



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 142

WASHINGTON, FRIDAY, OCTOBER 4, 1996

No. 142

## Senate

The Senate was not in session today. Its next meeting will be held on Tuesday, January 7, 1997, at 12 noon.

## House of Representatives

FRIDAY, OCTOBER 4, 1996

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
October 4, 1996.

I hereby designate the Honorable ROBERT S. WALKER to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Bless Your people, O gracious God, bless all who seek Your favor and who earnestly wish to serve You by serving

others. We are specially aware this day of those who leave this institution, who have given of their knowledge and zeal and commitment in ways that have served the common good and who have done their part by promoting justice in our land and in our world. We salute them with our praise and we remember them in our prayers for their efforts have contributed to the foundations that strengthen the Nation. So may Your benediction be with all who serve and may Your grace be with every person now and in all the days to come. In Your name, we pray. Amen.

### 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.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record at Reporters."

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Congressional Printing Management Division, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

WILLIAM M. THOMAS, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper containing 100% post consumer waste

H12273

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York [Mr. SOMOMON] come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 1087. An act for the relief of Nguyen Quy An;

H.R. 1281. An act to express the sense of the Congress that it is the policy of the Congress that United States Government agencies in possession of records about individuals who are alleged to have committed Nazi war crimes should make these records public;

H.R. 1874. An act to modify the boundaries of the Talladega National Forest, Alabama;

H.R. 3155. An act to amend the Wild and Scenic Rivers Act by designating the Wekiva River, Seminole Creek, and Rock Springs Run in the State of Florida for study and potential addition to the national wild and scenic rivers system;

H.R. 3219. An act to provide Federal assistance for Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes;

H.R. 3249. An act to authorize appropriations for a mining institute or institutes to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes;

H.R. 3568. An act to designate 51.7 miles of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System;

H.R. 3632. An act 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;

H.R. 3864. An act to amend laws authorizing auditing, reporting, and other functions by the General Accounting Office;

H.R. 3910. An act to provide emergency drought relief to the city of Corpus Christi, Texas, and the Canadian River Municipal Water Authority, Texas, and for other purposes;

H.R. 4083. An act to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997;

H.R. 4236. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes;

H.R. 4283. An act to provide for ballast water management to prevent the introduc-

tion and spread of nonindigenous species into the waters of the United States, and for other purposes;

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; and

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 632. An act to enhance fairness in compensating owners of patents used by the United States;

H.R. 1776. An act to require the Secretary of the Treasury to mint coins in commemoration of Black Revolutionary War patriots and the 275th anniversary of the 1st Black Revolutionary War patriot, Crispus Attucks;

H.R. 3452. An act to make certain laws applicable to the Executive Office of the President, and for other purposes;

H.R. 4036. An act making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations;

H.R. 4137. An act to combat drug-facilitated crimes of violence, including sexual assaults; and

H. Con. Res. 230. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 342. An act to establish the Cache La Poudre River Corridor;

S. 1612. An act to broaden the scope of certain firearms offenses, and for other purposes;

S. 1887. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2197. An act to extend the authorized period of stay within the United States for certain nurses; and

S. 2198. An act to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3378) "An act to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 972) "An act to amend the Older Americans Act of 1965 to improve the provisions relating to Indians, and for other purposes."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, Speaker Pro Tempore MORELLA signed the following enrolled bills on Thursday, October 3,

1996: H.R. 3539, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; H.R. 3723, to amend title 18, United States Code, to protect proprietary economic information, and for other purposes; and S. 39, to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

## RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 3, 1996.

Speaker NEWT GINGRICH,  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Effective today, October 3, 1996, I respectfully resign from the House Intelligence Committee.

With kindest personal regards, I remain

Very truly yours,

RONALD D. COLEMAN,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentleman from New Mexico [Mr. RICHARDSON] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentleman from Washington [Mr. DICKS].

There was no objection.

## IN MEMORY OF SECRET SERVICE AGENT RUFUS YOUNGBLOOD

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

Mr. HOYER. Mr. Speaker, I rise this morning to inform the house that one of America's heroes died on Wednesday.

After a battle with cancer, retired U.S. Secret Service Agent Rufus W. Youngblood died at the age of 72 in Savannah, GA.

Agent Youngblood was awarded the Treasury Exceptional Service Award in recognition of his outstanding courage and voluntary risk of personal safety in protecting the Vice President on November 22, 1963 in Dallas, TX. He was riding in Vice President Lyndon Johnson's limousine when President John F. Kennedy was assassinated.

When Rufus Youngblood retired from the Secret Service in 1971, he was the Deputy Director of the Service. Agent Youngblood joined the Service in 1951 and had a distinguished career including his service in the Presidential and Vice Presidential Protective Divisions.

A World War II Army Air Force veteran, Rufus Youngblood was always there when his country called. Our Nation is the better for his service and we all share in the loss of this American hero. He is survived by his wife and four children and I know my colleagues in the Congress join me in sending our deepest sympathies and thanks to his family.

Mr. Speaker, God was truly blessing America when he gave us Rufus Youngblood.

#### DOD'S RESPONSE TO FREEDOM OF INFORMATION REQUEST

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

Mrs. SCHROEDER. Mr. Speaker, it is no secret I have been coming to the floor every day this week talking about my war with the Defense Department and why they are violating regulations by allowing military officers to engage in partisan politics by assigning them to the Speaker's office.

I had a freedom of information request to the Defense Department, and after I gave my speech yesterday, I want to show you what the Defense Department sent me. Is this wonderful? This is their answer to my freedom of information request. Really helpful, huh? One blacked-out page after another. And they also sent me my own correspondence back, which I thought was very sweet of them.

They said in their letter that they must withhold this information, because it had subjective evaluations, opinions and recommendations in it. That is precisely what we were getting to.

Obviously this is in clear violation of President Clinton's memo to all departments. Talking about how the Freedom of Information Act is how people get information from their Government. This is an outrage and I am very sorry to see this happen.

#### MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

*Resolved*, That the resolution from the House of Representatives (H. Con. Res. 230) entitled "Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Fourth Congress," do pass with the following Senate amendment:

Strike out all after the resolving clause and insert: That when the House adjourns on the legislative day of Wednesday, October 2, 1996, Thursday, October 3, 1996, or Friday, October 4, 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 Wednesday, October 2, 1996, Thursday, Octo-

ber 3, 1996, or Friday, October 4, 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 Senate amendment was agreed to.

A motion to reconsider was laid on the table.

#### DRUG-INDUCED RAPE PREVENTION AND PUNISHMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4137) to combat drug-facilitated crimes of violence, including sexual assaults, 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 enactment clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Induced Rape Prevention and Punishment Act of 1996".

##### SEC. 2. PROVISIONS RELATING TO USE OF A CONTROLLED SUBSTANCE WITH INTENT TO COMMIT A CRIME OF VIOLENCE.

(A) PENALTIES FOR DISTRIBUTION.—Section 401(b) of the Controlled Substances Act is amended by adding at the end the following: "(7) PENALTIES FOR DISTRIBUTION.—

"(A) IN GENERAL.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18, United States Code (including rape), against an individual, violates subsection (a) by distributing a controlled substance to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18, United States Code.

"(B) DEFINITION.—For purposes of this paragraph, the term 'without that individual's knowledge' means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual."

(b) Additional Penalties Relating to Flunitrazepam.—

(1) GENERAL PENALTIES.—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended—

(A) in subsection (b)(1)(C), by inserting "or 1 gram of flunitrazepam," after "I or II"; and

(B) in subsection (b)(1)(D), by inserting "or 30 milligrams of flunitrazepam," after "schedule III,".

(2) IMPORT AND EXPORT PENALTIES.—

(A) Section 1009(a) of the Controlled Substances Import and Export Act (21 U.S.C. 959(a)) is amended by inserting "or flunitrazepam" after "I or II".

(B) Section 1010(b)(3) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended by inserting "or flunitrazepam," after "I or II,".

(C) Section 1010(b)(4) of the Controlled Substances Import and Export Act is amended by inserting "(except a violation involving flunitrazepam)" after "III, IV, or V,".

##### (3) SENTENCING GUIDELINES.—

(A) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam.

(B) SUMMARY.—The United States Sentencing Commission shall submit to the Congress—

(i) a summary of its review under subparagraph (A); and

(ii) an explanation for any amendment to the sentencing guidelines made under subparagraph (A).

(C) SERIOUS NATURE OF OFFENSES.—In carrying out this paragraph, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenses involving flunitrazepam reflect the serious nature of such offenses.

(c) INCREASED PENALTIES FOR UNLAWFUL SIMPLE POSSESSION OF FLUNITRAZEPAM.—Section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)) is amended by inserting after "exceeds 1 gram," the following: "Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section or both."

##### SEC. 3. STUDY ON RESCHEDULING FLUNITRAZEPAM.

(a) STUDY.—The Administrator of the Drug Enforcement Administration shall, in consultation with other Federal and State agencies, as appropriate, conduct a study on the appropriateness and desirability of rescheduling flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the results of the study conducted under subsection (a), together with any recommendations regarding rescheduling of flunitrazepam as a Schedule I controlled substance under the Controlled Substances Act (21 U.S.C. 801 et seq.).

##### SEC. 4. EDUCATIONAL PROGRAM FOR POLICE DEPARTMENTS.

The Attorney General may—

(1) create educational materials regarding the use of controlled substances (as that term is defined in section 102 of the Controlled Substances Act) in the furtherance of rapes and sexual assaults; and

(2) disseminate those materials to police departments throughout the United States.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

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

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. SOLOMON] to further explain the bill.

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

Mr. SOLOMON. Mr. Speaker, I certainly thank the gentlewoman and I will say one more time, this will be the

last day that she will participate in a session on this floor. She has been here longer than I have and she is certainly one of the most outstanding and respected Members of this body, even though we have had our differences over the years. But we wish her well in her new endeavors, she and her family.

Mr. Speaker, the amendments made in the Senate are reasonable and they do strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

In response to the growing use of date rape drugs and the use of other drugs in violent sex crimes against women, this bill before us today increases the penalty for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery. The bill comes not a moment too soon. Recently in the San Francisco Chronicle they reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink.

The additional penalties in this bill will fight crimes just like this one. It will for the first time ever make using a drug to commit the crime of rape as a weapon a minimum sentence felony. So the bill is a good bill, and I would certainly urge that the committee adopt it unanimously.

Mr. Speaker, I commend the distinguished majority leader, TRENT LOTT, for his support of my bill in the Senate and also Senators HATCH and COVERDELL for all their hard work in this important legislation.

The amendments made in the Senate are reasonable and strengthen the bill. I readily accept the amendments and urge House approval of the amended bill.

Ladies and gentleman, in response to the growing use of date-rape drugs and the use of other drugs in violent sex crimes against women, the bill before us today (H.R. 4137) increases the penalties for anyone who possesses a drug with the intent to commit a crime of violence, including sexual battery.

This bill comes not a moment too soon. Recently, the San Francisco Chronicle reported how a 17-year-old young woman who played varsity volleyball died after someone slipped a date rape drug into her drink. The additional penalties in this bill will fight crimes just like this one.

This is a commonsense, tough response by Congress to protect the safety of our young people.

Now that Congress has responded to the issue of the date rape drug, it is up to the President to make this important public safety legislation into law.

I include the following for the RECORD:

[From the San Francisco Chronicle, Sept. 11, 1996]

#### DATE RAPE DRUG LINKED TO MYSTERIOUS DEATH

LA PORTE, TX.—A high school student who died mysteriously last month was killed by an illegal "date rape drug" that was slipped into her soft drink, police said.

Hilory Farias, 17, a varsity volleyball player, was found unconscious and not breathing the morning of August 4 after a night out with girlfriends.

Authorities at first were puzzled by her death because tests showed no drugs or alco-

hol in her body; but they ruled the death a homicide Monday after finding gamma hydroxybutyrate, also known as GHB, which—like the better-known date-rape drug Rohypnol—is odorless and almost tasteless.

Date rape drugs, which cause dizziness, drowsiness and memory loss, sometimes are used to incapacitate women so they can more easily be sexually assaulted.

Mrs. SCHROEDER. Further reserving the right to object, Mr. Speaker, I want to congratulate this body and the gentleman from New York for reporting this bill and getting it out. It is absolutely urgent. I am pleased with the educational parts of it; I am pleased that the mandatory minimums went away.

The one change that it had that I wish we had retained was in our committee we had raised this drug to a schedule 1 level and it is no longer at that level, although they did increase the penalties. We want to be as tough as possible on it. I know some of the drug companies balked and so we have a little difference here. But we will not object because it is certainly better than where we are and this has become a crisis on some of our campuses. So I think it is important that we get this out.

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.

#### ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 12, after line 5, insert:

#### SEC. 12. JURISDICTION OF THE UNITED STATES COURT OF FEDERAL CLAIMS AND THE DISTRICT COURTS OF THE UNITED STATES: BID PROTESTS.

(a) BID PROTESTS.—Section 1491 of title 28, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a) by striking out paragraph (3); and

(3) by inserting after subsection (a), the following new subsection;

“(b)(1) Both the United States Court of Federal Claims and the district courts of the United States shall have jurisdiction to render judgment on an action by an interested party objecting to a solicitation by a Federal agency for bids or proposals for a proposed contract or to a proposed award or the award of a contract or any alleged violation of statute or regulation in connection with a procurement or a proposed procurement. Both the United States Court of Federal Claims and the district courts of the

United States shall have jurisdiction to entertain such an action without regard to whether suit is instituted before or after the contract is awarded.

“(2) To afford relief in such an action, the courts may award any relief that the court considers proper, including declaratory and injunctive relief except that any monetary relief shall be limited to bid preparation and proposal costs.

“(3) In exercising jurisdiction under this subsection, the courts shall give due regard to the interests of national defense and national security and the need for expeditious resolution of the action.

“(4) In any action under this subsection, the courts shall review the agency's decision pursuant to the standards set forth in section 706 of title 5.”.

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 1996 and shall apply to all actions filed on or after that date.

(c) STUDY.—No earlier than 2 years after the effective date of this section, the United States General Accounting Office shall undertake a study regarding the concurrent jurisdiction of the district courts of the United States and the Court of Federal Claims over bid protests to determine whether concurrent jurisdiction is necessary. Such a study shall be completed no later than December 31, 1999, and shall specifically consider the effect of any proposed change on the ability of small businesses to challenge violations of Federal procurement law.

(d) SUNSET.—The jurisdiction of the district courts of the United States over the actions described in section 1491(b)(1) of title 28, United States Code (as amended by subsection (a) of this section) shall terminate on January 1, 2001 unless extended by Congress. The savings provisions in subsection (e) shall apply if the bid protest jurisdiction of the district courts of the United States terminates under this subsection.

(e) SAVINGS PROVISIONS.—

(1) ORDERS.—A termination under subsection (d) shall not terminate the effectiveness of orders that have been issued by a court in connection with an action within the jurisdiction of that court on or before December 31, 2000. Such orders shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(2) PROCEEDINGS AND APPLICATIONS.—(A) a termination under subsection (d) shall not affect the jurisdiction of a court of the United States to continue with any proceeding that is pending before the court on December 31, 2000.

(B) Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if such termination had not occurred. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, set aside, or revoked by a court of competent jurisdiction or by operation of law.

(C) Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that proceeding could have been discontinued or modified absent such termination.

(f) NONEXCLUSIVITY OF GAO REMEDIES.—In the event that the bid protest jurisdiction of the district courts of the United States is terminated pursuant to subsection (d), then section 3556 of title 31, United States Code, shall be amended by striking “a court of the United States or” in the first sentence.

The SPEAKER pro tempore (during the reading). Without objection, the

Senate amendment is considered as read and printed in the RECORD.

There was no objection.

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

Mrs. SCHROEDER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York a question.

I would like to ask the gentleman, am I correct that this bill does not authorize an agency to require a party to submit to binding arbitration as a condition of employment or to require a party to relinquish rights that they have under title VII of the Civil Rights Act of 1964?

Mr. SOLOMON. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would say to the gentlewoman, it is my understanding that she is correct, that H.R. 4194 does not change current law at this point at all.

Mrs. SCHROEDER. I thank the gentleman for his response. Based upon that, I will not object. I thank the gentleman for bringing this up.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 4194, the Administrative Dispute Resolution Act, as amended by the other body. I would like to focus my remarks on section 12 of this bill, which was added by the Senate and concerns the so-called Scanwell jurisdiction. This section will be a great benefit to small businesses in New York, and across the Nation.

The conference report on H.R. 2977, the Administrative Dispute Resolution Act, which was on the suspension calendar for floor action September 27, 1996, was pulled at the last minute—to the benefit of all our constituents. Provisions in that measure would have eliminated Federal district court jurisdiction for bid protests of Government contracts, leaving only two other possible forums, both located in Washington, DC.

Federal district court jurisdiction, commonly known as Scanwell jurisdiction, has been an important safeguard to our constituents back home, ensuring that they have a local forum to appeal decisions on Government contracts. Eliminating Scanwell would have put burdens on our businesses, both large and small, to litigate their claims long-distance. This provision was included in the bill, although no hearings on this subject were held in the House. A compromise was later reached that creates equal forums in the Federal district courts and in the Court of Federal Claims—and requires both courts to use the Administrative Procedure Act as the standard of review. The procedure will be in effect for 4 years.

This makes sense. It gives our constituents the benefit of either forum for a full evidentiary hearing and allows a practical test of whether both forums are needed. Such common sense approaches are just good Government. This provision will enable actual experience over the next 4 years and a GAO study, after 2 years to provide the data necessary for Congress to make an informed decision regarding something as important as how far the courthouse door will be from home. I am certain that we would not allow the post offices to be

closed in our towns and cities, so why should we close the Federal district courthouse door for claims concerning the \$200 billion spent annually by the Government for goods and services. This bill protects our constituents, and I am happy that these good provisions will not be lost.

Mrs. SCHROEDER. 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.

#### FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1887) to make improvements in the operation and administration of the Federal courts, 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?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1887

*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 “Federal Courts 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.

#### TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

#### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.

Sec. 202. Consent to trial in certain criminal actions.

Sec. 203. Registration of judgments for enforcement in other districts.

Sec. 204. Vacancy in clerk position; absence of clerk.

Sec. 205. Diversity jurisdiction.

Sec. 206. Removal of cases against the United States and Federal officers or agencies.

Sec. 207. Appeal route in civil cases decided by magistrate judges with consent.

Sec. 208. Reports by judicial councils relating to misconduct and disability orders.

#### TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Senior judge certification.

Sec. 302. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.

Sec. 303. Bankruptcy judges reappointment procedure.

Sec. 304. Technical correction related to commencement date of temporary judgeships.

Sec. 305. Full-time status of court reporters.

Sec. 306. Court interpreters.

Sec. 307. Technical amendment related to commencement date of temporary bankruptcy judgeships.

Sec. 308. Contribution rate for senior judges under the judicial survivors' annuities system.

Sec. 309. Prohibition against awards of costs, including attorneys fees, and injunctive relief against a judicial officer.

#### TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.

Sec. 402. Interpreter performance examination fees.

Sec. 403. Judicial panel on multidistrict litigation.

Sec. 404. Disposition of fees.

#### TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

#### TITLE VI—MISCELLANEOUS

Sec. 601. Participation in judicial governance activities by district, senior, and magistrate judges.

Sec. 602. The Director and Deputy Director of the administrative office as officers of the United States.

Sec. 603. Removal of action from State court.

Sec. 604. Federal judicial center employee retirement provisions.

Sec. 605. Abolition of the special court, Regional Rail Reorganization Act of 1973.

Sec. 606. Place of holding court in the District Court of Utah.

Sec. 607. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.

Sec. 608. Extension of civil justice expense and delay reduction reports on pilot and demonstration programs.

Sec. 609. Place of holding court in the Southern District of New York.

Sec. 610. Venue for territorial courts.

#### TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

#### SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

“(9) if approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe; and”.

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

“(13) If approved by the district court, be authorized to carry firearms under such rules and regulations as the Director of the Administrative Office of the United States Courts may prescribe.”.

#### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

#### SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out “(a) or (b)” and inserting in lieu thereof “(a), (b), or (c)”.

**SEC. 202. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.**

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting “, other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “misdemeanor”;

(B) in the second sentence by inserting “judge” after “magistrate” each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: “The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.”; and

(D) by striking out “judge of the district court” each place it appears and inserting in lieu thereof “district judge”.

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: “The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.”.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out “, and” at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

“(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

“(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.”.

**SEC. 203. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.**

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

**“§1963. Registration of judgments for enforcement in other districts”;**

(2) in the first sentence—

(A) by striking out “district court” and inserting in lieu thereof “court of appeals, district court, bankruptcy court,”; and

(B) by striking out “such judgment” and inserting in lieu thereof “the judgment”; and

(3) by adding at the end thereof the following new undesignated paragraph:

“The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

“1963. Registration of judgments for enforcement in other districts.”.

**SEC. 204. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.**

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

**“§954. Vacancy in clerk position; absence of clerk**

“When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

“954. Vacancy in clerk position; absence of clerk.”.

**SEC. 205. DIVERSITY JURISDICTION.**

(a) IN GENERAL.—Section 1332 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out “\$50,000” and inserting in lieu thereof “\$75,000”; and

(2) in subsection (b) by striking out “\$50,000” and inserting in lieu thereof “\$75,000”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 90 days after the date of enactment of this Act.

**SEC. 206. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.**

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting “or agencies” after “officers”; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out “persons”; and

(B) in paragraph (1) by striking out “Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office” and inserting in lieu thereof “The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

“1442. Federal officers and agencies sued or prosecuted.”.

**SEC. 207. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.**

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out “In this circumstance, the” and inserting in lieu thereof “The”;

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out “, and for the taking and hearing of appeals to the district courts.”.

**SEC. 208. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.**

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

“(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United

States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.”.

**TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS****SEC. 301. SENIOR JUDGE CERTIFICATION.**

(a) RETROACTIVE CREDIT FOR RESUMPTION OF SIGNIFICANT WORKLOAD.—Section 371(f)(3) of title 28, United States Code, is amended by striking out “is thereafter ineligible to receive such a certification.” and inserting in lieu thereof “may thereafter receive a certification for that year by satisfying the requirements of subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection in a subsequent year and attributing a sufficient part of the work performed in such subsequent year to the earlier year so that the work so attributed, when added to the work performed during such earlier year, satisfies the requirements for certification for that year. However, a justice or judge may not receive credit for the same work for purposes of certification for more than 1 year.”.

(b) AGGREGATION OF CERTAIN WORK FOR PARTIAL YEARS.—Section 371(f)(1) of title 28, United States Code, is amended by adding at the end of subparagraph (D) the following: “In any year in which a justice or judge performs work described under this subparagraph for less than the full year, one-half of such work may be aggregated with work described under subparagraph (A), (B), or (C) of this paragraph for the purpose of the justice or judge satisfying the requirements of such subparagraph.”.

**SEC. 302. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.**

Section 376(o)(1) of title 28, United States Code, is amended by striking out “or while receiving ‘retirement salary,’” and inserting in lieu thereof “while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section.”.

**SEC. 303. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.**

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 98 Stat. 344), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

“(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States.”; and

(2) in subsection (b) by adding at the end thereof the following: “All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).”.

**SEC. 304. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.**

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: “For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.”.

**SEC. 305. FULL-TIME STATUS OF COURT REPORTERS.**

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: “For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be

considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.”.

#### SEC. 306. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

“(l) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this section in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.”.

#### SEC. 307. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102-361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out “date of the enactment of this Act” and inserting in lieu thereof “appointment date of the judge named to fill the temporary judgeship position”.

#### SEC. 308. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

“(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

“(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

“(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

“(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title, shall be an amount equal to 2.2 percent of retirement salary.”.

#### SEC. 309. PROHIBITION AGAINST AWARDS OF COSTS, INCLUDING ATTORNEY'S FEES, AND INJUNCTIVE RELIEF AGAINST A JUDICIAL OFFICER.

(a) NONLIABILITY FOR COSTS.—Notwithstanding any other provision of law, no judicial officer shall be held liable for any costs, including attorney's fees, in any action brought against such officer for an act or omission taken in such officer's judicial capacity, unless such action was clearly in excess of such officer's jurisdiction.

(b) PROCEEDINGS IN VINDICATION OF CIVIL RIGHTS.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting before the period at the end thereof “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity such officer shall not be held liable for any costs, including attorney's fees, unless such action was clearly in excess of such officer's jurisdiction”.

(c) CIVIL ACTION FOR DEPRIVATION OF RIGHTS.—Section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended by inserting before the period at the end of the first sentence: “, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable”.

#### TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

##### SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out “\$120” and inserting in lieu thereof “\$150”.

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out “\$60” and inserting in lieu thereof “\$90”; and

(2) in subsection (b)—

(A) by striking out “\$120” and inserting in lieu thereof “\$150”; and

(B) by striking out “\$60” and inserting in lieu thereof “\$90”.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

##### SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

“(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.”.

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

##### SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1931 the following new section:

##### “§ 1932. Judicial Panel on Multidistrict Litigation

“The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.”.

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

“1932. Judicial Panel on Multidistrict Litigation.”.

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102-140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out “1926, and 1930” and inserting in lieu thereof “1926, 1930, and 1932”.

##### SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, \$30 of that portion of the fee exceeding \$20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding \$5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding \$120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

#### TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

##### SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

##### “§ 258. Chief judges; precedence of judges

“(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

“(A) are 64 years of age or under;

“(B) have served for 1 year or more as a judge of the court; and

“(C) have not served previously as chief judge.

“(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

“(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

“(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

“(B) Except as provided under subparagraph (C), a judge of the court acting as chief

judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

“(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

“(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

“(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

“(d) If a chief judge is temporarily unable to perform the duties as such, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

“§ 253. Duties of chief judge.”;

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

“253. Duties of chief judge.”;

and

(B) by adding at the end thereof the following:

“258. Chief judges; precedence of judges.”.

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

## TITLE VI—MISCELLANEOUS

### SEC. 601. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

“The district judge to be summoned from each judicial circuit shall be chosen by the

circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.”.

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

“(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and”; and

(2) in subsection (b) by striking out “retirement,” and inserting in lieu thereof “retirement pursuant to section 371(a) or section 372(a) of this title.”.

### SEC. 602. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: “The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.”.

### SEC. 603. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out “petitioner” and inserting in lieu thereof “defendant or defendants”.

### SEC. 604. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting “Deputy Director,” before “the professional staff”; and

(2) in the first sentence by inserting “chapter 84 (relating to the Federal Employees’ Retirement System),” after “(relating to civil service retirement).”.

### SEC. 605. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting “(1)” before “Within 30 days after”; and

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

“(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

“(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

“(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15),

303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

“(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

“(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

“(E) Section 24907(b) of title 49, United States Code.

“(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as previously established under paragraph (1) of this subsection.”.

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking out the paragraph following paragraph (2) and inserting in lieu thereof the following:

“(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

“(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

“(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is further amended—

(A) in subsection (g) by inserting “or Court of Appeals for the District of Columbia Circuit” after “Supreme Court”; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out “a judge of the United States district court with respect to such proceedings and such powers shall include those of”.

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

“(8) ‘Special court’ means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.”.

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).



(d) **PENDING CASES.**—Effective 90 days after the date of enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) **EFFECTIVE DATE.**—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue after such effective date.

#### **SEC. 606. PLACE OF HOLDING COURT IN THE DISTRICT COURT OF UTAH.**

(a) **NORTHERN DIVISION.**—Section 125(1) of title 28, United States Code, is amended by inserting “Salt Lake City and” before “Ogden”.

(b) **CENTRAL DIVISION.**—Section 125(2) of title 28, United States Code, is amended by inserting “, Provo, and St. George” after “Salt Lake City”.

#### **SEC. 607. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.**

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting “the Southern District of New York, and the Eastern District of New York,” after “the District of Columbia,”; and

(2) by inserting at the end the following: “Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district to which he or she is appointed.”

#### **SEC. 608. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION REPORTS ON DEMONSTRATION AND PILOT PROGRAMS.**

(a) **DEMONSTRATION PROGRAM.**—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out “December 31, 1996,” and inserting in lieu thereof “June 30, 1997.”

(b) **PILOT PROGRAM.**—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out “December 31, 1996,” and inserting in lieu thereof “June 30, 1997.”

#### **SEC. 609. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.**

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

“Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Walkill area of Orange County or such nearby location as may be deemed appropriate.”

#### **SEC. 610. VENUE FOR TERRITORIAL COURTS.**

(a) **CHANGE OF VENUE.**—Section 1404(d) of title 28, United States Code, is amended to read as follows:

“(d) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”

(b) **CURE OR WAIVER OF DEFECTS.**—Section 1406(c) of title 28, United States Code, is amended to read as follows:

“(c) As used in this section, the term ‘district court’ includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term ‘district’ includes the territorial jurisdiction of each such court.”

(c) **APPLICABILITY.**—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

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.

#### **EXTENDING PERIOD OF STAY IN UNITED STATES FOR CERTAIN NURSES**

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2197) to extend the authorized period of stay within the United States for certain nurses, 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. ROHRBACHER. Mr. Speaker, reserving the right to object, I understand that this is designed to help a lot of people who come here to provide employment, to be here as nurses, but I would like to understand a little bit more about this.

Mr. SOLOMON. Mr. Speaker, if the gentleman would yield, I would like to withdraw the unanimous consent. I believe that the staff has some information that might solve some of his problems and I will bring it up at a later date.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] withdraws his unanimous-consent request with regard to S. 2197.

□ 1415

#### **ENHANCING FAIRNESS IN COMPENSATING OWNERS OF PATENTS USED BY UNITED STATES**

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 632) to enhance fairness in compensating owners of patents used by the United States, 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: Page 2, line 8, strike out all after “States.” down to and including “Acts.” in line 13 and insert “Notwithstanding the preceding sentences, unless the action has been pending for more than 10 years from the time of filing to the time that the owner applies for such costs and fees, reasonable and entire compensation shall not include such costs and fees if the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.”

Page 2, line 17, strike out “January 1, 1995” and insert “the date of the enactment of this Act”.

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### **PROVISIONS WITH RESPECT TO INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS**

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4036) making certain provisions with respect to internationally recognized human rights, refugees, and foreign relations, 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:

Page 2, strike out all after line 4 over to and including line 6 on page 4.

Page 4, line 7, strike out “103” and insert “101”.

Page 4, strike out all after line 20, over to and including line 17 on page 6.

Page 6, line 18, strike out “105” and insert “102”.

Page 7, line 3, strike out “106” and insert “103”.

Page 8, line 10, strike out “107” and insert “104”.

Page 12, after line 2 insert:

#### **TITLE III—CLAIBORNE PELL INSTITUTE FOR INTERNATIONAL RELATIONS AND PUBLIC POLICY**

##### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Claiborne Pell Institute for International Relations and Public Policy Act”.

##### **SEC. 302. GRANT AUTHORIZED.**

In recognition of the public service of Senator Claiborne Pell, the Secretary of Education is authorized to award a grant, in accordance with the provisions of this title, to assist in the establishment and operation of the Claiborne Pell Institute for International Relations and Public Policy, located at Salve Regina University, Newport, Rhode Island, including the purchase and renovation of facilities to house the Institute.

##### **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed \$3,000,000, as may be necessary to carry out this title.

##### **SEC. 304. EFFECTIVE DATE.**

This title shall take effect on the date of enactment of this Act.

#### **TITLE IV—GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE**

##### **SEC. 401. SHORT TITLE.**

This title may be cited as the “George Bush School of Government and Public Service Act”.

##### **SEC. 402. GRANT AUTHORIZED.**

In recognition of the public service of President George Bush, the Secretary of

Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A & M University.

#### SEC. 403. GRANT CONDITIONS.

No payment may be made under this title except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

#### SEC. 404. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated such sums, not to exceed \$3,000,000, as may be necessary to carry out the provisions of this title.

#### SEC. 405. EFFECTIVE DATE.

This title shall take effect on October 1, 1996.

### TITLE V—MISCELLANEOUS PROVISIONS

#### SEC. 501. EDMUND S. MUSKIE FOUNDATION.

In recognition of the public service of Senator and Secretary of State Edmund S. Muskie, the Secretary of Education is authorized to award a grant in accordance with the provisions of this Act to assist in the establishment of the Edmund S. Muskie Foundation, located in Washington, DC, by providing assistance to support the foundation, including assistance to be used for awarding stewardships, supporting the Muskie archives, and supporting the Edmund S. Muskie Institute of Public Affairs.

#### SEC. 502. CALVIN COOLIDGE MEMORIAL FOUNDATION GRANT.

(a) DEFINITIONS.—In this section:

(1) FOUNDATION.—The term "Foundation" means the Calvin Coolidge Memorial Foundation.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(b) GRANT AUTHORIZED.—The Secretary is authorized to make a grant in the amount of \$1,000,000 in accordance with the provisions of this section to the Foundation.

(c) GRANT CONDITIONS.—

(1) APPLICATION.—No payment may be made under this section except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(2) USE OF GRANT FUNDS.—Funds received under this section may be used for any of the following purposes:

(A) To increase the endowment of the Foundation.

(B) To conduct educational, archival, or preservation activities of the Foundation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$1,000,000, without fiscal year limitation, to carry out the provisions of this section.

(e) EFFECTIVE DATE.—This section shall take effect on October 1, 1996.

The SPEAKER pro tempore. (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

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

Mr. ROHRABACHER. Mr. Speaker, reserving the right to object, I would like to ask my good friend and colleague from New Jersey to explain to me the provisions in this bill concerning abortion and what protections we would have against, let us say, in China, for example, where there are forced abortions?

Mr. SMITH of New Jersey. Mr. Speaker, if the gentleman will yield,

the language in this legislation that dealt with coercive abortion was stripped in the Senate. The issue was already covered by the CR, which had an identical provision. We are concurring with the Senate in taking that language out of the bill, so there is nothing in the bill on that subject.

Mr. ROHRABACHER. Mr. Speaker, continuing my reservation of objection, some people were concerned that anyone who wanted to immigrate from China would just get pregnant and come back over here.

The second thing is, what groups are protected by this act? I understand this gives certain immigration treatment to certain groups.

Mr. SMITH of New Jersey. Mr. Speaker, if the gentleman will yield further, the language of the bill extends to Russian Jews, evangelicals, and to some of the people in Southeast Asia a very basic amount of protection for 1 year. As a matter of fact, this too mirrors exactly the human rights and refugee provisions in the CR, and because this had broad bipartisan support, it was kept in.

Mr. ROHRABACHER. Mr. Speaker, further reserving the right to object, I would ask the gentleman, is there a cap on this?

Mr. SMITH of New Jersey. No, there is not.

Mr. ROHRABACHER. How many people would be affected by this?

Mr. SMITH of New Jersey. It is unclear.

Mr. ROHRABACHER. Is it possible we are talking about more than 100,000 people?

Mr. SMITH of New Jersey. No, not at all. As a matter of fact, the annual cap negotiated between the administration and Congress is far less than 100,000 in its totality.

Mr. Speaker, this act consists of several human rights refugee and education provisions. I am proud to sponsor this legislation along with House International Relations Committee Chairman BEN GILMAN and Ranking Democratic Member LEE HAMILTON, as well as TOM LANTOS, HOWARD BERMAN, HENRY HYDE, ILEANA ROS-LEHTINEN, and BILL GOODLING. The administration does not oppose the legislation.

H.R. 4036 extends the authority of USIA to include Tibetan and Burmese exiles in its scholarship programs, and requires USIA to take appropriate steps to involve prodemocracy and human rights leaders in exchange programs with countries whose people do not fully enjoy freedom and democracy. It also requires that the State Department's Country Reports on Human Rights Practices include reports on each country's votes on resolutions before the U.N. Human Rights Commission, as well as its treatment of refugees. The latter provision is designed to enhance efforts to persuade other countries in the Western Hemisphere and elsewhere to accept their fair share of the world's refugee population, rather than leaving the brunt of the burden on the United States and a few other nations.

The act extends for 1 year an extremely important policy relating to refugees in certain

high-risk categories, such as Jews and evangelical Christians from the former Soviet Union and Southeast Asians who have suffered persecution for their wartime associations with the United States.

Also, the act provides that the United States should not give foreign assistance, other than humanitarian assistance, to Mauritania unless that country rigorously enforces its laws against human chattel slavery.

H.R. 4036 also authorizes the Secretary of Education to make grants for the Pell Institute, the Bush Fellowships, the Muskie Foundation, and the Coolidge Memorial Foundation. A Pell amendment deleted section 102, providing for reports on the Cuban Government's methods of enforcing its 1994 and 1995 immigration agreements with the United States.

The administration opposed an earlier version of this provision on the ground that it already provides such reports. We are agreeing to drop this provision only because we have been assured that these reports will continue to be provided. Originally, the agreement negotiated with the Senate was that a reference to the Cuba human rights reports would be placed in report language rather than in the text of the bill itself. Because the procedure under which this law is enacted does not provide for committee reports, it is important to place in the RECORD the continued expectation of the Subcommittee on International Operations and Human Rights that our Government will continue to monitor and report to Congress on the treatment of people against whom the Castro regime enforces these two agreements. The reports are an important manifestation of congressional concern about the human rights of persons against whom enforcement measures are taken.

I would like to extend my deep gratitude to Senator HELMS and his staff, who shepherded this important human rights bill through the Senate. In particular, Chief Counsel Tom Kleine of the Senate Foreign Relations Committee has demonstrated his willingness and ability to work effectively with people representing a wide range of viewpoints in order to ensure that our law reflects the right answers to important questions of public policy. Senator LOTT and Senator NICKLES and their respective staffs have also been extremely helpful. I also thank the Democratic staff of the Foreign Relations Committee for working with us on this bipartisan effort.

Mr. BALDACCI. Mr. Speaker, I rise today in support of H.R. 4036. Included in this legislation are provisions to create the Edmund S. Muskie Foundation. We were all deeply saddened earlier this year when Senator Muskie passed away. This legislation provides a worthy tribute to one of the Nation's greatest statesmen and legislators.

As part of its work, the Muskie Foundation will make environmental stewardship awards. Senator Muskie played a crucial role in the drafting and adoption of every major piece of environmental legislation that was signed into law during his tenure in the Senate. He was one of the first to recognize the tremendous harm that humans were doing to their environment. He educated his colleagues in the Congress, as well as the American people, and helped them to understand that we needed to change our ways. The result of his efforts was landmark legislation to clean up our Nation's air and water. The Muskie Foundation's environmental stewardship awards will help to ensure that Senator Muskie's legacy will live on.

The Muskie Foundation will also assist the Muskie Archives at Bates College in Lewiston, ME, to ensure that future generations will have access to Senator Muskie's papers. The foundation will work with the Muskie Institute for Public Policy at the University of Southern Maine to promote the study of policy development. And the foundation will engage in other programs and activities in which Senator Muskie had an abiding interest.

Mr. Speaker, as a freshman Member of Congress from the State of Maine, I was privileged to be able to turn to Senator Muskie for encouragement and advice. He was a mentor to me, and to countless others of my generation. I am pleased that we are honoring him today, and I urge my colleagues to support this legislation.

Mr. ROHRABACHER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. 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. 4036.

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

There was no objection.

#### PRESIDENTIAL AND EXECUTIVE OFFICE ACCOUNTABILITY ACT

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3452) to make certain laws applicable to the Executive Office of the President, and for other purposes, 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:

In section 1(b), strike the items relating to sections 4 through 9, and insert the following:

Sec. 4. Applicability of future employment laws.

Sec. 5. Repeal of section 303 of the Government Employee Rights Act of 1991.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 420 as an item relating to section 421.

In the table of contents relating to title 3, United States Code (as added by section 2), redesignate the item relating to section 430 as an item relating to section 431.

In the table of contents relating to title 3, United States Code (as added by section 2), in the item relating to subchapter III, strike the hyphen and insert a space.

In the table of contents relating to title 3, United States Code (as added by section 2), strike the item relating to section 457.

In the table of contents for title 3, United States Code (as amended by section 2), strike

the items relating to subchapters IV and V and insert the following:

#### "SUBCHAPTER IV—EFFECTIVE DATE

"471. Effective date."

In section 401 of title 3, United States Code (as added by section 2), insert before "Except" the following:

"(a) IN GENERAL.—"

In section 401 of title 3, United States Code (as added by section 2), add at the end the following:

"(b) DEFINITIONS RELATING TO CERTAIN MATTERS.—For purposes of applying this chapter with respect to any practice or other matter—

"(1) to which section 411 relates, the terms 'employing office' and 'covered employee' shall each be considered to have the meaning given to the term by such section;

"(2) to which section 412 relates, the term 'covered employee' means a covered employee described in section 412(a)(2)(B);

"(3) to which section 413 relates, the term 'covered employee' excludes interns and volunteers, as described in section 413(a)(2); and

"(4) to which section 416 relates, the term 'covered employee' means a covered employee described in section 416(a)(2)."

In section 411 of title 3, United States Code (as added by section 2), redesignate subsection (d) as subsection (e).

In section 411 of title 3, United States Code (as added by section 2 and so redesignated) insert after subsection (c) the following:

#### "(d) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b).

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in paragraphs (1) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 717 of the Civil Rights Act of 1964 or section 501 of the Rehabilitation Act of 1973 that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in paragraph (1) or (3) of subsection (a) or paragraph (1) or (3) of subsection (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government."

In section 411 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

"(f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997."

In section 412(b) of title 3, United States Code (as added by section 2), strike "such damages" and insert "such remedy".

In section 412 of title 3, United States Code (as added by section 2), add at the end the following:

#### "(c) REGULATIONS TO IMPLEMENT SECTION.—

"(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

"(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

"(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

"(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of subchapter V of chapter 63 of title 5, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

"(i) would be equally effective for the implementation of the rights and protections under this section; and

"(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998."

In section 413(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 413(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee"

In section 413(c)(3) of title 3, United States Code (as added by section 2), strike "President" and insert "President or designee".

In section 413 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998."

In section 414(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 414(c)(2) of title 3, United States Code (as added by section 2), strike "insofar as the President" and insert "to the extent that the President or designee"

In section 414 of title 3, United States Code (as added by section 2), add at the end the following:

"(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

"(1) the effective date of regulations issued under subsection (c); or

"(2) October 1, 1998."

In section 415(a)(2)(A) of title 3, United States Code (as added by section 2), strike "does not succeed himself" and insert "is not elected to a successive term".

In section 415(c)(1) of title 3, United States Code (as added by section 2), strike "President" and insert "President, or the designee of the President,".

In section 415(c)(2) of title 3, United States Code (as added by section 2), strike "subsection (a) except insofar as the President" and insert "subsections (a) and (b) except to the extent that the President or designee"

In section 415 of title 3, United States Code (as added by section 2), add at the end the following:

“(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

“(1) the effective date of regulations issued under subsection (c); or

“(2) October 1, 1998.”

In section 416(c)(1) of title 3, United States Code (as added by section 2), strike “President” and insert “President, or the designee of the President.”

In section 416(c) of title 3, United States Code (as added by section 2), strike paragraph (2) and insert the following:

“(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b)—

“(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

“(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 4314 or 4324 of title 38, United States Code, that applies to employees in the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

“(i) would be equally effective for the implementation of the rights and protections under this section; and

“(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.”

In section 416 of title 3, United States Code (as added by section 2), add at the end the following:

“(d) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on the earlier of—

“(1) the effective date of regulations issued under subsection (c); or

“(2) October 1, 1998.”

In section 417 of title 3, United States Code (as added by section 2), strike subsection (c).

In section 420 of title 3, United States Code (as added by section 2), strike “420.” and insert “421.”

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

“(d) REGULATIONS TO IMPLEMENT SECTION.—

“(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement this section.

“(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) shall be the same as substantive regulations promulgated by the appropriate officer of an executive agency to implement the statutory provisions referred to in subsections (a) and (b)—

“(A) except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section; and

“(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 1, 2, 3, or 6 of the Act entitled ‘An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped’, approved August 12, 1968 (commonly known as the ‘Architectural Barriers Act of 1968’) or section 501 of the Rehabilitation Act of 1973 that applies to agencies of the executive branch of the Federal Government in lieu of an analogous

statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

“(i) would be equally effective for the implementation of the rights and protections under this section; and

“(ii) would promote uniformity in the application of Federal law to agencies of the executive branch of the Federal Government.

“(e) EFFECTIVE DATE.—Subsections (a), (b), and (c) shall take effect on the earlier of—

“(1) the effective date of regulations issued under subsection (d); or

“(2) October 1, 1998.”

In section 425(c)(3)(A) of title 3, United States Code (as added by section 2), strike “he” and insert “the employer”.

In section 425(c)(5) of title 3, United States Code (as added by section 2), strike “appropriate United States circuit court of appeals” and insert “United States Court of Appeals for the Federal Circuit”.

In section 425(d)(1) of title 3, United States Code (as added by section 2), strike “President” and insert “President, or the designee of the President.”

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike “subsection (a) except to the extent that the President” and insert the following: “subsections (a) and (b)—

“(A) except to the extent that the President or designee—

In section 425(d)(2) of title 3, United States Code (as added by section 2), strike the period at the end and insert the following: “; and

“(B) except that the President or designee may, at the discretion of the President or designee, issue regulations to implement a provision of section 19 of the Occupational Safety and Health Act of 1970 that applies to agencies or employees of the executive branch of the Federal Government in lieu of an analogous statutory provision referred to in subsection (a) or (b), if the issuance of such regulations—

“(i) would be equally effective for the implementation of the rights and protections under this section; and

“(ii) would promote uniformity in the application of Federal law to employees in the executive branch of the Federal Government.”

In section 425 of title 3, United States Code (as added by section 2), add at the end the following:

“(e) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

“(1) the effective date of regulations issued under subsection (d); or

“(2) October 1, 1998.”

In section 430 of title 3, United States Code (as added by section 2), strike “430.” and insert “431.”

In section 431(c)(2)(B) of title 3, United States Code (as added by section 2 and so redesignated), strike “deems” and insert “may determine that a modification of such regulations is”.

In section 431(d)(1) of title 3, United States Code (as added by section 2 and so redesignated), strike “Federal Labor Relations”.

In section 431(d)(2)(E) of title 3, United States Code (as added by section 2 and so redesignated), strike “Advisors” and insert “Advisers”.

In section 431(d)(2)(G) of title 3, United States Code (as added by section 2 and so redesignated), strike the semicolon and insert “; and”.

In section 431(d)(2)(H) of title 3, United States Code (as added by section 2 and so redesignated), strike “; and” and insert a period.

In section 431(d)(2) of title 3, United States Code (as added by section 2 and so redesignated), strike subparagraph (I).

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), add at the end the following:

“(e) EFFECTIVE DATE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), subsections (a) and (b) shall take effect on the earlier of—

“(A) the effective date of regulations issued under subsection (c); or

“(B) October 1, 1998.

“(2) CERTAIN EMPLOYING OFFICES.—Subsections (a) and (b) shall take effect, with respect to employing offices, and employees of employing offices, referred to in subsection (d)(2), on the earlier of—

“(A) the effective date of regulations issued under subsection (d); or

“(B) October 1, 1998.”

In section 435(a) of title 3, United States Code (as added by section 2), strike “420” and insert “421”.

In section 435 of title 3, United States Code (as added by section 2), strike subsection (g) and insert the following:

“(g) POLITICAL AFFILIATION.—It shall not be a violation of any provision of this chapter to consider, or make any employment decision based on, the party affiliation, or political compatibility with the employing office, of an employee who is a covered employee.”

In section 452(a) of title 3, United States Code (as added by section 2), strike “President” and insert “President, or the designee of the President.”

In section 453(1) of title 3, United States Code (as added by section 2), strike “administrative”.

In section 454(a) of title 3, United States Code (as added by section 2), add at the end the following: “The complaint in an action involving such an alleged violation shall be processed under the procedures specified by the President, or the designee of the President, in such regulations as the President or designee may issue.”

In section 454(b)(1) of title 3, United States Code (as added by section 2), strike “other Federal employee” and insert “employee in the executive branch of the Federal Government (other than a covered employee)”.

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike “However, in” and insert “In”.

In section 454(b)(2) of title 3, United States Code (as added by section 2), strike “(c)(1)”.

In section 454(b)(3) of title 3, United States Code (as added by section 2), strike “appropriate circuit court of appeals” and insert “United States Court of Appeals for the Federal Circuit”.

In section 455 of title 3, United States Code (as added by section 2), strike “President” and insert “President, or the designee of the President.”

In title 3, United States Code (as amended by section 2), strike section 457.

In title 3, United States Code (as amended by section 2), strike subchapter IV.

In title 3, United States Code (as amended by section 2), redesignate subchapter V as subchapter IV.

In title 3, United States Code (as amended by section 2), strike section 481 and insert the following:

“SEC. 471. EFFECTIVE DATE.

“(a) IN GENERAL.—Except as otherwise provided in this chapter, this chapter shall take effect on October 1, 1997.

“(b) REGULATIONS.—Sections 411(d), 412(c), 413(c), 414(c), 415(c), 416(c), 421(d), 425(d), 431(c), 431(d), 452(a), and 454(a) shall take effect on the date of enactment of this Act.”

Section 2(b) is amended to read as follows:

(b) REGULATIONS.—Appropriate measures shall be taken to ensure that—

(1) any regulations required to implement section 411 of title 3, United States Code, shall be in effect by October 1, 1997; and

(2) any other regulations needed to implement chapter 5 of title 3, United States Code shall be in effect as soon as practicable, but not later than October 1, 1998.

In section 3(a)(1), strike "(1) Chapter" and insert the following:

"(1) IN GENERAL.—Chapter".

In section 1296(a) of title 3, United States Code (as added by section 3(a)(1)), strike "the courts of appeals (other than the United States Court of Appeals for the Federal Circuit)" and insert "the United States Court of Appeals for the Federal Circuit".

In section 1296(a)(2) of title 3, United States Code (as added by section 3(a)(1)), strike "under chapter" and all that follows through "such title" and insert "made under part D of subchapter II of chapter 5 of title 3, notwithstanding section 7123 of title 5".

In section 1296 of title 3, United States Code (as added by section 3(a)(1)), strike subsection (c).

In section 3(a)(2), strike "(2) The table of sections for chapter 158" and insert the following:

"(2) TABLE OF SECTIONS.—The table of sections for chapter 83".

In section 3(b)(2)(A), strike "(A) Chapter" and insert the following:

"(A) IN GENERAL.—Chapter".

In section 3(b)(2)(B), strike "(B)" and insert the following:

"(B) TABLE OF SECTIONS.—".

In section 3(b)(3), strike "(A)".

In section 3(b)(3), insert opening quotation marks after "striking".

In section 3(c), strike "PROCEDURE.—" and all that follows through "Part VI" and insert the following: "PROCEDURE.—Part VI".

In section 3903 of title 28, United States Code (as added by section 3(c)), strike "President" and insert "President, the designee of the President, or the Federal Labor Relations Authority".

In section 3905(a) of title 28, United States Code (as added by section 3(c)), strike "420" and insert "421".

In section 3905 of title 28, United States Code (as added by section 3(c)), add at the end the following:

"(c) PUNITIVE DAMAGES.—Except as otherwise provided in chapter 5 of title 3, no punitive damages may be awarded with respect to any claim under chapter 5 of title 3."

In section 3906(2) of title 28, United States Code (as added by section 3(c)), strike "such office" and insert "the office involved".

In title 28, United States Code (as amended by section 3(c)), strike section 3908 and insert the following:

#### "§3908. Definitions.

"For purposes of applying this chapter, the terms 'employing office' and 'covered employee' have the meanings given those terms in section 401 of title 3."

Section 3(d) is amended to read as follows:

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

In section 3(e), strike "(1)".

Strike sections 4 and 5.

Strike section 6 and insert the following:

#### SEC. 4. APPLICABILITY OF FUTURE EMPLOYMENT LAWS.

(a) IN GENERAL.—Each provision of Federal law that is made applicable to the legislative branch under section 102 of the Congressional Accountability Act of 1995 (2 U.S.C. 1302), and that is enacted later than 12 months after the date of the enactment of this Act, shall be deemed to apply with respect to "employing offices" and "covered employees" (within the meaning of section 401 of title 3, United States Code, as added by this Act), unless such law specifically provides otherwise and expressly cites this section.

#### (b) REGULATIONS.—

(1) IN GENERAL.—The President, or the designee of the President, shall issue regulations to implement such provision.

(2) AGENCY REGULATIONS.—The regulations issued under paragraph (1) to implement a provision shall be the same as substantive regulations promulgated by the head of the appropriate executive agency to implement the provision, except to the extent that the President or designee may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under the section.

In section 7, in the section heading, strike "320" and insert "303".

In section 7(a), strike "320 of the Government Employee Rights Act of 1991" and insert "303 of the Government Employee Rights Act of 1991 (as redesignated by section 504(a)(3) of the Congressional Accountability Act of 1995)".

Section 7(b) is amended to read as follows: (b) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

In section 7(c), strike "in which the" and insert "under such section 303 in which a".

Redesignate section 7 as section 5.

Strike sections 8 and 9.

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter I and insert the following:

#### "SUBCHAPTER I—GENERAL PROVISIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter II and insert the following:

#### "SUBCHAPTER II—EXTENSION OF RIGHTS AND PROTECTIONS".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter III and insert the following:

#### "SUBCHAPTER III—ADMINISTRATIVE AND JUDICIAL DISPUTE RESOLUTION PROCEDURES".

In chapter 5 of title 3, United States Code (as added by section 2), strike the subchapter heading for subchapter IV (as so redesignated) and insert the following:

#### "SUBCHAPTER IV—EFFECTIVE DATE".

In section 401 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§401. Definitions".

In section 402 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§402. Application of laws".

In section 411 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§411. Rights and protections under title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and title I of the Americans with Disabilities Act of 1990".

In section 412 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§412. Rights and protections under the Family and Medical Leave Act of 1993".

In section 413 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§413. Rights and protections under the Fair Labor Standards Act of 1938".

In section 414 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§414. Rights and protections under the Employee Polygraph Protection Act of 1988".

In section 415 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§415. Rights and protections under the Worker Adjustment and Retraining Notification Act".

In section 416 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§416. Rights and protections relating to veterans' employment and reemployment".

In section 417 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§417. Prohibition of intimidation or reprisal".

In section 421 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

#### "§421. Rights and protections under the Americans with Disabilities Act of 1990".

In section 425 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§425. Rights and protections under the Occupational Safety and Health Act of 1970; procedures for remedy of violations".

In section 431 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

#### "§431. Application of chapter 71 of title 5, relating to Federal service labor-management relations; procedures for remedy of violations".

In section 435 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§435. Generally applicable remedies and limitations".

In section 451 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§451. Procedure for consideration of alleged violations".

In section 452 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§452. Counseling and mediation".

In section 453 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§453. Election of proceeding".

In section 454 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§454. Appropriate agencies".

In section 455 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§455. Effect of failure to issue regulations".

In section 456 of title 3, United States Code (as added by section 2), strike the section heading and insert the following:

#### "§456. Confidentiality".

In section 471 of title 3, United States Code (as added by section 2 and so redesignated), strike the section heading and insert the following:

#### "§471. Effective date".

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

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

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I would like to ask the distinguished chairman several questions about this bill.

Mr. Speaker, my understanding is this is to parallel the Congressional Accountability Act, and I know that the House has decided not to allow unions for legislative employees. What are we doing in this bill then vis-a-vis executive branch employees?

Mr. CLINGER. Mr. Speaker, if the gentlewoman will yield, my understanding is this bill tracks the Congressional Accountability Act. I am advised there is no provision in this bill with regard to union representation.

Mrs. SCHROEDER. Mr. Speaker, further reserving the right to object, I thank the gentleman for that. The second question I have is about the inspector general. There were folks saying that the inspector general in the White House is given more authority than the inspector general has under the congressional accountability laws.

Mr. CLINGER. If the gentlewoman would yield further, I would advise the gentlewoman that the provision with regard to inspector general, as well as the provision with regard to chief financial officer which were included in the House-passed version of the bill, were stricken by the Senate and are not included in this unanimous-consent request.

Mrs. SCHROEDER. I see. So basically this is as close a mirror to what the Congressional Accountability Act was, and the areas that we have blocked by just not implementing them, would the White House be allowed to do the same?

Mr. CLINGER. I am sorry, would the gentlewoman repeat the question?

Mrs. SCHROEDER. As the gentleman knows, there have been parts of the Congressional Accountability Act that we have not implemented fully here. Would the White House be allowed that same leeway, to not implement in the areas where the House is not implementing?

Mr. CLINGER. Mr. Speaker, if the gentlewoman would yield further, as I would suggest to the gentlewoman, I think since the act is designed to track the congressional version, obviously if portions of it have not been implemented in the House, they would be deferred in the executive branch as well.

Mrs. SCHROEDER. Mr. Speaker, further reserving the right to object, I thank the gentleman. I am one of the people who really thinks both should be fully under the laws we pass for other people, but in my entire 24 years here we tend to pass it and then exempt all sorts of things. I want to be sure that we have not done that vis-a-vis ourselves, but turned around and done it to the executive branch. I think we ought to be treating both the same. I think we both ought to get rid of all roadblocks and be under the laws that everybody else is under. What the gentleman is assuring me is that his intent is to treat the executive branch

exactly the same way he has treated us through this House.

Mr. CLINGER. If the gentlewoman would yield further, precisely the same way as we are dealt with here in the House.

Mrs. SCHROEDER. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MONTGOMERY. Mr. Speaker, reserving the right to object, I think the veterans preference that was passed under the Mica bill is not in this bill we are considering now.

Mr. CLINGER. Mr. Speaker, if the gentleman would yield, the gentleman is correct. It is not included in this measure.

Mr. MONTGOMERY. The Senate did drop the provisions on the veterans provision.

Mr. CLINGER. The gentleman is correct.

Mrs. MALONEY. Mr. Speaker, I strongly support H.R. 3452, the Presidential and Executive Office Accountability Act, as amended by the other body. The basic principle behind this legislation is that the Federal Government should be subject to the same laws and regulations as the private sector. Congress has already passed the Congressional Accountability Act, and there is no good reason why the Executive Office of the President should not also be subject to the same laws as Congress and the private sector.

The other body has improved this bill by deleting two controversial provisions from the House-passed version—one called for a compliance board and the other for establishing an inspector general in the White House. The compliance board would have been unnecessary and overly bureaucratic, as White House employees already have recourse to the Merit Systems Protection Board. The provision establishing an inspector general in the White House was, in my view, costly, unnecessary, and of dubious constitutionality. I am glad that we will have an opportunity for full and open debate on this issue in the future.

Mr. Speaker, H.R. 3452 is a good bill, and I want to thank Representative HORN and Chairman CLINGER for their willingness to work with the minority as it made its way through the legislative process.

Mr. MONTGOMERY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. CLINGER. 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. 3452.

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

There was no objection.

#### BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks, 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 "United States Commemorative Coin Act of 1996".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—COMMEMORATIVE COIN PROGRAMS

Sec. 101. Commemorative coin programs.

Sec. 102. Design.

Sec. 103. Legal tender.

Sec. 104. Sources of bullion.

Sec. 105. Quality of coins.

Sec. 106. Sale of coins.

Sec. 107. General waiver of procurement regulations.

Sec. 108. Financial assurances.

#### TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

Sec. 201. National Law Enforcement Officers Memorial Maintenance Fund.

#### TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

Sec. 301. Short title.

Sec. 302. Study.

Sec. 303. Fixed terms for members of the Citizens Commemorative Coin Advisory Committee.

Sec. 304. Mint managerial staffing reform.

#### SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Fund" means the National Law Enforcement Officers Memorial Maintenance Fund established under section 201;

(2) the term "recipient organization" means an organization described in section 101 to which surcharges received by the Secretary from the sale of coins issued under this Act are paid; and

(3) the term "Secretary" means the Secretary of the Treasury.

#### TITLE I—COMMEMORATIVE COIN PROGRAMS

##### SEC. 101. COMMEMORATIVE COIN PROGRAMS.

In accordance with the recommendations of the Citizens Commemorative Coin Advisory Committee, the Secretary shall mint and issue the following coins:

(1) DOLLEY MADISON.—

(A) *IN GENERAL.*—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) *DESIGN OF COINS.*—The design of the coins minted under this paragraph shall be emblematic of the 150th anniversary of the death of

*Dolley Madison and the life and achievements of the wife of the fourth President of the United States.*

(C) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) **ISSUANCE OF COINS.**—

(i) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this paragraph beginning January 1, 1999.

(ii) **TERMINATION OF MINTING AUTHORITY.**—No coins may be minted under this paragraph after December 31, 1999.

(E) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(F) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this paragraph referred to as the "National Trust") to be used—

(i) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(ii) to fund capital restoration projects at Montpelier.

(2) **GEORGE WASHINGTON.**—

(A) **IN GENERAL.**—The Secretary shall mint and issue not more than 100,000 \$5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) **DESIGN OF COINS.**—The design of the coins minted under this paragraph shall be emblematic of George Washington, the first President of the United States.

(C) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) **ISSUANCE OF COINS.**—

(i) **COMMENCEMENT OF ISSUANCE.**—The Secretary may issue coins minted under this paragraph beginning May 1, 1999.

(ii) **TERMINATION OF MINTING AUTHORITY.**—No coins may be minted under this paragraph after November 31, 1999.

(E) **SURCHARGES.**—All sales of coins minted under this paragraph shall include a surcharge of \$35 per coin.

(F) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this paragraph referred to as the "Association") to be used—

(i) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(ii) to provide financial support for the continuation and expansion of the Association's efforts to educate the American people about the life of George Washington.

(3) **BLACK REVOLUTIONARY WAR PATRIOTS.**—

(A) **IN GENERAL.**—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the first Black Revolutionary War patriot, Crispus Attucks, who was the first American colonist killed by British troops during the Revolutionary period, the Secretary shall mint and issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) **DESIGN OF COINS.**—The design of the coins minted under this paragraph—

(i) on the obverse side of the coins, shall be emblematic of the first Black Revolutionary War patriot, Crispus Attucks; and

(ii) on the reverse side of such coins, shall be emblematic of the Black Revolutionary War Patriots Memorial.

(C) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) **ISSUANCE OF COINS.**—The Secretary may issue coins minted under this paragraph only during the period beginning on January 1, 1998, and ending on December 31, 1998.

(E) **SURCHARGES.**—All sales of coins issued under this paragraph shall include a surcharge of \$10 per coin.

(F) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of establishing an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

(4) **FRANKLIN DELANO ROOSEVELT.**—

(A) **IN GENERAL.**—To commemorate the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C., which will honor President Roosevelt's leadership and legacy, during a 1-year period beginning on or after May 15, 1997, the Secretary shall issue not more than 100,000 \$5 coins, each of which shall—

(i) weigh 8.359 grams;

(ii) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy.

(B) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$35 per coin.

(D) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary to the Franklin Delano Roosevelt Memorial Commission.

(5) **YELLOWSTONE NATIONAL PARK.**—

(A) **IN GENERAL.**—To commemorate the 125th anniversary of the establishment of Yellowstone National Park as the first national park in the United States, and the birth of the national park idea, during a 1-year period beginning in 1999, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), all surcharges received by the Secretary from the sale of coins issued under this paragraph shall be promptly paid by the Secretary in accordance with the following:

(i) Fifty percent of the surcharges received shall be paid to the National Park Foundation to be used for the support of national parks.

(ii) Fifty percent of the surcharges received shall be paid to Yellowstone National Park.

(6) **NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.**—

(A) **IN GENERAL.**—To recognize the sacrifice of law enforcement officers and their families in preserving public safety, during a 1-year period beginning on or after December 15, 1997, the Secretary shall issue not more than 500,000 \$1 coins, each of which shall—

(i) weigh 26.73 grams;

(ii) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent alloy.

(B) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(C) **SURCHARGES.**—All sales of the coins issued under this paragraph shall include a surcharge of \$10 per coin.

(D) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act), after receiving surcharges from the sale of the coins issued under this paragraph, the Secretary shall transfer to the Secretary of the Interior an amount equal to the surcharges received from the sale of the coins issued under this paragraph, which amount shall be deposited in the Fund established under section 201.

(7) **JACKIE ROBINSON.**—

(A) **IN GENERAL.**—In commemoration of the 50th anniversary of the breaking of the color barrier in major league baseball by Jackie Robinson and the legacy that Jackie Robinson left to society, the Secretary shall mint and issue—

(i) not more than 100,000 \$5 coins, each of which shall—

(I) weigh 8.359 grams;

(II) have a diameter of 0.850 inches; and

(iii) contain 90 percent gold and 10 percent alloy; and

(ii) not more than 200,000 \$1 coins, each of which shall—

(I) weigh 26.73 grams;

(II) have a diameter of 1.500 inches; and

(iii) contain 90 percent silver and 10 percent copper.

(B) **DESIGN OF COINS.**—The design of the coins minted under this paragraph shall be emblematic of Jackie Robinson and his contributions to major league baseball and to society.

(C) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this paragraph.

(D) **ISSUANCE OF COINS.**—The Secretary may issue coins minted under this paragraph only during the period beginning on July 1, 1997, and ending on July 1, 1998.

(E) **SURCHARGES.**—All sales of the coins issued under—

(i) subparagraph (A)(i) shall include a surcharge of \$35 per coin; and

(ii) subparagraph (A)(ii) shall include a surcharge of \$10 per coin.

(F) **DISTRIBUTION OF SURCHARGES.**—Subject to section 5134(f) of title 31, United States Code (as added by section 301(b) of this Act)—

(i) all surcharges received by the Secretary from the sale of the initial 100,000 coins issued under subparagraph (A)(ii), shall be promptly paid by the Secretary to the National Fund for the United States Botanic Garden; and

(ii) all surcharges received by the Secretary from the sale of any coins issued under this paragraph (other than the coins described in clause (i)) shall be promptly paid by the Secretary to the Jackie Robinson Foundation for the purposes of—

(I) enhancing the programs of the Jackie Robinson Foundation in the fields of education and youth leadership skills development; and

(II) increasing the availability of scholarships for economically disadvantaged youths.

**SEC. 102. DESIGN.**

(a) **SELECTION.**—The design for each coin issued under this paragraph shall be—

(1) selected by the Secretary after consultation with the appropriate recipient organization or



organizations and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin issued under this paragraph there shall be—

- (1) a designation of the value of the coin;
- (2) an inscription of the year; and
- (3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

#### SEC. 103. LEGAL TENDER.

(a) LEGAL TENDER.—The coins issued under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134(f) of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

#### SEC. 104. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this title pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this title from sources the Secretary determines to be appropriate, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

#### SEC. 105. QUALITY OF COINS.

Each coin minted under this title shall be issued in uncirculated and proof qualities.

#### SEC. 106. SALE OF COINS.

(a) SALE PRICE.—Each coin issued under this title shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coin;
- (2) the surcharge provided in section 101 with respect to the coin; and
- (3) the cost of designing and issuing the coin (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this title before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

#### SEC. 107. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

Section 5112(j) of title 31, United States Code, shall apply to the procurement of goods or services necessary to carrying out the programs and operations of the United States Mint under this title.

#### SEC. 108. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this title will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this title unless the Secretary has received—

- (1) full payment for the coin;
- (2) security satisfactory to the Secretary to indemnify the United States for full payment; or
- (3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

#### TITLE II—NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND

##### SEC. 201. NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL MAINTENANCE FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Law Enforcement Officers Memorial Maintenance Fund, which shall be a revolving fund administered by the Secretary of the Interior

(or the designee of the Secretary of the Interior).

(2) FUNDING.—Amounts in the Fund shall include—

(A) amounts deposited in the Fund under section 101(6); and

(B) any donations received under paragraph (3).

(3) DONATIONS.—The Secretary of the Interior may accept donations to the Fund.

(4) INTEREST-BEARING ACCOUNT.—The Fund shall be maintained in an interest-bearing account within the Treasury of the United States.

(b) PURPOSES.—The Fund shall be used—

(1) for the maintenance and repair of the National Law Enforcement Officers Memorial in Washington, D.C.;

(2) to periodically add the names of law enforcement officers who have died in the line of duty to the National Law Enforcement Officers Memorial;

(3) for the security of the National Law Enforcement Officers Memorial site, including the posting of National Park Service rangers and United States Park Police, as appropriate;

(4) at the discretion of the Secretary of the Interior and in consultation with the Secretary and the Attorney General of the United States, who shall establish an equitable procedure between the Fund and such other organizations as may be appropriate, to provide educational scholarships to the immediate family members of law enforcement officers killed in the line of duty whose names appear on the National Law Enforcement Officers Memorial, the total annual amount of such scholarships not to exceed 10 percent of the annual income of the Fund;

(5) for the dissemination of information regarding the National Law Enforcement Officers Memorial to the general public;

(6) to administer the Fund, including contracting for necessary services, in an amount not to exceed the lesser of—

- (A) 10 percent of the annual income of the Fund; or
- (B) \$200,000 during any 1-year period; and

(7) at the discretion of the Secretary of the Interior, in consultation with the Fund, for appropriate purposes in the event of an emergency affecting the operation of the National Law Enforcement Officers Memorial, except that, during any 1-year period, not more than \$200,000 of the principal of the Fund may be used to carry out this paragraph.

(c) BUDGET AND AUDIT TREATMENT.—The Fund shall be subject to the budget and audit provisions of chapter 91 of title 31, United States Code.

#### TITLE III—STUDY OF FIFTY STATES COMMEMORATIVE COIN PROGRAM

##### SEC. 301. SHORT TITLE.

This title may be cited as the "50 States Commemorative Coin Program Act".

##### SEC. 302. STUDY.

(a) STUDY.—The Secretary of the Treasury shall by June 1, 1997 complete a study of the feasibility of a circulating commemorative coin program to commemorate each of the 50 States. The study shall assess likely public acceptance of and consumer demand for different coins that might be issued in connection with such a program (taking into consideration the pace of issuance of coins and the length of such a program), a comparison of the costs of producing coins issued under the program and the revenue that the program would generate, the impact on coin distribution systems, the advantages and disadvantages of different approaches to selecting designs for coins in such a program, and such other factors as the Secretary considers appropriate in deciding upon the feasibility of such a program. No steps taken in order to gather information for this study shall be considered a collection of information within the meaning of section 3502 of title 44, United States Code.

(b) REPORT.—The Secretary shall submit the study required in subsection (a) above, to the

Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate, simultaneously on its receipt by the Secretary.

(c) 50-STATE COMMEMORATIVE COIN PROGRAM.—The Secretary shall determine by August 1, 1997 whether the results of the study authorized by subsection (a) justify such a program. If the Secretary determines that such a program is justified, then he shall by January 1, 1999, notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) of section 5112, title 31, United States Code, commence a commemorative coin program consisting of the minting and issuance of quarter dollar coins bearing designs, selected in accordance with paragraph (4) of this subsection, which are emblematic of the 50 States. If the Secretary determines that such a commemorative coin program is justified but that it is not practicable to commence the program by January 1, 1999, then he shall notify the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of such impracticability and of the date on which the program will commence.

(1) DESIGN.—The design for each quarter dollar issued under the program shall be emblematic of 1 of the 50 States. The designs for quarter dollar coins issued during each year of the program shall be emblematic of States which have not previously been commemorated under the program.

(2) ORDER OF ISSUANCE.—Each State will be honored by a coin in the order of that State's admission to the United States.

(3) NUMBER OF COINS.—Of the quarter dollar coins issued during each year of the program, the Secretary shall prescribe, on the basis of such factors as the Secretary determines to be appropriate, the number of quarter dollar coins which shall be issued with each of the designs selected for such year.

(4) SELECTION OF DESIGN.—Each of the 50 designs required for quarter dollars issued under the program shall be—

(A) selected pursuant to a process, decided upon by the Secretary, on the basis of the study conducted pursuant to subsection (a), which process shall involve, among other things, consultation with appropriate officials of the State being commemorated with such design; and

(B) reviewed by the Citizens Commemorative Coin Advisory Committee and the Commission of Fine Arts.

(5) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this section shall be considered to be numismatic items.

(6) NUMISMATIC ITEMS.—

(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection in uncirculated and proof qualities as the Secretary determines to be appropriate.

(B) SILVER COINS.—Notwithstanding the provisions of subsection 5112(b) of title 31, United States Code, the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) of this subsection as the Secretary determines to be appropriate with a content of 90 percent silver and 10 percent copper.

(C) SOURCES OF BULLION.—The Secretary may obtain silver for minting coins under paragraph (6)(B) from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

(d) FUNDING.—Funds used to complete this study shall be offset from funds from the Department of the Treasury.



**SEC. 303. FIXED TERMS FOR MEMBERS OF THE CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.**

(a) *IN GENERAL.*—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

“(4) *TERMS.*—

“(A) *IN GENERAL.*—Each individual appointed to the Advisory Committee under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.

“(B) *INTERIM APPOINTMENTS.*—Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

“(C) *CONTINUATION OF SERVICE.*—Each member appointed under clause (i) or (iii) of paragraph (3)(A) may continue to serve after the expiration of the term to which such member was appointed until a successor has been appointed and qualified.”.

(b) *STAGGERED TERMS.*—Of the members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, who are serving on the Advisory Committee as of the date of the enactment of this Act—

(1) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1997;

(2) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1998; and

(3) 1 member appointed under clause (i) and 1 member appointed under clause (iii), as designated by the Secretary, shall be deemed to have been appointed to a term which ends on December 31, 1999.

(c) *STATUS OF MEMBERS.*—The members appointed to the Citizens Commemorative Coin Advisory Committee under clause (i) or (iii) of section 5135(a)(3)(A) of title 31, United States Code, shall not be treated as special Government employees.

**SEC. 304. MINT MANAGERIAL STAFFING REFORM.**  
Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendments are considered as read and printed in the RECORD.

There was no objection.

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 1776, an omnibus commemorative coin act that has been negotiated with the Senate. This bill contains seven surcharged commemorative coin programs and the promise of a new circulating program. For the first time, the taxpayer and the Mint will be insulated from any failure of these programs to sell their authorized mintage amounts. That is because the protections from our earlier reform legislation H.R. 2614, have been signed into law earlier this week.

The beneficiaries of the respective coins are as follows—for 1997: the Franklin Delano Roosevelt Memorial, 100,000 \$5 gold coins authorized, the National Law Enforcement Officers Memorial Fund, 500,000 silver dollars authorized, and the Jackie Robinson Foundation, 100,000 \$5 gold coins authorized and 200,000 silver dollars authorized. In 1999, Yellowstone National Park is scheduled to be commemorated, with 500,000 silver \$1 coins authorized.

In addition, we are moving toward the first circulating commemorative coin program since

the bicentennial quarter. Providing a Treasury feasibility study is positive, the program will honor the 50 States of the United States of America by producing a series of circulating quarter dollar coins that commemorate each State in the order that they entered the Union.

The bill also provides coins for the three programs that observed House Banking Committee rules and proceeded through the difficult process of obtaining two thirds co-sponsorship, through hearings, mark-up and passage through this House in regular order. They are: The Black Revolutionary War Patriots Memorial for 1998, 500,000 silver dollars, the Dolley Madison coin for the benefit of Montpelier in 1999, 500,000 silver dollars, and the George Washington coin to benefit Mount Vernon also in 1999, 100,000 gold \$5 pieces.

This bill protects the taxpayer from the abuses common to many earlier coin programs and still benefits these most worthy causes.

I urge its immediate adoption.

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in support of the Senate amendments to H.R. 1776. Included in them is a bill I introduced with Congressman FLOYD FLAKE which would commemorate the 50th anniversary of Jackie Robinson's breaking the color barrier in major league baseball. Our bill, entitled the “Jackie Robinson Commemorative Coin Act” (H.R. 4148) currently has 158 cosponsors.

Our bill would authorize the minting of \$1 coins to commemorate this important event in American history. Sales of the coin would benefit the Jackie Robinson Foundation, which provides college scholarships to hundreds of underprivileged students. An important feature of this bill is that it requires the Treasury Department to recover its full costs before any funds go to the Foundation.

Jackie Robinson was a great and courageous American. Many Americans today would be unable to comprehend the virulent racism Jackie Robinson experienced when he became America's first African-American major league baseball player.

It is truly amazing that any human being could have withstood the endless abuse and degrading racial epithets that were hurled at Jackie Robinson during the 1947 baseball season. Yet, he never let racial slurs get the best of him. Instead, Jackie Robinson conducted himself with the utmost grace and dignity. On the field, he proved to his detractors that the color of one's skin is irrelevant to one's athletic ability.

In fact, he was such an incredible ballplayer that he won the Rookie of the Year award that year.

Mr. Speaker, Jackie Robinson was a talented hitter and fielder, but to many, his athletic prowess was most apparent as a base runner. He led the National League in stolen bases in 1947 and 1949. Perhaps his most exciting play was stealing home. As any baseball fan knows, stealing home is one of the most difficult plays in baseball to execute—yet it was Jackie Robinson's specialty.

I remember watching old newsreels of Brooklyn Dodger games and seeing Jackie on third base, with a big lead, taunting the pitcher. Then he would explode down the base path in a flash and slide into home before the catcher could apply the tag. No play in baseball is more exciting to watch.

Of course, stealing home, like being the first black major league ball player, take guts, su-

preme confidence, and a steely determination—qualities Jackie Robinson had both on and off the field.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1776, an omnibus commemorative coin act that has been negotiated with the Senate. This bill contains seven surcharged coin programs that, as usual, benefit worthy causes. I still believe that there are too many coin programs being ordered to be minted in 1997 for them all to be successful. However, for the first time, the taxpayer and the mint will be insulated from any failure of these programs to sell their authorized mintage amounts. That is because the protections from our reform legislation H.R. 2614, have been signed into law earlier this week.

The beneficiaries of the respective coins are as follows—for 1997: the Franklin Delano Roosevelt Memorial, 100,000 \$5 gold coins authorized, the National Law Enforcement Officers Memorial Fund, 500,000 silver dollars authorized, and the Jackie Robinson Foundation, 100,000 \$5 gold coins authorized and 200,000 silver dollars authorized. In 1999 Yellowstone National Park will be commemorated, 500,000 silver coins authorized. Under the Commemorative Coin Reform Act signed into law on September 30, 1996, only two programs per year are permitted. Early in the 105th Congress we will address this conflict in a mutually agreeable fashion.

The bill also includes something for the collectors who support all of these programs by actually purchasing the resulting coins. Beginning after 1999, mintages will be limited and as stated, only two programs per year will be permitted. In addition, we are moving toward the first circulating commemorative coin program since the bicentennial quarter. Providing a Treasury feasibility study is positive, the program will honor the 50 States of the United States of America by producing a series of circulating quarter dollar coins that commemorate each State in the order that they entered the Union.

Each year, until every State has been honored, five unique designs, each representing an individual State, will be issued at intervals of about 2 months. The completed set will represent the diverse history and culture of the States of the Union.

There will be no private surcharges added to the cost of these coins. Nevertheless, the estimated earnings from the silver coins alone is over \$100 million over the course of the program. This sum is scorable for budgetary purposes.

The mint's production schedule is demand driven. Increased production, estimated for this circulating commemorative program at an additional 50 percent over baseline projections, will produce anticipated earnings on the order of over \$3 billion for the total program. By Congressional Budget Office scoring convention, these earnings are off-budget and thus are not available to be spent by Congress. Instead, they will be applied directly to replace borrowing otherwise necessary to fund the national debt, saving taxpayers over \$1 billion in interest payments over the first 10 years of the program.

The bill also provides coins for the three programs that observed House Banking Committee rules and proceeded through the difficult process of obtaining two-thirds cosponsorship, through hearings, markup and passage through this House in regular order.

They are: The Black Revolutionary War Patriots Memorial for 1998, 500,000 silver dollars, the Dolley Madison coin for the benefit of Montpelier in 1999, 500,000 silver dollars, and the George Washington coin to benefit Mount Vernon also in 1999, 100,000 gold \$5 pieces.

Among its other virtues, this program will introduce a younger and more diverse population to the fascinating hobby of coin collecting. This bill will also protect the taxpayer from the abuses common to many earlier coin programs and still benefit a number of worthy causes.

I urge its immediate adoption.

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

There was no objection.

A motion to reconsider was laid on the table.

#### WILDFIRE SUPPRESSION AIRCRAFT TRANSFER ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2078) to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire, 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?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I wanted to thank them for bringing this up. I know the gentleman from New Mexico [Mr. RICHARDSON] has worked terribly hard on this. For those of us who live in the West, where forest fires are so eminent, this is essential, because it gets us the airplanes we need to fight those wildfires. So I thank the gentleman from New York, and we thank the Congress for getting this here. Hopefully we will not have any wildfires. If we do, we had better be ready for them. I thank the gentleman very much, for the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Speaker, I am pleased to rise in strong support of the Wildfire Suppression Aircraft Transfer Act of 1996, a bipartisan bill that I introduced in the House and Senator BINGAMAN introduced in the Senate.

This bill authorizes the Department of Defense to sell excess military aircraft to private contractors that provide fire fighting services to the Federal Government.

The powerful wildfires that spread throughout the West this past year have highlighted the need for an improved, modernized and expanded fleet of airtankers to help the U.S. Forest Service and the Department of Interior to fight wildfires.

The current fleet of World War II and Korean War vintage aircraft needs to be replaced with modern, turbine powered aircraft that are more efficient and safe.

The only reliable source of these aircraft is excess military aircraft available from the Department of Defense that can be converted to deliver fire retardant.

This legislation would provide the authority to the Secretary of Defense to sell appropriate aircraft to qualified airtanker operators solely for use in fighting wildfires.

In New Mexico, many communities were threatened by wildfires this past summer including the community of Lama. The wildfires were burning on very steep slopes, with high fuel loads, strong wind gusts and unseasonably hot and dry weather.

For this reason, the firefighters need as much assistance as possible. By upgrading our airtanker fleets, we will have a better chance of protecting and saving our lives, property, and forests.

Because of the nearly 150,000 acres of forest and grasslands that were burned when wildfires ravaged New Mexico, and the many more wildfires that burned throughout the West this past year, it is essential that we give firefighters the necessary tools that they need. This bill provides the necessary equipment to assist firefighters.

I want to thank Senator BINGAMAN for all his hard work on this legislation, and I also want to thank the Members on both sides of the aisle who worked to pass this important piece of legislation.

Mrs. SCHROEDER. 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. 2078

*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 "Wildfire Suppression Aircraft Transfer Act of 1996".

#### SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

(a) AUTHORITY.—(1) Notwithstanding section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and subject to subsections (b) and (c), the Secretary of Defense may, during the period beginning on October 1, 1996, and ending on September 30, 2000, sell the aircraft and aircraft parts referred to in paragraph (2) to persons or entities that contract with the Federal Government for the delivery of fire retardant by air in order to suppress wildfire.

(2) Paragraph (1) applies to aircraft and aircraft parts of the Department of Defense that are determined by the Secretary to be—

(A) excess to the needs of the Department; and

(B) acceptable for commercial sale.

(b) CONDITIONS OF SALE.—Aircraft and aircraft parts sold under subsection (a)—

(1) may be used only for the provision of airtanker services for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes jointly approved by the Secretary of Defense and the Secretary of Agriculture in writing in advance.

(c) CERTIFICATION OF PERSONS AND ENTITIES.—The Secretary of Defense may sell aircraft and aircraft parts to a person or entity under subsection (a) only if the Secretary of Agriculture certifies to the Secretary of De-

fense, in writing, before the sale that the person or entity is capable of meeting the terms and conditions of a contract to deliver fire retardant by air.

(d) REGULATIONS.—(1) As soon as practicable after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Agriculture and the Administrator of General Services, prescribe regulations relating to the sale of aircraft and aircraft parts under this section.

(2) The regulations shall—

(A) ensure that the sale of the aircraft and aircraft parts is made at fair market value (as determined by the Secretary of Defense) and, to the extent practicable, on a competitive basis;

(B) require a certification by the purchaser that the aircraft and aircraft parts will be used only in accordance with the conditions set forth in subsection (b);

(C) establish appropriate means of verifying and enforcing the use of the aircraft and aircraft parts by the purchaser and other end users in accordance with the conditions set forth in subsections (b) and (e); and

(D) ensure, to the maximum extent practicable, that the Secretary consults with the Administrator of General Services and with the heads of appropriate departments and agencies of the Federal Government regarding alternative requirements for such aircraft and aircraft parts under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such other terms and conditions in connection with each sale of aircraft and aircraft parts under this section as the Secretary considers appropriate for such sale. Such terms and conditions shall meet the requirements of the regulations prescribed under subsection (d).

(f) REPORT.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the Secretary's exercise of authority under this section. The report shall set forth—

(1) the number and type of aircraft sold under the authority, and the terms and conditions under which the aircraft were sold;

(2) the persons or entities to which the aircraft were sold; and

(3) an accounting of the current use of the aircraft sold.

(g) CONSTRUCTION.—Nothing in this section may be construed as affecting the authority of the Administrator of the Federal Aviation Administration under any other provision of law.

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.

#### MARINE MINERAL RESOURCES RESEARCH ACT OF 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1194) to promote the research, identification, assessment, and exploration of marine mineral resources, and for other purposes, 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 New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1194

*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 "Marine Mineral Resources Research Act of 1996".

#### SEC. 2. RESEARCH PROGRAM.

The Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended—

(1) by inserting after the first section the following:

##### "TITLE I—MINING POLICY";

(2) by redesignating section 2 as section 101; and

(3) by adding at the end the following:

##### "TITLE II—MARINE MINERAL RESOURCES RESEARCH PROGRAM

#### "SEC. 201. DEFINITIONS.

"In this title:

"(1) The term 'contract' has the same meaning as 'procurement contract' in section 6303 of title 31, United States Code.

"(2) The term 'cooperative agreement' has the same meaning as in section 6305 of title 31, United States Code.

"(3) The term 'eligible entity' means—

"(A) a research or educational entity chartered or incorporated under Federal or State law;

"(B) an individual who is a United States citizen; or

"(C) a State or regional agency.

"(4) The term 'grant' has the same meaning as 'grant agreement' in section 6304 of title 31, United States Code.

"(5) The term 'in-kind contribution' means a noncash contribution provided by a non-Federal entity that directly benefits and is related to a specific project or program. An in-kind contribution may include real property, equipment, supplies, other expendable property, goods, and services.

"(6) The term 'marine mineral resource' means—

"(A) sand and aggregates;

"(B) placers;

"(C) phosphates;

"(D) manganese nodules;

"(E) cobalt crusts;

"(F) metal sulfides; and

"(G) other marine resources that are not—

"(i) oil and gas;

"(ii) fisheries; or

"(iii) marine mammals.

"(7) The term 'Secretary' means the Secretary of the Interior.

#### "SEC. 202. RESEARCH PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish and carry out a program of research on marine mineral resources.

"(b) PROGRAM GOAL.—The goal of the program shall be to—

"(1) promote research, identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

"(2) assist in developing domestic technologies required for efficient and environmentally sound development of marine mineral resources;

"(3) coordinate and promote the use of technologies developed with Federal assistance, and the use of available Federal assets, for research, identification, assessment, exploration, and development of marine mineral resources; and

"(4) encourage academia and industry to conduct basic and applied research, on a joint basis, through grants, cooperative agreements, or contracts with the Federal Government.

"(c) RESPONSIBILITIES OF THE SECRETARY.—In carrying out the program, the Secretary shall—

"(1) promote and coordinate partnerships between industry, government, and academia to research, identify, assess, and explore marine mineral resources in an environmentally sound manner;

"(2) undertake programs to develop the basic information necessary to the long-term national interest in marine mineral resources (including seabed mapping) and to ensure that data and information are accessible and widely disseminated as needed and appropriate;

"(3) identify, and promote cooperation among agency programs that are developing, technologies developed by other Federal programs that may hold promise for facilitating undersea applications related to marine mineral resources, including technologies related to vessels and other platforms, underwater vehicles, survey and mapping systems, remote power sources, data collection and transmission systems, and various seabed research systems; and

"(4) foster communication and coordination between Federal and State agencies, universities, and private entities concerning marine mineral research on seabeds of the continental shelf, ocean basins, and arctic and cold water areas.

In carrying out these responsibilities, the Secretary shall ensure the participation of nonfederal users of technologies and data related to marine mineral resources in planning and priority setting.

#### "SEC. 203. GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.

"(a) ASSISTANCE AND COORDINATION.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts to, or enter into cooperative agreements with, eligible entities to support research for the development or utilization of—

"(A) methods, equipment, systems, and components necessary for the identification, assessment, and exploration of marine mineral resources in an environmentally responsible manner;

"(B) methods of detecting, monitoring, and predicting the presence of adverse environmental effects in the marine environment and remediating the environmental effects of marine mineral resource exploration, development, and production; and

"(C) education and training material in marine mineral research and resource management.

"(2) COST-SHARING FOR CONTRACTS OR COOPERATIVE AGREEMENTS.—

"(A) FEDERAL SHARE.—Except as provided in subparagraph (B)(ii), the Federal share of the cost of a contract or cooperative agreement carried out under this subsection shall not be greater than 80 percent of the total cost of the project.

"(B) NON-FEDERAL SHARE.—The remaining non-Federal share of the cost of a project carried out under this section may be—

"(i) in the form of cash or in-kind contributions, or both; and

"(ii) comprised of funds made available under other Federal programs, except that non-Federal funds shall be used to defray at least 10 percent of the total cost of the project.

"(C) CONSULTATION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, after consultation with other Federal agencies, terms and conditions under which Federal funding will be provided under this subsection that are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)).

"(b) COMPETITIVE REVIEW.—

"(1) IN GENERAL.—An entity shall not be eligible to receive a grant or contract, or par-

ticipate in a cooperative agreement, under subsection (a) unless—

"(A) the entity submits a proposal to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require; and

"(B) the proposal has been evaluated by a competitive review panel under paragraph (3).

"(2) COMPETITIVE REVIEW PANELS.—

"(A) COMPOSITION.—A competitive review panel shall be chaired by the Secretary or by the Secretary's designee and shall be composed of members who meet the following criteria:

"(i) APPOINTMENT.—The members shall be appointed by the Secretary.

"(ii) EXPERIENCE.—Not less than 50 percent of the members shall represent or be employed by private marine resource companies that are involved in exploration of the marine environment or development of marine mineral resources.

"(iii) INTEREST.—None of the members may have an interest in a grant, contract, or cooperative agreement being evaluated by the panel.

"(B) NO COMPENSATION.—A review panel member who is not otherwise a Federal employee shall receive no compensation for performing duties under this section, except that, while engaged in the performance of duties away from the home or regular place of business of the member, the member may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as a person employed intermittently in the Government service under section 5703 of title 5, United States Code.

"(3) EVALUATION.—A competitive review panel shall base an evaluation of a proposal on criteria developed by the Secretary that shall include—

"(A) the merits of the proposal;

"(B) the research methodology and costs of the proposal;

"(C) the capability of the entity submitting the proposal and any other participating entity to perform the proposed work and provide in-kind contributions;

"(D) the amount of matching funds provided by the entity submitting the proposal or provided by other Federal, State, or private entities;

"(E) the extent of collaboration with other Federal, State, or private entities;

"(F) in the case of a noncommercial entity, the existence of a cooperative agreement with a commercial entity that provides for collaboration in the proposed research;

"(G) whether the proposal promotes responsible environmental stewardship; and

"(H) such other factors as the Secretary considers appropriate.

"(c) LIMITATIONS.—

"(1) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

"(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

"(d) REPORTS.—An eligible entity that receives a grant or contract or enters into a cooperative agreement under this section shall submit an annual progress report and a final technical report to the Secretary that—

"(1) describes project activities, implications of the project, the significance of the project to marine mineral research, identification, assessment, and exploration, and

potential commercial and economic benefits and effects of the project; and

"(2) in the case of an annual progress report, includes a project plan for the subsequent year.

**"SEC. 204. MARINE MINERAL RESEARCH CENTERS.**

"(a) IN GENERAL.—No later than 90 days after the date of enactment of this section, the Secretary shall designate 3 centers for marine mineral research and related activities.

"(b) CONCENTRATION.—One center shall concentrate primarily on research in the continental shelf regions of the United States, 1 center shall concentrate primarily on research in deep seabed and near-shore environments of islands, and 1 center shall concentrate primarily on research in arctic and cold water regions.

"(c) CRITERIA.—In designating a center under this section, the Secretary shall give priority to a university that—

"(1) administers a federally funded center for marine minerals research;

"(2) matriculates students for advanced degrees in marine geological sciences, non-energy natural resources, and related fields of science and engineering;

"(3) is a United States university with established programs and facilities that primarily focus on marine mineral resources;

"(4) has engaged in collaboration and co-operation with industry, governmental agencies, and other universities in the field of marine mineral resources;

"(5) has demonstrated significant engineering, development, and design experience in two or more of the following areas;

"(A) seabed exploration systems;

"(B) marine mining systems; and

"(C) marine mineral processing systems; and

"(6) has been designated by the Secretary as a State Mining and Mineral Resources Research Institute.

"(d) CENTER ACTIVITIES.—A center shall—

"(1) provide technical assistance to the Secretary concerning marine mineral resources;

"(2) advise the Secretary on pertinent international activities in marine mineral resources development;

"(3) engage in research, training, and education transfer associated with the characterization and utilization of marine mineral resources; and

"(4) promote the efficient identification, assessment, exploration, and management of marine mineral resources in an environmentally sound manner.

"(e) ALLOCATION OF FUNDS.—In distributing funds to the centers designated under subsection (a), the Secretary shall, to the extent practicable, allocate an equal amount to each center.

"(f) LIMITATIONS.—

"(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section during a fiscal year may be used by the Secretary for expenses associated with administration of the program authorized by this section.

"(2) CONSTRUCTION COSTS.—None of the funds made available under this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

**"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

"There is authorized to be appropriated such sums as are necessary to carry out this title."

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.

**IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1996**

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1649) to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes, 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 New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1649

*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 "Irrigation Project Contract Extension Act of 1996".

**SEC. 2. EXTENSION OF CONTRACTS.**

The Secretary of the Interior shall extend the water service contracts for the following projects, entered into by the Secretary of the Interior under subsection (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) and section 9(c) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), for a period of 4 additional years after the dates on which each of the contracts, respectively, would expire but for this section:

(1) The Bostwick Unit (Kansas portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Republic County, Jewell County, and Cloud County, Kansas.

(2) The Bostwick Unit (Nebraska portion), Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Harlan County, Franklin County, Webster County, and Nuckolls County, Nebraska.

(3) The Farwell Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Act of August 3, 1956 (70 Stat. 975, chapter 923), situated in Howard County, Sherman County, and Valley County, Nebraska.

(4) The Frenchman-Cambridge Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Chase County, Frontier County, Hitchcock County, Furnas County, Red Willow County, and Harlan County, Nebraska.

(5) The Frenchman Valley Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), as a component of the Pick-Sloan Missouri Basin Program, situated in Hayes County and Hitchcock County, Nebraska.

(6) The Kirwin Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Phillips County, Smith County, and Osborne County, Kansas.

(7) The Sargent Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), situated in Blaine County, Custer County, and Valley County, Nebraska.

(8) The Webster Unit, Missouri River Basin Project, consisting of the project constructed and operated under the Act of December 22, 1944 (58 Stat. 887, chapter 665), and the Flood Control Act of 1946 (60 Stat. 641, chapter 596), as a component of the Pick-Sloan Missouri Basin Program, situated in Rooks County and Osborne County, Kansas.

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.

**TECHNICAL CORRECTIONS TO PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996**

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2183) to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of S. 2183.

This bill would allow States, like New Mexico, that have a growing number of people who qualify for food stamps or are unemployed access to the contingency fund monies that were included in the recently enacted welfare reform bill.

This is merely a technical correction which is necessary for many States which will not be able to reform welfare programs until their State legislatures meet again next year, but as of October 1 are operating under limited block grants funding.

In New Mexico, our population is growing at such a rapid pace that continuing our current welfare program under the block grant system will lead to a funding shortfall.

Inadequate block grant funding would cause States like New Mexico to make across-the-board cuts in welfare payments to families in need.

This legislation would allow States like New Mexico to tap into the welfare contingency fund and avoid financial hardships during the transition to a new welfare program.

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. 2183

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

**SECTION 1. TECHNICAL CORRECTIONS TO THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.**

(a) CLARIFICATION OF LIMITATION ON CERTAIN FEDERAL OBLIGATIONS FOR 1997.—Section 116(b)(1)(B)(ii)(II) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended—

(1) in item (aa), by striking "the State family assistance grant" and inserting "the sum of the State family assistance grant and the amount, if any, that the State would have been eligible to be paid under the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996,"; and

(2) in item (bb)—

(A) by inserting "sum of the" before "State family assistance grant"; and

(B) by striking the period and inserting "and the amount, if any, that the State would have been eligible to be paid under the Contingency Fund for State Welfare Programs established under section 403(b) of the Social Security Act (as amended by section 103(a)(1) of this Act), during the period beginning on October 1, 1996, and ending on the date the Secretary of Health and Human Services first receives from the State a plan described in section 402(a) of the Social Security Act (as so amended) if, with respect to such State, the effective date of this Act under subsection (a)(1) were August 22, 1996."

(b) CORRECTIONS RELATED TO THE CONTINGENCY FUND FOR STATE WELFARE PROGRAMS.—Section 403(b)(4)(A) of the Social Security Act, as amended by section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, is amended—

(1) in clause (i)(II), by striking "minus any Federal payment with respect to such child care expenditures"; and

(2) in clause (ii)(I)—

(A) by inserting "the sum of" before "the expenditures"; and

(B) by inserting "and any additional qualified State expenditures, as defined in section 409(a)(7)(B)(i), for child care assistance made under the Child Care and Development Block Grant Act of 1990" before the semicolon.

(c) CLARIFICATION OF HEADING.—The heading of section 116(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended by inserting "LIMITATION ON FISCAL YEARS 1996 AND 1997 PAYMENTS" after "DATE".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of and the amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

## SEC. 2. EXTENSION OF NORTHERN GREAT PLAINS RURAL DEVELOPMENT COMMISSION.

Section 11 of the Northern Great Plains Rural Development Act (Public Law 103-318; 7 U.S.C. 2661 note) is amended by striking "the earlier" and all that follows through the period at the end and inserting "September 30, 1997."

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.

## EXTENDING PERIOD OF STAY IN UNITED STATES FOR CERTAIN NURSES

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2197) to extend the authorized period of stay

within the United States for certain nurses, 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 New York?

Mr. ROHRBACHER. Mr. Speaker, reserving the right to object, I am concerned that we in fact are extending the stay in this country of probably thousands of nurses who come from another country, at a time when we do not necessarily have a nursing shortage in America.

However, I am informed by one of my colleagues, who spent an enormous amount of time and effort, from North Carolina, that in his area and in several areas of the United States they have a nursing shortage that would be exacerbated tremendously if we did not pass this legislation.

My concern, and I do intend to withdraw my objection, is that these nurses are put on notice and those hospitals and nursing homes that are using these services are put on notice that this is a one-time extension; that we are not granting these nurses that are in question in this legislation something that is going to be extended to them again and again; and next year when this comes up, it is going to be more difficult, because the time when they are legally supposed to leave this country will be all at the same day, because this bill suggests that their visas are then going to expire, every one of these nurses will expire on the same day. But, for the record, I am stating that we will make sure and we should ensure that is not the intent of this legislation, to extend in perpetuity their right to stay in this country.

Again, I will be withdrawing my reservation, but with the understanding that we are not going to just do this every year, and their employers and the nurses are on notice that they should use this time to start preparing themselves, No. 1, to go back to their home country, and, No. 2, to find Americans who can work as nurses in these areas in rural North Carolina, as well as in Chicago and elsewhere where there are, as I say, spot shortages of nurses.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, the gentleman's statement certainly speaks to the point. The gentleman is absolutely correct. That will be the legislative intent.

Mr. SMITH of Texas. Mr. Speaker, I have become aware of an apparent technical error in two provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Title III of the act, based on the House-passed version of H.R. 2202, includes a comprehensive reform of the procedures for apprehending, adjudicating, and removing illegal aliens from the United States. Section 306 of title III overhauls the rules regarding judicial review from orders of removal. It was the clear intent of the conferees that, as a general matter, the full package of changes made by this

part of title III effect those cases filed in court after the enactment of the new law, leaving cases already pending before the courts to continue under existing law.

The conferees also intended, however, to accelerate the implementation of certain of the reforms in title III. This intent is clearly spelled out in section 309 of the act. Specifically, section 309(c)(4) calls for accelerated implementation of some of the reforms made in section 306 regarding judicial review, but does not call for immediate implementation of all of these reforms. This intent is manifest not only in the plain language of section 309(c)(4), but also in the statement of managers accompanying the conference report on H.R. 2202, at pages 222 and 223—Report No. 104-828.

Unfortunately, a cross-reference in section 309(c)(4) could be read to suggest that implementation of the transitional changes in judicial review should be delayed until after title III's general effective date. This error occurred through adoption of an effective date provision from the Senate-passed version of H.R. 2202. In light of the specific provisions of section 306(c), the reference in section 309(c)(4) to cases "described in paragraph (1)" should not have been included in the conference report. In addition, there is a need to clarify the scope of section 306(c) to ensure that it does not conflict with section 309(c)(4).

Section 2 of S. 2197 includes technical corrections to reflect this intent.

Mr. ROHRBACHER. 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. 2197

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

## SECTION 1. EXTENSION OF AUTHORIZED PERIOD OF STAY FOR CERTAIN NURSES.

(a) ALIENS WHO PREVIOUSLY ENTERED THE UNITED STATES PURSUANT TO AN H-1A VISA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the authorized period of stay in the United States of any nonimmigrant described in paragraph (2) is hereby extended through September 30, 1997.

(2) NONIMMIGRANT DESCRIBED.—A nonimmigrant described in this paragraph is a nonimmigrant—

(A) who entered the United States as a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act;

(B) who was within the United States on or after September 1, 1995, and who is within the United States on the date of the enactment of this Act; and

(C) whose period of authorized stay has expired or would expire before September 30, 1997 but for the provisions of this section.

(3) LIMITATIONS.—Nothing in this section may be construed to extend the validity of any visa issued to a nonimmigrant described in section 101(a)(15)(H)(i)(a) of the Immigration and Nationality Act or to authorize the re-entry of any person outside the United States on the date of the enactment of this Act.

(b) CHANGE OF EMPLOYMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section shall not be eligible to change employers in accordance with section 214.2(h)(2)(i)(D) of title 8, Code of Federal Regulations (as in effect

on the day before the date of the enactment of this Act).

(c) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall issue regulations to carry out the provisions of this section.

(d) INTERIM TREATMENT.—A nonimmigrant whose authorized period of stay is extended by operation of this section, and the spouse and child of such nonimmigrant, shall be considered as having continued to maintain lawful status as a nonimmigrant through September 30, 1997.

#### SEC. 2. TECHNICAL CORRECTION.

Effective on September 30, 1996, subtitle A of title III of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as amended—

(1) in section 306(c)(1), by striking “to all final” and all that follows through “Act and” and inserting “as provided under section 309, except that”;

(2) in section 309(c)(1), by striking “as of” and inserting “before”; and

(3) in section 309(c)(4), by striking “described in paragraph (1)”.

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.

□ 1430

#### ADVISORY COMMISSION ON INTER-GOVERNMENTAL RELATIONS EXTENSION

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2198) to provide for the Advisory Commission on Intergovernmental Relations to continue in existence, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. WALKER). 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. 2198

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

SECTION 1. (a) Notwithstanding the provision under the heading “ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS” under title IV of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104-52; 109 Stat. 480), the Advisory Commission on Intergovernmental Relations may continue in existence solely for the purpose of performing any contract entered into under section 7(a) of the National Gambling Impact Study Commission Act (Public Law 104-169; 110 Stat. 1487). The Advisory Commission on Intergovernmental Relations shall terminate on the date of the completion of such contract.

(b) The Advisory Commission on Intergovernmental Relations and employees of the commission who are considered to be Federal employees under section 6(e) of Public Law 96-380 (42 U.S.C. 4276(e)) shall make contributions to a participate in Federal health insurance, life insurance, and retirement programs to the same extent and in the same manner as before the date of enactment of this section. The Commission shall make

any such contributions from funds received through contracts.

SEC. 2. Section 615 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997 (contained in Pub. L. No. 104-208) is amended by deleting “and Community Oriented Policing Services Program” and by deleting “and part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968”. The amendments made by this section shall take effect upon enactment.

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.

#### CACHE LA POUDE RIVER CORRIDOR ACT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 342) to establish the Cache La Poudre River Corridor, 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?

Mrs. SCHROEDER. Mr. Speaker, reserving the right to object, I just rise to thank the membership for bringing this up. This is terribly important to the State of Colorado. I saw Senator BROWN here, too, very nervous about this. You would wait until last, would you not, to bring this up? Anyway, we are delighted to have this up and over with.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON.] Mr. SOLOMON. Mr. Speaker, I just wanted to make sure that the gentleman had the last word.

Mrs. SCHROEDER. I thank the gentleman, Mr. Speaker.

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. 342

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

#### SEC. 100. SHORT TITLE.

This Act may be cited as the “Cache La Poudre River Corridor Act”.

#### SEC. 101. PURPOSE.

The purpose of this Act is to designate the Cache La Poudre Corridor within the Cache La Poudre River Basin and to provide for the interpretation, for the educational and inspirational benefit of present and future generations, of the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

#### SEC. 102. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Cache La Poudre Corridor Commission established by section 104(a).

(2) CORRIDOR.—The term “Corridor” means the Cache La Poudre Corridor established by section 103(a).

(3) GOVERNOR.—The term “Governor” means the Governor of the State of Colorado.

(4) PLAN.—The term “Plan” means the corridor interpretation plan prepared by the Commission pursuant to section 108(a).

(5) POLITICAL SUBDIVISION OF THE STATE.—The term “political subdivision of the State” means a political subdivision of the State of Colorado, any part of which is located in or adjacent to the Corridor, including a county, city, town, water conservancy district, or special district.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 103. ESTABLISHMENT OF THE CACHE LA POUDE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of Colorado the Cache La Poudre Corridor.

(b) BOUNDARIES.—The boundaries of the Corridor shall include the lands within the 100-year flood plain of the Cache La Poudre River Basin, beginning at a point where the Cache La Poudre River flows out of the Roosevelt National Forest and continuing east along the floodplain to a point ¼ mile west of the confluence of the Cache La Poudre River and the South Platte Rivers in Weld County, Colorado, comprising less than 35,000 acres, and generally depicted as the 100-year flood boundary on the Federal Flood Insurance maps listed below:

(1) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0146B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(2) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0147B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(3) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0162B, April 2, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(4) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0163C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(5) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0178C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(6) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080102 0002B, February 15, 1984. Federal Emergency Management Agency, Federal Insurance Administration.

(7) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0179C, March 18, 1986. Federal Emergency Management Agency, Federal Insurance Administration.

(8) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0193D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(9) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0194D, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(10) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0208C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(11) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080101 0221C, November 17, 1993. Federal Emergency Management Agency, Federal Insurance Administration.

(12) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0605D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(13) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080264 0005A, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(14) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0608D, September 27, 1991. Federal Emergency Management Agency, Federal Insurance Administration.

(15) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0609C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(16) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0628C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(17) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080184 0002B, July 16, 1979. United States Department of Housing and Urban Development, Federal Insurance Administration.

(18) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0636C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

(19) FLOOD INSURANCE RATE MAP, LARIMER COUNTY, COLORADO.—Community-Panel No. 080266 0637C, September 28, 1982. Federal Emergency Management Agency, Federal Insurance Administration.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries of the Corridor.

(c) PUBLIC ACCESS TO MAPS.—The maps shall be on file and available for public inspection in—

(1) the offices of the Department of the Interior in Washington, District of Columbia, and Denver, Colorado; and

(2) local offices of the city of Fort Collins, Larimer County, the city of Greeley, and Weld County.

#### SEC. 104. ESTABLISHMENT OF THE CACHE LA POUDE CORRIDOR COMMISSION.

(a) CACHE LA POUDE CORRIDOR COMMISSION.—

(1) IN GENERAL.—Upon the recommendation of the Governor, the Secretary is authorized to recognize, for the purpose of developing and implementing the plan referred to in subsection (g)(1), the Cache La Poudre Corridor Commission, as such Commission may be established by the State of Colorado or its political subdivisions.

(2) REFLECTION OF CROSS-SECTION OF INTERESTS.—The Secretary may provide recognition under paragraph (1) only if the Commission reflects the following:

(A) MEMBERSHIP.—

(i) COMPOSITION.—The Commission shall be composed of 15 members appointed not later than 6 months after the date of enactment of this Act. Of these 15 members—

(I) 1 member shall be a representative of the Secretary of the Interior which member shall be an ex officio member;

(II) 1 member shall be a representative of the Forest Service, appointed by the Secretary of Agriculture, which member shall be an ex officio member;

(III) 3 members shall be recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the State;

(bb) 1 member shall represent Colorado State University in Fort Collins; and

(cc) 1 member shall represent the Northern Colorado Water Conservancy District;

(IV) 6 members shall be representatives of local governments who are recommended by the Governor and appointed by the Secretary, of whom—

(aa) 1 member shall represent the city of Fort Collins;

(bb) 2 members shall represent Larimer County, 1 of which shall represent agriculture or irrigated water interests;

(cc) 1 member shall represent the city of Greeley;

(dd) 2 members shall represent Weld County, 1 of which shall represent agricultural or irrigated water interests; and

(ee) 1 member shall represent the city of Loveland; and

(V) 3 members shall be recommended by the Governor and appointed by the Secretary, and shall—

(aa) represent the general public;

(bb) be citizens of the State; and

(cc) reside within the Corridor.

(ii) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission from among members appointed under subclause (III), (IV), or (V) of clause (i). The chairperson shall be elected for a 2-year term.

(iii) VACANCIES.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(B) TERMS OF SERVICE.—

(i) IN GENERAL.—Except as provided in clause (ii) and (iii), each member of the Commission shall be appointed for a term of 3 years and may be reappointed.

(ii) INITIAL MEMBERS.—The initial members of the Commission first appointed under subparagraph (A)(i) shall be appointed as follows:

(I) 3-YEAR TERMS.—The following initial members shall serve for a 3-year term:

(aa) The representative of the Secretary of the Interior.

(bb) 1 representative of Weld County.

(cc) 1 representative of Larimer County.

(dd) 1 representative of the city of Loveland.

(ee) 1 representative of the general public.

(II) 2-YEAR TERMS.—The following initial members shall serve for a 2-year term:

(aa) The representative of the Forest Service.

(bb) The representative of the State.

(cc) The representative of Colorado State University.

(dd) The representative of the Northern Colorado Water Conservancy District.

(III) 1-YEAR TERMS.—The following initial members shall serve for a 1-year term:

(aa) 1 representative of the city of Fort Collins.

(bb) 1 representative of Larimer County.

(cc) 1 representative of the city of Greeley.

(dd) 1 representative of Weld County.

(ee) 1 representative of the general public.

(iii) PARTIAL TERMS.—

(I) FILLING VACANCIES.—A member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which a predecessor was appointed shall be appointed only for the remainder of the member's term.

(II) EXTENDED SERVICE.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

(C) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission.

(D) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons em-

ployed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

#### SEC. 105. STAFF OF THE COMMISSION.

(a) STAFF.—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out the duties of the Commission.

(1) APPOINTMENT AND COMPENSATION.—Staff appointed by the Commission—

(A) shall be appointed without regard to the civil service laws (including regulations); and

(B) shall be compensated 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.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(c) STAFF OF OTHER AGENCIES.—

(1) FEDERAL.—Upon request of the Commission, the head of a Federal agency may detail, on a reimbursement basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the Commission's duties. The detail shall be without interruption or loss of civil service status or privilege.

(2) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) STATE.—The Commission may—

(A) accept the service of personnel detailed from the State, State agencies, and political subdivisions of the State; and

(B) reimburse the State, State agency, or political subdivision of the State for such services.

#### SEC. 106. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—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 necessary to carry out this title.

(2) SUBPOENAS.—The Commission may not issue subpoenas or exercise any subpoena authority.

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

(c) MATCHING FUNDS.—The Commission may use its funds to obtain money from any source under a program or law requiring the recipient of the money to make a contribution in order to receive the money.

(d) GIFTS.—Except as provided in subsection (e)(3), the Commission may, for the purpose of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services received from any source.

(e) REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not acquire real property or an interest in real property.

(2) EXCEPTION.—Subject to paragraph (3), the Commission may acquire real property in the Corridor—

(A) by gift or device;

(B) by purchase from a willing seller with money that was given or bequeathed to the Commission; or



(C) by exchange.

(3) CONVEYANCE TO PUBLIC AGENCIES.—Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate non-Federal public agency, as determined by the Commission. The conveyance shall be made—

- (A) as soon as practicable after acquisition;
- (B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used in furtherance of the purpose for which the Corridor is established.

(f) COOPERATIVE AGREEMENTS.—For the purpose of carrying out the Plan, the Commission may enter into cooperative agreements with Federal agencies, State agencies, political subdivisions of the State, and persons. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action that may affect the implementation of the Plan.

(g) ADVISORY GROUPS.—The Commission may establish such advisory groups as it considers necessary to ensure open communication with, and assistance from Federal agencies, State agencies, political subdivisions of the State, and interested persons.

(h) MODIFICATION OF PLANS.—

(1) IN GENERAL.—The Commission may modify the Plan if the Commission determines that such modification is necessary to carry out this title.

(2) NOTICE.—No modification shall take effect until—

(A) any Federal agency, State agency, or political subdivision of the State that may be affected by the modification receives adequate notice of, and an opportunity to comment on, the modification;

(B) if the modification is significant, as determined by the Commission, the Commission has—

(i) provided adequate notice of the modification by publication in the area of the Corridor; and

(ii) conducted a public hearing with respect to the modification; and

(C) the Governor has approved the modification.

#### SEC. 107. DUTIES OF THE COMMISSION.

(a) PLAN.—The Commission shall prepare, obtain approval for, implement, and support the Plan in accordance with section 108.

(b) MEETINGS.—

(1) TIMING.—

(A) INITIAL MEETING.—The Commission shall hold its first meeting not later than 90 days after the date on which its last initial member is appointed.

(B) SUBSEQUENT MEETINGS.—After the initial meeting, the Commission shall meet at the call of the chairperson or 7 of its members, except that the commission shall meet at least quarterly.

(2) QUORUM.—Ten members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(3) BUDGET.—The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(c) ANNUAL REPORTS.—Not later than May 15 of each year, following the year in which the members of the Commission have been appointed, the Commission shall publish and submit to the Secretary and to the Governor, an annual report concerning the Commission's activities.

#### SEC. 108. PREPARATION, REVIEW, AND IMPLEMENTATION OF THE PLAN.

(a) PREPARATION OF PLAN.—

(1) IN GENERAL.—Not later than 2 years after the Commission conducts its first meeting, the Commission shall submit to the Governor a Corridor Interpretation Plan.

(2) DEVELOPMENT.—In developing the Plan, the Commission shall—

(A) consult on a regular basis with appropriate officials of any Federal or State agency, political subdivision of the State, and local government that has jurisdiction over or an ownership interest in land, water, or water rights within the Corridor; and

(B) conduct public hearings within the Corridor for the purpose of providing interested persons the opportunity to testify about matters to be addressed by the Plan.

(3) RELATIONSHIP TO EXISTING PLANS.—The Plan—

(A) shall recognize any existing Federal, State, and local plans;

(B) shall not interfere with the implementation, administration, or amendment of such plans; and

(C) to the extent feasible, shall seek to coordinate the plans and present a unified interpretation plan for the Corridor.

(b) REVIEW OF PLAN.—

(1) IN GENERAL.—The Commission shall submit the Plan to the Governor for the Governor's review.

(2) GOVERNOR.—The Governor may review the Plan and, if the Governor concurs in the Plan, may submit the Plan to the Secretary, together with any recommendations.

(3) SECRETARY.—The Secretary shall approve or disapprove the Plan within 90 days. In reviewing the Plan, the Secretary shall consider the adequacy of—

(A) public participation; and

(B) the Plan in interpreting, for the educational and inspirational benefit of present and future generations, the unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

(c) DISAPPROVAL OF PLAN.—

(1) NOTIFICATION BY SECRETARY.—If the Secretary disapproves the Plan, the Secretary shall, not later than 60 days after the date of disapproval, advise the Governor and the Commission of the reasons for disapproval, together with recommendations for revision.

(A) REVISION AND RESUBMISSION TO GOVERNOR.—Not later than 90 days after receipt of the notice of disapproval, the Commission shall revise and resubmit the Plan to the Governor for review.

(B) RESUBMISSION TO SECRETARY.—If the Governor concurs in the revised Plan, he may submit the revised Plan to the Secretary who shall approve or disapprove the revision within 60 days. If the Governor does not concur in the revised Plan, he may resubmit it to the Commission together with his recommendations for further consideration and modification.

(2) IMPLEMENTATION OF PLAN.—After approval by the Secretary, the Commission shall implement and support the Plan as follows:

(A) CULTURAL RESOURCES.—

(i) IN GENERAL.—The Commission shall assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the conservation and interpretation of cultural resources within the Corridor.

(ii) EXCEPTION.—In providing the assistance, the Commission shall in no way infringe upon the authorities and policies of a Federal agency, State agency, or political subdivision of the State concerning the administration and management of property, water, or water rights held by the agency, political subdivision, or private persons or entities, or affect the jurisdiction of the State of Colorado over any property, water, or water rights within the Corridor.

(3) PUBLIC AWARENESS.—The Commission shall assist in the enhancement of public awareness of, and appreciation for, the his-

torical, recreational, architectural, and engineering structures in the Corridor, and the archaeological, geological, and cultural resources and sites in the Corridor—

(A) by encouraging private owners of identified structures, sites, and resources to adopt voluntary measures for the preservation of the identified structure, site, or resource; and

(B) by cooperating with Federal agencies, State agencies, and political subdivisions of the State in acquiring, on a willing seller basis, any identified structure, site, or resource which the Commission, with the concurrence of the Governor, determines should be acquired and held by an agency of the State.

(4) RESTORATION.—The Commission may assist Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations in the restoration of any identified structure or site in the Corridor with consent of the owner. The assistance may include providing technical assistance for historic preservation, revitalization, and enhancement efforts.

(5) INTERPRETATION.—The Commission shall assist in the interpretation of the historical, present, and future uses of the Corridor—

(A) by consulting with the Secretary with respect to the implementation of the Secretary's duties under section 110;

(B) by assisting the State and political subdivisions of the State in establishing and maintaining visitor orientation centers and other interpretive exhibits within the Corridor;

(C) by encouraging voluntary cooperation and coordination, with respect to ongoing interpretive services in the Corridor, among Federal agencies, State agencies, political subdivisions of the State, nonprofit organizations, and private citizens; and

(D) by encouraging Federal agencies, State agencies, political subdivisions of the State, and nonprofit organizations to undertake new interpretive initiatives with respect to the Corridor.

(6) RECOGNITION.—The Commission shall assist in establishing recognition for the Corridor by actively promoting the cultural, historical, natural, and recreational resources of the Corridor on a community, regional, statewide, national, and international basis.

(7) LAND EXCHANGES.—The Commission shall assist in identifying and implementing land exchanges within the State of Colorado by Federal and State agencies that will expand open space and recreational opportunities within the flood plain of the Corridor.

#### SEC. 109. TERMINATION OF TRAVEL EXPENSES PROVISION.

Effective on the date that is 5 years after the date on which the Secretary approves the Plan, section 104 is amended by striking subsection (e).

#### SEC. 110. DUTIES OF THE SECRETARY.

(a) ACQUISITION OF LAND.—The Secretary may acquire land and interests in land within the Corridor that have been specifically identified by the Commission for acquisition by the Federal Government and that have been approved for the acquisition by the Governor and the political subdivision of the State where the land is located by donation, purchase with donated or appropriated funds, or exchange. Acquisition authority may only be used if the lands cannot be acquired by donation or exchange. No land or interest in land may be acquired without the consent of the owner.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan pursuant to section 108.



(c) **DETAIL.**—Each fiscal year during the existence of the Commission, the Secretary shall detail to the Commission, on a non-reimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 107.

#### SEC. 111. OTHER FEDERAL ENTITIES.

(a) **DUTIES.**—Subject to section 112, a Federal entity conducting or supporting activities directly affecting the flow of the Cache La Poudre River through the Corridor, or the natural resources of the Corridor shall consult with the Commission with respect to the activities;

(b) **AUTHORIZATION.**—

(1) **IN GENERAL.**—The Secretary or Administrator of a Federal agency may acquire land in the flood plain of the Corridor by exchange for other lands within the agency's jurisdiction within the State of Colorado, based on fair market value, if the lands have been identified by the Commission for acquisition by a Federal agency and the Governor and the political subdivision of the State or the owner where the lands are located concur in the exchange. Land so acquired shall be used to fulfill the purpose for which the Corridor is established.

(2) **CONVEYANCE OF SURPLUS REAL PROPERTY.**—Without monetary consideration to the United States, the Administrator of General Services may convey to the State of Colorado, its political subdivisions, or instrumentalities thereof all of the right, title, and interest of the United States in and to any surplus real property (within the meaning of section 3(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(g))) within the State of Colorado which the Secretary has determined is suitable and desirable to meet the purposes for which the Corridor is established. Subparagraph (B) of section 203(k)(3) of such Act shall apply to any conveyance made under this paragraph. For purposes of the preceding sentence, such subparagraph shall be applied by substituting "the purposes for which the Cache La Poudre Corridor is established" for "historic monument purposes".

#### SEC. 112. EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS, RESTRICTIONS, AND SAVINGS PROVISIONS.

(a) **EFFECT ON ENVIRONMENTAL AND OTHER STANDARDS.**—

(1) **VOLUNTARY COOPERATION.**—In carrying out this title, the Commission and Secretary shall emphasize voluntary cooperation.

(2) **RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.**—Nothing in this title shall be considered to impose or form the basis for imposition of any environmental, occupational, safety, or other rule, regulation, standard, or permit process that is different from those that would be applicable had the Corridor not been established.

(3) **ENVIRONMENTAL QUALITY STANDARDS.**—Nothing in this title shall be considered to impose the application or administration of any Federal or State environmental quality standard that is different from those that will be applicable had the Corridor not been established.

(4) **WATER STANDARDS.**—Nothing in this title shall be considered to impose any Federal or State water use designation or water quality standard upon uses of, or discharges to, waters of the State or waters of the United States, within or adjacent to the Corridor, that is more restrictive than those that would be applicable had the Corridor not been established.

(5) **PERMITTING OF FACILITIES.**—Nothing in the establishment of the Corridor shall abridge, restrict, or alter any applicable rule, regulation, standard, or review procedure for permitting of facilities within or adjacent to the Corridor.

(6) **WATER FACILITIES.**—Nothing in the establishment of the Corridor shall affect the continuing use and operation, repair, rehabilitation, expansion, or new construction of water supply facilities, water and wastewater treatment facilities, stormwater facilities, public utilities, and common carriers.

(7) **WATER AND WATER RIGHTS.**—Nothing in the establishment of the Corridor shall be considered to authorize or imply the reservation or appropriation of water or water rights for any purpose.

(b) **RESTRICTIONS ON COMMISSION AND SECRETARY.**—Nothing in this title shall be construed to vest in the Commission or the Secretary the authority to—

(1) require a Federal agency, State agency, political subdivision of the State, or private person (including an owner of private property) to participate in a project or program carried out by the Commission or the Secretary under the title;

(2) intervene as a party in an administrative or judicial proceeding concerning the application or enforcement of a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including, but not limited to, authority relating to—

- (A) land use regulation;
- (B) environmental quality;
- (C) licensing;
- (D) permitting;
- (E) easements;
- (F) private land development; or
- (G) other occupational or access issue;

(3) establish or modify a regulatory authority of a Federal agency, State agency, or political subdivision of the State, including authority relating to—

- (A) land use regulation;
- (B) environmental quality; or
- (C) pipeline or utility crossings;
- (4) modify a policy of a Federal agency, State agency, or political subdivision of the State;

(5) attest in any manner the authority and jurisdiction of the State with respect to the acquisition of lands or water, or interest in lands or water;

(6) vest authority to reserve or appropriate water or water rights in any entity for any purpose;

(7) deny, condition, or restrict the construction, repair, rehabilitation, or expansion of water facilities, including stormwater, water, and wastewater treatment facilities; or

(8) deny, condition, or restrict the exercise of water rights in accordance with the substantive and procedural requirements of the laws of the State.

(c) **SAVINGS PROVISION.**—Nothing in this title shall diminish, enlarge, or modify a right of a Federal agency, State agency, or political subdivision of the State—

(1) to exercise civil and criminal jurisdiction within the Corridor; or

(2) to tax persons, corporations, franchises, or property, including minerals and other interests in or on lands or waters within the urban portions of the Corridor.

(d) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title requires an owner of private property to allow access to the property by the public.

#### SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated not to exceed \$50,000 to the Commission to carry out this Act for each of the first 5 fiscal years following the date of enactment of this Act.

(b) **MATCHING FUNDS.**—Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds or in-kind contributions of services or materials from non-Federal sources.

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.

#### REQUEST FOR SPECIAL ORDER

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent to address the House for 1 hour.

The SPEAKER pro tempore. The Chair would want to dispose of any 5-minute special orders before recognizing the gentleman for that period.

The Chair cannot entertain that request at this time.

#### ANNIVERSARY OF ARMS CONTROL AND DISARMAMENT AGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I just want to take note of the fact that this is a significant anniversary for the Arms Control and Disarmament Agency. That agency has been crucial in making progress on a number of fronts that affect the national interests of the United States.

Thirty-three years ago, at the height of the cold war, President Kennedy announced in a speech at American University in Washington that talks would begin shortly in Moscow on a comprehensive nuclear test ban treaty.

This week at the United Nations, President Clinton became the first leader to sign the treaty. He said he was proud that after all this time the signatures of the world's nuclear powers and the vast majority of its other nations would "immediately create an international norm against nuclear testing, even before the treaty formally enters into force."

During all of those years, the Arms Control and Disarmament Agency [ACDA] has worked tirelessly to bring some sanity to the escalation in the number of weapons of mass destruction. Today, as it observes its 35th anniversary I would like to congratulate the Agency and its director, John D. Holum.

Despite the recent success, Holum points out that the dismantling of the Soviet-American arms race has been overshadowed by "a danger perhaps even more ominous: Proliferation of weapons of mass destruction—whether nuclear, chemical or biological, or the missiles to deliver them—to rogue regimes and terrorists around the world."

To his credit, President Clinton has said repeatedly that he is determined to pursue "the most ambitious agenda to dismantle and fight the spread of weapons of mass destruction since the dawn of the nuclear age."

On this 35th anniversary, we would all do well to remember that there is no more important task than to continue to try to control these horrible weapons of mass destruction.

#### CONGRESSIONAL ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I just thought that it would be apropos for us to take a look at what the accomplishments of this particular Congress and the changes in the world are bringing to the American people. Today I hope that those people who are reading these remarks in the CONGRESSIONAL RECORD and those people who are watching on C-SPAN recognize that over the past 2 years we have indeed seen a revolution in Washington, DC.

The word "revolution" really means a turnaround. It means not necessarily that great strides have taken place going in one direction or the other but, instead, that the direction has changed. Over these last 2 years, we have changed the direction of Government in the United States of America. I am very proud to have been part of NEWT GINGRICH's team, the new team in the House of Representatives, and what we have done to try to bring control to the uncontrolled increase in taxation and spending that threatened the very well-being of the American people. We have also come to grips with other issues that in the past have been unattended when the other party controlled the House of Representatives.

One of the issues that is of most concern to me, Mr. Speaker, and of most concern to Californians is the flood of immigration, especially illegal immigration, that is flowing into California that is destroying some of our basic institutions and our social infrastructure.

Today in California, many Americans who have spent their entire life paying their taxes, living honestly, trying to raise their family, trying to be good citizens in their community, are finding that the social infrastructure that they have come to rely upon is being destroyed because people from other countries are coming to our State illegally and flooding into the schools, into our hospitals, they are crowding our jails and preventing the judicial system from functioning and the other social services systems from functioning as they were set up.

For the first time Congress has come to grips with this problem. I am very proud that although the President of the United States, who claimed that he was going to try to do everything he could to help us with this flood of immigration, that the President of the United States instead did everything he could to drag his feet and to prevent us from passing a meaningful immigration bill, but despite this, we were able to pass an immigration bill that turned the country around.

There is still very much to do, and next year we will accomplish more on the issue of immigration reform. But we can be proud that instead of aiming at policies that made the situation worse, we have now turned this Government toward solving the problem and confronting the challenge to the American people.

One area of concern to me, and I believe that our people should be alerted to this, is that this year this administration decided to speed up the process of naturalization of people who are in this country legally. However, many of those people who have been sworn in and become citizens of the United States were people who entered the United States illegally and were granted amnesty back in 1986. What we have had in the last year is a speedup of the naturalization process so that 1.3 million legal immigrants now have basically become citizens. That is three times the number that were naturalized just 2 years ago.

Of that 1.3 million, this administration was in such a rush to grant them citizenship that thousands upon thousands of individuals who should have been screened out because they were convicted felons have been granted U.S. citizenship and turned loose among us.

This cannot be tolerated. I would hope that the American people note who is trying to solve the problem and who is not trying to solve the problem, who is trying to come to grips with the ever increasing load of taxation and spending that we have seen from Washington, who is trying could to come to grips with this threat of a massive flood of illegal immigration.

Mr. Speaker, I am proud to have served in this Congress, a Congress that has at last come to grips with some of these problems and challenges to our country's well-being.

#### FUNDAMENTAL CHANGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, I wish to say that I have enjoyed serving here in this Congress with you. Let me say that this session, the first in 40 years with conservatives in control, we made many fundamental changes. We did end the era of big government and ushered in the Information Age in government, the age of less government, but more responsive government. This is a great institution, the U.S. Congress. It is here that the people's will is carried out, maybe not always with rushing speed, but it is certainly carried out, heard and eventually carried out.

The greatest honor that I have had bestowed on me has come from the people of the Eighth Congressional District of Wisconsin, who have elected me nine times to this U.S. House of Representatives, and for that I thank them. This is a wonderful institution, wonderful people to serve with, and as I take my leave today, I just want all of my colleagues to know how much I have appreciated serving in this body, and I hope to see them often, and I know that they will carry on in the great traditions that this Congress has served the American people for over 200 years.

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALKER). 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.

#### FOREIGN POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I wanted to take this opportunity to comment on a couple of things that have been said over the course of the past few days. First of all, I want to comment on the ridiculous and intemperate remarks made by Governor Bush of Texas with regard to the Yankees and Bronx, NY, which I am proud to represent.

When asked if he would be coming to Yankee Stadium to see the Yankees play, he made a remark about if he came he would have to carry his gun. I think that that is a remark that ill behooves a Governor of a great State and, quite frankly, if Governor Bush had cared as much about taking guns out of the hands of criminals and perhaps controlling, having some kind of gun control instead of signing legislation that allows people to carry concealed weapons, perhaps the streets would be safer for all of us.

I would invite him to come to the Bronx, where crime has dropped tremendously; in fact, as the mayor of New York, who is a Republican, has pointed out, that New York City has led the way. There has been a reduction in crime across the country. I think President Clinton deserves credit, Congress deserves credit, and local officials deserve credit. But New York City has led the way in the drop in crime, and so has Bronx, NY. And so I just think that Governors ought to think about what they say before they go shooting their mouths off and making intemperate remarks.

I also wanted to comment on some of the remarks made by Senator Dole the past couple of days where he has been very critical of President Clinton's foreign policy. I want to say that I think that the President, certainly over the past couple of years, has shown great leadership in terms of foreign policy. One only needs to look around the world.

One needs to look at Bosnia, where ethnic cleansing was going along until the United States stepped in firmly and stopped it. Has everything been a 100 percent success? Nothing is 100 percent success, but we know under President Clinton's leadership we have ended most of the killing in Bosnia and the United States has shown leadership and only the United States can show that type of leadership.

In the Middle East, we saw the accords signed and we saw a potential unraveling of the peace accords in the

Middle East. It took a great courage, in my opinion, for President Clinton to have called Mr. Arafat and Prime Minister Binyamin Netanyahu and King Hussein to the White House to try to get calmer heads to prevail, to try to start a dialog, to try to ensure that the peace process is put back on track. That was done 5 weeks before his reelection. I think that took an inordinate amount of courage for him to do it.

As Prime Minister Netanyahu said, what else do you expect the President of the United States to do? He tried to bring the parties together. That is what he has done in terms of his leadership.

In Iraq, I was one of those Democrats that broke with my party and supported President Bush on the Persian Gulf war. Frankly, if President Bush's administration had done the job it was supposed to do, we would have been rid of Saddam Hussein. Many of us could not understand why he was allowed to stay in power after American triumphs in the Persian Gulf war.

And so now I think it ill behooves Senator Dole and others to point fingers and criticize when, quite frankly, during those days leading up to the Persian Gulf war, when this House had the great courage and the Senate did as well to pass my resolution declaring Jerusalem the undivided capital of Israel, it was Senator Dole back in those days of 1990 who criticized it, said he had been to Arab capitals and all the Arab leaders wanted to talk about was this terrible resolution which should not have been passed. One of the so-called Arab leaders that he spoke with in those days traveled to Baghdad and spoke with Saddam Hussein and was very concerned about what Saddam Hussein thought.

□ 1445

And then several months later we were battling him in the Persian Gulf; so frankly I do not think that Bob Dole is in any kind of position to criticize President Clinton in that regard.

Northern Ireland; we can go on and on. The President has tried very, very hard to say that the United States needs to play a leadership role, I think in world affairs. And again Senator Dole when he was here was cutting back foreign aid, cutting back American involvement overseas.

I think we make a terrible mistake if we move back to the isolationist policies, as friends of my friends on the Republican side of the aisle seem to think, moving back 100 years ago. When communism collapsed, suddenly many of my friends on the other side of the aisle did not think the United States ought to play a role, a major role, in world affairs. I think we need to be engaged if we are the leaders of the world, the leaders of the free world and the leaders of the world as we are. Then with leadership comes responsibility. No one anointed us the leader of the world; we claim that mantle, and we ought to act that way.

So I think we ought to be helping these countries, we ought to be doing

what we can. We cannot be the policemen of the world, but we need to pick and choose and show American determination and American leadership, and that is what this President has done, and that is why I support him.

#### CAN GOVERNMENT THRIVE IN SUNSHINE?

The SPEAKER pro tempore (Mr. WALKER). Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rise for my last speech very saddened by the fact that I have to ask the question: Am I too idealistic for government, or is government possible without—can you possibly relate to values and character and disclosure? Can government ever be anything other than a fungus? Can it thrive in sunshine? I tend to believe it can. But I want to tell you I came in with difficulties with the Defense Department, and I leave with the same frustration and difficulties with the Defense Department. It is now under my own party, and they are probably happier to see me leave than anybody, even on the other side of the aisle. How saddened I am that their real message to me is:

You are leaving. We do not care. Good-bye. We are not even going to answer inquiries.

Now for 6 months almost we have been asking the Defense Department about why they would deploy high ranking officials to the Speaker's office. We have asked that and asked that and asked that. They have stonewalled and stonewalled.

Then we add a Freedom of Information Act, and what did I get? I got their memo talking about how the Speaker had requested these high quality officers in his thing. Then I got a wonderful four pages, totally blacked out, and the rest of it was copies of my letters to them.

Now, this is treating me like I have the brain of a gnat. You think that if they are sitting over there with over 20,000 employees and that kind of arrogance: we do not care what the law is, we are going to do what we want; this saddens me very much, and I think it only breeds cynicism about what happens to people when they come here.

I remind them that I thought they worked for the Commander in Chief. He put out a memo on what department heads and agencies were supposed to do with the Freedom of Information Act. I remind them I thought they worked under Janet Reno and her memo about what you are supposed to do with the Freedom of Information Act and that kind of information.

How classified could this information be? I mean please. These memos all say that, if one sentence is classified, you are not to blank out the whole page. Well, tell that to the Defense Department.

Furthermore, how classified is that that public regulations in the House and public regulations in the Defense

Department, which clearly deny the use of military officers for partisan purposes when they are being requested; the Joint Chiefs then send them over? That is not classified. That is not any great secret. I guess the only secret is if other Members of Congress find out this happened, they too may request officers in their office. And where does this all end?

That is why this is so dangerous.

Look, a lot of people liked it when they grow up playing with soldiers, little tin soldiers; but we are not supposed to be able to requisition fully funded taxpayer soldiers to play with in your office. This is not GI Joe. This is a legislative body.

So, obviously, what this has done was one more way the Pentagon lobbies on this Hill. They lobby on this Hill in a way that no other agency can, and people will be outraged if any other agency did. Yet, they get by with it, and I think it is very sad that they would duck the Freedom of Information Act, duck the memos from the Attorney General, duck the memos from the President and do their total blackout on something that I cannot imagine has one classified secret that you could even dream of in there.

I think all this is is protecting their backside. All this is is saying that that woman will go back to Colorado, and we will not have to deal with her, and no one else will take this up. Well, I hope other Members in this body take it up because I think, once you start allowing the military to come into political offices, I do not care if they are Republican or Democratic offices, and sit around to use military strategy to figure out how you declare partisan war on the other side, that is a shock. I think the taxpayers would find that shocking. I do not think they think we pay military officers to engage in partisan political games. I think they think they are paying them to do something in an entirely different non-partisan way.

So I hope these lines do not ever get blurred again. We have seen a tremendous blurring of them, and we have seen the Defense Department stonewalling and defending them and defending their right to do it. But as I leave here, I certainly hope somebody picks this up and we put this to bed.

#### 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 Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today

Mr. ROTH, 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. 1080. An act to amend chapters 83 and 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan, to permit employees to gain additional liquidity in their Thrift Savings Accounts, and for other purposes; to the Committee on Government Reform and Oversight;

S. 1514. An act to authorize the obligation and expenditure of appropriated funds for a 2.4 percent increase in pay and allowances and a 5.2 percent increase for basic allowance for quarters for the members of the uniformed services; to the Committee on National Security;

S. 1559. An act to make technical corrections to title 11, United States Code, and for other purposes; to the Committee on the Judiciary;

S. 1612. An act to broaden the scope of certain firearms offenses, and for other purposes; to the Committee on the Judiciary;

S. 1918. An act to amend trade laws and related provisions to clarify the designation of normal trade relations; to the Committee on Ways and Means; and

S. 2130. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on International Relations.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore (Mrs. MORELLA) announced her signature to an enrolled bill of the Senate of the following title:

S. 39. An act to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

#### ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore (Mrs. MORELLA).

H.R. 3539. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; and

H.R. 3723. An act to amend title 18, United States Code, to protect proprietary economic information, and for other purposes.

#### SINE DIE ADJOURNMENT

Mr. MYERS of Indiana. Mr. Speaker, the work of the 2d session of the 104th Congress has been completed. Pursuant to House Concurrent Resolution 230, as amended, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. WALKER). In accordance with the provisions of House Concurrent Resolution

230, as amended, the Chair declares the 2d session of the 104th Congress adjourned sine die.

Thereupon (at 2 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 230, as amended, the House adjourned.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5446. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Assessment Rate [Docket No. FV96-929-3 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5447. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Certain Designated Counties In Idaho, and Malheur County, Oregon; Assessment Rate [Docket No. FV96-9 45-1 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5448. A letter from the Acting Administrator, Agricultural Marketing Service, transmitting the Service's final rule—USDA to Eliminate Obsolete Regulations [Docket No. S&TD-96-004] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5449. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Dried Prunes Produced in California; Assessment Rate [Docket No. FV96-993-1 FIR] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5450. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Antibody Products [Docket No. 92-124-2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5451. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of the Czech Republic and Italy Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 96-027-2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5452. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt [Docket No. 96-016-14] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5453. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Miscellaneous Farm Bill Provisions Relating to the Authorization of Retail Firms and Wholesale Food Concerns (RIN: 0584-AB02) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5454. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison,

Department of the Treasury, transmitting a copy of the 17th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

5455. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 4018, H.R. 3230, and H.R. 1642, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

5456. A letter from the Acting Assistant Deputy Secretary, Department of Labor, transmitting the Department's final rule—Permanent Replacement of Lawfully Striking Employees by Federal Contractors (RIN: 1294-AA15) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

5457. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Revision to the State Implementation Plan Puget Sound (Seattle-Tacoma Area) Carbon Monoxide Attainment Demonstration [FRL-5631-2] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5458. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Maintenance Plan for Air Quality Planning Purposes for the State of Washington; Carbon Monoxide [FRL-5631-6] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5459. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-5630-4] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5460. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Indiana: Final Full Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program [FRL-5630-5] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5461. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality: Revision to Definition of Volatile Organic Compounds—Exclusion of HFC 4310mee and HCFC 22ca and cb [FRL-5466-9] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5462. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Chemical Category, Formulating, Packaging and Repackaging Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards [FRL-5630-9] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5463. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the removal of items from the U.S. Munitions List, pursuant to 22 U.S.C. 2778(f); to the Committee on International Relations.

5464. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting a memorandum of justification indicating the President's intent to exercise his authority under section 614(a)(1) of the FAA to authorize issuance of loan guarantees in lieu of their statutory deduction under the Loan Guarantees for Israel Program, pursuant to 22 U.S.C. 2364(c); to the Committee on International Relations.

5465. A letter from the Canada-United States Interparliamentary Group, transmitting the American Group's report on the seventh annual meeting of the Canada-United States Interparliamentary Conference, pursuant to 22 U.S.C. 276f; to the Committee on International Relations.

5466. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of temporary early retirement option on the D.C. teachers' retirement program, pursuant to D.C. Code, Section 1-722(d)(1); to the Committee on Government Reform and Oversight.

5467. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of base retention differential and retention incentives on the police officers and fire fighters retirement program, pursuant to D.C. Code, Section 1-722(d)(1); to the Committee on Government Reform and Oversight.

5468. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of the change in the cost-of-living adjustment frequency for post-December 31, 1979 hires on the D.C. teachers and police officers and fire fighters' retirement program, pursuant to D.C. Code, Section 1-722(d)(1); to the Committee on Government Reform and Oversight.

5469. A letter from the Mayor, District of Columbia, transmitting the actuaries review of the effect of 1996 temporary early retirement option on the D.C. teachers' retirement program, pursuant to D.C. Code, Section 1-722(d)(1); to the Committee on Government Reform and Oversight.

5470. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting the Department final rule—Agricultural Acquisition Regulation; Revision (RIN: 0599-AA00) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5471. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule—Inflation Adjustment of Civil Monetary Penalties [Docket No. 96-17] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5472. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Service's final rule—Removal of Subchapter D, Management of Wildlife Research Areas from Title 50 CFR (RIN: 1018-AD72) received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5473. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Policy on Excess Federal Power (6450-10-P), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5474. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Four Plants and Threatened Status for One Plant from the Central Sierran Foothills of California (RIN: 1018-AC47) received October 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5475. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Magnuson Act Provi-

sions; Foreign Fishing Regulations; Removal of Spawning Closure [Docket No. 950710176-6258-02] received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5476. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Technical Amendment; Correction and Clarification (RIN: 0648-A118) received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5477. A letter from the Acting Director, Office of Surface Mining, transmitting the Office's final rule—North Dakota Abandoned Mine Land Reclamation Plan [ND-033-FOR] received October 4, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5478. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide congressional approval of an interstate and Federal-State compact for the exchange of criminal-history records for noncriminal-justice purposes ("Compact"); to the Committee on the Judiciary.

5479. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Criminal Offender Anti-Drug Act"; to the Committee on the Judiciary.

5480. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled "Child Support Recovery Amendments Act of 1996"; to the Committee on the Judiciary.

5481. 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.

5482. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule—Administrative Offsets [Docket No. 96-15] received September 26, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5483. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Employer Sanctions Modifications; Warning Notices; Generation of Blank Employment Eligibility Verification Forms (Form I-9) (RIN: 1115-AE21) received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5484. A letter from the Director, Bureau of Transportation Statistics, transmitting Transportation Statistics Annual Report 1996, pursuant to Public Law 102-240, section 6006 (105 Stat. 2174); to the Committee on Transportation and Infrastructure.

5485. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Mental Disorders (RIN: 2900-AF01) received October 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5486. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulation: Service Contracting (RIN: 2900-AG67) received October 2, 1996, pursuant to 5 U.S.C. 8 Sec. (a)(1)(A); to the Committee on Veterans' Affairs.

5487. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision on Burlington Northern RR v. Commissioner (82 T.C. 143 [1984]); Action on Decision in Eastman Kodak Co. v. United States (534 F.2d 252); Revenue Ruling 96-51—received Oc-

tober 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5488. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1996; jointly, to the Committees on International Relations and Appropriations.

5489. A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to clarify actions taken in the Omnibus Appropriations Act of 1996 to dissolve the Pennsylvania Avenue Development Corporation [PADC] as of April 1, 1996, and transfer certain of its functions and properties and existing assets and liabilities to the General Services Administration [GSA]; jointly, to the Committees on Resources and Government Reform and Oversight.

5490. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "To Authorize the Sale of Excess Federal Aircraft to Facilitate the Suppression of Wildfire"; jointly, to the Committees on Government Reform and Oversight, National Security, and Agriculture.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII:

Mr. DORNAN introduced a bill (H.R. 4344) to amend title 10, United States Code, to provide that a member of the Armed Forces who is diagnosed as being HIV-positive within 1 year of entering military service shall be considered to have entered the Armed Forces under a fraudulent enlistment or appointment; which was referred to the Committee on National Security.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. WAMP.  
H.R. 878: Mr. WAMP.  
H.R. 1057: Mr. JOHNSON of South Dakota.  
H.R. 2771: Mr. NEUMANN.  
H.R. 3277: Mr. BURTON of Indiana.  
H.R. 3531: Mr. VENTO.  
H.R. 3614: Mr. BARTLETT of Maryland.  
H.R. 3647: Mr. HORN.  
H.R. 4145: Mr. BECERRA.  
H.R. 4313: Mr. LAFALCE and Mrs. MALONEY.  
H. Con. Res. 63: Mr. DIAZ-BALART.  
H. Con. Res. 173: Mr. HOSTETTLER.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

77. By the SPEAKER: Petition of Marlene Y. Green, Pittsburgh, PA, relative to the C.Y.S. bill; to the Committee on Economic and Educational Opportunities.

78. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to the agreement; to the Committee on International Relations.

79. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to historical landmarks preservation; education; to the Committee on Resources.

80. Also, petition of De Willem of West Coast, Demerara, Guyana, South America, relative to reporting violations of U.S. immigration policy; to the Committee on the Judiciary.

81. Also, petition of Marlene Y. Green, Pittsburgh, PA, relative to MAG-LEV monorail transportation subsidy; to the Committee on Transportation and Infrastructure.

## EXTENSIONS OF REMARKS

A CENTURY OF SERVICE: JEWISH  
WAR VETERANS OF THE UNITED  
STATES OF AMERICA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mrs. MORELLA. Mr. Speaker, in 1894, articles appeared in numerous newspapers and magazines portraying Jews as being unpatriotic. In response, Jewish men who had served in the Civil War met at the Lexington Avenue Opera House on 58th Street in New York, on March 15, 1896 and formed a new Jewish veterans organization. They called themselves the Hebrew Union Veterans Association of the Civil War Veterans, and their mission was to fight the vicious anti-Semitic lies.

Amazingly, these 78 Jewish veterans, who have been described as "old and infirmed", not only fought these allegations against Jewish participation in the Civil War, but caused Harper's Weekly to retract its stories, and won an apology from Mark Twain, who had helped promote this lie until presented with the facts.

Over the years, there have been changes in the organization's name to recognize the Jewish soldiers who fought in the Spanish-American War and World War I—then calling themselves the "Hebrew Veterans of the Wars of the Republic", but since that time they have been known as the Jewish War Veterans of the United States of America [JWV]. A thread that remains from the past, however, is a continuing dedication toward fighting anti-Semitism. They have worked closely with the Office of Special Investigation in their efforts to prosecute Nazi war criminals living in the United States, and in addition they have a JWV Reward Fund which dispenses money to individuals who help in the arrest and conviction of those responsible for acts of anti-Semitism and racism.

Remembering that their bond and strength is their experience as veterans, the JWV honors their ancestors through the National Museum of American Jewish Military History, located in Washington, DC, the only museum in this country dedicated to chronicling Jewish participation in the defense of this Nation. In addition to the many services they provide for Jewish veterans, the JWV has close ties with Israel and has built a Soldier's "R and R" home in Beersheba. Mindful of the discrimination suffered by others, they were the only veterans' organization to join the Reverend Martin Luther King in his historic March on Washington.

Mr. Speaker, I honor and salute the Jewish War Veterans as they celebrate their 100th birthday. On Veterans Day this November, they will be the host at Arlington National Cemetery. They deserve our respect and congratulations for all they have contributed to our country and I wish them all good wishes for their next 100 years.

TRIBUTE TO ASSEMBLYMAN  
PHILLIP ISENBERG

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Phil Isenberg, who represents Sacramento in the California Assembly.

Phil and I got our starts in politics together as staff members in the assembly, Phil for Willie Brown. An assemblyman himself since 1982, Phil has served as the conscience of that body. He is an unabashed liberal in the best sense of the word—using government to care for people—yet his record for fiscal responsibility in government was unrivaled and broke the mold of traditional liberalism in our State. Now, due to term limits, he is retiring at the end of the year.

In the assembly, Phil authored laws to allow people who have been denied health insurance because of previous medical conditions to buy State-backed coverage, and he wrote the law establishing the toughest smoking prevention programs in the Nation. He was the author of landmark legislation to reform conditions in California nursing homes.

Phil has been a leading advocate of restructuring State and local government to deliver services to citizens more effectively. As chairman of the assembly judiciary committee from 1989 to 1995, he authored landmark legislation mandating efficiencies in court operations, providing State funding for trial courts, and increasing public access.

Phil has long been committed to the protection of the Delta and to the equitable distribution of water for people, farms, and the environment. He authored laws to promote agriculture water conservation, expand wetland areas, and protect Mono Lake.

Phil's election to the California Assembly in 1982 came after years of active service at the local level. He served first as city council member, then two-term mayor for Sacramento, and he, more than anyone, was responsible for putting Sacramento on the map. He was the first mayor to focus on economic development, and his efforts have transformed Sacramento from a small city dominated by State government into one of the fastest-growing and most attractive cities in California and the United States, where high technology companies flourish alongside modern agriculture and manufacturing facilities.

Born in 1939, his family moved to California in 1945. Phil earned a bachelor's degree from Sacramento State University and a law degree from the University of California, Boalt Hall, in Berkeley. He served in the California National Guard and as a civilian employee at McClellan Air Force Base.

I have long admired Phil's contributions and service to his community and to his State. As

he retires from the California Assembly with a record of achievement for his district and his State, I wish him continued success, especially with his art collection, and I extend my congratulations to him and his wife Marilyn.

ACCOUNTABLE PIPELINE SAFETY  
AND PARTNERSHIP ACT OF 1996

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SHUSTER. Mr. Speaker, I wish to address a concern that was raised at the last minute that this bill may somehow affect protection for wetlands. Under the current pipeline safety laws, in section 60109 of title 49, the Office of Pipeline Safety at the Department of Transportation is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate rules to minimize the chances of a liquid pipeline accident in those areas. DOT is currently in the process of implementing these laws.

Currently, subsection (b) of section 60109 does not specify which areas should be identified as unusually environmentally sensitive; rather, it identifies several types of areas that DOT should consider when making its determination. In fact, current law does not even identify wetlands as one of the areas DOT should look at when identifying areas that should be classified as unusually environmentally sensitive. That is why the Congress in S. 1505 directed DOT to include critical wetlands in the types of areas that it should consider when it determines areas that are unusually environmentally sensitive.

Apparently, at the last minute, the use of the term "critical" has raised a question as to whether the Congress is somehow attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is not true.

The language in S. 1505 that amends section 60109(b) of title 49 is simply intended to give direction to DOT as to what type of areas should be considered when it determines what areas are unusually environmentally sensitive. In no way is this provision intended to have any application or precedent with respect to any other statute or any other Federal agency. This provision is not intended to diminish the role of DOT to protect the environment and the public's safety in and around pipelines. Rather, this language is intended to strengthen the pipeline safety program's protection of people and the environment.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## TRIBUTE TO SAM KARAS

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. FARR of California. Mr. Speaker, I rise today to recognize a remarkable man who has served his community for more than 40 years. He has been an impressive figure of California's central coast and a strong leader in his home town of Monterey. It is with sadness that I announce that Sam Karas will soon be retiring from the Monterey County Board of Supervisors.

Sam's long tradition of public service began in 1943 when he moved to Monterey as a second lieutenant in the U.S. Army. It was at this time that he also married the lovely Edith James. The Karas' have been blessed with three daughters, all of whom graduated from the Monterey Peninsula Unified School District, and four granddaughters.

When not doting on his family, Sam Karas has long been involved in community service. Employed in the wholesale meat industry for 35 years, Sam always found time to involve himself in a variety of activities and humanitarian causes, donating his time and talent as a fund raiser. He was one of the original board members of the Human Rights Commission, which led the fight against California's proposition 14, a discriminatory housing initiative. He has received awards from the National Association for the Advancement of Colored People, the League of United Latin American Citizens and the Japanese American Citizens League for his outstanding work. Sam also served as an organizer and board member of the Monterey Peninsula Visitor and Convention Bureau.

Additionally, Sam Karas served as board member for the Monterey Peninsula Visitor and Convention Bureau, and on the board of trustees of the Monterey Peninsula Unified School District from 1973 to 1980. During this time his contributions included fighting for a Magnet School Program and advocating for the integration of students, staff, and teachers. In 1984, Sam was elected to the Monterey County Board of Supervisors and has served Monterey County in that capacity ever since. He was elected chair of the board of supervisors in 1986 and again in 1991. In his role as county supervisor, I have had the honor of cochairing the Big Sur Multi-Agency Advisory Council with him where he always provides a fresh outlook and a candid perspective.

Among Sam's many accomplishments is the work he has done on behalf of the farm worker community and in support of decent and affordable housing in Monterey County. In addition to this, Sam Karas created the Carmel River Task Force which successfully rebuilt community bridges and neighborhoods after two devastating floods in the winter of 1995. Sam also helped to protect the environment by coauthoring a countywide ballot measure to prevent offshore oil and gas development in the Monterey Bay—now part of the Monterey Bay National Marine Sanctuary.

Sam's contributions to the area have stretched far beyond the average capacity, adding to the artistic richness of the community as well. He has appeared in many local theater productions, including being asked by his friend Clint Eastwood to play a role in the

Academy Award winning film "Unforgiven." Sam helped to organize the famous Monterey Pop Festival, served as an original member of the board of directors of the Monterey Jazz Festival, and is currently on the board of directors of the Monterey Bay Blues Festival. He has received many honors recognizing his extensive talents.

Sam's devotion to community service is exemplary. It has been an honor and a pleasure to work with him for the benefit of Monterey County. Sam has offered us concern, compassion, realism, and a spunk that we will miss greatly. I know and I am speaking for all residents of Monterey County when I say that we will be sad to see Sam Karas retire from the Monterey County Board of Supervisors, but wish him all the very best in his future endeavors.

HONORING ST. JUDE THADDEUS  
CATHOLIC CHURCH

## HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. BENTSEN. Mr. Speaker, I rise today to honor the parish of St. Jude Thaddeus in Highlands, TX, as they prepare to commemorate their 50th anniversary on November 3, 1996. The church has been a building block and an inspiration for the community.

The history of St. Jude Thaddeus Catholic Church began with a census taken in 1945 to determine the community and spiritual needs for a Catholic Church in Highlands, TX. In 1946, the parish began building a wooden structure on 2½ acres of land on Main Street. With Father Bernard Roehmer serving as resident pastor, Bishop Christopher Byrne dedicated this new structure on November 30, 1947.

On March 6, 1966, the existing brick church and C.C.E. Building were completed and blessed by the Reverend Bishop John L. Morkovsky. From the humble beginning of 30 registered families at St. Jude Thaddeus Catholic Church, the support and commitment of the community has been inspirational.

Father John Zabelskas, appointed in 1992, serves as the eighth pastor of the present facilities which include Marian Hall, a new rectory, C.C.E. Building, and parish gym. On Sunday, November 3, 1996, St. Jude Thaddeus Catholic Church will celebrate its 50th anniversary with a High Mass, dinner, and reception in the parish gymnasium. I thank the parish for all that they have contributed to our community in these 50 years and wish them many blessings for the future.

## A TRIBUTE TO GEORGE R. BOGGS

## HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to praise George Boggs, president of Palomar Community College. It has been my privilege to work with Mr. Boggs in addressing the educational needs of the people of San Diego County.

On October 12, George Boggs will be recognized as the best community college executive in the United States by the Association of Community College Trustees. His record of achievement is outstanding and clearly deserving of this recognition.

I submit for the RECORD an editorial from the October 4, 1996, North County Times—Escondido, CA—newspaper which further describes President Boggs' outstanding achievements.

Congratulations George, you have earned it.

[From the North County (CA) Times, Oct. 4, 1996]

## UNJUSTIFIED MODESTY

When George R. Boggs came to Palomar Community College in 1985 to serve as its president, there were 15,500 students, the equivalent of 325 full-time faculty members, and a standard array of course offerings.

Today, the college has about 26,000 students enrolled, a full-time equivalent faculty of 516, and the honor of being named as one of three "flagship" community colleges in the nation, for the college's focus on learning outcomes.

Humility being one of his obvious traits, Boggs would never take credit for the school's successful growth. But his board of trustees and his national peers would: Boggs has been named the best community college executive in the United States by the Association of Community College Trustees.

On Oct. 12, Boggs will receive the 1996 Marie Y. Martin Chief Executive Officer Award at the association's annual conference. It is an exceptional honor, one earned by Boggs' exemplary performance in a politically and economically challenging era for community colleges. And his success is not based on his numerous publications, the size of the school's endowment, or the value of its research facilities.

No, instead Boggs has focused the district's resources on that which is most important to the community: student learning. Boggs has built partnerships within the community to improve both student access to higher education and the experience they have in the classroom. And the college is continuing to grow.

North County is lucky to have Boggs and the outstanding curriculum, staff, and student body he has helped to nurture. Congratulations.

TRIBUTE TO AMERICAN LEGION  
POST 642

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the 50th anniversary of American Legion Post 642—the Przybylski Post—in Toledo OH. The post is celebrating the occasion on Sunday, October 6, 1996. As part of this golden anniversary celebration, the post's adjutant has announced that the members and families of American Legion Post 642 will "honor the founding and present members for the American endeavor and patriotism which have sustained the post for so long." To mark this auspicious occasion, we recall the "American Creed," penned by William Tyler Page.

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign Nation of



many sovereign States; a perfect Union one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

The men and women of American Legion Post 642 have vigilantly upheld the tenets of the "American Creed" to a superior degree. For remaining true to these precious beliefs in times of battle and in times in peace, we thank them, and we honor their strength.

TRIBUTE TO ASSEMBLYMAN  
THOMAS M. HANNIGAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Tom Hannigan, a California Assemblyman representing Solano County, Yolo County, and the delta portion of Sacramento County in the California State Assembly.

I owe my political career to Tom because he stepped aside when I first ran for the California Assembly and undoubtedly would have beaten me. A few years later, when I ran for the House of Representatives, he was elected to that assembly seat where he has served with distinction ever since.

Due to term limits in the California Assembly, Tom is retiring at the end of this year. But for many years, he has worked as a quiet, effective assemblyman, playing a central role in the most important issues confronting California, chief among them budget, education reform, agriculture, and transportation.

Tom Hannigan has been instrumental in easing the commuter crunch around Sacramento's transportation arteries, such as the Interstate 80 corridor. He has pushed for increased passenger train service between the State capital and the Bay Area.

Tom has also played a major role regarding California's largest industry—agriculture. He is the author of legislation strengthening the Williamson Act farm preservation law. His legislation also created the California Center for Cooperatives at UC-Davis, providing research and support for agricultural co-ops and other rural development initiatives.

Tom has deep roots in Solano County. He was first elected to the California Assembly in 1978 after years of active service at the local level—as a successful businessman, as mayor of Fairfield, and as chairman of the Solano County Board of Supervisors. In the assembly, among other positions, he served as Democratic Majority Leader.

He is a native Californian, born in Vallejo, and he stayed loyal to his State by attending college at Santa Clara University, receiving his degree in business administration. After college, Tom served his country as a U.S. Marine Corps officer and saw service in Vietnam.

It may not be an exaggeration to say that Tom was a successful assemblyman only because Fairfield is close enough to Sacramento for him to get home to his family every night. His commitment to his family always ranked

first on his priority list. Term limits may be forcing his retirement from the assembly, but perhaps not that much sooner than the strong call of grandchildren would have required.

Tom's retirement from the California Assembly is a real loss, not only for his constituents, but for the assembly and for California itself. He retires with a record of achievement for his district and his State. I wish him continued success, and I extend my congratulations to him, his wife Jan, and their children and grandchildren.

NATIONAL INVASIVE SPECIES ACT  
OF 1996

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. SHUSTER. Mr. Speaker, last night the Senate passed H.R. 4283, the National Invasive Species Act of 1996, clearing the measure for the President. Given the process that unfolded, Members and others may find helpful a few remarks to clarify the bill's legislative history.

H.R. 4283 is the text of H.R. 3217—as passed the House on September 24, 1996—with four additional provisions requested by Senators from the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee. These amendments modify the bill's safety exclusion and restriction on ballast water discharges into harbors, authorize research funding in Narragansett Bay, require a study of shoreside ballast water facilities, and clarify authority to fund regional research. The House passed H.R. 4283 on September 28, 1996.

This broadly supported, bipartisan legislation—introduced and championed by Representative STEVE LATOURETTE—builds upon the 1990 Act that addressed zebra mussels and other invasive species in the Great Lakes.

H.R. 4283 is national in scope, extending a voluntary, incentive-based approach to all coasts and regions at risk.

Whether you call them invasive, exotic, or nonindigenous, these species of plants, animals, and invertebrates can wreak havoc on infrastructure, commerce, recreation and tourism, and the environment.

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.

The Transportation and Infrastructure Committee's report on H.R. 3217 (Rept. 104-815) provides a detailed description of the bill and our committee's intent.

For a description of the changes made to the reported bill, I would refer my colleagues to the floor debate on H.R. 3217 on September 24, 1996.

Finally, I would be remiss if I did not thank some of the Members and committees instrumental in moving this important legislation.

More than anyone else, Representative STEVE LATOURETTE is responsible for this bill and its movement through the House. He has worked with all interests to build broadly supported legislation. He has also worked closely

with his colleague from Ohio and in the other body, Senator GLENN, who worked on the 1990 law and S. 1660, the Senate version of the National Invasive Species Act of 1996.

Transportation and Infrastructure Committee members should also be congratulated for their efforts, particularly the ranking Democrat of the committee, JIM OBERSTAR, the chairman and ranking Democrat of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT and ROBERT BORSKI, and the chairman and ranking Democrat of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE and BOB CLEMENT.

Other committees have been helpful as well—particularly the Committees on Resources, Science, House Oversight, International Relations, National Security and Agriculture.

Senate colleagues, including the chairmen and members of the Environment and Public Works Committee and Commerce, Science, and Transportation Committee, should also be commended. Without their cooperation and help, we could not have crafted this legislation and shepherded it through Congress and to the President.

Mr. Speaker, I congratulate my colleagues in both Chambers for their efforts to enact the National Invasive Species Act of 1996. The bill is yet another example of the 104th Congress' efforts to protect the Nation's environment and water infrastructure.

PROTECT U.S. INTERESTS AND  
JOBS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. MOAKLEY. Mr. Speaker, I rise today to commend a recent action taken by the Clinton administration on behalf of U.S. businesses and their thousands of employees in Massachusetts.

Earlier this year I wrote to USTR, to the Secretary of Commerce, and to the Secretary of State, urging decisive action to combat unfair trade practices by Argentina that keep United States products out of their marketplace. Argentina acted in direct violation of its obligations under the GATT and WTO—where it had committed to maintaining tariffs on footwear and apparel at no more than 35 percent. Even this level was quite high. In the U.S., import tariffs on footwear are in the 8 to 10 percent range. However, Argentina suddenly imposed footwear duties up to 150 percent, violating their agreements under the GATT and WTO. Ambassador Barshefsky has just announced that the U.S. is challenging these unfair duties by invoking the WTO section 301 dispute settlement mechanism. I applaud the administration's use of this initiative to protect U.S. interests and jobs.

In my district, for example, the Reebok company employs over 2,000 Massachusetts citizens in good family-wage jobs. For Reebok, as well as other major athletic footwear brands, the U.S. constitutes 50 percent of their market, while world-wide sales provide the other 50 percent. In this global economy, growth cannot occur if other nations close their markets to our exports. Doing so denies their own consumers access to U.S. products

and violates their international treaty responsibilities. But, most importantly, they jeopardize the continued employment of thousands of Americans in my congressional district and around the Nation whose jobs depend upon a fair and open market.

EVEN PRESIDENT CLINTON  
PRAISES 104TH CONGRESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. SOLOMON. Mr. Speaker, the 104th Congress has truly been the most significant Congress in over 40 years. When the people of this great Nation voted on November 8, 1994 to finally change Government as we know it, the 104th Congress responded. Mr. Speaker, not only has there been news pieces, editorials, and commentaries supporting the superb accomplishments of this Republican controlled Congress throughout this country, but our own President, Democrat Bill Clinton states, and I quote, "You guys did such a great job. It's amazing how much you've got done in the last few weeks. You should really be proud." And proud we are, Mr. Speaker.

Mr. Speaker, let me briefly mention some of the major accomplishments. Welfare as we have known it is no longer a guarantee of assistance, workers who change jobs will be assured of continued health coverage, mothers will no longer be forced out of hospitals after they bring new life into this world as they were in the past, we have relieved small businesses of excessive tax burdens while increasing the minimum wage to enable millions of American workers to bring home more pay. Mr. Speaker, this Congress promised to get tough on crime and we did just that. For example, crimes committed against our elderly and children are no longer tolerated; environmental protection acts like the Safe Drinking Water Act, along with legislation to overhaul pesticide regulations. I could go on and on, Mr. Speaker.

The 104th Congress has done such a great job, 7 items of our Contract of America have been signed into law by President Clinton. And this is nothing new, Mr. Speaker. The President has been campaigning on our issues and beliefs all year now. You see, Mr. Speaker, President Clinton figures if you can't beat 'em, you might as well join 'em.

At this time I commend to you an article that appeared in the Albany Times-Union about the achievements of this Congress.

104TH CONGRESS IS HISTORY

(By Elaine S. Povich)

WASHINGTON.—The Senate approved an important aviation safety and spending bill Thursday, breaking a Democratic-led filibuster over a labor issue, and wrapped up business of the watershed 104th Congress for the fall campaigns.

The Congress, the first in 40 years to be controlled by Republicans, ended as it began: with partisan wrangling. The immediate battle was over a Federal Aviation Administration bill that Democrats, led by Sen. Edward M. Kennedy, D-Mass., said contained a special provision making it more difficult for Federal Express employees to unionize. After the filibuster was broken with a 66-31 vote (six more than the number needed), the bill passed easily, 92-2.

"This is special-interest legislation that never would have been passed by a Democratic House and a Democratic Senate," Kennedy maintained. "We look forward today to the next vote for working families, which is Nov. 5 (Election Day)."

But the provision for Federal Express, which would require its employees to organize nationally rather than locally, was supported both by Democrats and Republicans. Sen. Ernest Hollings, D-S.C., the provision's main champion, said Kennedy was trying to give the bill the "bum's rush."

The urgency of many senators to get home to campaign, along with the fact that the bill contained millions for airport construction projects, contributed to the lopsided vote.

The White House had notified the senators that President Clinton opposed the Federal Express provision. Thursday, however, aides indicated that Clinton would sign the bill, which the House approved last week.

"Because of this legislation, criminal-background checks can now be conducted on airport personnel, new explosives-detection technology can be deployed, baggage will be checked in more thoroughly, passenger profiling will be instituted, and the families who lose a loved one in an accident will be able to get the help they need," Clinton said in a statement.

The bill includes several anti-terrorism provisions for airports, including stepped-up security. Some of the requirements include background checks on airport-security personnel and provisions aimed at dealing more humanely with families of air-crash victims.

The bill also streamlines the FAA, beefing up the regulatory aspects of the agency and phasing out the air-travel promotional functions.

Also on the Senate's last-minute agenda was a major federal parks bill that passed on a voice vote after days of wrangling over boundary lines in 100 individual federal parks.

Legislation to increase penalties for misuse of the so-called "date-rape drug" cleared the Senate and was virtually certain to win final congressional approval.

The Senate acted by voice vote to control use of Rohypnol. The bill, sponsored by Rep. Gerald Solomon (R-Queensbury), must return to the House, where a slightly different version was approved last week, 421-1.

Rohypnol is a tranquilizer that has no taste, order or color when dissolved in a drink and is 10 to 20 times more powerful than Valium. In "roone rape," victims who are slipped the drug become dizzy and disoriented and have trouble moving their arms and legs. Ultimately, they pass out and have little or no memory.

After clearing up the last-minute items, Senate Majority Leader Trent Lott, R-Mass., and Minority Leader Tom Daschle, D-S.D., made the traditional telephone call to Clinton to announce that this session of Congress had concluded its business.

"We've got good news for you," Lott told Clinton. They discussed bills Congress had passed over the past few weeks.

"You guys did such a great job," Clinton said. "It's amazing how much you've got done in the last few weeks. You should really be proud."

KEY LEGISLATION

Some of the major bills passed by the 104th Congress:

**Welfare:** The longstanding federal guarantee of assistance to every person who qualifies will end, to be replaced by state programs financed partially by federal grants. Eligibility for welfare generally will be limited to five years. Food stamps, aid to legal immigrants will be scaled back considerably.

**Health:** Workers who change jobs will be assured continued health coverage without a waiting period for pre-existing conditions. Insurers will have to pay for at least 48 hours' hospital care for newborns and their mothers and provide higher benefits for mental-health care.

**Taxes:** No across-the-board tax reduction, although targeted cuts were approved for adoption expenses, long-term health care, helping small businesses bear the cost of raising the minimum wage and helping the self-employed buy health insurance.

**Minimum wage:** The \$4.25-an-hour federal minimum wage will rise in two steps to \$5.15.

**Speed limit:** The 55 mph federal speed limit was repealed.

**Crime:** More money for police on the street. Limitation of appeals in death-penalty cases. Tougher penalties for crimes against the elderly and children. Interstate stalking was made a federal crime.

**Environment:** A new standard restricts cancer-causing pesticides in fresh and processed foods and also targets residues that raise the risk of birth defects. A new Safe Drinking Water Act zeros in on pollutants posing the greatest risk to health.

**Telecommunications:** A major overhaul allows local telephone companies to enter the long-distance business; big gas and electric companies will be able to offer telecommunications services. A "V-chip" eventually will screen TV programs for violence and adult-oriented content.

**Gay marriages:** States will be allowed to refuse to recognize same-sex marriages. No federal spousal benefits will be available in such marriages.

HONORING HELEN MILLER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mrs. MEEK of Florida. Mr. Speaker, the people of Dade County recently lost one of our hardest-working and most-loved citizens. Helen L. Miller, most recently vice-mayor of the city of Opa-Locka, passed away on Tuesday, October 2, 1996.

Mrs. Miller dedicated her life to the service of our community. She served in almost every position of leadership in the city government. The improvements she made in the lives of the citizens of Opa Locka made her one of the most prominent and respected members of the community.

Mr. Speaker, I would like to share with my colleagues an article from the Miami Herald detailing the remarkable life and many accomplishments of Helen Miller. Her life is an inspiration and example to everyone in public service.

[From the Miami Herald, Oct. 3, 1996]

HELEN MILLER, WHO "PUT OPA-LOCKA ON MAP," DIES

(By Marika Lynch)

Opa-locka legend Helen Miller, Florida's first black female mayor and the city's current vice mayor, died of an apparent heart attack early Wednesday at Parkway Regional Medical Center. She was 71.

Mayor to some, and "momms" to others, Miller was one month short of her political retirement after 13 years on the Opa-locka dais. But in her many roles on state and local boards, including a stint in 1995 as president of the Dade League of Cities, Miller's influence spread beyond the North Dade city.

"She put Opa-locka on the map," said state Rep. Willie Logan, another former mayor, who credited his political success to Miller. "Wherever she went, she carried the Opa-locka banner and brought resources back to the city."

Shortly after taking office in 1981, Miller pushed to bring paved streets, lights and parks to the city's long-ignored black neighborhoods. She helped bring an arts-and-cultural center to the Triangle, one of the city's roughest areas.

Most recently, Miller persuaded the Tri-county commuter Rail Authority to stop its train in Opa-locka.

Those were just her material accomplishments, Mayor Robert Ingram said.

"But her spirituality had a greater value," Ingram said. "Her aura, her ability to stand in adversity. People would hate her, but she did not return that hate. She was very helpful across cultures, and that is how she could keep getting elected."

Even in the early 1980s, when naysayers burned a cross on the City Hall lawn and insulted her at city meetings, Miller stood determined, Ingram said.

"She seemed to have some kind of mystique that just put everybody at ease and by example, got everybody working together," said Russ Marchner, executive director of the Dade League of Cities. "It made her particularly valuable in making appearances before the county commission and state committees."

In honor of Miller's longtime service, the city threw a retirement party Aug. 31. More than 200 people gathered in the rain to pay tribute. Her retirement gift: two round-trip tickets to Hawaii—a trip she was planning to take with her family.

Miller, the daughter of a tailor and a homemaker, was born in Pottstown, Pa. After her parents, James and Frances Moss, separated when she was a year old, Miller was reared by her great-aunt and uncle in Nassau.

She lived in New York briefly and married Walker Miller, a New Yorker in 1947. The couple moved to Opa-locka in 1950. Miller worked as a nurse's aide for a short time and owned Miller and Sons Grocery in Liberty City with her husband. Walker Miller died in 1989. The store, now under renovation, is being run by her children.

"She was active as a community-oriented person, a church person, and she just was a good mom," said daughter Regina Miller. "She was always there for us."

Miller is survived by daughters Regina, Gail and Alvina Miller, and Cotez Jacobs; and son Alvin Miller, who is vying to fill his mother's commission seat in the fall elections.

Funeral services are set for Oct. 12, with the time and place to be named. In lieu of flowers, please send donations to the Helen Miller Scholarship Fund, P.O. Box 1036, Opa-locka, Fla. 33054.

#### PATENT HOLDER COMPENSATION

##### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FROST. Mr. Speaker, I am pleased that the provision of the bill that I had introduced and that the House passed last year—H.R. 632—has finally also been passed and returned to the House by the other body. At long last, small investors will be guaranteed fair, reasonable, and entire compensation when they are required to defend their patents rights when appropriated by the Government.

When the bill was pending in the other body, we received some questions whether the legislation was intended actually to provide full coverage of costs as it states, or whether some cap on costs might appropriately be added by the Congress as has been done in some other contexts.

The short answer is that the legislation means just what it says. It intends that all costs are to be reimbursed, with the only limitation being reasonableness, and the determination of reasonableness by a court is to be realistic, not miserly. If the patent holder's actual costs are within the realm of reason under the circumstance, they are to be fully compensated.

A patent holder whose invention is taken by the Government can obtain compensation only by bringing a case in the Court of Federal Claims under Section 1498 (a) of Title 28, United States Code. A case brought under that Section differs substantially not only from the usual cases brought in Federal courts, but also from other eminent domain cases. There is no procedure for an offer by the Government to be submitted to a patent holder for its taking of his patent rights. There is no administrative or other simple procedure for resolution of differences and settlement. There is no prominent single-issue such as valuation as in real estate condemnation cases, but instead a series of issues of unusual complexity. The patent holder must initiate a lawsuit, and must marshal professional assistance capable of establishing the validity of the patent, the infringement of the patent, and the proper valuation of the damages stemming from the infringement. Such lawsuits are exceedingly difficult and time-consuming to prepare and present to the court. They require extensive review, research, analysis, and presentation by capable professionals in the fields of law, engineering, science, accounting, and licensing. The time of such professionals is not inexpensive. Yet a patent holder has no choice but to engage such competent assistance, and to incur such costs, if he is to defend his patent right against the Government's taking.

It is our intent and our expectation that the court bear in mind these unique characteristics of Section 1498(a) lawsuits in the course of judging the reasonableness of the patent owner's costs during the investigation, preparation, liability, and accounting phases of such a case. It is also our intent and expectation that the court base its determination on a realistic view not only of the kinds of costs that it is reasonable to incur in such cases, but also of the reasonableness of the amounts of those costs. With respect to the kinds of costs that it would be reasonable to incur, apart from the costs of professional assistance, we have in mind such court costs as may be taxed under Section 1920 of 28 United States Code, as well as reasonable out-of-pocket expenses charged to the patent owner by expert witnesses and attorneys for such items as computerized research, communications, travel, hotels, and meals. With regard to the reasonableness of the amounts to be reimbursed, we note that suits under section 1498(a) are not elective ones such as prompted the Congress in the past to impose arbitrary limits on attorney's fees as in 28 United States Code, Section 2412(d)(2)(A), and on expert witnesses fees as in 28 United States Code, Section 1821(b). Thus, the touchstone for the court is simply a realistic appraisal of what is reason-

able under the circumstances. Certainly, when a small patent holder's economic survival may be threatened by the cost of responding to an unwelcome governmental taking, the concerned patent holder cannot be limited to bargain-basement professional assistance if he is to receive "just" compensation as required by the Constitution. In such a situation, as well as in less dire circumstances, the intended test of reasonableness of professional fees actually incurred by the patent holder is whether they are within the range commonly charged by competent professionals in the same locality, in cases of similar complexity and similar importance to the patent holder.

In short, we intend that the Court of Federal Claims at last be empowered to do complete justice in such cases, and we believe that complete justice requires realism and practicality in the assessment of the reasonableness of the patent holder's costs.

#### TRIBUTE TO TEHAMA COUNTY SUPERVISOR BILL FLOURNOY

##### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, it is with a great deal of sadness that I rise today to announce the passing of Bill Flournoy of Tehama County, CA, who died on September 5, 1996, at the age of 75.

Bill was a member of the Red Bluff Elks Lodge No. 1250, a member of the Tehama County Cattlemen's Association and the California Cattlemen's Association, a member of the Woolgrowers Association, a member of the Tehama County Fair Board, and a member of the Flood Control Board.

Bill's 24 years of service as a Tehama County Supervisor was the longest tenure of any supervisor in recent years. He served his community with distinction in a variety of ways for many years. I extend my sympathy to his surviving family members while expressing my appreciation and the appreciation of every citizen of Tehama County for his life of service.

#### CONGRATULATING HARVARD STREET NEIGHBORHOOD HEALTH CENTER

##### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise on this occasion to compliment, encourage, and bring national attention to a successful grass roots health care initiative that started in my district at Harvard Street Neighborhood Health Center and has been implemented throughout the great Commonwealth of Massachusetts. This unique health care program is called Men of Color Health Care Initiative.

This initiative, among other things, is an outgrowth of the fact that the population the program serves tends not to seek out or utilize the medical services available to them. The need for this type of program becomes even more urgent, considering the fact that this

population, when compared to the general public, reflects a disproportionate level of medical needs, including cardiovascular disease, strokes, diabetes, and cancer. Harvard Street Neighborhood Health Center and the other Men of Color health care programs do aggressive outreach and case management, and offer medical services in all major areas. They are to be commended for their hard work and commitment to the community.

I also commend Brigham and Woman's Hospital, the Massachusetts Department of Public Health, and the numerous businesses and individuals whose hard work and financial contribution make this initiative possible.

# CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS CELEBRATES 50 BRIEFING SESSIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. GEKAS. Mr. Speaker, I am pleased to inform my colleagues that since the beginning of the Congressional Biomedical Research Caucus in 1990, until the last briefing of this Congress on September 25, there have been 50 briefing sessions for Members of Congress and their staffs on the latest cutting edge developments in biomedical research.

Over the 6-year period, the Biomedical Research Caucus has developed a working relationship with the five scientific societies: American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, Genetics Society of America, American Association of Anatomists and the Association of Anatomy, Cell Biology and Neurobiology Chairpersons, which compose the Joint Steering Committee for Public Policy [JSC]. JSC under the leadership of Dr. Marc Kirschner, chairman of Cell Biology at Harvard Medical School and with the scientific resources of the member societies established a committee, chaired by Nobel Prize winner Dr. Harold Varmus, the current Director of the National Institutes of Health, to develop a biomedical research briefing program for the Congress. I am proud of the quality of the programs and the new opportunities in health care that are presented at the caucus briefings. Since Dr. Varmus assumed his duties at the NIH, we have been fortunate to have Dr. Michael Bishop, University of California, San Francisco, his former colleague and co-prize winner of the Nobel award advise us on appropriate topics and speakers for the caucus briefings. This past year in 1996, Dr. Bishop suggested the caucus learn about issues involving: genetic testing, antibiotic resistance, mad cow disease, and us, how vision wires our brains and the potential for learning, the latest in new drug therapy that may prevent the HIV virus from becoming full blown AIDS and allow individuals to live productive lives, and how H Pylori is involved in ulcers and stomach cancer. We look forward to his suggestions for next year.

This December, 1996, the American Society for Cell Biology at its annual meeting in San Francisco will give its Public Policy Award to Dr. Marc Kirschner, the first research scientist to receive the award. Previous recipients of the Public Policy award have been the Sen-

ator from Iowa [Mr. HARKIN] and the gentleman from Illinois [Mr. PORTER] for their contributions to the field of biomedical research. I think it is fitting that scientific societies begin to recognize and reward the service and contributions that their members make to the public arena on behalf of biomedical research. Dr. Kirschner has served the Congress well in beginning the briefing series and bringing all his colleagues, specifically Dr. Varmus and Dr. Bishop to our attention. Once again, Dr. Kirschner has served the Congress well in securing a replacement for his leadership of the JSC societies, Dr. Eric Lander, Director of the Whitehead Institute Genome Center at MIT. For the last year Dr. Lander, a member of the Genetics Society of America, has succeeded Dr. Kirschner, as chair of the efforts of the five societies of the Joint Steering Committee, which continue to provide us excellent advice and guidance on the latest developments in biomedical research. Over the years the caucus briefing series has developed a reputation for excellence and an audience among the Congress from the Congressional Research Service analysts to professional staff of the health and related Committees of the Congress. Two years ago the caucus hosted a briefing presentation by NASA, which was beginning its biology research on the Space Lab and in attendance was astronaut Shannon Lucid, the current American with the longest flight in space and her replacement in space John Blaha. We are able to bring these issues to the Congress by using the noon hour for briefing meetings because of the contribution of the Federation of American Societies for Experimental Biology, which cooperates with the Joint Steering Committee in this service.

We look forward to working with Dr. Lander, who was recently featured in a New York Times profile of a scientist at work, "Love Of Numbers Leads To Chromosome 17". Dr. Lander is an amiable adviser who brings the unique perspective of a mathematician to the work of genetics and biology. I commend the attached article about Dr. Lander for your reading and inspiration:

[From the New York Times, Sept. 10, 1996]

LOVE OF NUMBERS LEADS TO CHROMOSOME 17

(By Philip J. Hiltz)

CAMBRIDGE, MASS.—In the career of Dr. Eric Steven Lander, as in the new branch of biology known as genomics, the life of numbers and the numbers in life have come together.

Dr. Lander, director of the Whitehead Institute/M.I.T. Genome Center here, is a leader in constructing a complete catalogue of the human DNA code or genome. But he did not arrive at this position in the traditional way—for example with a degree in biology. Only when past 30 did this curly haired and energetic figure first crack a book in biology.

Rather, he grew up in the thrall of numbers. As a high school mathematics whiz, he was on the United States high school team that came in a close second to the Soviet team in the world mathematics Olympiad in 1974. He later trained as a pure mathematician at Princeton University. Only then did he fall in love with biology, as he spent hours talking with his brother, Arthur, a neurologist.

Biology itself has also been undergoing change in recent years. The old style of academic biology is now admitting a brash new branch of inquiry, one that is information-heavy, computer-driven and closely allied to business. And for Dr. Lander, that has been

perfect. When he emerged from his personal transformation, there he was, at the leading edge of molecular biology.

He established his credentials in biology by tackling subjects that could only be approached by someone with a strong background in mathematics, like how to analyze statistically whether a disease may be caused by one or many genes, and how to ferret out the different contributing genes.

In August, a team led by Dr. Lander found a gene that contributes to type 2 diabetes, a disease caused by many genes, each with many variants. Dr. Lander's strategy began with the calculation that elusive genes are easier to identify in isolated populations, where people are descended from only a few founders and have not accumulated the many genetic variations of more cosmopolitan groups. He searched for the diabetes gene among a group of people in the Bothnia region of western Finland where few outsiders have migrated in the last 1,000 years.

When biologists began to consider the task of making a complete catalogue of the entire three billion letters in the human body's DNA code, Dr. Lander's work made him a natural candidate to lead one of the several teams of DNA sequencers.

Craig Venter, head of the Institute for Genetics Research, a private concern in Rockville, Md., a competitor of Dr. Lander in the race to sequence genomes, said: "In sequencing whole genomes the breakthrough has been mathematics, applied math and new algorithms. These are the kind of things Eric is good at."

At the Whitehead Institute/M.I.T. Genome Center, Dr. Lander's group has produced the first genetic maps of the human and mouse genomes, a necessary step toward working out the complete DNA sequence. His laboratory is one of several that are financed by the National Center for Human Genome Research in Bethesda, Md. The consortium of laboratories had planned to complete the full DNA sequence of the human genome by the year 2005 at a cost of \$3 billion, but is already two years ahead of schedule and below budget. The project has already identified many genes of medical interest and prompted investments by several companies.

Dr. Lander, 39, was born and raised in Brooklyn in a family of lawyers. As student at Stuyvesant High School in Manhattan, he was sent one summer to participate in an elite mathematics program, where the students decided that 17 was the most interesting of all numbers. They formed a 17 club and made up a T-shirt emblazoned with amazing facts about the number 17. Dr. Lander can still quote examples: "Many multisided figures are stable when set down any one of their sides, for example, a pyramid. But did you know that a 17-sided figure is the only one that is stable on one side only?"

Recently, the number 17 has sneaked back into his life. The Whitehead genome center has chosen human chromosome No. 17 as the one it will sequence as its contribution to the Human Genome Project.

"Someone suggested I had picked chromosome 17 because of my fascination with that number," Dr. Lander said. "That's not really true, but I am thinking of taking the old T-shirt out of the closet. I still have it."

As Dr. Lander followed his instincts, his career took some sharp turns, from pure mathematics at Princeton and Oxford, to managerial economics at the Harvard Business School. Then, while teaching mathematically oriented business classes by day, at night he crossed the Charles River to hang out in biology laboratories.

He had begun to see that beneath the surface of the two very different disciplines of mathematics and biology there lay some

links of possible importance. Biology, however chaotic it might appear, had regions that he felt would yield to the firepower of mathematical methods. His first few papers exploring mathematical approaches to biology were sufficiently remarkable that he won a MacArthur Fellowship, the so-called "genius" award. "That grant was crucial for me," he said. "I was struggling to establish myself at the interface of math and molecular biology. Why should anyone take me seriously? The MacArthur gave me that essential credibility."

The \$250,000 grant helped finance travel to the far-flung and isolated human populations where he knew gene-hunting would be easier.

Dr. Lander soon started to make an impact in molecular biology, creating the mathematical tools to tease out a major gene in asthma, and a "modifier" gene that can suppress colon cancer. But eventually he tired of hunting down genes in the genetic jungle, one by one. "That time is over," he said. He is now laying plans for the next era in biology, in which he foresees that the entire set of human genes and their functions will be available on one CD-ROM disk, so there will be no more Stanley-and-Livingston searching.

"Now, suddenly, biology is finite," he said.

"The genome project is wholly analogous to the creation of the periodic table in chemistry," Dr. Lander said. Just as Mendeleev's arrangement of the chemical elements in the periodic table made coherent a previously unrelated mass of data, so Dr. Lander believes that the tens of thousands of genes in present-day organisms will all turn out to be made from combinations of a much smaller number of simpler genetic modules or elements, the primordial genes, so to speak. He theorizes that these modules helped carry on life in the most primitive cells living on the planet three billion years ago. The basic functions of the life carried out by the first genes must all have been formed very early in evolution, Dr. Lander surmises. Most present-day genes are variations on these few original themes, he said.

"The point is that the 100,000 human genes shouldn't be thought of as 100,000 completely different genes," Dr. Lander said. "They should be thought of as maybe a couple hundred families that carry on essentially all of life."

Making such a periodic table for families of genes will define a new direction for biology, in Dr. Lander's view. The completed table would mark the end of structural genomics, the analysis of the structure of genes. "When you get the last base of the genome, driven in like the golden spike in the transcontinental railroad, we'll maybe have a big ceremony," he said. "But when it's done, it's done."

Then comes what Dr. Lander calls functional genomics, or making practical use of the table. For example, Dr. Lander says, biologists may learn to read human DNA so effectively that laboratories will quickly be able to tell patients all the important variations they have in their entire gene set, or genome. Further, it should be possible to tell which of those genes are turned off or on at a given moment, thus getting a picture of whether the cells of the body are up to snuff.

"So here's the manifesto for the era of functional genomics," Dr. Lander said.

"One. At the DNA level we want the ability to re-sequence an entire genome—anybody's genome—in a regular medical setting, to find all the variations. Because you and I differ in one-tenth of 1 percent of our bases, and that accounts for our differences.

"Most genes will have two, three or four major variants. If you have 100,000 genes, that means there will only be about 300,000 major variants. It's a finite number. We can

then take that list, and then correlate all the different variations with health outcomes. You could take the Framingham Heart Study and find the rate of each disease associated with each of the 300,000 variants of genes."

That would allow each person to get a full list of what disease they are most at risk for, based on their inheritance.

With a mix of hope and skepticism, he said: "In principle, that would allow us to have personalized health care and personal health care strategies. In practice, of course, whether we do that will depend on what we as a society want to pay for, and how much we can protect our privacy, and so on."

"Two," he said, holding up fingers to signal the next item on his manifesto. "We want to be able to monitor gene expression." Finding out which of an individual's genes are active at any time would help indicate a body's response to drugs, dieting, exercise and other factors.

"All this is not so crazy as it sounds," Dr. Lander said. "Less crazy, in fact, than the genome project itself. There are already genetic 'chips' that can make these things possible."

He was referring to one of his favorite new technologies, which has put human genes on microchips. Genes in a blood sample can be matched against the standard ones on the chip to see if there are any important abnormalities.

So far, one company making "gene chips," Affymetrix Inc. of Santa Clara, Calif., has succeeded in putting all the genes of H.I.V., the virus that causes AIDS, on a chip for such comparison. The company has plans to put 30 to 40 human genes on one chip, and "in principle at least," said Robert Lipschutz of Affymetrix, "we should be able to put all human genes on a chip."

Dr. Lander has a piece of that company, as well as a major financial interest in Millennium, a company that intends to make use of the data from the genome project to design diagnostics and treatments of disease.

If there is a danger sighted ahead in the "new biology," some critics suggest, it is that businesses may be too close to science, and may even sometimes be in the driver's seat. Scientific judgments may too often yield under pressure from business needs.

Dr. Lander, an avid businessman, takes these problems more seriously than most people in science, said Dr. Francis Collins, director of the Federal genome project. Dr. Collins credits Dr. Lander with leading the way to help solve at least one of the problems—that of hoarding data to gain business advantages.

The Whitehead genome center, at Dr. Lander's direction, puts out on the Internet all the data it produces on DNA markers and sequences, which are freely available to anyone who wants to copy the material.

At first the M.I.T. laboratory's data were posted every few months, and soon they will be disseminated almost daily, Dr. Lander said. "This work is paid for with public money and it's got to be made public as fast as we can," he said. "That means breaking with tradition and getting it out there long before it can be published in scientific journals."

The effect he says, is highly stimulating for biologists. "We get 50,000 to 100,000 hits on our database per week. People need this data."

The Federal genome project office has begun to follow his lead, and those receiving grants must now make their data available at least every six months.

The task over the next few years for those leading molecular biology will be to get biologists away from their traditional tools—pipettes, gels and flasks—and into analyzing gene function with computers.

"In the next one to three years, we have to figure out how to get humans out of the loop," he said. "Then we can really get to work thinking about biology and what's going on in life."

## REMARKS OF KIKA DE LA GARZA AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. RICHARDSON. Mr. Speaker, on Monday, September 30, 1996, the gentleman from Texas, Mr. DE LA GARZA, addressed the House for the last time. I would like to include for the RECORD Mr. DE LA GARZA's remarks at the Congressional Hispanic Caucus Institute's 19th Annual Gala.

PARTIAL TRANSCRIPT OF CONGRESSMAN KIKA DE LA GARZA'S REMARKS AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA, WEDNESDAY, SEPTEMBER 25, 1996

This is a great night for me, of course for the tribute, but more important for who we are, and what we do, and what we celebrate here, beyond me. The odyssey began a thousand years ago, in a little corner of Europe called the Iberian peninsula. And then, some 500 years ago, it crossed a vast ocean to a new world. Those galleons were manned by Spaniards, Hispanics. And then they came and explored the coast of the Carolinas, Newfoundland, what we now know as North and South America and began settlements. So the odyssey continued—Spanish, Mexican and Texan, and Confederate and U.S. and we never moved from the same ranch.

... people out of the United States, how not to educate children because their parents might be illegal or ... that to me was a sad occasion that a child, you know, the Master said, "Suffer the children to come unto me." He didn't say if they were Palestinians or Nazaranians, he said, "the children, come unto me." And here we're saying, "No, you're not going to teach this child. You're going to throw him out on the street. We don't care if he's educated because his parents are illegal or because he's illegal. That's not right. That's not what America is all about. (Applause) Thank you. (Applause)"

Some of us have been more fortunate than others. I have been more fortunate. But I come to you saying that, to those who receive much, have more to repay, and this is something that we have to look at, and that's been my thrust all along. That we have a ... When they said life, liberty, and the pursuit of happiness, that's what it means, having a youngster be educated, have a youngster the ability to help himself. If no one else will help them, at least he'll help himself. And I had, throughout my life, the best educators, teachers, since my very first nun, Sister Mary Teresita, and my very first scout master, and following that my first high school coach. We followed them, and we were able to achieve. And my friends, I stand here tonight as part of that odyssey that began long time ago, thank to those who have touched my life along the way. Family, my wife, my kids. I regret that my kids could not be here. One, Mike, is out in the middle of the Mediterranean, the task force with the Enterprise, Lieutenant Commander Mike de la Garza. We're very proud of him. Our daughter Angela works for Jay Morwin (??) in Austin with the Gulf of Mexico initiative. And our heart surgeon George, we're

very proud of him. He's there at home and he's the one that we see more often. But that's the family, that's the evolution, but we're family, all of us Hispanics. That's what our life has been about. Family. Unity. Any primo can find a place . . . we don't have any homeless among the Hispanic community. There's always a relative to go and take them in. (Applause) There are many people in Texas who got me where I am tonight. (Applause)

(Break in recording)

. . . When my wife and I go there and they can't hug me much more above my waist, but they come and hug me and all of them are so happy that we're there. I'm . . . That's the only school named after someone that's not dead. So they're glad to see me, "Yes, that's Kika de la Garza, yes, oh boy." (Laughter) But they're learning and that's the future. That's who we're working for. Those of you who are in the corporate world, those of you who help us with the interns and the fellows. I just got a call today from a former fellow of the Hispanic Institute who is a dean at Cornell University. (Applause) And that, my friends, is what it's all about. That we include la familia . . . Unfortunately we're having hard times in this country, and there's no perfect country. We're probably the closest one to perfection, with all our faults, of all the countries in the world. And what we have from Mexico all the way to Chile and Argentina and through the Caribbean, that's the extended family. That's la familia. But because of an accident of history, many of us became American citizens and let me tell you that when we became American citizens we transferred the loyalty. We transferred all of our interest and we have pledged allegiance to the flag of the United States of America. But I respect the Mexican flag because that was part of my family history in the beginning. And that's something that (Applause) . . . that some people would not understand, but we served. I served in the navy. I served in the army. And this is something that . . . "We can't spend our money on the youngsters because he's illegal." There is an illegal dead marine whose family has the Congressional Medal of Honor at home. That, my friends, . . . (Applause) . . . And we served. We have some Congressional Medal of Honor winners here. I saw the winner, Mr. Rojo. Where are you? Will you take a bow? (Applause) . . . And from Mission, Texas, we had Sergeant Lopez and we're going, October the 12th, we're going to commission the U.S.S. Freddy Gonzalez, a new cruiser, and Freddy died in Vietnam. And got the Congressional Medal of Honor, which his mother has, and my uncle Bobby, my mother's youngest brother, died in World War II. And for those that may doubt, let me tell you, I grew up in el barrio en el escuela Católica. We all lived around the Catholic school. Let me tell you. Joaquin Castro, buried somewhere in the Pacific ocean, only the good Lord knows where he is at, Roberto Gonzalez, killed after 65 missions as an aerial gunner, came and died in an accident, his plane fell in Utah. Around the corner, Ricardo Alaniz, Cayo we called him, died in the Battle of the Bulge. Next to him Daniel Garcia, somewhere in the bowels of the Pacific ocean, only the good Lord knows where he's at. My uncle Bobby that lived with us for some time after my grandmother died. Around the corner Merced Salinas, 28 years in the army waiting for thirty, dead in Vietnam. And Panchito Bentania, 18 years old, dead in Vietnam. My friend, this is our family, this is our neighborhood—el barrio y la escuela Católica—that's our contribution: everyone served. (Applause) And so I truthfully tell you we don't want any handouts, we just want to be treated as every other American should be treated. And hopefully

we will get the same respect and treatment as everyone else. And we'll work. Because Lyndon Johnson came to my district once after he'd left the Presidency for something they had for me and he was asked by the media "What has been your philosophy of life? What have you tried to do in politics as president?" He said, "Very simple—a job for every person able to work, a decent home for his family, and a good school for his children. Beyond that, they can take care of themselves." And that's what I have tried to do my friends.

We are la familia. We are la familia. We have been able to garner a coalition to stop legislation—not to pass—but we can garner our coalition to stop almost any bit of legislation if we can get that coalition going. And we have passed some good legislation. So let me say that as we celebrate Hispanic month, as we look around us at la familia—who the Hispanics are—whatever color, whatever shade of face or hair or how much hair, we know that we have worked together, we know that we have the love that every family has for their children and want to see their children achieve and prosper and succeed in life. We want to see that every child becomes your child—that every child becomes my child—and that together we gather that family and we work to see that the doctor, lawyer, or engineer. It was so great the other night to see in the baseball, in the arts, in education, those that were recognized as having been leaders and having achieved beyond the norm the greatness of these individuals. In my area you know, our brethren and our brothers in the Black College Fund have a saying that a mind is such a terrible thing to waste. My friends, this is true. I grew up—Don Baltisario Guzman could play 5 musical instruments, could write poetry. He was photographer at funerals and weddings if there wasn't anybody to delivery the speech he would be there. This man who was a genius never went to school. Can you imagine had he had a formal education what he could have achieved beyond what he did? And this is what we're talking about. That everyone be able to fulfill their good-given ability and this is . . . Don Baltisario was to me was one of my heroes. There was a scientist, Ben Villalona, and he tamed the wild jalapeño. No one had been able to do that. He's a research scientist at Weslaco and head of that Texas A&M experiment station in Doctor José Amador who is here with us tonight and we're very proud of him, that he's here with us.

And so, let me just put it all together, my friends, that as we achieve, we shouldn't disregard . . . there's a saying "No see me olvida de donde vine ni quien me puso donde estoy.—I don't want to forget where I came from nor who placed me where I'm at." And this is it. I brought them with me tonight. (Applause) I brought them with me tonight. The Freddy Gonzalez, and the Cayo Alaniz, the migrant who worked in the fields, the sailors in those galleons that came across the vast ocean to begin what we celebrate tonight. The mothers who worked in the fields and reared the children, the teachers who worked for free in the neighborhood, the priests, the nuns, the preachers, all of those that came to people of low economic resources. I bring them all with me tonight and any tributes that you give me, really belongs to them. They're here. (Applause)

They are here, my friends, and I hope that you can visualize that they're here, my friends from the migrants, my friends the campesinos, my friends who worked and toiled, my friends who are able to say "I never went to school but all my kids have graduated from college." That's what it's all about. (Applause) And so let me say, you're saying what is this guy doing? (Laughter)

I'm waiting for the President to come. (Laughter) (Applause) May I can tell the submarine story.

So let me just end with this, my friends. A long time ago, when the explorers were going to the North (Laughter) they stopped in the evening near a big mountain. And one of the soldiers said "I wonder if anybody will ever know we came this way." And his commander said "Well, I'm going to take care of that for me." So he got his saber and he carved his name on the side of the rock and put the date and below it put "Pasó por aquí." So my friends I contributed my little grain of sand to the vast ocean of what is the legislative field, but I wanted you to know that hopefully someday somehow the world and our friends and especially my Hispanic family will know that someone named Eligio de la Garza, otherwise known as Kika pasó por aquí. Thank you. (Applause)

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

SPEECH OF

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BLILEY. Mr. Speaker, in connection with the historic passage in the House of Representatives and the Senate of the National Securities Markets Improvement Act of 1996, I offer the following remarks to clarify the congressional intent underlying certain provisions in the act.

## PREEMPTION OF STATE AUTHORITY OVER SECURITIES ISSUERS

Section 102 of the National Securities Markets Improvement Act of 1996 eliminates State regulation of securities offerings by a variety of securities issuers, while preserving State authority to police against fraud and to require notice filings and fees. The legislation's express preservation of State authority to require securities issuers to file documents with the States for notice purposes only is intended to allow States access to information that is routinely filed with the Commission and is not intended to extend to documents that are not filed with the Commission. This would not, however, preclude a State that, consistent with the legislation, has legitimate cause to commence an investigation pursuant to its anti-fraud authority from requesting such documents as it might be entitled to pursuant to such authority.

The preemption effected by section 102 also extends to securities that are listed on the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market. This preemption is intended to apply to securities that are nationally traded and list or have been authorized for listing on any of these three markets. In the past, disparate regulatory treatment of these markets by State laws has unnecessarily hindered the competition that improves the markets for investors. This legislation is designed to provide a level playing field for those markets by eliminating duplicative or unnecessary State regulation equally for securities that are listed or authorized for listing on any of the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market.

Furthermore, the preemption effected by the act applies to a security that is a "covered security" or will be a "covered security" upon completion of the transaction. Thus, for example, the preemption effected by section 102 applies to initial public offerings that are authorized for listing on the National Market System of the Nasdaq Stock Market and are sold in advance of the effective date of their registration statements.

Generally, States regulate securities offerings through laws administered by State securities administrators or, in certain cases, State insurance regulators. The preemption provided in section 102 of the act applies to any State authority, whether a securities administrator or an insurance regulator.

EXCEPTIONS FROM THE DEFINITION OF "INVESTMENT COMPANY"

Section 209 of the act provides a new exception from the Investment Company Act for investment pools that sell their shares only to "qualified purchasers"—qualified purchaser pools. This section provides a grandfather provision enabling private investment companies that qualify for the exception from the definition of "investment company" in section 3(c)(1) of the Investment Company Act—"Section 3(c)(1) pools"—to qualify under the qualified purchaser pool provision notwithstanding that such a section 3(c)(1) pool might have investors that are not "qualified purchasers" under the provision, so long as the pool complies with certain requirements, including providing notice to its beneficial owners of its intent to use the qualified purchaser pool exception.

Section 209 includes a requirement that the Securities and Exchange Commission prescribe rules defining the term "beneficial owner" for purposes of this notice requirement. I would expect the Commission to promulgate rules pursuant to this provision that will ensure that this notice requirement is not unnecessarily burdensome, especially for sec-

tion 3(c)(1) pools that have shareholders that are themselves section 3(c)(1) pools, investment companies, or other institutional shareholders. The notice requirement was intended to ensure that direct shareholders of section 3(c)(1) pools seeking to convert to qualified purchaser pool status would be notified of the imminent change in their investment. The notice requirement was not intended to cause a section 3(c)(1) pool seeking to convert to qualified purchaser pool status to have to provide notice of the impending change to the underlying shareholders of the converting pool's institutional shareholders, such as shareholders that are section 3(c)(1) pools, investment companies, or other companies, so long as those institutional shareholders are not under common control or controlled by the converting pool. The purpose of this notice is to ensure that the investor in the converting pool is aware of the imminent change in the nature of the pool so that the investor may choose whether to divest from the pool or not. Thus, notice to the person making the investment decisions for an institutional shareholder should suffice to carry out this congressional intent. In the event the institutional shareholders of a converting section 3(c)(1) pool are under common control or controlled by the converting pool, it might be appropriate to require the converting fund to provide notice of its intent to the underlying shareholders. I would expect the Commission to act expeditiously to promulgate rules to implement this congressional intent with respect to the notice requirement.

In addition, the Commission should act as soon as practicable to promulgate the rules defining "investments" under section 209 of the act in order to expedite the effective date of that section.

SEC EXEMPTIVE AUTHORITY

This act grants the Securities and Exchange Commission the authority to issue exemptions from the provisions of the securities laws. We

intend that the Commission use this exemptive authority responsibly and flexibly. We are certain that the Commission will not use the exemptive authority to undermine the basic goals of the federal securities laws. However, in the past, Congress tied the hands of the Commission: for example, it limited the Commission's ability to decide when a prospectus should be delivered. I expect that the Commission will use the exemptive authority granted by this legislation to provide for greater flexibility in the administration of the securities laws. The Commission has used its existing exemptive authority, such as its authority under section 10(b) of the Securities Exchange Act of 1934 to define deceptive or manipulative conduct, to further the Federal securities laws by creating exemptions and safe harbors in order to make the letter of the law consistent with the spirit of the law. Similarly, in section 21A(c) of the Securities Exchange Act of 1934, Congress granted the Commission authority to exempt, in whole or in part, either unconditionally or upon specific terms and conditions, any person or transaction or class of persons or transactions from the provisions allowing the Commission to seek certain civil penalties for insider trading.

The exemptive provisions in this legislation are intended to expand such existing exemptive authority, so that the Commission will be able to create exemptions from any provision of the securities laws where the Commission finds it appropriate to do so, consistent with this provision. The Commission will have the ability to adapt rules to the needs of all types of issuers, investors, and broker-dealers. The provisions will afford the Commission the ability to tailor rules to new technology, evolving products, and differing investor needs. We further intend that this exemptive authority will be used for the protection of investors and the public, as well as to promote efficiency, competition, and capital formation.

Friday, October 4, 1996

# Daily Digest

## HIGHLIGHTS

104th Congress Adjourned Sine Die.

## Senate

### Chamber Action

Senate was not in session today. It will next meet at 12 noon on Tuesday, January 7, 1997 for the convening of the 105th Congress.

### Committee Meetings

No committee meetings were held.

---

## House of Representatives

### Chamber Action

Bills Introduced: 1 public bill, H.R. 4344, was introduced.

Page H12301

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Walker to act as Speaker pro tempore for today.

Page H12273

Committee Resignation: Read a letter from Representative Coleman wherein he resigns as a member of the Permanent Select Committee on Intelligence.

Page H12274

Subsequently, the Chair announced the Speaker's appointment of Representative Richardson to the Permanent Select Committee on Intelligence.

Page H12274

Adjournment Sine Die: Agreed to the Senate amendment to House Concurrent Resolution 230, providing for the sine die adjournment of the second session of the One Hundred Fourth Congress.

Page H12275

The House agreed to consider the following measures by unanimous consent:

*Drug-Induced Rape Prevention and Punishment:* Agreed to the Senate amendment to H.R. 4137, to combat drug-facilitated crimes of violence, including sexual assaults—clearing the measure for the President;

Pages H12275–76

*Alternative Means of Dispute Resolution:* Agreed to the Senate amendment to H.R. 4194, to reauthorize alternative means of dispute resolution in the Federal administrative process—clearing the measure for the President;

Pages H12276–77

*Administration of Federal Courts:* Passed S. 1887, to make improvements in the operation and administration of the Federal courts—clearing the measure for the President;

Pages H12277–81

*Compensation to Patent Owners:* Agreed to the Senate amendments to H.R. 632, to enhance fairness in compensating owners of patents used by the United States—clearing the measure for the President;

Page H12281

*Human Rights Restoration:* Agreed to the Senate amendments to H.R. 4036, to strengthen the protection of internationally recognized human rights—clearing the measure for the President;

Pages H12281–83

*Presidential and Executive Office Accountability:* Agreed to the Senate amendments to H.R. 3452, to make certain laws applicable to the Executive Office of the President—clearing the measure for the President;

Pages H12283–86

*Black Revolutionary War Patriots Commemorative Coin:* Agreed to the Senate amendments to H.R. 1776, to require the Secretary of the Treasury



to mint coins in commemoration of black revolutionary war patriots—clearing the measure for the President;  
Pages H12286–90

*Wildfire Suppression Aircraft:* Passed S. 2078, to authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire—clearing the measure for the President; Page H12290

*Marine Mineral Resource Research:* Passed S. 1194, to promote the research, identification, assessment, and exploration of marine mineral resources—clearing the measure for the President;  
Pages H12290–92

*Kansas and Nebraska Irrigation Districts:* Passed S. 1649, to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska—clearing the measure for the President;  
Page H12292

*Technical Corrections to Personal Responsibility Act:* Passed S. 2183, to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—clearing the measure for the President;  
Pages H12292–93

*Extension of Stay in United States for Nurses:* Passed S. 2197, to extend the authorized period of stay within the United States for certain nurses—clearing the measure for the President;  
Pages H12293–94

*Advisory Commission on Intergovernmental Relations:* Passed S. 2198, to provide for the Advisory Commission on Intergovernmental Relations to continue in existence—clearing the measure for the President; and  
Page H12294

*Cache La Poudre River, Colorado:* Passed S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado—clearing the measure for the President.  
Pages H12294–97

Referrals: Ten Senate-passed measures were referred to the appropriate House Committees. Page H12300

Senate Messages: Messages received from the Senate appear on pages H12274 and 12275.

Quorum Calls—Votes: No votes or quorum calls developed during the proceedings of the House today.

Adjournment Sine Die: Met at 2:00 p.m. and, pursuant to the provisions of House Concurrent Resolution 230, as amended, adjourned sine die at 2:52 p.m.

## Committee Meetings

No Committee meetings were held.

# Résumé of Congressional Activity

## SECOND SESSION OF THE ONE HUNDRED FOURTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.  
The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 3 through October 3, 1996

|                                      | <i>Senate</i>   | <i>House</i>  | <i>Total</i> |
|--------------------------------------|-----------------|---------------|--------------|
| Days in session .....                | 132             | 122           | ..           |
| Time in session .....                | 1,036 hrs., 45' | 919 hrs., 12' | ..           |
| Congressional Record:                |                 |               |              |
| Pages of proceedings .....           | 12,410          | 12,301        | 24,572       |
| Extensions of Remarks .....          | ..              | 1,929         | ..           |
| Public bills enacted into law .....  | 24              | 122           | 146          |
| Private bills enacted into law ..... | 1               | 1             | 2            |
| Bills in conference .....            | 2               | 8             | ..           |
| Measures passed, total .....         | 476             | 529           | 1,005        |
| Senate bills .....                   | 149             | 50            | ..           |
| House bills .....                    | 178             | 276           | ..           |
| Senate joint resolutions .....       | 3               | 4             | ..           |
| House joint resolutions .....        | 13              | 18            | ..           |
| Senate concurrent resolutions .....  | 20              | 11            | ..           |
| House concurrent resolutions .....   | 25              | 41            | ..           |
| Simple resolutions .....             | 88              | 129           | ..           |
| Measures reported, total .....       | *260            | *370          | 630          |
| Senate bills .....                   | 181             | 8             | ..           |
| House bills .....                    | 63              | 254           | ..           |
| Senate joint resolutions .....       | 1               | 0             | ..           |
| House joint resolutions .....        | 1               | 5             | ..           |
| Senate concurrent resolutions .....  | 4               | 0             | ..           |
| House concurrent resolutions .....   | 1               | 7             | ..           |
| Simple resolutions .....             | 9               | 96            | ..           |
| Special reports .....                | 14              | 18            | ..           |
| Conference reports .....             | 1               | 34            | ..           |
| Measures pending on calendar .....   | 267             | 74            | ..           |
| Measures introduced, total .....     | 860             | 1,899         | 2,759        |
| Bills .....                          | 687             | 1,504         | ..           |
| Joint resolutions .....              | 20              | 61            | ..           |
| Concurrent resolutions .....         | 36              | 102           | ..           |
| Simple resolutions .....             | 117             | 232           | ..           |
| Quorum calls .....                   | 2               | 1             | ..           |
| Yea-and-nay votes .....              | 306             | 223           | ..           |
| Recorded votes .....                 | ..              | 231           | ..           |
| Bills vetoed .....                   | 0               | 6             | ..           |
| Veto overridden .....                | 0               | 1             | ..           |

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 3 through October 3, 1996

|                                                                                                                                                   |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Civilian nominations, totaling 342 (including 119 nominations carried over from the first session), disposed of as follows:                       |        |
| Confirmed .....                                                                                                                                   | 150    |
| Unconfirmed .....                                                                                                                                 | 181    |
| Withdrawn .....                                                                                                                                   | 11     |
| Civilian nominations (FS, PHS, CG, NOAA), totaling 1,878 (including 320 nominations carried over from the first session), disposed of as follows: |        |
| Confirmed .....                                                                                                                                   | 1,335  |
| Unconfirmed .....                                                                                                                                 | 543    |
| Air Force nominations, totaling 11,165 (including 4,952 nominations carried over from the first session), disposed of as follows:                 |        |
| Confirmed .....                                                                                                                                   | 11,159 |
| Unconfirmed .....                                                                                                                                 | 6      |
| Army nominations, totaling 11,024 (including 2,304 nominations carried over from the first session), disposed of as follows:                      |        |
| Confirmed .....                                                                                                                                   | 11,018 |
| Unconfirmed .....                                                                                                                                 | 6      |
| Navy nominations, totaling 7,186 (including 21 nominations carried over from the first session) disposed of as follows:                           |        |
| Confirmed .....                                                                                                                                   | 7,175  |
| Unconfirmed .....                                                                                                                                 | 11     |
| Marine Corps nominations, totaling 2,340 (including 8 nominations carried over from the first session), disposed of as follows:                   |        |
| Confirmed .....                                                                                                                                   | 2,339  |
| Unconfirmed .....                                                                                                                                 | 1      |
| <i>Summary</i>                                                                                                                                    |        |
| Total nominations carried over from the first session .....                                                                                       | 7,724  |
| Total nominations received this session .....                                                                                                     | 26,211 |
| Total confirmed .....                                                                                                                             | 33,176 |
| Total unconfirmed .....                                                                                                                           | 748    |
| Total withdrawn .....                                                                                                                             | 11     |

\* These figures include all measures reported, even if there was no accompanying report. A total of 194 reports has been filed in the Senate; a total of 422 reports has been filed in the House.

*Next Meeting of the SENATE*

12 noon, Tuesday, January 7, 1997

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12 noon, Tuesday, January 7, 1997

## Senate Chamber

Program for Tuesday: The convening of the 105th Congress.

## House Chamber

Program for Tuesday: The convening of the 105th Congress.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Bentsen, Ken, Tex., E1922  
Bliley, Thomas J., Jr., Va., E1928  
Cunningham, Randy "Duke", Calif., E1922  
Farr, Sam, Calif., E1922

Fazio, Vic, Calif., E1921, E1923, E1925  
Frost, Martin, Tex., E1925  
Gekas, George W., Pa., E1926  
Kaptur, Marcy, Ohio, E1922  
Kennedy, Joseph P., II, Mass., E1925  
Meek, Carrie P., Fla., E1924

Moakley, John Joseph, Mass., E1923  
Morella, Constance A., Md., E1921  
Richardson, Bill, N. Mex., E1927  
Shuster, Bud, Pa., E1921, E1923  
Solomon, Gerald B.H., N.Y., E1924



## Congressional Record

provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶ Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available on the Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is [http://www.access.gpo.gov/su\\_docs](http://www.access.gpo.gov/su_docs), by using local WAIS client software or by telnet to [swais.access.gpo.gov](http://swais.access.gpo.gov), then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512-1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to [help@eids05.eids.gpo.gov](mailto:help@eids05.eids.gpo.gov), or a fax to (202) 512-1262; or by calling Toll Free 1-888-293-6498 or (202) 512-1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except for Federal holidays. ¶ The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$112.50 for six months, \$225 per year, or purchased for \$1.50 per issue, payable in advance; microfiche edition, \$118 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.