut off, if this action had not occurred, hundreds, if not thousands of gallons per minute could have been pumped into the river. It appears obvious that we should not have to count on luck in such an incident.

Given these two circumstances, I felt that it was urgent that we take a closer look at these issues to determine if further action needs to be taken to prevent a reoccurrence of these types of spills in the future. For this reason, I drafted an amendment to attach to the Coast Guard Authorization Act. This amendment addresses the two problems highlighted during the spill in Portsmouth. The first provision would require a study of cleanup methods for group 5 oils and a report to be submitted to Congress within 18 months of the passage of this legislation. The second provision would require a study of the need for automatic fuel shutoff equipment and a report to be submitted to Congress within 18 months. In addition, this amendment gives the Secretary of Transportation the authority to adopt a rulemaking to take action on these two issues if he finds, as a result of the studies, that action is necessary to abate a threat to public health and the environment.

I would like to thank the Republican Leader Senator LOTT, the chairman of the Energy Committee, Senator CHAFEE, Senator STEVENS, the chairman of the Subcommittee on Oceans and Fisheries, and Senator PRESSLER, the chairman of the Commerce Committee, for their willingness to work with me to have this amendment adopted. I believe that this study will lead to solutions that will avoid these problems in the future, and I urge my colleagues to support it.

Mr. LIEBERMAN. Mr. President, I rise today to express my strong support for the provisions in this bill designed to strengthen our oil spill prevention

laws. This bill incorporates key provisions of S. 1730, legislation introduced by Senator CHAFEE which I was proud to cosponsor. I congratulate Senator CHAFEE for his outstanding work in this area and I was delighted to be able to work closely with him on these provisions.

Last February in Rhode Island, Senator CHAFEE and I had the unfortunate responsibility to review the tragic economic and environmental impacts of the oil spill resulting from the grounding of the barge *North Cape* off the coast of Rhode Island. At that hearing and in subsequent hearings in Washington, we also examined the implementation of the Oil Pollution Act of 1990.

We learned during those hearings that one of the goals of the 1990 Act—improving the response time for an oil spill—was largely fulfilled. Unfortunately, we also learned that the pollution prevention provisions of the Act were not working as well as the response provisions. We also heard about concerns with implementation of some of the provisions designed to ensure expeditious compensation for the victims of oil spills, such as the fishermen in Rhode Island.

We learned at our hearings that the regulatory system for tows and barges is woefully inadequate, even though they travel through some of the most environmentally sensitive areas and stormy waters. For example, barges are not required to have an operable anchor on board. Such an anchor would have slowed, if not stopped, the barge *North Cape* from drifting toward the Rhode Island shore, according to an expert witness at one of our hearings. There are no requirements for adequate firefighting equipment on towing vessels. The grounding of the barge *North Cape* was triggered by a fire on board the tug *Scandia* and the crew of the *Scandia* apparently was unable to gain access to the area where the fire suppression system was located.

I am pleased that this legislation addresses many of the problems we learned about in the aftermath of the Rhode Island spill. Let me review just a few of the highlights.

The bill takes strong steps to reduce the risks of oil spills from single hull tank barges. By October 1, 1997, the Secretary of Transportation must issue a rule requiring single hull tank barges to have at least one of the following: a crewmember and an operable anchor on board the barge that can stop the barge without additional assistance; an emergency system on the barge or towing vessel that will allow the barge to be retrieved by the towing vessel if the towline ruptures; or other measures that the Secretary determines will provide comparable protection against barge grounding.

The legislation also requires that by October 1, 1997, the Secretary require the installation of fire suppression systems or other measures to provide assurance that a fire on board a towing vessel towing a tank vessel can be suppressed.

Another important provision of the bill reaffirms that the Oil Pollution Act of 1990 allows those who have suffered economic loss from an oil spill to receive payment for interim, short-term damages without losing their right to recover all damages down the road. In Rhode Island, some fishermen who needed money immediately for their daily existence were reluctant to pursue partial claims because of fear that they might waive their rights to long-term damages. They suffered significant hardship, and we want to assure that such a situation will not happen again.

The bill also strengthens the current law's requirement for compliance with a response plan in the event of a spill. It provides that such plans must be followed unless deviation would provide for a more expeditious or effective response to an oil spill or mitigation of its effects.

The bill also includes an important study that the Secretary, in coordination with the Marine Board, must conduct on the risk of oil spills from lightering operations, including recommendations on measures that would likely further reduce the risks of oil spills from lightering operations. These recommendations should help to protect our local marine environment from the threats posed by such spills.

Oil spills are an unfortunate fact of modern life, but their effect on our world, the economy, and people can be minimized if we write and enforce good laws that make spills rarer, allow quicker cleanup and provide adequate compensation to victims. The Oil Pollution Act of 1990 helped make the Rhode Island spill of 1996 less severe than it might otherwise have been. But the spill might have been avoided altogether, and that must remain our goal for the future. Enactment of the legislation we are considering today will help move us toward that goal.

Ms. SNOWE. Mr. President, I rise in strong support of the conference report for the Coast Guard Authorization Act of 1996.

Mr. President, many senators, particularly those who represent landlocked States, would probably not think of a Coast Guard reauthorization bill as being a very difficult undertaking. But the development and negotiation of this bill has not been easy.

Three years have elapsed since the Coast Guard was last reauthorized, even though this essential agency is supposed to receive an annual authorization like the Defense Department. Unfortunately, several controversial issues have slowed the progress of this bill, and it was not until yesterday that the last of these was finally resolved between the Members of the House and Senate on both sides of the aisle.

I think the fact that we have gotten the bill this far—to the verge of sending a conference report to the President—is a testament to the expert leadership that the bill has been fortunate to receive. Senator STEVENS, the Oceans and Fisheries Subcommittee chairman, and Senator PRESSLER, our full committee chairman, have done an impressive and artful job of shepherding this bill past many seemingly insurmountable obstacles and pitfalls. This bill teetered on the precipice on several occasions during the past 2 years, and each time, Senators STEVENS and PRESSLER rescued and revived the measure. Their deft handling of this measure is what has brought it so close to enactment.

Mr. President, the American people want this bill. The Coast Guard provides an essential service for our country. It makes the waters of this maritime Nation safe for the mariners of all stripes who ply our waters—the commercial and sport fishermen, the merchant seamen, the sailing enthusiasts, the cruise ship passengers, and others. It defends our borders from the depredations of the drug lords who would export their poison to our communities. It protects our waters from oil spills and other forms of marine pollution.

We need to reauthorize and update the legislative authorities for this critical agency, and this conference report does a good job in that regard. Not only does this report include necessary reforms and authorities for the Coast Guard, but it is a fiscally responsible piece of legislation. It authorizes approximately $3.8 billion for the Coast Guard in fiscal years 1996 and 1997. This amount represents a very small increase over the funding levels in the previous authorization which expired in 1993.

Mr. President, I would also like to specifically mention several provisions in the report that are based on amendments I sponsored or cosponsored with other Senators during consideration of the Senate bill, and that have been retained in the conference report.

One of the longest lasting legacies of this bill will be the preservation of 36 lighthouses on the coast of Maine. This provision originated as a stand-alone bill earlier in the year, S. 685. It was adopted by the full Senate in S. 1004, the Senate Coast Guard bill, and it is included in the conference report.

This provision will create the Maine Lights program to transfer these historically and environmentally important lighthouses to new owners who will agree to maintain them, preserve their historic character, preserve ecological resources on adjacent property like seabird nesting habitat, and provide access to the public. In short, this legislation provides a way to preserve these lighthouses at very little or no cost to the federal government.

Mr. President, long after this bill passes, when citizens from all over the country visit the Maine coast and admire the lighthouses, they will have this Congress to thank for its vision and its commitment to preserving such a valuable piece of the Nation's coastal heritage.

Times have changed since the lighthouses that we will protect in this bill

were first constructed, but one thing hasn't changed: the heart of the Coast Guard's mission is still the human emergency response, the rescues at sea. It's critical that the Coast Guard maintain this capability to respond promptly and professionally to all accidents in American waters, even while we are engaged in the necessary process of balancing the budget and protecting the fiscal health of the Nation.

Senator KERRY and I authored an amendment in the Commerce Committee to prevent the Coast Guard from closing any of its small-boat, multimission stations unless the Secretary first certifies that the closure will not result in a degradation of services that threatens life, property, the environment, or public safety. Language that I included in this amendment provided, in particular, that a proposed station closure will not hamper the Coast Guard's ability to meet its 2-hour standard for responding to search and rescue requests.

At the request of the House, we agreed to streamline the Senate provisions for the conference report, but the report maintains the key components of our amendment. The Coast Guard will still have to certify that the closure of a small boat station will not impair the agency's ability to maintain the safety of the maritime public. It will still have to ensure that search and rescue standards, such as the two-hour response time, will have to be met. And it will still have to ensure that the extra safety threats posed by unique or special marine conditions, such as exceedingly cold water, will be fully considered before any stations are closed. This is a very important provision that will guarantee that the safety of the maritime public will not be diminished if the Coast Guard decides to close a small-boat station.

Mr. President, another provision that I sponsored during Senate consideration and that has been retained in the conference report will facilitate a timely and effective response in the event of an oil spill in certain areas near our foreign borders such as Passamaquoddy Bay on Maine's border with Canada.

Passamaquoddy Bay is a large, virtually pristine bay and estuary system that is internationally recognized as a staging area for migratory waterfowl and shorebirds. In addition, the bay area has substantial economic value, hosting major aquaculture and commercial fishing operations, a vibrant tourism industry that depends on the health of the bay, and one of Maine's three major cargo ports.

Unfortunately, this important resource would be relatively unprotected in the event of a major oil spill. The State of Maine does not have an adequate number and type of oil spill response vessels in the vicinity of Passamaquoddy Bay. Some Canadian-registered vessels based north of the bay could do the job, but current federal law prevents these vessels from operating in U.S. waters.

To address this kind of problem, my amendment, which was modified in cooperation with other senators prior to adoption of the conference report, will allow foreign-registered oil spill response vessels to be used in U.S. waters in the event of an oil spill. The authority only applies on a temporary and emergency basis, however. And it only applies as long as U.S.-documented response are not available to respond in a timely manner. Furthermore, the modified amendment makes this authority contingent on the nation in which the foreign vessel is registered providing the same privileges to U.S. response vessels.

This provision will help to ensure that U.S. waters like Passamaquoddy Bay receive the maximum amount of protection from an oil spill, while giving U.S. recovery vessels priority consideration for doing the work if they are available.

Mr. President, as we consider this conference report, the State of Maine and the Coast Guard are grappling with a significant oil spill that occurred yesterday in Portland harbor. The spill occurred after a tanker carrying diesel fuel struck a drawbridge. This is obviously a very unfortunate development, and we wish it had not happened. Once the spill has been cleaned up, it will be thoroughly investigated by federal authorities.

But the spill does underscore the very serious need to make sure that all of our coastal areas are fully equipped to respond effectively to oil spills. The conference report contains a number of provisions to do that, including the amendment that I just described, and these provisions take on an added urgency in light of the Portland oil spill.

Finally, I wanted to reference the section on financial responsibility under the Oil Pollution Act. I offered an amendment in the Commerce Committee that addressed the aspect of this issue dealing with marinas and onshore fuel terminals. Under some current interpretations of OPA, these facilities could have been subjected to the act's extremely expensive financial responsibility requirements, even though the act was intended to cover offshore drilling platforms and other large production facilities that could be involved in large oil spills.

Mr. President, the financial responsibility language in the report reflects a compromise that Senators on the Commerce and EPW Committees, and Members of the House, negotiated on this issue. Among other things, it simply clarifies that marinas and onshore fuel terminals are not subject to OPA's financial responsibility requirements. This legislation will benefit many small businesses, boaters, commercial fishermen, oil distributors, and fuel consumers across the country without jeopardizing important environmental protections.

Mr. President, this is a very good bill, and it is the result of a lot of hard work and painstaking negotiation. It deserves the strong support of all Senators, and I would urge my colleagues to vote yes and send it to the President.

CRUISE SHIP REVITALIZATION ACT

Mrs. BOXER. Mr. President, today we close a 3-year effort to fix a problem in State law that has led to scores of cruise ships bypassing my State of California, taking thousands of jobs and millions of dollars in needed revenue with them. Our ship, finally, has come in, and I thank my colleagues here who have helped bring the cruise ships back to the Golden State.

The conference report the Coast Guard Authorization Act includes my legislation, the California Cruise Industry Revitalization Act, S. 138, that responds to pleas from ports in my State—and the California Legislature—to overturn a State law that has harmed the cruise ship industry and the hundreds of jobs it creates. The California Cruise Industry Revitalization Act has strong bipartisan support and no opposition. It affects only my State.

I am thrilled to announce that because of our high-profile efforts to win this provision in the past week—either as part of the Coast Guard bill or the FAA bill—two major cruise lines have announced that they will return to the Port of San Diego by the end of the year, if this legislation passes. The two lines, Royal Caribbean and Carnival Cruise, pulled out in 1992.

The section of the conference report incorporating my bill corrects a problem that occurred when California responded to a 1992 congressional amendment to the Johnson Act, permitting states to prohibit gambling on intrastate cruises. The California law was written to prevent a proliferation of casino development on Indian land within the State as well as to reinforce the longstanding statutory prohibitions against gambling ships and cruises to nowhere. Unfortunately, it also prohibited ships on international cruises from making multiple ports of call within the State.

My legislation simply makes a technical change to the Johnson Act, allowing a cruise ship to make multiple ports of call in one State and still be considered on an interstate or international voyage.

This legislation is essential to restoring California's cruise ship industry, which has lost 2,400 direct and indirect jobs and $325 million in tourist revenue since 1993. Many cruise ship companies have bypassed second and third ports of call within California.

The State's share of the global cruise ship business has dropped from 10 to 7 percent at the same time that growth in the cruise ship business overall has climbed 10 percent a year. Our lost market share has gone not to other States but to foreign countries along the Pacific coast.

Mr. President, this legislation is not simply a matter of getting Washington out of the way, as some have said. The

1994 California Assembly Joint Resolution No. 40 specifically states, ''That California memorializes Congress to amend the Johnson Act to remove California's authority to regulate gambling on cruise ships traveling to foreign ports or on segments of voyages going to another State or country,* * *''

Furthermore, the California Trade and Commerce Agency wrote the Senate Commerce Committee urging support for this legislation.

Today, we fulfill that request. We have been able to do so because of the hard work of many people in and outside of this Congress. I first want to thank former Congresswoman Lynn Schenk of San Diego, who first brought this bill to my attention. Lynn persuaded her House colleagues to pass this provision which was included in several maritime bills which passed the House in 1994 only to die in the legislative gridlock that fall.

Unfortunately, Lynn did not return to renew the fight in the 104th Congress. However, the Port of San Diego and other ports in California took up the call and repeatedly wrote and called congressional leaders urging support for this measure. Congratulations Lynn. I was honored to work with you.

Last year, the Committee on Commerce, Science, and Transportation agreed to attach my bill to the Coast Guard Act. I want to thank Senator HOLLINGS, the committee's ranking member, and his staff, for their unwavering support for my provision as the Coast Guard bill in conference entered troubled waters with unrelated, controversial matters inserted in the House version.

I also want to thank Senator FORD, ranking member of the Aviation Subcommittee, for his stalwart support not only in attaching my bill to the FAA Reauthorization Act but to making sure it stayed there in conference with the House until we were assured of the Coast Guard bill's passage.

We could not have won this victory without the help of the distinguished Democratic leadership of the committee, Senator HOLLINGS and Senator FORD. California owes a debt of gratitude to their leadership.

My thanks also to Congress Members JANE HARMAN, BRIAN BILBRAY and BOB FILNER who worked hard to get this bill through the House.

Mr. NICKLES. Mr. President, I ask unanimous consent that the conference report be considered adopted, the motion to reconsider be laid upon the table, and, finally, that any statements relating to the conference report be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

NATIONAL MARINE SANCTUARIES ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 543, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 543) to reauthorize the National Marine Sanctuaries Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, since the day I arrived in the Senate nearly twelve years ago, I have worked hard to address the many challenges confronting our ocean and coastal resources. After all, few states draw as much of their national and regional identity from their coastal areas and contiguous oceans as does Massachusetts.

Often with my distinguished colleagues, the Senator from South Carolina, Senator HOLLINGS, and the Senator from Alaska, Senator STEVENS, I have worked to improve national marine resource management. My efforts have come through my membership on the Senate Commerce, Science and Transportation Committee, and particularly as ranking member on the Oceans and Fisheries Subcommittee and as co-chair of the subcommittee's predecessor, the former National Ocean Policy Study (NOPS).

Over the past 25 years, Congress has worked to develop innovative policy solutions to enable the long-term protection, conservation, utilization and management of our vulnerable marine resources. We have acted to ensure strong coastal economies in Massachusetts and a clean, healthy coastal environment from the Gulf of Maine to the Gulfs of Mexico and Alaska.

One of these innovative programs is the Magnuson Fisheries Conservation and Management Act, which in 1976 introduced the new concept of domestic fishery management councils to guide the development of commercial fishery management plans. In close concert with Senator STEVENS, Senator HOLLINGS and several other Senators, I have worked long and hard during this Congress to strengthen and reauthorize the Magnuson Act. I am delighted that this effort has been successful and that the bill is on its way to the White House for the President's signature. It will greatly aid us in ensuring ecologically and economically sustainable fisheries for future generations.

Another successful innovation in marine resource protection has been the National Marine Sanctuary Program, created in 1972 and last reauthorized in 1992. Administered by the National Oceanic and Atmospheric Administration (NOAA), the National Marine Sanctuary Program is a proven success and one in which we should all take pride. I strongly support the National Marine Sanctuaries Preservation Act and urge my colleagues to support this very important reauthorization bill.

H.R. 543 represents another step toward fulfilling a national commitment to further protect our coastal oceans, sustain marine biological diversity and fishery stocks, and encourage comprehensive natural resource management that provides for appropriate recreational and commercial activities. The marine sanctuary program successfully demonstrates that environmental protection and economic opportunity can co-exist. We can have both jobs and environmental conservation.

H.R. 543 is a straightforward reauthorization bill. It makes only minor changes to the Sanctuaries Act, and on balance, it strengthens the sanctuary program. The bill provides $45.5 million over the next 3 fiscal years to fund the management of the 14 existing marine sanctuaries, including the Stellwagen Bank National Marine Sanctuary off Massachusetts Bay. I am assured by NOAA that this amount is adequate to sustain present management activities at all existing sanctuaries. In addition, this bill provides important authority to NOAA to develop alternative funding sources to augment government spending and enhance marine sanctuary research and management activities.

This bill makes permanent the temporary authority given to NOAA in 1992 to market and license a sanctuary program logo developed as part of a pilot logo program. Not only will this revenue enhancement program broaden the recognition of the sanctuary program, it will provide opportunities to develop supplemental funding to support sanctuary management activities. Amounts generated from this new initiative are expected to be quite limited at first, but are an important step in the long-term development of the marine sanctuary program.

H.R. 543 also addresses the current controversy regarding the designation of a new marine sanctuary in Washington state. The members of the Committee on Commerce, Science, and Transportation have worked closely with Senator MURRAY to address these concerns and we are pleased that this bill reflects those changes agreed upon.

Finally, Mr. President, I would be remiss if I did not at this time recognize the dedication to the cause of ocean and coastal resource protection of my esteemed colleague and friend from Massachusetts, GERRY E. STUDDS, who has been an outstanding leader in the Congress on this issue.

For the 20 years that GERRY STUDDS has served in Congress, he has demonstrated time and time again a responsiveness to the needs of his constituents. These needs understandably have been shaped very often by the important marine and coastal resources of Massachusetts. Through his close and constant association with the ocean, GERRY STUDDS has developed a

sensitivity and insight into the complexity of the marine and coastal environment that few members could challenge. This insight has served him well as a Chairman of the former House Merchant Marine and Fisheries Committee, and in his present capacity as ranking member on the House Subcommittee on Fisheries, Wildlife and Oceans. Let there be no mistake: GERRY STUDDS' mark on national environmental policy, especially in the marine environment, has been profound.

Section 11 of H.R. 543 formally changes the name of the existing Stellwagen Bank sanctuary off the coast of Massachusetts to the ''Gerry E. Studds Stellwagen Bank National Marine Sanctuary.'' I realize after having worked closely with Congressman STUDDS on the designation of Stellwagen Bank in 1992 how deeply he feels about this very special place. It is a fitting tribute that this unique marine resource, which he worked so hard to protect for future generations, should bear his name. His knowledge, his expertise and his humor will all be missed. I will miss him as a friend and colleague in the Congress. But the Gerry E. Studds Stellwagen Bank National Marine Sanctuary will remain a constant reminder of his impressive environmental legacy.

In closing, Mr. President, I have worked closely this Congress with my friend, the Chairman of the Oceans and Fisheries Subcommittee, Senator STEVENS, to pass strong, positive marine resources legislation that reflects and reaffirms the importance of ocean and coastal resources to our Nation and ensures they are treated as the priceless and essential natural resources they are. Not unlike the Sustainable Fisheries Act (S. 39), the Antarctica bill (H.R. 3060), and the reauthorization of the Coastal Zone Management Act (H.R. 1965), this bill is another positive step toward ensuring that our Nation's vital marine and coastal resources are conserved and sensibly managed for the benefit of all. I wholeheartedly support this bill and urge my colleagues to do the same.

Mrs. MURRAY. Mr. President, I thank the distinguished chairman and ranking member of the Commerce Committee, as well as Senator GORTON and Congressman METCALF, for their work on this bill.

We have reached an agreement on the provisions regarding the Northwest Straits of Washington State which I think will serve everyone's best interest. My amendment to the House passed bill deletes language establishing a local advisory committee under the control of NOAA, while retaining the requirement that final designation of a marine sanctuary in the Northwest Straits occur only via congressional authorization.

I was concerned that the creation of a NOAA-controlled advisory committee would undermine the very intent of bringing local community members together to consider the resource protection needs of the Northwest Straits in an objective and open forum. Many members of the local communities have serious concerns about the performance of NOAA over the last several years with regard to the proposed sanctuary. To establish a new advisory committee under NOAA's control would only perpetuate those concerns. I think it is much better if such local commissions or committees develop on their own, independent from the NOAA process, much as the Marine Resources Committee in the San Juan Islands has done.

It is my understanding that as NOAA continues with its assessment of the resource protection needs of the Northwest Straits, it will provide personnel and technical expertise and information to any local advisory committees or commissions that may develop and will include any recommendations put forward by such committees or commissions in NOAA's assessment.

My amendment will allow us to move this important bill forward with bipartisan consensus. I appreciate the significant role the Marine Sanctuaries Program plays in the protection of our Nation's ocean resources. The protection of marine life and marine habitat is a worthy goal. Marine sanctuaries may not only protect the marine environment but may also support regional economies by creating recreational and tourism opportunities and enhancing commercial fisheries and associated industries by providing refuges for fish and other marine life. I fully support this legislation, and I urge my colleagues to support our agreement.

Mr. NICKLES. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid on the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 543) was deemed read the third time and passed.

ORDER FOR COMMITTEES TO FILE SPECIAL REPORTS

Mr. NICKLES. Mr. President, I ask unanimous consent that on November 21, 1996, between the hours of 10 a.m. and 2 p.m. committees have the authority to file special reports on nonlegislative matters only. This does not include executive matters such as treaties or nominations, nor does it allow committees to report bills or resolutions after the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. NICKLES. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1467) entitled ''An Act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Peck Rural County Water Supply System Act of 1996''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term ''construction'' means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term ''District'' means the Fort Peck Rural County Water District, Inc., a nonprofit corporation in Montana.

(3) FEASIBILITY STUDY.—The term ''feasibility study'' means the study entitled ''Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District'', dated September 1994.

(4) PLANNING.—the term ''planning'' means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term ''water supply system'' means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system. Title to this project shall remain in the name of the District.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, north-eastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 75 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to carry out this Act $5,800,000. This authorization shall terminate after a period of 5 complete fiscal years after the date of enactment of this Act unless the Congress has appropriated funds for the construction purposes of this Act. This authorization shall be extended 1 additional year if the Secretary has requested such appropriation. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act. All costs which exceed the amounts authorized by this Act, including costs associated with the ongoing energy needs, operation, and maintenance of this project shall remain the responsibility of the District.

SEC. 5. CACHUMA PROJECT, BRADBURY DAM, CALIFORNIA.

The prohibition against obligating funds for construction until 60 days from the date that the Secretary of the Interior transmits a report to the Congress in accordance with section 5 of the Reclamation Safety of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is waived for the Cachuma Project, Bradbury Dam, California.

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate concur in the House amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 633, H.R. 3815.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3815) to make technical corrections and miscellaneous amendments to trade laws.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Finance, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 1996''.

SEC. 2. PAYMENT OF DUTIES AND FEES.

(a) INTEREST ACCRUAL.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended in the second sentence by inserting after ''duties, fees, and interest'' the following: ''or, in a case in which a claim is made under section 520(d), from the date on which such claim is made,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims made pursuant to section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) on or after June 7, 1996.

SEC. 3. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—

(1) EXAMINATION OF BOOKS AND WITNESSES.—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking ''(c)(1)(A)'' and inserting ''(d)(1)(A)''.

(2) REQUIREMENT FOR CERTIFICATE FOR IMPORTATION.—Section 505(b) of the Tariff Act of 1930 (19 U.S.C. 1505(b)) is amended by striking ''(c)(1)(A)'' and inserting ''(d)(1)(A)''.

(3) DEFINITIONS.—Section 509(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(1)) is amended by striking ''(c)(1)(A)'' and inserting ''(d)(1)(A)''.

(4) DEFINITIONS.—Section 509(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1509(a)(2)) is amended by striking ''(c)(1)(A)'' and inserting ''(d)(1)(A)''.

(5) DEPRIVATION OF LAWFUL DUTIES, TAXES, OR FEES.—Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended by striking ''or fees be restored'' and inserting ''and fees be restored''.

(6) RECONCILIATION TREATED AS ENTRY FOR RECORDKEEPING.—

(A) Section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended by inserting ''recordkeeping,'' after ''reliquidation,''.

(B) Section 508(c)(1) of such Act (19 U.S.C. 1508(c)(1)) is amended by inserting '', filing of a reconciliation,'' after ''entry''.

(7) EXTENSION OF LIQUIDATION.—Section 504(d) of the Tariff Act of 1930 (19 U.S.C. 1504(d)) is amended—

(A) in the first sentence, by inserting '', unless liquidation is extended under subsection (b),'' after ''shall liquidate the entry''; and

(B) in the second sentence, by inserting ''(other than an entry with respect to which liquidation has been extended under subsection (b))'' after ''Any entry''.

(8) EXEMPTION FROM DUTY FOR PERSONAL AND HOUSEHOLD GOODS ACCOMPANYING RETURNING RESIDENTS.—Section 321(a)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1321(a)(2)(B)) is amended by inserting '', 9804.00.65,'' after ''9804.00.30''.

(9) DEBT COLLECTION.—Section 631(a) of the Tariff Act of 1930 (19 U.S.C. 1631(a)) is amended by adding at the end the following new subsection:

''(c) PAYMENT OF COSTS.—The debtor shall be assessed and pay any and all costs associated with collection efforts pursuant to this section. Notwithstanding section 3302(b) of title 31, United States Code, any sum so collected shall be used to pay the costs of debt collection services.''.

(10) DESIGNATION OF CUSTOMS OFFICER.—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended in paragraphs (3) and (4) by striking ''appropriate regional commissioner'' and inserting ''officer designated pursuant to regulations''.

(11) REVIEW OF PROTESTS.—Section 515(d) of the Tariff Act of 1930 (19 U.S.C. 1515(d)) is amended by striking ''district director'' and inserting ''port director''.

(12) ADMINISTRATIVE EXEMPTIONS.—Section 321(a) of the Tariff Act of 1930 (19 U.S.C. 1321(a)) is amended—

(A) in paragraph (1), by striking ''duties, fees, and taxes actually accruing'' and inserting ''duties, fees, taxes, and interest actually accruing''; and

(B) in paragraph (3)—

(i) by striking ''and taxes'' and inserting ''taxes, and interest''; and

(ii) by striking ''or taxes'' and inserting ''taxes, or interest''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of December 8, 1993.

SEC. 4. CLARIFICATION REGARDING THE APPLICATION OF CUSTOMS USER FEES.

(a) IN GENERAL.—Subparagraph (D) of section 13031(b)(8) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)(D)) is amended—

(1) in clause (iv)—

(A) by striking ''subparagraph 9802.00.80 of such Schedules'' and inserting ''heading 9802.00.80 of such Schedule''; and

(B) by striking ''and'' at the end of clause (iv);

(2) by striking the period at the end of clause (v) and inserting ''; and''; and

(3) by inserting after clause (v) the following new clause:

''(vi) in the case of merchandise entered from a foreign trade zone (other than merchandise to which clause (v) applies), be applied only to the value of the privileged or nonprivileged foreign status merchandise under section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to—

(1) any entry made from a foreign trade zone on or after the 15th day after the date of the enactment of this Act; and

(2) any entry made from a foreign trade zone after November 30, 1986, and before such 15th day if liquidation of the entry was not final before such 15th day.

SEC. 6. CLARIFICATION OF FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended—

(1) by striking ''centralized hub facility or'' in clause (i); and

(2) in clause (ii)—

(A) by striking ''facility—'' and inserting ''facility or centralized hub facility—'',

(B) by striking ''customs inspectional'' in subclause (I), and

(C) by striking ''at the facility'' in subclause (I) and inserting ''for the facility''.

(b) DEFINITIONS.—Section 13031(b)(9)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(i)) is amended—

(1) by striking '', as in effect on July 30, 1990'', and

(2) by adding at the end thereof the following new sentence: ''Nothing in this paragraph shall be construed as prohibiting the Secretary of the Treasury from processing merchandise that is informally entered or released at any centralized hub facility or express consignment carrier facility during the normal operating hours of the Customs Service, subject to reimbursement and payment under subparagraph (A).''.

(c) CITATION.—Section 13031(b)(9)(B)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)(ii)) is amended by striking ''section 236 of the Tariff and Trade Act of 1984'' and inserting ''section 236 of the Trade and Tariff Act of 1984''.

SEC. 7. SPECIAL RULE FOR EXTENDING TIME FOR FILING DRAWBACK CLAIMS.

Section 313(r) of the Tariff Act of 1930 (19 U.S.C. 1313(r)) is amended by adding at the end the following:

''(3)(A) The Customs Service may, notwithstanding the limitation set forth in paragraph (1), extend the time for filing a drawback claim for a period not to exceed 18 months, if—

''(i) the claimant establishes to the satisfaction of the Customs Service that the claimant was unable to file the drawback claim because of an event declared by the President to be a major disaster on or after January 1, 1994; and

''(ii) the claimant files a request for such extension with the Customs Service—

''(I) within 1 year from the last day of the 3-year period referred to in paragraph (1), or

''(II) within 1 year after the date of the enactment of this paragraph,

whichever is later.

''(B) If an extension is granted with respect to a request filed under this paragraph, the periods of time for retaining records set forth in subsection (t) of this section and section 508(c)(3) shall be extended for an additional 18 months or, in a case to which subparagraph (A)(ii) applies, for a period not to exceed 1 year from the date the claim is filed.

''(C) For purposes of this paragraph, the term 'major disaster' has the meaning given that term in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).''.

SEC. 8. TREATMENT OF ENTRIES OF CERTAIN TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at New York, New York, which are listed in subsection (c), in accordance with the final results of the administrative review, covering the period from May 1, 1984, through March 31, 1985, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

''9902.98.05	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1998 Goodwill Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing event by or on behalf of the foregoing persons or the organizing committee of such event; articles to be used in exhibitions depicting the culture of a country participating in such event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	Free	No change	Free	On or before 2/1/99''.

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.05 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 10. MISCELLANEOUS TECHNICAL CORRECTION.

Section 313(s)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(s)(2)(B)) is amended by striking ''successor'' each place it appears and inserting ''predecessor''.

SEC. 11. URUGUAY ROUND AGREEMENTS ACT.

Section 405(b) of the Uruguay Round Agreements Act (19 U.S.C. 3602(b)) is amended—

(1) in paragraph (1) by striking ''1(a)'' and inserting ''1(b)''; and

(2) in paragraph (2) by striking ''1(b)'' and inserting ''1(a)''.

SEC. 12. IMPORTS OF CIVIL AIRCRAFT.

General Note 6 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

''6. Articles Eligible for Duty-Free Treatment Pursuant to the Agreement on Trade in Civil Aircraft.

''(a) Whenever a product is entered under a provision for which the rate of duty 'Free (C)' appears in the 'Special' subcolumn and a claim for such rate of duty is made, the importer—

''(i) shall maintain such supporting documentation as the Secretary of the Treasury may require; and

''(ii) shall be deemed to certify that the imported article is a civil aircraft, or has been imported for use in a civil aircraft and will be so used.

The importer may amend the entry or file a written statement to claim a free rate of duty under this note at any time before the liquidation of the entry becomes final, except that, notwithstanding section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)), any refund resulting from any such claim shall be without interest.

''(b)(i) For purposes of the tariff schedule, the term 'civil aircraft' means any aircraft, aircraft engine, or ground flight simulator (including parts, components, and subassemblies thereof)—

''(A) that is used as original or replacement equipment in the design, development, testing, evaluation, manufacture, repair, maintenance, rebuilding, modification, or conversion of aircraft; and

''(B)(1) that is manufactured or operated pursuant to a certificate issued by the Administrator of the Federal Aviation Administration (hereafter referred to as the 'FAA') under section 44704 of title 49, United States Code, or pursuant to the approval of the airworthiness authority in the country of exportation, if such approval is recognized by the FAA as an acceptable substitute for such an FAA certificate;

''(2) for which an application for such certificate has been submitted to, and accepted by, the Administrator of the FAA by an existing type and production certificate holder pursuant to section 44702 of title 49, United States Code, and regulations promulgated thereunder; or

''(3) for which an application for such approval or certificate will be submitted in the future by an existing type and production certificate holder, pending the completion of design or other technical requirements stipulated by the Administrator of the FAA.

''(ii) The term 'civil aircraft' does not include any aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) purchased for use by the Department of Defense or the United States Coast Guard, unless such aircraft, aircraft engine, or ground flight simulator (or parts, components, and subassemblies thereof) satisfies the requirements of subdivisions (i)(A) and (i)(B) (1) or (2).

''(iii) Subdivision (i)(B)(3) shall apply only to such quantities of the parts, components, and subassemblies as are required to meet the design and technical requirements stipulated by the Administrator. The Commissioner of Customs may require the importer to estimate the quantities of parts, components, and subassemblies covered for purposes of such subdivision.''.

SEC. 13. TECHNICAL CORRECTION TO CERTAIN CHEMICAL DESCRIPTION.

(a) AMENDMENT TO SUBHEADING 2933.90.02.—The article description for subheading 2933.90.02 of the Harmonized Tariff Schedule of the United States is amended by striking ''(Quizalofop ethyl)''.

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request (which includes sufficient information to identify and locate the entry) filed with the Customs Service on or before the date that is 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article that occurred—

(A) after December 31, 1994, and before the date that is 15 days after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a lesser duty if the amendment made by subsection (a) applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

SEC. 14. MARKING OF CERTAIN IMPORTED ARTICLES AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (h), (i), (j), and (k), respectively, and

(2) by inserting after subsection (e) the following new subsections:

''(f) MARKING OF CERTAIN COFFEE AND TEA PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply to articles described in subheadings 0901.21, 0901.22, 0902.10, 0902.20, 0902.30, 0902.40, 2101.10, and 2101.20 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.

''(g) MARKING OF SPICES.—The marking requirements of subsections (a) and (b) shall not apply to articles provided for under subheadings 0904.11, 0904.12, 0904.20, 0905.00, 0906.10, 0906.20, 0907.00, 0908.10, 0908.20, 0908.30, 0909.10, 0909.20, 0909.30, 0909.40, 0909.50, 0910.10, 0910.20, 0910.30, 0910.40, 0910.50, 0910.91, 0910.99, 1106.20, 1207.40, 1207.50, 1207.91, 1404.90, and 3302.10, and items classifiable in categories 0712.90.60, 0712.90.8080, 1209.91.2000, 1211.90.2000, 1211.90.8040, 1211.90.8050, 1211.90.8090, 2006.00.3000, 2918.13.2000, 3203.00.8000, 3301.90.1010, 3301.90.1020, and 3301.90.1050 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1995.''.

(b) CONFORMING AMENDMENT.—Section 304(i) of such Act, as redesignated by subsection (a)(1), is amended by striking ''subsection (f)'' and inserting ''subsection (h)''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 15. TARIFF TREATMENT OF CERTAIN SILVER, GOLD, AND PLATINUM BARS.

(a) IN GENERAL.—Subchapter II of chapter 71 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking subheading 7106.92.00 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7106.91:

''7106.92	Semimanufactured:			
7106.92.10	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of silver and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7106.92.50	Other	4.8%	Free (A*, CA, E, IL, J, MX)	65%'';

(2) by striking subheading 7108.13.50 and inserting in numerical sequence the following new subheadings and superior text thereto, with such text having the same degree of indentation as subheading 7108.13.10:

	Other:			
''7108.13.55	Rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of gold and not otherwise marked or decorated than with weight, purity, or other identifying information	Free		Free
7108.13.70	Other	6.6%	Free (CA, E, IL, J, MX)	65%'';

and

(3) by striking subheadings 7115.90.10 through 7115.90.50 and inserting in numerical sequence the following new subheadings and superior text, with the article description for subheading 7115.90.05 having the same degree of indentation as the article description for subheading 7116.10.10:

''7115.90.05	Articles of precious metal, in rectangular or near-rectangular shapes, containing 99.5 percent or more by weight of a precious metal and not otherwise marked or decorated than with weight, purity, or other identifying information.	Free		Free
		Other:		
7115.90.30	Of gold, including metal clad with gold	6.2%	Free (A*, CA, E, IL, J, MX)	110%

7115.90.40	Of silver, including metal clad with silver	4.8%	Free (A*, CA, E, IL, J, MX)	65%
7115.90.60	Other	6.4%	Free (A, CA, E, IL, J, MX)	65%''.

(b) CONFORMING AMENDMENTS.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking ''7106.92.00 Chile'' and inserting ''7106.92.50 Chile''; and

(2) by striking ''7115.90.10 Argentina'' and ''7115.90.20 Argentina'' and inserting ''7115.90.30 Argentina'' and ''7115.90.40 Argentina'', respectively.

(c) STAGED RATE REDUCTIONS.—Any staged rate reduction that was proclaimed by the President before the date of the enactment of this Act to take effect on or after the date of the enactment of this Act—

(1) of a rate of duty set forth in subheading 7106.92.00 of the Harmonized Tariff Schedule of the United States shall apply to the corresponding rate of duty in subheading 7106.92.50 of such Schedule (as added by subsection (a)(1));

(2) of a rate of duty set forth in subheading 7108.13.50 shall apply to the corresponding rate of duty in subheading 7108.13.70 of such Schedule (as added by subsection (a)(2));

(3) of a rate of duty set forth in subheading 7115.90.10 shall apply to the corresponding rate of duty in subheading 7115.90.30 of such Schedule (as added by subsection (a)(3));

(4) of a rate of duty set forth in subheading 7115.90.20 shall apply to the corresponding rate of duty in subheading 7115.90.40 of such Schedule (as added by subsection (a)(3)); and

(5) of a rate of duty set forth in subheading 7115.90.50 shall apply to the corresponding rate of duty in subheading 7115.90.60 of such Schedule (as added by subsection (a)(3)).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods that are entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

SEC. 16. SUSPENSION OF DUTY ON CERTAIN SEMIMANUFACTURED FORMS OF GOLD.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by adding in numerical sequence the following new heading:

''9902.71.08	Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 millimeters or less, for use in the manufacture of diodes, transistors, and similar semiconductor devices or electronic integrated circuits.	Free	No change	No change	On or before 12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 17. ELIMINATION OF EAST-WEST TRADE STATISTICS MONITORING SYSTEM.

Section 410 of the Trade Act of 1974 (19 U.S.C. 2440) is repealed.

SEC. 18. RETROACTIVE ELECTION TO RECONCILE ENTRIES.

(a) DEFINITION OF ENTRY RECONCILIATION.—The first sentence of section 401(s) of the Tariff Act of 1930 (19 U.S.C. 1401(s)) is amended to read as follows: ''The term 'reconciliation' means an electronic process, initiated at the request of an importer, under which the elements of an entry (other than those elements related to the admissibility of the merchandise) that are undetermined at the time the importer files or transmits the documentation or information required by section 484(a)(1)(B), or the import activity summary statement, are provided to the Customs Service at a later time.''.

(b) RECONCILIATION REQUIREMENTS.—Section 484(b)(1) (19 U.S.C. 1484(b)(1)) of such Act is amended by striking the first and second sentences and inserting the following: ''A party may elect to file a reconciliation with regard to such entry elements as are identified by the party pursuant to regulations prescribed by the Secretary. If the party so elects, the party shall declare that a reconciliation will be filed. The declaration shall be made in such manner as the Secretary shall prescribe and at the time the documentation or information required by subsection (a)(1)(B) or the import activity summary statement is filed with, or transmitted to, the Customs Service, or at such later time as the Customs Service may, in its discretion, permit. The reconciliation shall be filed by the importer of record at such time and in such manner as the Secretary prescribes but not later than 15 months after the date the importer declares his intent to file the reconciliation. In the case of reconciling issues relating to the assessment of antidumping and countervailing duties, the reconciliation shall be filed not later than 90 days after the date the Customs Service advises the importer that the period of review for antidumping or countervailing duty purposes has been completed.''.

SEC. 19. TARIFF TREATMENT FOR CERTAIN MOTOR VEHICLES.

General Note 3 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subdivision:

''(d) CERTAIN MOTOR VEHICLES MANUFACTURED IN FOREIGN TRADE ZONES.

''(i) DUTY IMPOSED. Notwithstanding any other provision of law, the duty imposed on a qualified article shall be the amount determined by multiplying the applicable foreign value content of such article by the applicable rate of duty for such article.

''(ii) QUALIFIED ARTICLE. For purposes of this subdivision, the term 'qualified article' means an article that is—

''(A) classifiable under any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States,

''(B) produced or manufactured in a foreign trade zone before January 1, 1996,

''(C) exported therefrom to a NAFTA country (as defined in section 2(4) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3301(4)), and

''(D) subsequently imported from that NAFTA country into the customs territory of the United States—

''(I) on or after the effective date of this subdivision, or

''(II) on or after January 1, 1994, and before such effective date, if the entry of such article is unliquidated, under protest, or in litigation, or liquidation is otherwise not final on such effective date.

''(iii) APPLICABLE FOREIGN VALUE CONTENT.

''(A) APPLICABLE FOREIGN VALUE CONTENT. For purposes of this subdivision, the term 'applicable foreign value content' means the amount determined by multiplying the value of a qualified article by the applicable percentage.

''(B) APPLICABLE PERCENTAGE. The term 'applicable percentage' means the FTZ percentage for the article plus 5 percentage points.

''(iv) OTHER DEFINITIONS AND SPECIAL RULES. For purposes of this subdivision—

''(A) FTZ PERCENTAGE. The FTZ percentage for a qualified article shall be the percentage determined in accordance with subparagraph (I), (II), or (III) of this paragraph, whichever is applicable.

''(I) REPORT FOR YEAR PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article was manufactured has been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in that report for the subzone in which the qualified article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

''(II) REPORT FOR YEAR NOT PUBLISHED. If, at the time a qualified article is entered, the FTZ Annual Report for the year in which the article

was manufactured has not been published, the FTZ percentage for the article shall be the percentage of foreign status merchandise set forth in the most recently published FTZ Annual Report for the subzone in which the article was manufactured, or if not manufactured in a subzone, the foreign trade zone in which the qualified article was manufactured.

''(B) APPLICABLE RATE OF DUTY. The term 'applicable duty rate' means the rate of duty set forth in any of subheadings 8702.10 through 8704.90 of the Harmonized Tariff Schedule of the United States that is applicable to the qualified article and which would apply to the article if the article were directly entered for consumption into the United States from the foreign trade zone with non-privileged foreign status having been claimed for all foreign merchandise used in the manufacture or production of the qualified article.

''(C) FOREIGN TRADE ZONE; SUBZONE. The terms 'foreign trade zone' and 'subzone' mean a zone or subzone established pursuant to the Act of June 18, 1934, commonly known as the Foreign Trade Zones Act (19 U.S.C. 81a et seq.).

''(D) FTZ ANNUAL REPORT. The term 'FTZ Annual Report' means the Annual Report to the Congress published in accordance with section 16 of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

''(E) NON-PRIVILEGED FOREIGN STATUS. The term 'non-privileged foreign status' means that privilege has not been requested with respect to an article pursuant to section 3 of the Foreign Trade Zones Act.''.

SEC. 20. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–465.

(a) TITLE I.—

(1) Section 516A(a)(2)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)(A)(i)(I)) is amended by adding a comma after ''subparagraph (B)''.

(2) Section 132 of the Uruguay Round Agreements Act (19 U.S.C. 3552) is amended by striking ''title'' and inserting ''section''.

(b) TITLE II.—

(1)(A) The item relating to section 221 in the table of contents of the Uruguay Round Agreements Act is amended to read as follows:

''Sec. 221. Special rules for review of determinations.''.

(B) The section heading for section 221 of that Act is amended to read as follows:

''SEC. 221. SPECIAL RULES FOR REVIEW OF DETERMINATIONS.''.

(2) Section 270(a)(2)(B) of the Uruguay Round Agreements Act is amended by striking ''771(A)(c)'' and inserting ''771A(c)''.

(3) Section 702(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1671a(c)(5)) is amended by striking ''(b)(1)(A)'' and inserting ''(b)(1)''.

(4) Section 732(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1673a(c)(5)) is amended by striking ''(b)(1)(A)'' and inserting ''(b)(1)''.

(5) Section 212(b)(1)(C)(i)(I) of the Uruguay Round Agreements Act is amended by striking ''the petition'' and inserting ''a petition''.

(6) Section 214(b)(2)(A)(i)(II) of the Uruguay Round Agreements Act is amended by striking ''the merchandise'' and inserting ''merchandise''.

(7) Section 771(16)(B)(i) of the Tariff Act of 1930 (19 U.S.C. 1677(16)(B)(i)) is amended by striking ''merchandise which is the subject of the investigation'' and inserting ''subject merchandise''.

(8) Section 732(e)(1) of the Tariff Act of 1930 (19 U.S.C. 1673a(e)(1)) is amended by striking ''the the'' and inserting ''the''.

(9) Section 233(a)(6)(C) of the Uruguay Round Agreements Act is amended by inserting ''each place it appears'' after ''commence''.

(10) Section 261(d)(1)(A)(ii) of the Uruguay Round Agreements Act is amended by inserting after ''is amended'' the following: ''by striking 'as follows:' and inserting a comma and''.

(11) Section 261(d)(1)(B)(ii)(I) of the Uruguay Round Agreements Act is amended by inserting ''of'' after ''section 303 or''.

(12) Section 337(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1337(b)(3)) is amended in the first sentence by striking ''such section and''.

(13) Section 281(h)(4) of the Uruguay Round Agreements Act is amended by striking ''(A),''.

(14) Section 771(30) of the Tariff Act of 1930 (19 U.S.C. 1677(30)) is amended by striking ''agreement'' and inserting ''Agreement''.

(15) Section 705(c)(1)(B)(i)(II) of the Tariff Act of 1930 (19 U.S.C. 1671d(c)(1)(B)(i)(II)) is amended by inserting ''section'' after ''if''.

(16) Section 282(d) of the Uruguay Round Agreements Act (19 U.S.C. 3572(d)) is amended by aligning the text of the last sentence with the text of the first sentence.

(17) Section 783(f) of the Tariff Act of 1930 (19 U.S.C. 1677n(f)) is amended by striking ''subsection (d)'' and inserting ''subsection (e)''.

(c) TITLE III.—

(1) Section 314(e) of the Uruguay Round Agreements Act is amended in the matter proposed to be inserted as section 306(b)(1) of the Trade Act of 1974, by striking the closed quotation marks and second period at the end.

(2) Section 321(a)(1)(C)(i) of the Uruguay Round Agreements Act is amended to read as follows:

''(i) in the first sentence by striking 'such Act' and inserting 'such subtitle'; and''.

(3) Section 592A(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1592A(a)(3)) is amended by striking ''list under paragraph (2)'' and inserting ''list under paragraph (1)''.

(4) Section 301(c)(4) of the Trade Act of 1974 (19 U.S.C. 2411(c)(4)) is amended by striking ''paragraph (1)(C)(iii)'' and inserting ''paragraph (1)(D)(iii)''.

(5) Section 202(d)(4)(A)(i) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4)(A)(i)) is amended by striking ''section 202(b)'' and inserting ''subsection (b)''.

(6) Section 304(a)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(3)(A)) is amended by inserting ''Rights'' after ''Intellectual Property''.

(7) Section 331 of the Uruguay Round Agreements Act (19 U.S.C. 3591) is amended by striking '', as defined in section 2(9) of the Uruguay Round Implementation Act,''.

(8) Section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854) is amended in the second sentence by striking ''Implementation'' and inserting ''Agreements''.

(9) Section 334(b)(1)(B)(ii) of the Uruguay Round Agreements Act (19 U.S.C. 3592(b)(1)(B)(ii)) is amended by striking ''possession,'' and inserting ''possession;''.

(10) Section 305(d)(2) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(d)(2)) is amended—

(A) by striking ''or'' after the semicolon at the end of subparagraph (B); and

(B) in subparagraph (C) by striking the period at the end and inserting a semicolon.

(11) Section 304 of the Trade Agreements Act of 1979 (19 U.S.C. 2514) is amended—

(A) in subsection (a) by striking the comma after ''XXIV(7)''; and

(B) in subsection (c)—

(i) by striking the comma after ''XXIV(7)''; and

(ii) by striking the comma after ''XIX(5)''.

(12) Section 308(4)(D) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(D)) is amended by striking ''the the'' and inserting ''the''.

(13) Section 305(g) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(g)) is amended—

(A) in paragraph (1)—

(i) by striking ''of such subsection'' and inserting ''of subsection (d)(2)''; and

(ii) by inserting ''of subsection (d)(2)'' after ''(as the case may be)''; and

(B) in paragraph (3)—

(i) by striking ''the the'' and inserting ''the''; and

(ii) by inserting ''of subsection (d)(2)'' after ''(as the case may be)''.

(14) Section 402(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2532(4)) is amended by inserting a comma after ''system, if any''.

(15) Section 414(b)(1) of the Trade Agreements Act of 1979 (19 U.S.C. 2544(b)(1)) is amended by striking ''procedures,,'' each place it appears and inserting ''procedures,''.

(16) Section 451(6)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2571(6)(A)) is amended by striking ''Members.'' and inserting ''Members; and''.

(d) TITLE IV.—

(1) Section 492(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2578a(c)) is amended by striking ''phystosanitary'' and inserting ''phytosanitary''.

(2) Section 412(b) of the Uruguay Round Agreements Act is amended by striking ''1853'' and inserting ''972''.

(e) TITLE V.—

(1) Section 154(c)(2) of title 35, United States Code, is amended in the matter preceding subparagraph (A) by striking ''Acts'' and inserting ''acts''.

(2) Section 104A(h)(3) of title 17, United States Code, is amended by striking ''section 104A(g)'' and inserting ''subsection (g)''.

(f) TITLE VI.—

(1) Section 141(c)(1)(D) of the Trade Act of 1974 (19 U.S.C. 2171(c)(1)(D)) is amended by striking the second comma after ''World Trade Organization''.

(2) Section 601(b)(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 2465 note) is amended by striking ''such date of enactment'' and inserting ''the date of the enactment of this Act''.

*(3) The heading for section 1106 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2905) is amended by striking ''**for the wto**'' and inserting ''**or the wto**''.*

SEC. 21. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 103–182.

(a) TITLE II.—

(1) Section 13031(b)(10)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)(A)) is amended—

(A) by striking ''Agreement)'' and inserting ''Agreement Implementation Act of 1988)''; and

(B) by striking ''section 403'' and inserting ''article 403''.

(2) Section 202 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3332) is amended—

(A) in subsection (m)(4)(C) by striking ''(o)'' and inserting ''(p)''; and

(B) in subsection (p)(18) by striking ''federal government'' and inserting ''Federal Government''.

(b) TITLE III.—

(1) Section 351(b)(2) of the North American Free Trade Agreement Implementation Act is amended by striking ''Agreement Act'' and inserting ''Agreements Act''.

(2) Section 411(c) of the Trade Agreements Act of 1979 (19 U.S.C. 2541(c)) is amended by striking ''Special Representatives'' and inserting ''Trade Representative''.

(3) Section 316 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3381) is amended by striking ''subsection 202(d)(1)(C)(i)'' and inserting ''subsection (d)(1)(C)(i)''.

(4) Section 309(c) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3358(c)) is amended in paragraphs (1) and (2) by striking ''column 1—General'' and inserting ''column 1 general''.

(c) TITLE IV.—

(1) Section 402(d)(3) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3432(d)(3)) is amended in the matter preceding subparagraph (A) by striking ''(c)(4)'' and inserting ''subsection (c)(4)''.

(2) Section 407(e)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3437(e)(2)) is amended by striking ''petition,'' and inserting ''petition;''.

(3) Section 516A(g)(12)(D) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(12)(D)) is amended—

(A) by striking ''(D)(i)'' and inserting ''(D)''; and

(B) by striking ''If the Trade Representative'' and inserting ''(i) If the Trade Representative''.

(4) Section 415(b)(2) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3451(b)(2)) is amended by striking ''under 516A(a)'' and inserting ''under section 516A(a)''.

(d) TITLE V.—Section 219 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2707) is amended—

(1) in subsection (b)(1) by striking ''Hemisphere,'' and inserting ''Hemisphere;''; and

(2) in paragraphs (1) and (2) of subsection (h) by striking ''Center,'' and inserting ''Center;''.

(e) TITLE VI.—

(1) Section 3126 of the Revised Statutes of the United States (19 U.S.C. 293) is amended by striking ''or both'' and inserting ''or both,''.

(2) Section 3127 of the Revised Statutes of the United States (19 U.S.C. 294) is amended by striking ''conveyed a United States'' and inserting ''conveyed in a United States''.

(3) Section 436(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1436(a)(2)) is amended—

(A) by striking ''431(e)'' and inserting ''431''; and

(B) by striking ''or'' after the semicolon at the end.

(4) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended—

(A) in subsection (j)(2) by realigning the text following subparagraph (C)(ii)(II) beginning with ''then upon the exportation'' and ending with ''duty, tax, or fee.'' two ems to the left so that the text has the same degree of indentation as paragraph (3) of section 313(j) of such Act; and

(B) in subsection (t) by striking ''chapter'' and inserting ''Act''.

(5) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended—

(A) in each of paragraphs (1), (2), and (4) by striking the semicolon at the end and inserting a period; and

(B) in paragraph (5) by striking ''; and'' and inserting a period.

(6) Section 484(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1484(a)(1)) is amended by striking ''553, and 336(j)'' and inserting ''and 553''.

(7) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking ''section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud)'' and inserting ''and section 520 (relating to refunds and errors)''.

(8) Section 491(a) of the Tariff Act of 1930 (19 U.S.C. 1491(a)) is amended in the first sentence—

(A) by striking ''in in'' and inserting ''in''; and

(B) by striking ''appropriate customs officer'' and inserting ''Customs Service''.

(9) Section 490(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1490(c)(1)) is amended by striking ''paragraphs (1) through (4) of subsection (a)'' and inserting ''subparagraphs (A) through (D) of subsection (a)(1)''.

(10) Sections 1207(b)(2) and 1210(b)(1) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3007(b)(2) and 3010(b)(1)) are each amended by striking ''484(e)'' and ''1484(e)'' and inserting ''484(f)'' and ''1484(f)'', respectively.

(11) Section 641(d)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1641(d)(2)(B)) is amended in the second to the last sentence by striking ''his'' and inserting ''the''.

(12) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act is amended by striking ''disclosure in 30 days'' and inserting ''disclosure within 30 days''.

(13) Section 592(d) of the Tariff Act of 1930 (19 U.S.C. 1592(d)) is amended in the subsection heading by striking ''TAXES'' and inserting ''TAXES,''.

(14) Section 625(a) of the Tariff Act of 1930 (19 U.S.C. 1625(a)) is amended by striking ''chapter'' and inserting ''Act''.

(15) Section 413(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1413(a)(1)) is amended by striking ''this Act'' and inserting ''the North American Free Trade Agreement Implementation Act''.

SEC. 22. TECHNICAL AMENDMENT REGARDING JUDICIAL REVIEW.

Section 516A(g)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1516a(g)(4)(A)) is amended by striking ''Implementation Agreement Act of 1988'' and inserting ''Agreement Implementation Act of 1988''.

SEC. 23. RELIQUIDATING ENTRY OF WARP KNITTING MACHINES.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as duty free Entry No. 100–3022436–3, made on July 12, 1989, at the port of Charleston, South Carolina; and

(2) refund any duties and interest paid with respect to such entry.

SEC. 24. TEMPORARY SUSPENSION OF DUTY ON DICLOFOP-METHYL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.30.16	Methyl 2-[4-(2,4- dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15)	Free	No change	No change	On or before 12/31/98''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 25. ELIMINATION OF DUTY ON 2-AMINO-3-CHLOROBENZOIC ACID, METHYL ESTER.

(a) IN GENERAL.—Subheading 2922.49.05 of the Harmonized Tariff Schedule of the United States is amended by inserting after ''acid'' the following: ''; 2-Amino-3-chlorobenzoic acid, methyl ester''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 26. ELIMINATION OF DUTIES ON 3,3′-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) IN GENERAL.—Subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States is amended by striking ''and m-Xylenediamine'' and inserting ''m-Xylenediamine; and 3,3′-Diaminobenzidine (tetraamino biphenyl)''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law and subject to paragraph (3), any article described in subheading 2921.59.17 of the Harmonized Tariff Schedule of the United States (as amended by subsection (a)) that was entered—

(A) on or after January 1, 1995, and

(B) before the date that is 15 days after the date of the enactment of this Act, and

to which lower rate of duty would have applied if the entry had been made on or after the date that is 15 days after the date of the enactment of this Act, shall be liquidated or reliquidated as if such subheading 2921.59.17 as so amended applied to such entry and the Secretary of the Treasury shall refund any excess duty paid with respect to such entry.

(3) REQUESTS.—Liquidation or reliquidation may be made under subsection (b)(2) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 27. CERTAIN UNLIQUIDATED VESSEL REPAIR ENTRIES.

Section 484E of the Customs and Trade Act of 1990 (19 U.S.C. 1466 note) is amended—

(1) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (2)(B);

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph;

''(3) any entry listed in subsection (c) that was made during the period beginning on January 1, 1993, and ending on December 31, 1994, to the extent such entry involves the purchase of equipment, the use of materials, or the expense of repairs in a foreign country for 66 LASH (Lighter Aboard Ship) barges documented under the laws of the United States if—

''(A) such entry was not liquidated on January 1, 1995; and

''(B) such entry, had it been made on or after January 1, 1995, would otherwise be eligible for the exemption provided in section 466(h)(1) of the Tariff Act of 1930 (19 U.S.C. 1466(h)(1)), and''; and

(2) by adding at the end the following:

''(c) ENTRIES.—The entries referred to in subsection (b)(3) are the following:

''(1) NUMBERED ENTRIES.—

Entry Number	Date of Entry
C14–0025455–8	August 18, 1993
C14–0025456–6	August 18, 1993
C14–0025457–4	August 18, 1993
C14–0025473–1	August 27, 1993
C14–0025478–0	September 13, 1993
C14–0025479–8	September 13, 1993
C14–0025480–6	September 13, 1993
C14–0025481–4	September 13, 1993
C14–0025511–8	April 16, 1993
C14–0025533–2	April 30, 1993
C14–0025545–6	May 21, 1993
C14–0025546–4	May 21, 1993
C14–0025547–2	May 21, 1993
C14–0025558–9	June 15, 1993
C14–0025560–5	June 15, 1993
C14–0025574–6	July 21, 1993
C14–0025575–3	July 21, 1993
C14–0025603–3	July 23, 1993
C14–0025604–1	July 23, 1993
C14–0025605–8	July 23, 1993
C14–0025623–1	October 25, 1993
C14–0025624–9	October 25, 1993
C14–0025625–6	October 25, 1993
C14–0025635–5	November 8, 1993
C14–0025636–3	November 8, 1993
C14–0025637–1	November 8, 1993
C14–0025653–8	November 30, 1993
C14–0025654–6	November 30, 1993
C14–0025655–3	November 30, 1993
C14–0025657–9	November 30, 1993
C14–0025679–3	January 3, 1994
C14–0025680–1	January 3, 1994
C14–0025688–4	February 14, 1994
C14–0025689–2	February 14, 1994
C14–0025690–0	February 14, 1994
C14–0025691–8	February 14, 1994
C14–0025692–6	February 14, 1994
C14–0026803–8	January 24, 1994
C14–0026804–6	January 24, 1994
C14–0026805–3	January 24, 1994
C14–0026807–9	January 24, 1994
C14–0026808–7	January 24, 1994
C14–0026809–5	January 24, 1994
C14–0026810–3	January 24, 1994
C14–0026811–1	January 24, 1994
C14–0026826–9	March 10, 1994
C14–0026827–7	March 10, 1994
C14–0026828–5	March 10, 1994
C14–0026829–3	March 10, 1994
C14–0026830–1	March 10, 1994
C14–0026831–9	March 10, 1994
C14–0026832–7	March 10, 1994
C14–0026833–5	March 10, 1994
C14–0026841–8	March 31, 1994
C14–0026843–4	March 31, 1994

Entry Number	Date of Entry
C14–0026852–5	May 5, 1994
C14–0026853–3	May 5, 1994
C14–0026854–1	May 5, 1994
C14–0026867–3	May 18, 1994
C14–0026869–9	May 18, 1994
C14–0026874–9	June 8, 1994
C14–0026875–6	June 8, 1994
C14–0026898–8	August 2, 1994
C14–0026899–6	August 2, 1994
C14–0040625–7	October 5, 1994.

''(2) ADDITIONAL ENTRY.—The entry of a 66th LASH barge (No. CG E69), for which no entry number is available, if, within 60 days after the date of the enactment of this subsection, a proper entry is filed with the Customs Service.''.

SEC. 28. DUTY ON DISPLAY FIREWORKS.

(a) IN GENERAL.—Chapter 36 of the Harmonized Tariff Schedule of the United States is amended by striking subheading 3604.10.00 and inserting in numerical sequence the following new subheadings, with the article description for subheading 3604.10 having the same degree of indentation as the article description for subheading 3604.90.00:

''3604.10	Fireworks:			
3604.10.10	Display or special fireworks (Class 1.3G)	2.4%	Free (A*, CA, E, IL, J, MX)	12.5%
3604.10.90	Other (including Class 1.4G)	5.3%	Free (A*, CA, E, IL, J, MX)	12.5%''.

(b) CONFORMING AMENDMENT.—General note 4(d) of the Harmonized Tariff Schedule of the United States is amended by striking ''3604.00.00 India'' and inserting ''3604.10.10 India'' and ''3604.10.90 India''.

(c) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 29. PERSONAL ALLOWANCE DUTY EXEMPTION FOR MERCHANDISE PURCHASED IN A DUTY-FREE SALES ENTERPRISE.

Section 555(b)(6) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(6)) is amended—

(1) by striking ''Merchandise'' and inserting ''(A) Except as provided in subparagraph (B), merchandise''; and

(2) by adding at the end the following new subparagraph:

''(B) Except in the case of travel involving transit to, from, or through an insular possession of the United States, merchandise described in subparagraph (A) that is purchased by a United States resident shall be eligible for exemption from duty under subheadings 9804.00.65, 9804.00.70, and 9804.00.72 of the Harmonized Tariff Schedule of the United States upon the United States resident's return to the customs territory of the United States, if the resident meets the eligibility requirements for the exemption claimed. Notwithstanding any other provision of law, such merchandise shall be considered to be an article acquired abroad as an incident of the journey from which the resident is returning, for purposes of determining eligibility for any such exemption.''.

SEC. 30. TEMPORARY DUTY SUSPENSION FOR CERTAIN MOTORCYCLES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.98.06	Motorcycles produced in the United States, previously exported and brought temporarily into the United States by nonresidents for the purpose of participating in the Sturgis Motorcycle Rally and Races	Free	No change	Free	On or before 12/31/2006''.

(b) ARTICLES TO BE SUBJECT TO INFORMAL ENTRY; TAXES AND FEES NOT TO APPLY.—Notwithstanding section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) or any other provision of law, the Secretary of the Treasury may authorize the entry of an article described in heading 9902.98.06 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) on an oral declaration of the nonresident entering such article and such article shall be free of taxes and fees which may be otherwise applicable.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall apply to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 31. DEFERRAL OF DUTY ON CERTAIN PRODUCTION EQUIPMENT.

(a) IN GENERAL.—Section 3 of the Act of June 18, 1934 (commonly known as the Foreign Trade Zones Act, 19 U.S.C. 81c) is amended by adding at the end thereof the following new subsection:

''(e) PRODUCTION EQUIPMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, if all applicable customs laws are complied with (except as otherwise provided in this subsection), merchandise which is admitted into a foreign trade zone for use within such zone as production equipment or as parts for such equipment, shall not be subject to duty until such merchandise is completely assembled, installed, tested, and used in the production for which it was admitted.

''(2) ADMISSION PROCEDURES.—The person who admits the merchandise described in paragraph (1) into the zone shall, at the time of such admission, certify to the Customs Service that the merchandise is admitted into the zone pursuant to this subsection for use within the zone as production equipment or as parts for such equipment and that the merchandise will be entered and estimated duties deposited when use of the merchandise in production begins.

''(3) ENTRY PROCEDURES.—At the time use of the merchandise in production begins, the merchandise shall be entered, as provided for in section 484 of the Tariff Act of 1930, and estimated duties shall be deposited with the Customs Service. The merchandise shall be subject to tariff classification according to its character, condition, and quantity, and at the rate of duty applicable, at the time use of the merchandise in production begins.

''(4) FOREIGN TRADE ZONE.—For purposes of this subsection, the term 'foreign trade zone' includes a subzone.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to merchandise admitted into a foreign trade zone after the date that is 15 days after the date of the enactment of this Act.

SEC. 32. TEMPORARY SUSPENSION OF DUTY ON THIDIAZURON.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.30.17	N-phenyl-N'-(1,2,3-thiadiazol-5-yl urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707-55-2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/98''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 33. 2,3,3-TRIMETHYL-INDOLENINE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.33.90	2,3,3-Trimethyl-indolenine (CAS No. 1640–39–7) (provided for in subheading 2933.90.82)	Free	No change	No change	On or before 12/31/99''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 34. BIS(4-AMINO-3-METHYLCYCLOHEXYL)-METHANE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.30.30	Bis(4-amino-3-methylcyclohexyl)-methane (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	No change	No change	On or before 12/31/99''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 35. LIMITATION ON DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.

(a) IN GENERAL.—Section 502(b)(2)(F) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(F)) is amended to read as follows:

''(F) Such country aids or abets, by granting sanctuary from prosecution to, any individual or group which has committed an act of international terrorism or the Secretary of State makes a determination with respect to such country under section 6(j)(1)(A) of the Export Administration Act of 1979.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1996.

SEC. 36. TEMPORARY DUTY SUSPENSION ON CERTAIN CHEMICALS USED IN THE FORMULATION OF AN HIV PROTEASE INHIBITOR.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

''9902.30.63	3-Acetoxy-2-methylbenzoyl chloride (CAS No. 167678–46–8) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 3/31/97
9902.30.64	(S-(R*,S*))-(3-Chloro-2-hydroxy-1-((phenylthio)methyl)propyl)-carbamic acid phenylmethyl ester (CAS No. 159878–02–1) (provided for in subheading 2922.19.60)	Free	No change	No change	On or before 3/31/97
9902.30.65	N-(1,1-dimethylethyl)deca-hydro-2-[2-hydroxy-3-[(3-hydroxy-2-methylbenzoyl)-amino]-4-(phenylthio)butyl]-3-isoquinolinecarboxamide, [3S-[2(2S*,3S*), 3.a.,4a.b.,8a.b.]] (CAS No. 159989–64–7) (provided for in subheading 2933.40.60)	Free	No change	No change	On or before 3/31/97''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

SEC. 37. TREATMENT OF CERTAIN ENTRIES OF BUFFALO LEATHER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, buffalo leather, provided for in subheading 4104.39.20 of the Harmonized Tariff Schedule of the United States, that is a product of Thailand and entered into the United States under entry numbers M42–1113868–8 and M42–1113939–7, shall, upon proper request filed with the Customs Service not later than 90 days after the date of the enactment of this Act, be liquidated or reliquidated, as appropriate, as if entered on June 30, 1995.

SEC. 38. FEES FOR CERTAIN CUSTOMS SERVICES.

(a) IN GENERAL.—Section 13031(a)(5) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)(5)) is amended—

(1) in subparagraph (A), by inserting ''a place'' after ''aircraft from''; and

(2) in subparagraph (B), by striking ''subsection (b)(1)(A)'' and inserting ''subsection (b)(1)(A)(i)''.

(b) LIMITATION ON FEES.—Section 13031(b)(1) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)) is amended to read as follows:

''(b) LIMITATIONS ON FEES.—(1)(A) No fee may be charged under subsection (a) of this section for customs services provided in connection with—

''(i) the arrival of any passenger whose journey—

''(I) originated in—

''(aa) Canada,

''(bb) Mexico,

''(cc) a territory or possession of the United States, or

''(dd) any adjacent island (within the meaning of section 101(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(5))), or

''(II) originated in the United States and was limited to—

''(aa) Canada,

''(bb) Mexico,

''(cc) territories and possessions of the United States, and

''(dd) such adjacent islands;

''(ii) the arrival of any railroad car the journey of which originates and terminates in the same country, but only if no passengers board or disembark from the train and no cargo is loaded or unloaded from such car while the car is within any country other than the country in which such car originates and terminates;

''(iii) the arrival of any ferry; or

''(iv) the arrival of any passenger on board a commercial vessel traveling only between ports which are within the customs territory of the United States.

''(B) The exemption provided for in subparagraph (A) shall not apply in the case of the arrival of any passenger on board a commercial vessel whose journey originates and terminates at the same place in the United States if there are no intervening stops.

''(C) The exemption provided for in subparagraph (A)(i) shall not apply to fiscal years 1994, 1995, 1996, and 1997.''.

(c) FEE ASSESSED ONLY ONCE.—Section 13031(b)(4) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking ''No fee'' and inserting ''(A) No fee''; and

(3) by adding at the end the following new subparagraph:

''(B) In the case of a commercial vessel making a single voyage involving 2 or more United States ports with respect to which the passengers would otherwise be charged a fee pursuant to subsection (a)(5), such fee shall be charged only 1 time for each passenger.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 521 of the North American Free Trade Agreement Implementation Act.

SEC. 39. INJURY DETERMINATIONS FOR CERTAIN COUNTERVAILING DUTY ORDERS.

Section 753 of the Tariff Act of 1930 (19 U.S.C. 1675b) is amended—

(1) by inserting ''or section 701(c)'' after ''section 303'' each place it appears in the section heading and text; and

(2) in subsections (a)(2) and (c) by striking ''under section 303(a)(2)''.

SEC. 40. TREATMENT OF DIFFERENCE BETWEEN COLLECTIONS OF ESTIMATED ANTIDUMPING DUTY AND FINAL ASSESSED DUTY UNDER ANTIDUMPING DUTY ORDER.

Section 737(a) of the Tariff Act of 1930 (19 U.S.C. 1673f(a)) is amended—

(1) in the matter preceding paragraph (1) by striking ''deposit collected'' and inserting ''deposit, or the amount of any bond or other security, required'';

(2) in paragraph (1) by striking ''the cash deposit collected'' and inserting ''that the cash deposit, bond, or other security''; and

(3) in paragraph (2) by striking ''refunded, to the extent the cash deposit'' and inserting ''refunded or released, to the extent that the cash deposit, bond, or other security''.

SEC. 41. CERTAIN LEAD FUEL TEST ASSEMBLIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty the entries listed in subsection (b), and

(2) refund any duties paid with respect to such entry,

if the importer files a request therefor with the Customs Service within 90 days after the date of the enactment of this Act.

(b) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Date of Entry
110–0675952–3	March 9, 1990
110–1525996–0	September 19, 1990
110–3667810–7	November 7, 1990
110–1526938–1	December 21, 1990.

SEC. 42. SUSPENSION OF DUTY ON CERTAIN INJECTION MOLDING MACHINES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.84.77	Automated multi-plunger transfer presses, suitable for use in the encapsulation with thermosetting materials of diodes, transistors, and similar semiconductor devices or electronic integrated circuits (provided for in subheading 8477.10.80)	Free	No change	No change	On or before 12/31/2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 43. RELIQUIDATION OF CERTAIN ENTRIES OF COLOR TELEVISIONS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the period from April 1, 1984, through March 31, 1991, conducted by the International Trade Administration of the Department of Commerce for such entries (case number A–580–008).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
84–915604–7	July 6, 1984
84–915604–7	July 6, 1984
84–915830–4	July 17, 1984
84–916057–0	August 9, 1984
84–916057–0	August 9, 1984
84–916302–7	July 28, 1984
84–916323–4	July 28, 1984
84–916302–7	July 30, 1984
84–525823–7	September 20, 1984
84–525823–7	September 25, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
84–525971–5	October 17, 1984
85–279644–9	October 4, 1984
85–279654–6	October 9, 1984
85–280518–1	December 28, 1984
85–280518–1	December 28, 1984
85–102631–4	November 13, 1984
85–102631–4	November 13, 1984
85–401288–5	October 8, 1984
84–444821–3	August 3, 1984
84–444821–3	August 3, 1984
85–422162–4	October 31, 1984
85–422162–4	October 31, 1984
84–215744–1	July 6, 1984
84–216018–2	August 6, 1984
84–208013–6	July 30, 1984
84–208013–6	July 30, 1984
84–208511–5	July 30, 1984
84–208013–6	August 1, 1984
84–208968–7	August 7, 1984
84–208968–7	August 7, 1984
85–151075–2	February 5, 1985
85–210038–1	March 27, 1985
84–780372–9	August 3, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781699–4	September 6, 1984
84–781846–8	September 18, 1984
85–944006–0	May 3, 1985
85–294383–6	August 27, 1985
86–215010–1	October 30, 1985
86–215185–4	December 2, 1985
86–215310–8	December 16, 1985
85–602949–7	April 15, 1985
85–602950–7	April 19, 1985
85–602966–2	April 19, 1985
85–603347–0	April 26, 1985
85–603523–2	May 8, 1985
85–604545–5	May 31, 1985
86–383795–7	April 22, 1986
110–1905894–7	February 23, 1987
86–216530–3	April 16, 1986
110–0269614–1	January 12, 1987
110–0269942–6	January 19, 1987
110–0269947–5	January 19, 1987
110–0269942–6	January 22, 1987
86–477371–9	August 14, 1986
86–477371–9	August 20, 1986
331–3808023–0	October 20, 1986
331–3808023–0	October 20, 1986

Entry Number	Date of Entry
86–198869–1	September 9, 1986
86–198893–4	September 17, 1986
86–198964–5	October 14, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3807959–6	October 15, 1986
331–3808023–0	October 20, 1986
331–3812541–5	December 26, 1986
331–3812541–5	December 26, 1986
331–3813766–7	February 19, 1987
110–1123057–7	January 2, 1987
110–1124082–4	March 26, 1987
110–1272348–9	November 14, 1986
110–1272348–9	November 14, 1986
110–1272505–4	December 10, 1986
110–1272505–4	December 10, 1986
110–1273532–7	January 10, 1987
110–1274561–5	February 20, 1987
110–1274921–1	March 6, 1987
110–1275320–5	March 23, 1987
110–1275321–3	March 31, 1987
110–1907947–1	January 22, 1988
110–1906495–2	June 5, 1987
110–1906599–1	June 22, 1987
110–1906599–1	June 22, 1987
110–1906856–5	August 2, 1987
110–1907967–9	January 27, 1988
110–1908198–0	March 4, 1988
110–1908178–2	March 10, 1988
110–0294344–8	May 6, 1987
110–0294344–8	June 5, 1987
110–1124130–1	April 1, 1987
110–1124130–1	April 2, 1987
110–1124130–1	April 2, 1987
110–1125551–7	July 17, 1987
110–1125551–7	July 17, 1987
110–1126810–6	October 27, 1987
110–1127047–4	November 6, 1987
110–1127620–8	December 23, 1987
110–1275844–4	April 16, 1987
110–1278958–9	September 10, 1987
110–1278958–9	September 10, 1987
110–1279151–0	September 18, 1987
110–1279825–9	October 8, 1987
110–1279767–3	October 16, 1987
110–1280177–2	October 21, 1987
110–1280206–9	October 22, 1987
110–1282001–2	January 12 1988
110–1282566–4	February 11, 1988
110–1282642–3	February 11, 1988
110–1286015–8	February 22, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1286165–1	March 16, 1988
110–1908453–9	April 22, 1988
110–1908567–6	May 11, 1988
110–1908567–6	May 11, 1988
110–1908928–0	June 29, 1988
110–1129739–4	May 13, 1988
110–1131047–8	August 4, 1988
110–1133675–4	January 6, 1989
110–1286261–8	April 7, 1988
110–1286261–8	April 7, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286492–9	May 12, 1988
110–1286677–5	June 16, 1988
110–1286796–3	July 7, 1988
110–1286965–4	August 4, 1988
110–1286965–4	August 4, 1988
110–1288931–4	December 8, 1988
110–0301260–3	May 12, 1989
110–0301272–8	May 19, 1989
110–0153952–4	September 3, 1989
110–1135558–0	May 12, 1989
110–1135558–0	May 12, 1989
110–1136677–7	July 11, 1989
110–1139014–0	November 24, 1989
110–1294013–3	September 14, 1989
110–1298751–4	May 15, 1990
110–1274861–9	March 4, 1987
110–1274863–5	March 4, 1987
110–1275349–4	May 12, 1987
110–1285836–8	August 31, 1988
110–1286179–2	March 25, 1988
110–1286180–0	March 25, 1988
110–1286181–8	March 25, 1988
110–1286265–9	April 5, 1988
110–1286507–4	May 12, 1988
110–1286580–1	May 26, 1988
110–1286582–7	May 26, 1988
110–1286584–3	May 26, 1988
110–1286634–6	June 7, 1988
110–1286681–7	June 18, 1988
110–1286751–8	June 23, 1988
110–1286782–3	July 7, 1988
110–1286879–7	July 27, 1988
110–1286881–3	August 1, 1988
110–1286882–1	August 10, 1988
110–1286925–8	July 27, 1988
110–1286927–4	August 1, 1988
110–1286972–0	August 11, 1988
110–1286991–0	August 1, 1988

AMENDMENT NO. 5419

(Purpose: To add a table of contents and make technical amendments)

Mr. NICKLES. Mr. President, Senator ROTH has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. ROTH, proposes an amendment numbered 5419.

Mr. NICKLES. 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:

On page 48, line 17, strike all through line 19, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 1996''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Payment of duties and fees.
Sec. 3. Other technical and conforming amendments.
Sec. 4. Clarification regarding the application of customs user fees.
Sec. 5. Technical amendment to the Customs and Trade Act of 1990.
Sec. 6. Clarification of fees for certain customs services.
Sec. 7. Special rule for extending time for filing drawback claims.
Sec. 8. Treatment of entries of certain televisions.
Sec. 9. Temporary duty suspension for personal effects of participants in certain world athletic events.
Sec. 10. Miscellaneous technical correction.
Sec. 11. Uruguay Round Agreements Act.
Sec. 12. Imports of civil aircraft.
Sec. 13. Technical correction to certain chemical description.
Sec. 14. Marking of certain imported articles and containers.
Sec. 15. Tariff treatment of certain silver, gold, and platinum bars.
Sec. 16. Suspension of duty on certain semimanufactured forms of gold.
Sec. 17. Elimination of East-West Trade Statistics Monitoring System.
Sec. 18. Retroactive election to reconcile entries.
Sec. 19. Tariff treatment for certain motor vehicles.
Sec. 20. Technical amendments relating to Public Law 103–465.
Sec. 21. Technical amendments relating to Public Law 103–182.
Sec. 22. Technical amendment regarding judicial review.
Sec. 23. Reliquidation of entries of warp knitting machines.
Sec. 24. Temporary suspension of duty on diclofop-methyl.
Sec. 25. Elimination of duty on 2-amino-3-chlorobenzoic acid, methyl ester.
Sec. 26. Elimination of duty on 3,3′-diaminobenzidine (tetraamino biphenyl).
Sec. 27. Certain unliquidated vessel repair entries.
Sec. 28. Duty on display fireworks.
Sec. 29. Personal allowance duty exemption for merchandise purchased in a duty-free sales enterprise.
Sec. 30. Temporary duty suspension for certain motorcycles.
Sec. 31. Deferral of duty on certain production equipment.
Sec. 32. Temporary suspension of duty on thidiazuron.
Sec. 33. 2,3,3-trimethyl-indolenine.
Sec. 34. Bis(4-amino-3-methylcyclohexyl)-methane.
Sec. 35. Limitation on designation as beneficiary developing country.
Sec. 36. Temporary duty suspension on certain chemicals used in the formulation of an HIV protease inhibitor.
Sec. 37. Treatment of certain entries of buffalo leather.
Sec. 38. Fees for certain customs services.
Sec. 39. Injury determinations for certain countervailing duty orders.
Sec. 40. Treatment of difference between collections of estimated antidumping duty and final assessed duty under antidumping duty order.
Sec. 41. Certain lead fuel test assemblies.
Sec. 42. Suspension of duty on certain injection molding machines.
Sec. 43. Reliquidation of certain entries of color televisions.
Sec. 44. Articles used to provide repair and maintenance services.
Sec. 45. Yttrium oxide and cerium aluminum terbium used as luminophores.
Sec. 46. Pharmaceutical grade phospholipids.
Sec. 47. Certain structures, parts and components used in the Gemini Telescopes Project, Mauna Kea, Hawaii.
Sec. 48. Articles provided to Steward Observatory.
Sec. 49. Reliquidation of certain frozen concentrated orange juice entries.
Sec. 50. Twine, cordage, ropes, and cables.
Sec. 51. Suspension of duty on certain fatty acid esters.
Sec. 52. Duty suspension on a mobile bison slaughter unit.
Sec. 53. Exemption from tariffs and fees for certain aircraft parts and equipment.
Sec. 54. Reliquidation of certain entries of live swine.
Sec. 55. Reliquidation of certain entries of sewing machines.
Sec. 56. Temporary duty suspension on certain textured rolled glass sheets.
Sec. 57. Temporary suspension of duty on DEMT.
Sec. 58. Investigation on cattle and beef trade.
Sec. 59. Special rule for Generalized System of Preferences.

On page 88, strike lines 7 and 8, and insert the following:

SEC. 23. RELIQUIDATION OF ENTRIES OF WARP KNITTING MACHINES.

On page 89, strike lines 15 through 17, and insert the following:

SEC. 26. ELIMINATION OF DUTY ON 3,3′-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

On page 112, beginning on line 1, strike all through the matter following line 6, and insert the following:

SEC. 45. YTTRIUM OXIDE AND CERIUM ALUMINUM TERBIUM USED AS LUMINOPHORES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''9902.32.06	Yttrium oxide and cerium aluminum terbium of a kind used as luminophores (provided for in subheading 3206.50.00)	Free	No change	No change	On or before 12/31/2000''.

Mr. NICKLES. Mr. President, I ask unanimous consent the amendment be

considered as read and agreed to, the committee amendment be agreed to, the bill be deemed read for the third time and passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The amendment (No. 5419) was agreed to.

The committee amendment was agreed to.

The bill (H.R. 3815), as amended, was deemed read a third time, and passed.

AIRLINE SAFETY

Mr. STEVENS. Mr. President, we are facing a very serious matter before the Senate and Congress adjourns. The authority to spend money from the Airport and Airways Trust Fund expires on September 30. After that date, it will not be possible to spend, literally, millions and millions of dollars necessary to continue the modernization of our airway system, improvements in airports, in particular, that are safety-related, unless this bill is passed.

The airport at my capital city in Juneau is now red-lined because of the failure to have a system to deal with shear winds that develop there. We are now working to move into Juneau some portable equipment that can deal with wind profiling and predict shear wind. We have had over 1,000 people stranded in Juneau in the last week. We were seeking to go out of Juneau because of the failure to get clearance for the jets that fly from my State to Seattle. Alaska Airlines has practically been grounded there at a time when there was no winds at all.

This bill is being held up because of a provision offered by a member of the Democratic Party in this Senate, supported in conference by all but two members of that conference, and it is literally being blocked.

Mr. President, this bill provides for safety equipment at airports all over this country. Once we get to September 30, if that bill is not passed, they will come to a screeching halt. I want the Senate to know I will use every parliamentary maneuver I know to keep us in session until that bill passes.

I want everyone to listen because I am serious. We cannot recess without passing the FAA bill, and there is no way that this Senator will permit that. One Senator can keep the Senate in session if he wants to do that. We will stay in session until it passes.

I want further to note that there will not be another bill pass here by unanimous consent that has a Democratic name on it until the FAA bill passes.

I make strange statements at times, but at this time I know I can carry that out. I hope all Members of the other side in this body and in the other body are listening, because I don't care who it is—there is a conspiracy now against the extension of the airport-airways trust fund authorization. Now, in my State, which is one-fifth the size of the whole United States, we don't build roads, we fly; 75 percent of the communities in my State can be reached only by air. We are in the process now of moving in new equipment. The bill contains a sizable amount of authorization to carry out that new equipment.

As this Senate knows, we have had too many recent crashes. I was in one crash, Mr. President, in 1978, that was brought about by sheer winds. I have tried, in my time in the Senate, to do everything I can to get the authorization to get the changes and we now have them coming. This bill provides them.

I cannot tell the Senate in any stronger terms, we are going to stay in session—I am sorry to serve notice on the leadership itself—we are going to stay in session until that bill passes. If it is December 31, we are still going to be here. We cannot operate in my State without airways trust fund moneys. They provide the basic security for our transportation system.

I am just appalled that this one little provision that represents correcting an error that was made in the ICC bill—when it passed the Senate and the House, it was an acknowledged error. One little provision that was placed in there by my good friend from South Carolina that is in this bill now is apparently an excuse for some of the Members on the other side of the aisle to hold up this important bill. It is a bill, by the way, that will provide hundreds of millions of dollars for the continuation of construction at airports throughout this country. Those will all come to a halt. No money is authorized to be spent after September 30 unless this bill passes.

So, Mr. President, I yield back to my friend, so he can bring about the closing. But I shall be here every minute the Senate is open now in order to assure that that bill will pass. It is a bill that we have worked on now for 2 years, and I was part of the conference committee. I know what happened in conference. But that is the democratic process. The two Senators who are objecting, and who are missing, better get on the plane and come back, because I am going to start calling them by name Monday if they are not back here and are trying to block this bill in absentia. This is the most important bill to my State every time it comes up. It is going to pass. That is all there is to it.

Mr. NICKLES. addressed the Chair.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Oklahoma.

Mr. NICKLES. My compliments to my colleague from Wyoming. He did fulfill a very significant heritage by following his father's footsteps in the Senate.

I also want to mention the comments made by my colleague from Alaska dealing with the FAA bill. We need to pass that bill, the Senator is right. It is going to be irresponsible if we don't pass the bill. So I just pledge to my friend and colleague from Alaska that we will work as energetically as we possibly can to try to make sure that happens before we adjourn sine die.

ORDERS FOR MONDAY, SEPTEMBER 30, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, September 30; further, that immediately following the prayer, the Journal of the proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; the Senate then proceed to the amendable continuing resolution, which will come from the House later this evening, for debate only, no amendments in order prior to the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. Mr. President, the Senate will begin consideration of the omnibus appropriations bill at 10 a.m. on Monday. Also the Senate can be expected to consider the FAA conference report, the Presidio conference report, and other legislative items cleared for action.

Therefore, votes will occur but will not occur prior to the hour of 2 p.m. on Monday.

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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. MONDAY, SEPTEMBER 30, 1996

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

For the information of all Senators, we will reconvene at 10 a.m. on Monday morning.

There being no objection, the Senate, at 7:08 p.m., adjourned until Monday, September 30, 1996, at 10 a.m.

Daily Digest

HIGHLIGHTS

Senate agreed to Coast Guard Authorizations Conference Report.

House passed Omnibus Consolidated Appropriations Act.

House agreed to DOD Appropriations Conference Report.

House passed Omnibus Parks and Public Lands Management Act.

House agreed to National Securities Improvement Act Conference Report.

House passed Veterans Health Care Reform, Disability, and Benefits Acts.

Senate

Chamber Action

Routine Proceedings, pages S11611–S11813

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 2153–2160, and S. Res. 303–305. **Page S11720**

Measures Passed:

Amos F. Longoria Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 2700, to designate the building located at 8302 FM 327, Elmendorf, Texas, which houses operations of the United States Postal Service, as the ''Amos F. Longoria Post Office Building'', and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S11612**

Gregg (for Pryor) Amendment No. 5413, to clarify the provision of section 3626(b) of title 39, United States Code, defining an ''institution of higher education''. **Page S11612**

Joshua Lawrence Chamberlain Post Office Building: Senate passed S. 2153, to designate the United States Post Office building located in Brewer, Maine, as the ''Joshua Lawrence Chamberlain Post Office Building''. **Pages S11612–13**

United States-Cambodia Relations: Senate agreed to S. Res. 285, expressing the sense of the Senate that enforcement of the Cambodian Genocide Justice Act, improvements in Cambodia's record on human rights, the environment, narcotics trafficking and the royal Government of Cambodia's conduct should be among the primary objectives of the United States in its relations with Cambodia, after agreeing to a committee amendment in the nature of a substitute. **Pages S11638–40**

Medicaid Enrollment Waiver: Committee on Finance was discharged from further consideration of H.R. 3871, to waive temporarily the Medicaid enrollment composition rule for certain health maintenance organizations, and the bill was then passed, clearing the measure for the President. **Page S11640**

Alaska Natives Study: Senate passed H.R. 3973, to provide for a study of the recommendations of the Joint Federal-State Commission on Policies and Programs Affecting Alaska Natives, clearing the measure for the President. **Pages S11640–41**

National Shaken Baby Syndrome Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 300, to designate the week of November 3, 1996, as ''National Shaken Baby Syndrome Awareness Week'', and the resolution was then agreed to. **Page S11641**

American Free Enterprise Day: Committee on the Judiciary was discharged from further consideration of S. Res. 291, to designate November 18, 1996, as ''American Free Enterprise Day'', and the resolution was then agreed to. **Pages S11641–42**

CAA Labor-Management Relations: Senate agreed to S. Res. 304, approving certain regulations

to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to employing offices of the Senate and employees of the Senate. **Page S11642**

Congressional Accountability Act Provisions: Committee on Rules and Administration was discharged from further consideration of H. Con. Res. 207, approving certain regulations to implement provisions of the Congressional Accountability Act of 1995 relating to labor-management relations with respect to covered employees, other than employees of the House of Representatives and employees of the Senate, and the resolution was then agreed to. **Page S11642**

Veterans' Health Care Eligibility Reform Act: Committee on Veterans Affairs was discharged from further consideration of H.R. 3118, to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs, to authorize major medical facility construction projects of the Department, and to improve administration of health care by the Department, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11642–58**

Nickles (for Simpson) Amendment No. 5414, in the nature of substitute. **Pages S11642–58**

Hong Kong Economic and Trade Offices: Senate passed S. 2130, to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices. **Pages S11658–59**

Reclamation Recycling and Water Conservation Act: Senate passed H.R. 3660, to make amendments to the Reclamation Wastewater and Groundwater Study and Facilities Act, clearing the bill for the President. **Page S11666**

Propane Education and Research Act: Senate passed H.R. 1514, to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, clearing the bill for the President. **Pages S11666–67**

Uranium Mill Tailings Radiation Control Authorization: Senate passed H.R. 2967, to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, clearing the bill for the President. **Pages S11666–67**

Central Utah Project Completion Act: Senate passed H.R. 1823, to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, clearing the bill for the President. **Pages S11666–67**

Department of Energy Hydrogen Programs: Senate passed H.R. 4138, to authorize the hydrogen research, development, and demonstration programs of the Department of Energy, clearing the bill for the President. **Page S11667**

Irrigation Project Contract Extension Act: Senate passed S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, after agreeing to committee amendments. **Pages S11667–68**

Marine Mineral Resources Research Act: Senate passed S. 1194, to promote the research, identification, assessment, and exploration of marine mineral resources, after agreeing to a committee amendment in the nature of a substitute. **Pages S11668–69**

Helium Recovery/Disposal: Senate passed H.R. 4168, to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, clearing the measure for the President. **Page S11669**

Energy Policy and Conservation Act Extension: Senate passed H.R. 3868, to extend certain programs under the Energy Policy and Conservation Act through September 30, 1996, after agreeing to the following amendment proposed thereto: **Pages S11669–70**

Lott (for Murkowski) Amendment No. 5415, in the nature of a substitute. **Pages S11669–70**

DOE Standardization Act: Senate passed S. 1874, to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974. **Page S11670**

Health Professions Education Consolidation and Reauthorization Act: Senate passed S. 555, to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11670–95**

Lott (for Kassebaum) Amendment No. 5416, to make certain modifications. **Pages S11683–95**

Savings in Construction Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 2779, to provide for soft-metric conversion, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S11704–07**

Lott (for Burns) Amendment No. 5417, in the nature of a substitute. **Pages S11704–07**

Counting of Electoral Votes: Senate passed S. 2158, to set the time for counting electoral votes. **Page S11770**

Convening of the 105th Congress: Senate passed S. 2159, to set the time for the convening of the 105th Congress. **Pages S11770–71**

Private Relief: Senate passed H.R. 1031, for the relief of Oscar Salas-Velazquez, clearing the measure for the President. **Page S11771**

National Duck Calling Day: Senate agreed to S. Res. 305, to designate Saturday, November 30, 1996, as "National Duck Calling Day". **Page S11771**

Transportation Law: Committee on the Judiciary was discharged from further consideration of H.R. 2297, to codify without substantive change laws related to transportation and to improve the United States Code, and the bill was then passed, clearing the measure for the President. **Page S11771**

Enrollment Correction: Senate agreed to H. Con. Res. 221, directing the Clerk of the House to make corrections in the enrollment of H.R. 3159. **Page S11771**

Travel and Tourism Partnership Act: Senate passed H.R. 2579, to establish the National Tourism Board and the National Tourism Organization to promote international travel and tourism to the United States, clearing the measure for the President. **Page S11771**

National Film Preservation Foundation Act: Committee on the Judiciary was discharged from further consideration of H.R. 1734, to reauthorize the National Film Preservation Board, and the bill was then passed, clearing the measure for the President. **Pages S11771–73**

Commending Hungary/Romania: Senate agreed to S. Res. 303, commending the Governments of Hungary and Romania on the occasion of the signing of a Treaty of Understanding, Cooperation and Good Neighborliness. **Page S11774**

International Broadcasting Technology: Senate passed H.R. 3916, to make available certain Voice of America and Radio Marti multilingual computer readable text and voice recordings, clearing the measure for the President. **Page S11774**

Commission on Service Members and Veterans Transition Assistance: Senate passed S. 1711, to amend title 38, United States Code, to improve the benefits programs administered by the Secretary of Veterans Affairs, and to provide for a study of the Federal programs for veterans, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11774–94**

Nickles (for Simpson) Amendment No. 5418, in the nature of a substitute. **Pages S11779–85**

Enrollment Correction: Senate agreed to H. Con. Res. 229, directing the Secretary of the Senate to make corrections in the enrollment of S. 1004. **Page S11794**

United States-Estonia Fishery Agreement: Senate passed H.R. 543, to approve a governing international fishery agreement between the United States and the Republic of Estonia, clearing the measure for the President. **Page S11803**

Trade Law Corrections: Senate passed H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S11805–13**

Nickles (for Roth) Amendment No. 5419, to add a table of contents and make technical corrections. **Pages S11812–13**

Coast Guard Authorizations Conference Report: Senate agreed to the conference report on S. 1004, to authorize appropriations for the United States Coast Guard, clearing the measure for the President. **Pages S11794–S11803**

Fort Peck Rural County Water Supply System: Senate concurred in the amendment of the House to S. 1467, to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, and for the planning, design, and construction of the water supply system, clearing the measure for the President. **Pages S11804–05**

Treaties Approved: The following treaties having passed through their various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolutions of ratification were agreed to:

Income Tax Convention with Kazakstan, with a proviso. (Treaty Doc. No. 103–33)

Exchange of Notes Relating to the Tax Convention with Kazakstan, with a proviso. (Treaty Doc. No. 104–15)

Taxation Protocol Amending Convention with Indonesia. (Treaty Doc. No. 104–32)

Protocol Amending Article VIII of the 1948 Tax Convention with Respect to the Netherlands Antilles. (Treaty Doc. No. 104–23) **Page S11659**

Committee Authority: Committees were authorized to file special reports on non-legislative matters on Thursday, November 21, 1996, from 10 a.m. until 2 p.m. **Page S11804**

Messages From the House: **Pages S11719–20**

Statements on Introduced Bills: **Pages S11720–31**

Additional Cosponsors: **Page S11731**

Amendments Submitted: **Page S11732–53**

Additional Statements: **Page S11754–64**

Adjournment: Senate convened at 10 a.m., and adjourned at 7:08 p.m., until 10 a.m., on Monday, September 30, 1996. (For Senate's program, see the remarks of the Assistant Majority Leader in today's Record on page S11813.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 55 public bills, H.R. 4274–4328; and 7 resolutions, H.J. Res. 197–198, H. Con. Res. 229–231, and H. Res. 551–552 were introduced. **Pages H12172–75**

Reports Filed: Reports were filed as follows:

H.R. 3307, to amend title 5, United States Code, to provide for a limitation on sanctions imposed by agencies, amended (H. Rept. 104–859);

H.R. 2392, to amend the Umatilla Basin Project Act to establish boundaries for irrigation districts within the Umatilla Basin, amended (H. Rept. 104-860);

Federal Government Management: Examining Government Performance As We Near The Next Century (H. Rept. 104-861);

Investigation into the White House and Department of Justice on Security of FBI Background Investigation Files (H. Rept. 104–862);

Conference report on H.R. 3610, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997 (H. Rept. 104–863);

Conference report on H.R. 3005, to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation (H. Rept. 104–864); and

H.R. 2976, to prohibit health plans from interfering with health care provider communications with their patients, amended (H. Rept. 104–865 Part I). **Page H12172**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Hastert to act as Speaker pro tempore for today. **Page H11597**

Order of Business: Pursuant to H. Res. 525, the rule providing for expedited procedures for the remainder of the 2nd Session of the 104th Congress:

Representative Walker announced the consideration today of H.R. 3487, H.R. 3163, H.R. 4165, and H.R. 4123. **Page H11603**

Representative Lazio announced the consideration today of H.R. 543, H.R. 4236, H.R. 4264, H.R. 3633, and H.R. 2779. **Page H11603**

Representative Saxton announced the consideration today of H.R. 3632. **Page H11626**

Representative Pryce announced the consideration today of S. 3005 and S. 2003. **Page H11636**

Recess: The House recessed at 9:25 a.m. and reconvened at 12:18 p.m. **Page H11603**

Suspensions: The House voted to suspend the rules and take the following actions:

Metric Conversion: Passed H.R. 4233, to provide for appropriate implementation of the Metric Conversion Act of 1975 in Federal construction projects; **Pages H11599–H11602, H12032**

Metric Conversion: Subsequently, agreed to the Senate amendment to H.R. 2779, to provide for soft-metric conversion—clearing the measure for the President; **Pages H12032–33**

Stanislaus County, California Land Conveyance: Passed H.R. 4088, amended, to provide for the conveyance of certain property from the United States to Stanislaus County, California; **Page H11602**

Native American Housing Assistance: Passed H.R. 3219, amended, to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance; **Pages H11603–22**

Omnibus Territories Act: Passed H.R. 1332, amended, to establish certain policies and responsibilities with respect to the administration of the Rongelap Resettlement Trust Fund. Motion to reconsider the vote was not agreed to. Agreed to amend the title (agreed to by a yea-and-nay vote of 398 yeas to 5 nays, Roll No. 451);

Pages H11622–26, H12034, H12170

National Marine Sanctuaries: Passed H.R. 543, amended, to approve a governing international fishery agreement between the United States and the Republic of Estonia. Agreed to amend the title.

Pages H11626–28

Canadian Boater Landing: Passed H.R. 4165, amended, to provide for certain changes with respect to requirements for a Canadian boater landing permit pursuant to section 235 of the Immigration and Nationality Act. Agreed to amend the title.

Pages H11629–30

Patient Reviews in Nursing Facilities: Passed H.R. 3632, to amend title XIX of the Social Security Act to repeal the requirement for annual resident review for nursing facilities under the Medicaid program and to require resident reviews for mentally ill or mentally retarded residents when there is a significant change in physical or mental condition;

Pages H11633–35

Omnibus Parks and Public Lands Management: Passed H.R. 4236, amended, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer. The Clerk was authorized to make technical and conforming changes in the engrossment of the bill. Motion to reconsider the vote was not agreed to (agreed to by a yea-and-nay vote of 404 yeas to 4 nays, Roll No. 453);

Pages H12023–32, H12035–36

National Securities Improvement Act: Agreed to the conference report on H.R. 3005, to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation; **Pages H12037–51**

Suspension Failed:

Oregon-Washington State Tax: House failed to suspend the rules and pass H.R. 3163, to provide that Oregon may not tax compensation paid to a resident of Washington for services as a Federal employee at a Federal hydroelectric facility located on the Columbia River (failed to pass by a yea-and-nay vote of 199 yeas to 209 nays, Roll No. 452).

Pages H11630–33, H12034–35

Recess: The House recessed at 2:16 p.m. and reconvened at 5:00 p.m. **Pages H11635–36**

Unanimous-Consent Consideration: By unanimous consent, the House agreed to consider the following measures:

Enrollment Correction: Agreed to H. Con. Res. 229, directing the Secretary of the Senate to make corrections in the enrollment of S. 1004, to authorize appropriations for fiscal year 1996 for the Coast Guard; **Page H11603**

Waiving Enrollment Requirements: Passed H.J. Res. 197, waiving certain enrollment requirements with respect to any bill or joint resolution of the One Hundred Fourth Congress making general or continuing appropriations for fiscal year 1997;

Page H11636

Veterans Health Care Reform: Agreed to the Senate amendments to H.R. 3118, to amend title 38, United States Code, to reform eligibility for health care provided by the Department of Veterans Affairs—clearing the measure for the President;

Pages H12111–21

Veterans Disability Compensation: Agreed to the Senate amendments to H.R. 3458, 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—clearing the measure for the President;

Pages H12121–22

Veterans Benefits: Passed S. 1711, to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life—clearing the measure for the President;

Pages H12122–31

Impact Aid: Passed H.R. 4282, to amend the National Defense Authorization Act for FY 1993 to make a technical correction relating to the provisions of Department of Defense assistance to local educational agencies. **Pages H12131–32**

Comprehensive Methamphetamine Control: Passed S. 1965, to prevent the illegal manufacturing and use of methamphetamine—clearing the measure for the President; **Pages H12132–36**

Proprietary Economic Information Protection: Agreed to the Senate amendment with an amendment to H.R. 3723, to amend title 18, United States Code, to protect proprietary economic information; **Pages H12137–45**

Joshua Lawrence Chamberlain Post Office Building: Passed S. 2153, to designate the United States Post Office building located in Brewer, Maine, as

the "Joshua Lawrence Chamberlain Post Office Building"—clearing the measure for the President; **Page H12145**

Amos F. Longoria Post Office Building: Agreed to the Senate amendment to H.R. 2700, to designate the United States Post Office building located at 7980 FM 327, Elmendorf, Texas, as the "Amos F. Longoria Post Office Building"—clearing the measure for the President; **Pages H12145–46**

Invasive Species Act: H.R. 4283, to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States. The Clerk was authorized to make technical and conforming changes in the engrossment of the bill; **Pages H12146–52**

Amendments to Trade Laws: Agreed to Senate amendments to H.R. 3815, to make technical corrections and miscellaneous amendments to trade laws—clearing the measure for the President; and **Pages H12152–64**

Navajo-Hopi Land Dispute: Passed S. 1973, to provide for the settlement of the Navajo-Hopi land dispute—clearing the measure for the President. **Pages H12165–67**

Recess: The House recessed at 6:45 p.m. and reconvened at 7:00 p.m. **Page H12033**

Bill Returned: House agreed to H. Res. 554, returning to the Senate, H.R. 400, to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within 3 conservation system units on the Alaska Peninsula, and the Senate amendment thereto. **Pages H12164–65**

Late Report: Committee on Resources received permission to have until 5:00 p.m. on October 11, 1996 to file a report on H.R. 2041, to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II. **Page H12167**

Order of Business—Omnibus Consolidated Appropriations: By unanimous consent, the House agreed to consider the conference report to accompany H.R. 3610, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read; and that upon adoption of the conference report notwithstanding any rule of the House to the contrary, H.R. 4278, making omnibus consolidated appropriations for the fiscal year ending September 30, 1997, be considered as passed. **Page H12033**

DOD Appropriations Conference Report: By a yea-and-nay vote of 370 yeas to 37 nays with 1 voting "present", Roll No. 455, the House agreed to the conference report on H.R. 3610, making appropriations for the Department of Defense for the fiscal year ending September 30, 1997. **Pages H11644–H12021, H12051–H12110**

Rejected the Coleman motion to recommit the Conference Report to the Committee of Conference. **Page H12109**

Omnibus Consolidated Appropriations: Pursuant to the unanimous-consent agreement, and upon adoption of the DOD Appropriations Conference Report, H.R. 4278, making omnibus consolidated appropriations for the fiscal year ending September 30, 1997 was considered passed. **Page H12033**

Preparation for the Adjournment of the Second Session Sine Die: The House agreed to H. Res. 546, providing for consideration of certain resolutions in preparation for the adjournment of the second session sine die. Agreed to order the previous question by a recorded vote of 223 ayes to 183 noes, Roll No. 454. **Pages H11636–44, H12036–37**

Printing of House Rules and Manual: Pursuant to the provisions of H. Res. 546, adopted H. Res. 552, providing for the printing of a revised edition of the House Rules and Manual for the 105th Congress. **Pages H11636–44, H12036–37**

Organizational Caucus: Pursuant to the provisions of H. Res. 546, adopted H. Res. 551, providing that any organizational caucus or conference in the House for the 105th Congress may begin on or after November 15, 1996. **Pages H11636–44, H12036–37**

Convening Day for the 105th Congress: House passed H.J. Res. 198, appointing the day for the convening of the first session of the One Hundred Fifth Congress and the day for the counting in Congress of the electoral votes for President and Vice President cast in December 1996. **Page H12110**

Adjournment Sine Die: Agreed to H. Con. Res. 230, providing for the adjournment of both Houses sine die. **Pages H12110–11**

Designation of Speaker Pro Tempore: Read and accepted a letter from the Speaker wherein he designates Representative Morella or Representative Wolf to act as Speaker pro tempore for the remainder of the 104th Congress. **Page H12111**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 2:00 p.m. on Monday, September 30. **Page H12111**

Referrals: S. 737 was referred to the Committee on Commerce and S. 2153 was referred to the Committee on Government Reform and Oversight.

Page H12171

Senate Messages: Messages received from the Senate appear on pages H11598, H11636, H12100, and H12131.

Quorum Calls—Votes: Five yea-and-nay votes developed during the proceedings of the House today and appear on pages H12034, H12035, H12035–36, H12036–37, and H12109–10. There were no quorum calls.

Adjournment: Met at 9:00 a.m. and adjourned at 11:42 p.m.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of September 30 through October 5, 1996

For Congressional Program Ahead, see Congressional Record of Friday, September 27, 1996.

Next Meeting of the SENATE

10 a.m., Monday, September 30

Senate Chamber

Program for Monday: Senate will consider H.R. 4278, Omnibus Continuing Appropriations, conference report on H.R. 3610, DOD Appropriations, conference report on H.R. 1296, Presidio Properties, conference report on H.R. 3539, FAA Authorizations, and any further items cleared for consideration.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, September 30

House Chamber

Program for Monday: Conduct routine business prior to adjournment sine die.

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